


09.02.2023

SCANNED
KPST
Peshawar

Clerk of counsel for the appellant present. Mr. Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

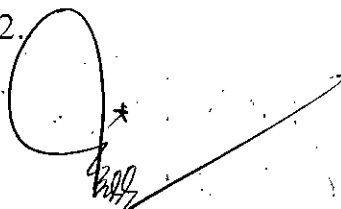
Mrs. Rozina Rehman, Learned Member (Judicial) is on leave today, therefore, case is adjourned to 17.05.2023 for arguments before D.B.


(Fareeha Paul)
Member (E)

27.10.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 06.12.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

06.12.2022


Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 & 2 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 09.02.2023 before D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

29.03.2022

Counsel for the appellant present. Mr. Muhammad Sajjad, Litigation Officer alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for official respondents No. 1 & 2 present.

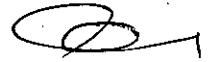
Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 07.06.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

7.6.22

proper DA is not ready, therefore the case is adjourned to 25-8-22 for hearing.



25.08.2022

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Sajjad, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 27.10.2022 before the D.B.


(Salah-Ud-Din)
Member (Judicial)

334/20

02.02.2021

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Saged, Litigation Officer for the respondents No. 1 & 2 present.

Representative of the said respondents has furnished reply/comments. Placed on record. Nemo present on behalf of respondent No. 3 nor his written reply received, hence proceeded against ex-parte. The matter is assigned to D.B for arguments on 10.05.2021. The appellant may furnish rejoinder, within one month, if so advised.

10.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.08.2021 for the same as before.


Reader

30.08.2021

Due to summer vacations, the case is adjourned to 14.12.2021 for the same as before.


READER

14-12-21

*DIB is on Tour case to come up?
For the same on Dated. 29-3-22*

Reader

31.12.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant contended that the impugned order dated 09.01.2019 passed by respondent No.1 allowing to consider private respondent No.3 for promotion to the post of Kanongo, effected the present appellant, hence, the service appeal instituted against that appellate order on 14.01.2020. Since the appellant has been effected by the impugned order in capacity as appellate authority, therefore, no further departmental appeal was required to the respondent-department. He relied on CP 500-P/03 titled "Habib Ahmad-vs-Presiding Officer, Revenue Court No.3 and others" decided on 27.04.2005. He further argued that his case for promotion was considered in DPC meeting on 24.10.2017 and deferred due to Voluntary Return under Section-25(A) of the NAB Ordinance 2001 and his junior appearing at serial No.10, Sultan Mir, serial No.14, Noor Muhammad and serial No.20 Sher Ali Khan were cleared/recommended for promotion as regular Kanongo(BS-11). On exoneration in his case of voluntary return on 20.03.2019, the appellant is eligible to be promoted from the date when his erstwhile juniors were promoted. The learned counsel for the appellant relied and quoted 2007 SCMR 1355, 2000 SCMR 645, 2006 SCMR 1938, 2016 PLC (569), 2016 SCMR 1784 and Peshawar High Court judgement in writ petition No.4970-P/2018 dated 19.03.2019.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 02.02.2021 before S.B.

Appellant Deposited
Security & Process Fee

31/12/20

(MAIN MUHAMMAD)
MEMBER

22.06.2020

Counsel for the appellant present and requested for adjournment. Record shows that three (03) adjournments were granted to the learned counsel on his request while the case was adjourned twice due to general strike, therefore, last opportunity is given to counsel. To come up for preliminary hearing on 19.08.2020 before S.B.

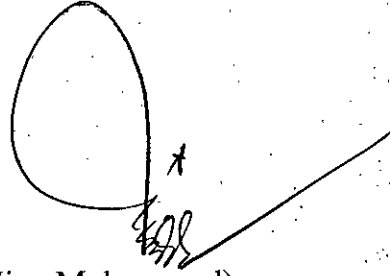

(Rozina Rehman)
Member (J)

19.08.2020

Junior to counsel for the appellant present.

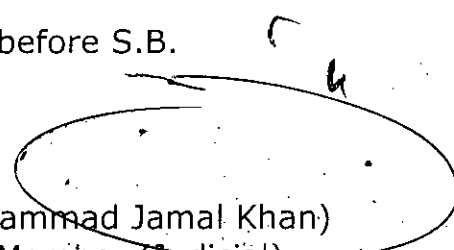
Former requests for adjournment as learned senior counsel is not available today.

Adjourned to 23.10.2020 before S.B.


(Mian Muhammad)
Member(E)

23.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 31.12.2020 on which date to come up for preliminary arguments before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

31.01.2020

Junior to counsel for the appellant present and seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 12.02.2020 before S.B.



Member

12.02.2020

Appellant with counsel present. Learned counsel for the appellant seeks adjournment. Adjourned to 26.02.2020 at the request of learned counsel or the appellant, for preliminary hearing before S.B.



Member

25.02.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 30.03.2020 before S.B.



Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 22.06.2020 before S.B.

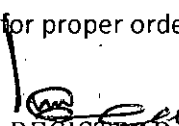





Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 334/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2020	<p>The appeal of Mr. Habib-ur-Rehman presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <u>14/01/2020</u></p>
2-	<u>15/01/20</u>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/01/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.01.2020	<p>Appellant present in person. Requests for adjournment due to general strike of the Bar. Adjourned to 21.01.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	21.01.2020	<p>Appellant present in person. Requests for adjournment due to general strike of the Bar. Adjourned to 31.01 31.01.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

P-1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 334 /2020

Habib-UR-Rehman

V/S

Govt of KP

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-04
2.	Copy of suspension application	-----	05-06
3.	Copy of Seniority list 2016	---A---	07-09
4.	Copy of DPC	---B---	10-11
5.	Copy of order dated 06.11.2017	---C---	12
6.	Copy of seniority list 2018	---D---	13-15
7.	Copy of letter	---E---	16
8.	Copy of letter dated 31.05.2019	---F---	17
9.	Copy of legal advice letter	---G---	18-19
10.	Copy of working paper	---H---	20-22
11.	Copy of promotion order	---I---	23
12.	Copy of departmental appeal	---J---	24-28
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APPELLANT

Habib-UR-Rehman

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT


SYED NOMAN ALI BUKHARI
(ADVOCATES HIGH COURT)

Cell No, 0335-8390122

Date: 13/1/2020.

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Mr. Habib-ur-Rehman, Kanungo,
Tehsil Lakki District lakki Marwat.

(Appellant)

VERSUS

1. The Commissioner Bannu Division Bannu.
2. The Deputy Commissioner Lakki Marwat.
3. Hamidullah Jan S/o Haji Sarwar Jan r/o Shahbaz Khel Lakki Marwat,
Presently Patwari Halqa Jabu Kheil tehsil & District Lakki Marwat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 09.01.2020 WHEREBY THE PROMOTION ORDER OF THE APPELLANT IS SET-ASIDE BY THE RESPONDENT NO.1

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE IMPUGNED APPELLATE ORDER DATED 09.01.2020 MAY BE DECLARE AS ILLEGAL AND UNLAWFUL AND THE RESPONDENT MAY BE DIRECTED TO PROMOTE THE APPELLANT FROM THE DATE JUNIOR WAS PROMOTED (06.11.2017) WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was joined the Deptt: in 1986. Appellant had performed his duties assigned to him with zeal and devotion and up to

entire satisfaction of his superiors. All the entries made in the service book of the appellant.

2. That the deptt issued the seniority list of the year 2016 wherein appellant at s.no 8 and respondent no.3 is at S.no 3. But the respondent no.3 is un-eligible due to not passed the Departmental examination and appellant is eligible. The deptt conducted the DPC meeting held on 24.10.2017 but the appellant was deferred due to Nab Case and junior to the appellant was promoted vide order dated 06.11.2017. **The copy of seniority list 2016, DPC meeting and promotion order are attached as annexure-A, B and C.**
3. That the Deptt: issued Seniority list of the year 2018 wherein the respondent no.3 was at S.no 1 and the appellant was at s.no 5 but the respondent no.3 is not eligible at this time due to non-passing of Kanungo examination and appellant is eligible. The Establishment Deptt: issued letter dated 15.05.2019 regards the Promotion of the officials against whom Nab cases pending. **Copy of seniority list 2018 and letter dated 15.05.2019 are attached as annexure-D & E.**
4. That the appellant file application for promotion to the post of Kanungo which was forwarded to the deputy commissioner vide letter dated 31.05.2019 with remarks that the case of the appellant has been placed before the DPC. FURTHER Deputy Commissioner wrote letter dated 02.10.2019 to SMBR for legal Advice regarding promotion of patwari to the post of Kanungo. Thereafter, working paper was prepared and DPC meeting was held on 01.11.2019 and appellant was promoted vide order dated 01.11.2019 to the post of Kanungo. **Copy of letter dated 31.05.2019, letter dated 02.10.2019, working paper and order are attached as annexure-F, G, H & I.**
5. That the respondent no.3 filed departmental appeal to respondent no.1 against the promotion order dated 01.11.2019 which is accepted by the commissioner vide order dated 09.01.2020 is against the law and rules. **Copy of departmental appeal is attached as Annexure-J & K.**
6. That now the appellant being feeling aggrieved from order dated 09.01.2019 constrained to file this instant appeal comes to this august Tribunal on the following grounds amongst the others.


GROUND:


- A. That the order dated 09.01.2019 is against the law, facts, norms of justice and material on record, therefore, not tenable in the eye of law.

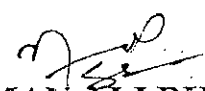
- B. That the post of promotion for the appellant is availability since 2017 but deferred due to Nab case. According to the promotion Poicy 2009 whenever the deferment Cease the employee shall be considered for promotion from the date junior was promoted/from the date of deferment. Therefore, the appellant is legally entitled to be considered for promotion from his due date 2017.
- C. That the respondent no.3 is top of the seniority list but no eligible and the appellant was fully eligible according to rules and also eligible senior most patwari in year 2017, so the appellant has right to be promoted from the date of deferment but despite that the appellant was differed on wrong point . So all the actions of deptt: is against the law and rules. **Copy of rules is attached as annexure-L.**
- D. That the apex Court has already clearly held in case of Anita Turab (PLD-2013 Supreme Court Page No. 195) that matter of tenure, appointment, posting, transfer and promotion, of service could not be dealt with in an arbitrary manner but could only be sustained if it was in-accordance with law. Whenever there was statutory provision or rules or regulation of government the matter of appointment of Civil Servants that must be followed honestly and scrupulously and discretionary must be exercised and structured, transparent and reasonable manner, thus the verdict of the Honorable Supreme Court fully favors the appellant's case.
- E. That the promotion of the appellant was wrongly and illegally deferred on the basis of NAB inquiry and the respondent no.3 was also wrongly deferred because he is not eligible, so the appellant must be superseded but the deptt favor the respondent no.3 by deferred his promotion.
- F. That as there is no any order regarding the stoppage of promotion of appellant, therefore, the appellant has legal vested rights to be considered for promotion from the date when post is available for him in his quota and junior was promoted. (97-SCMR-1997-515).
- G. That the Honorable Apex Court is also given the verdict that every civil servants is the legal right to be dealt with in-accordance with the law and rules under the which is legal service rights are protected. Thus the appellant has legal and genuine claim.
- H. That the appellant was not treated according to law and rules.
- I. That the appellant has not been treated and accordance with the law and has been discriminated because his other colleagues and juniors to the appellant have been promoted on 06.11.2017 and deferred the appellant despite of having seniority eligibility and post of availability.

- J. That according to fresh amendment the appellant has the right to promoted with his due date i.e when the junior to the appellant was promoted.
- K. That the appellant seeks permission to advance the other ground and proof at the time of hearing.

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


APPELLANT
 Habib-ur-rehman

THROUGH: 
(M. ASIF YOUSAFZAI)
 ADVOCATE SUPREME COURT


SYED NOMAN ALI BUKHARI
 (ADVOCATES HIGH COURT)

(S)

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

Appeal No. _____/2020

Habib-ur-Rehman

V/S

Govt of KPK

.....
**APPLICATION FOR SUSPENSION OF THE OPERATION OF
ORDER DATED 09.01.2020 TILL THE FINAL DECISION OF THE
INSTANT APPEAL.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed above mentioned appeal against the appellate order dated 09.01.2020.
2. That the appellant has a good prima facie case and all the ingredients are in favor of the appellant and the order dated 09.01.2020 is illegal against the law and rules and liable to be suspended on the basis of following grounds amongst other.

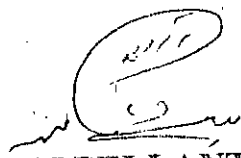
GROUND:

- A. That the case of the appellant is already under adjudication in the service Tribunal, Peshawar, so the deptt: legally not take any adverse action till the disposal of present appeal. The deptt should layoff their hands from the matter. So the order dated 09.01.2019 is against the law.
- B. That all the conduct of the respondents is based on malafide and against the cause of justice.
- C. That, the judgment cited by the respondent that acts in personam not in rem so the repatriation order is against the law and rules.

D.

That the respondent deptt promoted employees which was junior to the appellant vide order dated 06.11.2017 to the post of the Kanungo (BPS-11) which means that the appellant was also eligible.

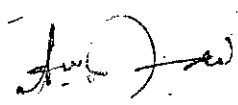
It is, therefore, most humbly prayed that on acceptance of this application kindly suspends the operation of order dated 09.01.2020 which is passed during pendency of the above mentioned appeal till the final decision of the instant appeal.



APPELLANT

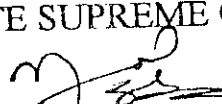
Habib-UR-Rehman

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT



SYED NOMAN ALI BUKHARI
(ADVOCATES HIGH COURT)

AFFIDAVIT:

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



DEPONENT

2016 کے لیے صرف 200 کے لیے صرف 200 کے لیے صرف

A

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Amir

FINAL SENIORITY LIST OF CONFIRMED PATWARIS, OFFICE OF DEPUTY COMMISSIONER, LAKKI MARWAT AS STOOD ON 31.12.2016

S.No	Name of Patwar	BS	Date of Birth	Date of Appointment	Qualification	Known Exam	Remarks
1	Niamat Ullah	09	07.06.1958	01.03.1983	Matric.	Passed	
2	Muhammad Rafiq	09	09.01.1958	01.06.1985	Matric.	Passed	
3	Hamid Ullah Jan	09	13.03.1964	19.07.1986	Matric.	Unpassed	
4	Fard Ullah s/o Hukam Zad	09	24.02.1965	20.07.1986	Matric.	Unpassed	
5	Hussain Ahmad	09	10.01.1958	21.7.1985	FA	Unpassed	
6	Wali Khan s/o Maaz Ullah Khan	09	13.12.1961	25.10.1986	Matric.	Unpassed	
7	Gulab Khan	09	13.12.1962	25.10.1986	Matric.	Unpassed	
8	Habib Ur Rehman	09	10.08.1964	25.10.1986	FA	Passed	
9	Wali Khan s/o Qasim Khan	09	02.10.1959	06.11.1986	FA	Unpassed	
10	Dil Jan	09	25.05.1962	17.11.1986	Matric.	Unpassed	
11	Javed Ali	09	24.03.1958	20.11.1986	Matric.	Unpassed	
12	Sultana Sult	09	11.04.1963	05.01.1987	D.Com	Passed	
13	Mirza Khan	09	01.01.1966	03.08.1987	Matric.	Unpassed	
14	Rza Ullah Khan	09	05.12.1958	04.08.1987	Matric.	Passed	
15	Noor Ali Khan	09	03.04.1961	17.11.1987	Matric.	Unpassed	
16	Abdul Latif	09	26.05.1957	18.11.1987	Matric.	Unpassed	
17	Noor Ashraf Khan	09	16.01.1963	18.11.1987	F.A	Passed	
18	Noor Muhammad s/o Gulam Muhammad	09	11.04.1964	18.11.1987	Matric.	Passed	
19	Fard Ullah s/o Gul Habib	09	14.05.1964	18.11.1987	Matric.	Passed	
20	Khandullah Jan	09	12.03.1963	18.11.1987	Matric.	Unpassed	
21	Mohib Ullah	09	11.01.1964	18.11.1987	Matric.	Unpassed	
22	Mamoor Jan	09	02.04.1964	18.11.1987	Matric.	Passed	
23	Noor Muhammad s/o Gulab	09	02.07.1957	13.01.1988	Matric.	Passed	
24	Tehsil Khan	09	08.04.1964	13.01.1988	Matric.	Unpassed	
25	Sher Ali	09	13.07.1963	30.01.1988	Matric.	Passed	
26	Rehmat Ullah Jan S/O Wali Ullah Jan	09	07.04.1961	13.09.1988	Matric.	Passed	
27	Atta Ullah	09	22.03.1960	14.09.1988	Matric.	Passed	
28	Abdul Aziz	09	27.03.1965	22.01.2010	FA	Passed	

ATTESTED

Commissioner Bannu DC Office Lakki Marwat

Recd. A. S. [Signature]

Commissioner Bannu Division

09/10/2020

In compliance with Commission's order, Bannu Division, Bannu, dated 22.09.2017, and Secretariat, Federal Board of Intermediate and Secondary Education, Islamabad, dated 20.09.2017, the following list of candidates who have passed the examination for the post of Patwaris in the Bannu Division is being furnished for the information of the concerned authorities.

8

S.No	Name of Patwari	BS	Date of Birth.	Date of appointment	Qualification	Kanungo Exam Passed/ Unpassed	Remarks.
30.	Umer Khan	09	15.12.1960	23.04.2010	FA	Unpassed.	
31.	Qamar Din	09	16.11.1959	22.01.2010	Matric	Unpassed.	In compliance with Commissioner Bannu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
32.	Amir Aslam	09	13.12.1965	08.04.2009	FA	Unpassed.	In compliance with Commissioner Bannu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
33.	Zafar Ullah	09	15.10.1965	22.01.2010	Matric	Unpassed.	In compliance with Commissioner Bannu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
34.	Abdullah Khan	09	18.04.1975	07.07.2004	FA	Passed	
35.	Hazrat Umer	09	01.10.1971	08.07.2004	FA	Passed	
36.	Anwar Kamal	09	15.03.1975	01.08.2007	FA	Passed	
37.	Mustafa Kamal	09	01.03.1976	01.08.2007	FA	Passed	
38.	Gul Nabi	09	11.09.1981	01.08.2007	MA	Passed	
39.	Attiquillah Khan	09	07.01.1982	01.08.2007	B.A	Passed	
40.	Asif Kamsal	09	16.02.1982	01.08.2007	M.A	Passed	
41.	Noor Zaman	09	24.03.1984	01.08.2007	B.Sc	Passed	
42.	Tariq Iqbal Khan	09	10.04.1983	01.03.2009	MA	Unpassed.	
43.	Afsar Khan	09	06.03.1980	01.02.2009	FSc	Unpassed.	
44.	Ashfaq Ahmad	09	19.03.1988	25.09.2010	FA	Unpassed.	
45.	Muhammad Tanveer	09	06.04.1989	25.09.2010	FA	Unpassed.	
46.	Naqib Ahmad	09	05.09.1976	15.03.2011	FA	Unpassed.	
47.	Muhammad Shah	09	01.09.1978	24.03.2012	FA	Unpassed.	
48.	Asad Khan	09	04.02.1980	24.03.2012	FA	Unpassed.	
49.	Muhammad Haroon	09	14.05.1980	24.03.2012	FA	Unpassed.	
50.	Hidayat Ullah	09	15.02.1983	24.03.2012	FA	Unpassed.	
51.	Shoukat Ullah	09	28.07.1985	24.03.2012	FA	Unpassed.	
52.	Muhammad Aftab	09	14.03.1985	24.03.2012	FA	Unpassed.	
53.	Hazrat Ali	09	05.03.1982	07.04.2012	FA	Unpassed.	
54.	Mir Hakim	09	16.03.1982	07.04.2012	FA	Unpassed.	
55.	Muhammad Ishaq	09	19.03.1982	07.04.2012	FA	Unpassed.	
56.	Muhammad Israr	09	05.02.1983	07.04.2012	FA	Unpassed.	

ATTESTED

Examiner
Copying Branch-DC Office
Lahor

Attested
09/01/2020
Commissioner
Bannu Division

7

8

9

9

S.No	Name of Person	BS	Date of Birth	Date of Appointment	Qualification	Examination Status	Remarks
57.	Barkat Ullah	09	01.01.1986	07.04.2012	FA	Unpassed	
58.	Anwar Ali Shah	09	28.03.1981	23.08.2014	BA	Unpassed.	
59.	Muhammad Yaseen Khan	09	12.03.1982	23.08.2014	FA	Unpassed.	
60.	Tahir Ullah	09	01.01.1983	23.08.2014	BA	Unpassed.	
61.	Kaleem Ullah	09	13.04.1985	23.08.2014	M/A	Passed	
62.	Humayun Khan	09	29.12.1986	23.08.2014	BA	Unpassed.	
63.	Ishfaq Ahmad	09	19.11.1989	23.08.2014	BA	Unpassed.	
64.	Maqbool ur Rehman	09	19.03.1987	13.09.2014	M/A	Passed	
65.	Sami Ullah Khan	09	21.01.1981	10.07.2015	BA	Unpassed	
66.	Imran Ullah Khan	09	12.01.1984	10.07.2015	FA	Unpassed	
67.	Shaukat Ullah Khan s/o Taj Ali Khan	09	07.04.1985	10.07.2015	M/A	Unpassed	
68.	Qamar Zeb Khan	09	12.03.1987	10.07.2015	BA	Unpassed	
69.	Muhammad Zain ul Abidin	09	25.08.1989	10.07.2015	M/A	Unpassed	
70.	Anwar Kamal Khan	09	11.01.1983	29.01.2016	FA	Unpassed	
71.	Muhammad Gul	09	16.01.1979	01.04.2016	FA	Unpassed	
72.	Mirzaud Din	09	01.02.1986	01.04.2016	EA	Unpassed	

ATTESTED

[Signature]
 Deputy Commissioner
 Lalaki Marwal

Examiner
 Copying Section DC Office
 Lalaki Marwal

[Signature]
 Commissioner
 Bannu Division

Reader

[Large Signature]
 20/10/16

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**MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION / PROMOTION
COMMITTEE HELD ON 24.10.2017 AT 10.00 HOURS IN THE PERSONAL OFFICE
OF THE DEPUTY COMMISSIONER, LAKKI MARWAT**

A meeting of Departmental Selection/Promotion Committee was held on 24.10.2017 at 10.00 Hours in the Office of Deputy Commissioner, Lakki Marwat under his Chairmanship. The following attended the meeting:

1. Shayan Ali Jawa, Assistant Commissioner, Lakki Marwat Member
2. Abid Nawaz, Superintendent/ Rep of Commissioner, Bahnu Division Member


The Chairman welcomed the participants and informed that (03) three posts of Kanungo BPS-11 lying vacant in Revenue Department, Lakki Marwat due to retirement of 03 regular Kanungos. The posts are required to be filled in by promotion from amongst the eligible patwaris on the basis of seniority cum fitness on regular basis in accordance with the laid down criteria / policy with immediate effect. After scrutinization of their service record i.e Seniority/fitness, synopsis of ACRs etc and thorough discussion, the Committee unanimously made the following recommendations:-

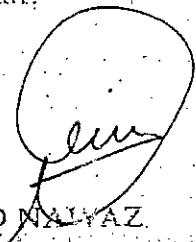
S.N	Name of Patwari	Kanungo Examination Passed / Unpassed	Remarks
1.	Niamat Ullah	Passed	Deferred due to issuance of Show cause Notice on the direction of Honorable Supreme Court of Pakistan in SUO MOTO case
2.	Hamid Ullah Jan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
3.	Farid Ullah S/O Hukamzad	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
4.	Wali Khan S/O Maazullah Khan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
5.	Gulab Khan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
6.	Habib ur Rehman	Passed	Deferred due to issuance of Show cause Notice on the direction of Honorable Supreme Court of Pakistan in SUO MOTO case
7.	Wali Khan S/O Qsim Khan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
8.	Dil Jan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
9.	Javed Ali	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
10.	Sultan Mir	Passed	Cleared / recommended for Promotion as Regular Kanungo BPS-11 subject to provision of ACR, 2014 with in 10 days and verification of Kanungo passed certificate from DLR KPK
11.	Miras Khan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
12.	Noor Ali Khan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
13.	Noor Aslam	Passed	Deferred due to issuance of Show cause Notice on the direction of Honorable Supreme Court of Pakistan in SUO MOTO case
14.	Noor Muhammad S/o Ghulam Muhammad	Passed	Cleared / recommended for Promotion as Regular Kanungo BPS-11 subject to provision of ACR, 2014 with in 10 days and verification of Kanungo passed certificate from DLR KPK

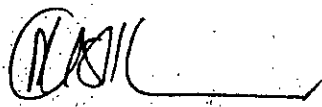
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S.N	Name of Patwari	Kanungo Examination Passed / Unpassed	Remarks
15.	Farid Ullah S/O Gul Habib	Passed	Deferred due to issuance of Show cause Notice on the direction of Honorable Supreme Court of Pakistan in SUO MOTO case
16.	Khamd Ullah Jan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
17.	Muhib Ullah	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
18.	Mamoor Jan	Passed	Deferred due to issuance of Show cause Notice on the direction of Honorable Supreme Court of Pakistan in SUO MOTO case
19.	Tehsil Khan	Unpassed	Deferred due to non passing of Departmental Kanungo Exam:
20.	Sher Ali Khan	Passed	Cleared / recommended for Promotion as Regular Kanungo BPS-11 subject to provision of ACR, 2014 with in 10 days and verification of Kanungo passed certificate from DLR KPK

The meeting ended with a vote of thanks from and to the chair.


SHAYAM ALI JAWA
Assistant Commissioner Lakki Marwat
(Member)


ARID NIAZ
Superintendent Commissioner
Office Bannu Division
(Member)


(MUHAMMAD BAKHTIAR KHAN)
Deputy Commissioner Lakki Marwat
(Chairman)



OFFICE OF THE
DEPUTY COMMISSIONER
LAKKI MARWAT.

No. 1102 /EAR
Dated. 06/ 11/2017

Phone No:0969-538330-31
Fax No: 0969-538333

OFFICE ORDER

Consequent upon the recommendations of, Departmental Promotion / Selection Committee in a meeting dated 24.10.2017, the following legible Patwaris BPS-09 are hereby promoted to the post of Kanungo BPS-11 on regular basis with immediate effect in the interest of public:-

- 1- Sulran Mir
- 2- Noor Muhammad-II
S/O Ghulam Muhammad
- 3- Sher Ali Khan


Deputy Commissioner
Lakki Marwat

Even No. & date.

Copy forwarded to:-

- 1- The Secretary Board of Revenue Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Land Record, Khyber Pakhtunkhwa, Peshawar.
- 3- The Additional Deputy Commissioner, Lakki Marwat.
- 4- The Assistant Commissioner, Lakki Marwat.
- 5- PS to Commissioner, Bannu Division.
- 6- The District Accounts Officer, Lakki Marwat.
- 7- Officials concerned.


Deputy Commissioner
Lakki Marwat

FINAL SENIORITY LIST OF CONFIRMED PATWARIS, OFFICE OF DEPUTY COMMISSIONER LAKKI MARWAT AS STOOD ON 31.12.2018

S.No	Name of Patwari	BS	Date of Birth.	Date of 1st appointment	Qualification	Kanungo Exam Passed/ Unpassed.	Remarks.
1	Hamid Ullah Jan	09	13.03.1964	19.07.1986	Matric.	Unpassed	Passed - 2019
2	Farid Ullah s/o Hukam Zad	09	24.02.1965	20.07.1986	Matric.	Unpassed	
3	Wali Khan s/o Maaz Ullah	09	13.12.1961	25.10.1986	Matric	Unpassed	
4	Gulab Khan	09	13.12.1962	25.10.1986	Matric	Unpassed	
5	Habib Ur Rehman	09	10.08.1964	25.10.1986	FA	Passed.	
6	Wali Khan s/o Qasim Khan.	09	02.10.1959	06.11.1986	FA	Unpassed	
7	Dil Jan	09	25.05.1962	17.11.1986	Matric.	Passed	
8	Miras Khan	09	01.01.1966	03.08.1987	Matric.	Unpassed	
9	Noor Ali Khan	09	03.04.1961	17.11.1987	Matric	Unpassed	
10	Noor Aslam Khan	09	16.01.1963	18.11.1987	F.A	Passed	
11	Farid Ullah s/o Gul Habib	09	14.05.1964	18.11.1987	Matric.	Passed	
12	Khamdullah Jan	09	12.03.1963	18.11.1987	Matric	Unpassed	
13	Mohib Ullah	09	11.01.1964	18.11.1987	Matric	Passed	
14	Mamoor Jan	09	02.04.1964	18.11.1987	Matric.	Passed	
15	Tehsil Khan.	09	08.04.1964	13.01.1988	Matric.	Unpassed	
16	Atta Ullah	09	22.03.1960	14.09.1988	Matric	Passed	
17	Abdul Aziz	09	27.03.1965	22.01.2010	FA	Passed	In compliance with Commissioner Bauu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
18	Muhammad Altaf	09	10.07.1964	06.08.2006	Matric	Unpassed.	
19	Umer Khan	09	15.12.1960	23.04.2010	FA	Unpassed.	In compliance with Commissioner Bauu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
20	Qamar Din	09	16.11.1959	22.01.2010	Matric	Unpassed.	In compliance with Commissioner Bauu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
21	Amir Aslam	09	13.12.1965	08.04.2008	FA	Unpassed.	In compliance with Commissioner Bauu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
22	Zafar Ullah	09	15.10.1965	22.01.2010	Matric	Unpassed.	In compliance with Commissioner Bauu Division Judgement dated 10.12.2013 and Service Tribunal Judgement dated 16.04.2009 he placed senior to his already appointed Junior according to Enlistment Register.
23	Asif Kamal	09	16.02.1982	01.08.2007	M.A	Passed	
24	Noor Zaman	09	24.03.1984	01.08.2007	B.Sc	Passed	
25	Tariq Iqbal Khan	09	10.04.1983	01.03.2008	MA	Passed	
26	Afsar Khan	09	06.08.1980	01.02.2009	FSc	Unpassed.	

ATTESTED

Exam Copy Branch DC Office
Lakki Marwat
4/11/19

Attested
Commissioner
Bannu Division

09/10/2020

Annex 2
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فہرست حتمی سنیوریٹی لیست پٹواریوں کے لیے جن کی تصدیق 31 دسمبر 2018ء تک ہوئی ہے

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S.No	Name of Patwari	BS	Date of Birth	Date of 1st appointment	Qualification	Kanungo Exam Passed/ Unpassed	Remarks
27.	Ashfaq Ahmad	09	19.03.1988	25.09.2010	FA	Passed.	
28.	Muhammad Tanveer	09	06.04.1989	25.09.2010	FA	Unpassed.	
29.	Naqib Ahmad	09	05.09.1976	15.03.2011	FA	Passed	
30.	Muhammad Shah	09	01.09.1978	24.03.2012	FA	Passed	
31.	Asad Khan	09	04.02.1980	24.03.2012	FA	Passed	
32.	Muhamamad Haroon	09	14.05.1980	24.03.2012	FA	Passed	
33.	Hidayat Ullah	09	15.02.1983	24.03.2012	FA	Unpassed.	
34.	Shoukat Ullah	09	28.02.1985	24.03.2012	FA	Unpassed.	
35.	Muhammad Aftab	09	14.03.1985	24.03.2012	BSc	Unpassed.	
36.	Hazrat Ali	09	05.03.1982	07.04.2012	FA	Unpassed.	
37.	Mir Hakim	09	16.03.1982	07.04.2012	FA	Unpassed.	
38.	Muhammad Ishaq	09	19.03.1982	07.04.2012	FA	Unpassed.	
39.	Muhammad Israr	09	05.02.1983	07.04.2012	FA	Unpassed.	
40.	Barkat Ullah	09	01.01.1986	07.04.2012	FA	Unpassed.	
41.	Anwar Ali Shah	09	28.03.1981	23.08.2014	BA	Unpassed.	
42.	Muhammad Yaseen Khan	09	12.03.1982	23.08.2014	FA	Unpassed.	
43.	Tahir Ullah	09	01.01.1983	23.08.2014	BA	Unpassed.	
44.	Kaleem Ullah	09	13.04.1985	23.08.2014	MA	Passed	
45.	Humayun Khan	09	29.12.1986	23.08.2014	BA	Passed	
46.	Ishfaq Ahmad	09	19.11.1989	23.08.2014	BA	Unpassed.	
47.	Maqbool ur Rehman	09	19.03.1987	13.09.2014	MA	Passed	
48.	Sami Ullah Khan	09	21.02.1981	10.07.2015	BA	Unpassed	
49.	Imran Ullah Khan	09	12.01.1984	10.07.2015	FA	Unpassed	
50.	Shaukat Ullah Khan s/o Taj Ali Khan	09	07.04.1985	10.07.2015	MA	Unpassed	
51.	Qamar Zeb Khan	09	12.08.1987	10.07.2015	BA	Unpassed	
52.	Muhammad Zain ul Abidin	09	25.08.1989	10.07.2015	MA	Unpassed	
53.	Anwar Kamal Khan	09	11.03.1983	29.01.2016	FA	Unpassed	
54.	Muhammad Gul	09	16.03.1979	01.04.2016	FA	Unpassed	
55.	Miraj ud Din	09	01.02.1986	01.04.2016	FA	Unpassed	
56.	Qudrat Ullah Khan	09	02.04.1984	20.04.2017	BA	Unpassed	
57.	Shehzad Daud	09	28.10.1982	12.02.2018	BA	Unpassed	
58.	Rashid Ahmad	09	05.06.1985	12.02.2018	BA	Unpassed	

ATTESTED

Examined
Copy in Branch DC Office
Lokki Margwal

11/11/19

Signature
Commissioner
Rahnu Division

09/10/2020

13

S.No.	Name of Patwari	BS	Date of Birth.	Date of 1st appointment	Qualification	Kanungo Exam Passed/ Unpassed	Remarks.
59.	Muhammad Saleem S/O Muhammad azeem	09	13.07.1986	12.02.2018	FA	Unpassed	
60.	Hidayat Ullah	09	28.07.1986	12.02.2018	FA	Unpassed	
61	Akhtar Hameed	09	20.01.1987	12.02.2018	FA	Unpassed	
62	Ihsan Ullah S/O Muhammad Iqbal	09	14.04.1987	12.02.2018	MA	Unpassed	
	Irfan Ullah Khan	09	19.01.1988	12.02.2018	FA	Unpassed	
	Islam Ali	09	14.03.1988	12.02.2018	FA	Unpassed	
	Muhammad Salim S/O Muhammad Aslam	09	18.04.1988	12.02.2018	BA	Unpassed	
	Muhammad Iqbal	09	03.04.1990	12.02.2018	FA	Unpassed	
	Sami ullah Khan S/O Amir Faraz Khan	09	14.02.1991	12.02.2018	FA	Unpassed	
	Ihsan Ullah S/O Ismat Ullah	09	06.03.1991	12.02.2018	FA	Unpassed	
	Muhammad Riaz	09	20.03.1991	12.02.2018	FA	Unpassed	
	Muhammad Iftekhar	09	25.03.1991	12.02.2018	MA	Unpassed	
	Barkat Ullah S/O Muhammad Ayaz	09	06.04.1991	12.02.2018	FA	Unpassed	
	Fahim Ullah	09	01.01.1988	01.03.2018	FA	Unpassed	

ATTESTED

[Signature]
 Exam Controller
 Gen. Inv. Branch DC Office
 Lakki Marwat

[Signature]
 Deputy Commissioner
 Lakki Marwat

[Signature]
 Commissioner
 Bannu Division

19/11/19
 09/10/2022

PS/SMBR
Dy No 3447
Date 9/5/19
Govt of Khyber Pakhtunkhwa

General Diary
Dy No 3733
Date 23-5-19
Revenue & Estate
Khyber Pakhtunkhwa

Annex
16



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

1222
17.5.19

No. SO (PSB) ED/1-25/2019/KC
Dated Peshawar, the 15.05.2019

Say

SMBR
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PS-Admin

On

22/5

AS(E)

To

All Administrative Secretaries to the Govt.
Of Khyber Pakhtunkhwa.

Subject:-

IMPORTANT DECISIONS TAKEN BY THE PSB DURING ITS MEETING HELD ON
19.04.2019

Dear Sir,

I am directed to refer to the subject and to say that the Provincial Selection Board in its meeting held on 19.04.2019 discussed in detail promotion cases of officers involved in NAB and VR cases. After lengthy deliberation, the Board took the following decisions which are forwarded for information and compliance:-

- i. Officers against whom NAB cases are pending, but who are otherwise eligible, may be considered for promotion.
- ii. Similarly officers who are involved in VR cases and disciplinary proceedings initiated against them on the directions of the Supreme Court stand finalized may also be considered for promotion after notifying the penalties concluded by the competent authorities. Their promotion, however, shall be subject to final decision of the Supreme Court of Pakistan on VR cases.
- iii. All the concerned Administrative Departments should finalize the VR cases of their employees and notify the penalties so decided and their cases will be placed before DPC/PSB, as the case may be, for consideration.

Yours faithfully,

(Abdul-Hameed)
Section Officer (PSB)

Endst. No & date even.

Copy alongwith decisions of the PSB are forwarded to:

1. All Section Officers in Regulation Wing of Establishment Department.
2. Section Officers (E-I, II, IV & V), Establishment Department.
3. Section Officer (HRD-I), Establishment Department.
4. PS to Secretary (Estt), Establishment Department
5. PS to Special Secretary (Reg), Establishment Department.
6. Additional Secretary (Reg), Establishment Department.
7. PAs to Deputy Secretaries (R-I, II & III), Establishment Department.

(Section Officer (PSB))

3/E
15/5/19



F 40 (17)
GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.
Facebook ID: www.facebook.com/bor.kpk92
Twitter ID: @RevenueBoardkp
Fax No: 091.9213989

No. Estt: VII/DPC/Lakki Marwat/20587
Peshawar dated the 31/05/2019.

To

The Deputy Commissioner,
Lakki Marwat.

SUBJECT: APPLICATION OF HABIB UR REHMAN, FARID ULLAH & MAMMOOR JAN
PATWARIS FOR PROMOTION TO THE POSTS OF KANUNGOS.

Dear Sir,

I am directed to refer to the subject and to enclose copy of Establishment Department letter No. SO(PSB) ED/1-25/2019/KC dated 15.05.2019 which is very clear and may be followed in letter and spirit and place the cases of the applicant before the Departmental Promotion Committee for consideration in light of Establishment Department letter referred to above at the earliest to avoid un-necessary litigation please.

Assistant Secretary (Estt)

EAR (SABZ Ali)
Please put up
note 1

22/06/19



(S.M.B.R.)

OFFICE OF THE

DEPUTY COMMISSIONER

LAKKI MARWAT.

No: 117 /EA Revenue
Dated. 30/ 09/2019

Phone No:0969-538330-31
Fax No: 0969-538333

18

To: The Senior Member
Boar of Revenue, Khyber Pakhtunkhwa
Peshawar.

6296
02-10-19

Subject: LEGAL ADVICE REGARDING PROMOTION OF PATWARI BPS-09
TO THE POST OF KANUNGO BPS-11

MBR

AS(Esb) Memo:

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Secy-I
3/10/19

Kindly refer to the subject cited above, it is submitted that 01 Post of Kanungo BPS-11 is lying vacant due to promotion of Rehmat Ullah Kanungo to the post of Naib Tehsildar BPS-14 wef 20.03.2019,

To fill up the subject vacant post of Kanungo, a meeting of Departmental Selection/Promotion Committee was held on 24.09.2019 under the Chairmanship of undersigned. The Committee after thoroughly examining the case unanimously agreed/decided to make a reference to the Worthy Senior Member Board of Revenue, Khyber Pakhtunkhwa for soliciting their legal advice in the subject matter.

Detail of the subject case is as under:-

1- The Senior Most Patwari in the Seniority List,2018, Mr Hamid Ullah Jan Patwari has now passed the Departmental Examination of Kanungo on 20.03.2019 which is pre-requisite for promotion to the post of Kanungo BPS-11 and became eligible for promotion from the date of passing of Kanungo examination i.e 20.03.2019 on his own turn.

Secy-I

2- On the other hand Mr Habib ur Rrehman, Noor Aslam, Farid Ullah and Mamoor Jan Patwaris of this office who were other wise eligible for promotion but they were deferred by the Departmental Promotion Committee on 24.10.2017 and their Juniors were promoted as Kanungos due to their involvement in Voluntary Return to NAB Authorities (Mutation Scam). Copy of minutes annexed as Annexure "A".

On 11

MBR
03/10

It is worth mentioning here that the Honorable Peshawar High Court, Peshawar affirmed in his Judgment dated 26.02.2019 passed in writ Petition No.975-P/2019 vide Para-8 & 9 which is reproduced as follow: (we have before us the reasons for deferment and data that "he is involved in NAB case". No where under the law pendency of NAB case, which takes years of years for conclusion and decision, could be made a tool for denying promotion to an incumbent. It has been time and again held by the apex court that pendency of any inquiry and even minor penalties could not come in the way of promotion. In view of the above situation we advise the Competent Body/PSB to consider the case of petitioner for promotion in upcoming meeting: this writ petition is disposed of in above terms.) Copy of Judgment annexed as Annexure "B".

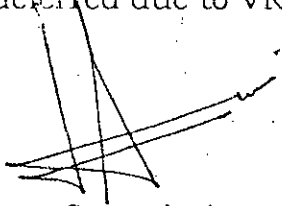
SA
4/10/19

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Furthermore, in compliance with the decision taken by the PSB Establishment Deptt;) during its meeting held on 19.04.2019. Copy annexed as Annexure "C". All the officials mentioned vide Para-2 above have been **exonerated** from the charges leveled against them. Order copies annexed as Annexure "D".

Keeping in view the position explained above, it is humbly requested that this office may kindly be legally advised in the light of aforementioned Judgment of Honourable, Peshawar High Court as to whether Mr Hamid Ullah Jan has the rights of promotion who has passed the departmental examination on 20.03.2019 or Mr Habib ur Rehman who was otherwise eligible for promotion on 24.10.2017 but was deferred due to VR case pending against him at that time.


Deputy Commissioner
Lakki Marwat
Lakki Marwat

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**WORKING PAPERS FOR DEPARTMENTAL PROMOTION COMMITTEE
MEETING TO BE HELD ON 01.11.2019 AT 1000 HOURS IN THE OFFICE OF
DEPUTY COMMISSIONER LAKKI MARWAT**

**1- PROMOTION OF SENIOR MOST PATWARIS TO THE POST OF
KANUNGOS BPS-11**

- a. Sanctioned strength of Kanungos BPS-11 in the office of Deputy Commissioner Lakki Marwat and XEN Irrigation Bannu is as under:-

S.N	Name of Post	Sanctioned Strength
1.	Field Kanungo	04
2.	Kanungo	02
3.	Tehsil Office Kanungo	02
4.	Assistant District Kanungo	01
5.	Girdawars Irrigation Bannu Canal Division Bannu	02
Total:		11

Mr Rehmat Ullah Khan Kanungo BPS-11 has been promoted to the post of Naib Tehsildar BPS-14 on 20.03.2017 and the said post is still lying vacant. Order annexed as Annexure "A".

Mr Hamid Ullah Jan Patwari has submitted an application for promotion to the post of Kanungo stating therein that his case for promotion was deferred due to non passing of Kanungo Exam. Now he has passed the subject Examination on 20.03.2019 and requested that his name be considered for promotion in accordance with Seniority List 2016 As he is the Senior Most Patwari of District Lakki marwat. Copy of application annexed as annexure "B".

b. From the position explained above, 01 (one) posts of Kanungo (BPS-11) is vacant and available to be filled in by selection/promotion on merit amongst eligible senior most Patwaris to the post of Kanungo BPS-11 as required under the Government of Khyber Pakhtunkhwa, Revenue & Estate Department Peshawar Notification No.1942/Estt:1/135/ SSRC dated 23.01.2015 Serial No. 6 Column 7 of schedule Appendix to the Notification. Seniority List for the year 2018 and copy of Notification annexed as Annexure "C" & "D". As per un-disputed/final Seniority List of Confirmed Patwaris in the office of Deputy Commissioner, Lakki Marwat the cases of S.No. 05, 10, 11 and 14 were deferred by the Departmental Promotion/Selection Committee in its meeting held on 24.10.2017 due to involvement in Voluntary Return to NAB Authorities. Copy of Minutes of the meeting annexed as Annexure "E". Now they submitted the Judgment of Peshawar High Court Peshawar dated 26.02.2019 passed in writ petition No.975-P/2019. Copy annexed as Annexure "F" vide which the Honourable Court ordered at Para-8 & 9 that "he (the petitioner) is involved in NAB case" Now where under the law pendency of NAB case, which takes years and years for conclusion and decision, could be made a tool for denying promotion to an incumbent. It has been time and again held by the apex Court that pendency of any inquiry and even minor penalties could not come in way of promotion. In view of the above situation we advise the Competent Body/ PSB to consider the case of petitioner for promotion in upcoming meeting; this writ petition is disposed of in above terms.

Furthermore, a reference was made to the Senior Member Board of Revenue vide this office letter No.117/EA Revenue dated 30.09.2019 for legal advice. Copy annexed as Annexure "G". Advice from the quarter concerned is received vide letter No. Estt:VII/DPC/Lakki Marwat/32862 dated 16.10.2019. Copy annexed as Annexure "H".

Keeping in view the above, the panel of (14) Patwaris as per seniority list 2018 is placed before the Departmental Promotion Committee for Selection/Promotion to the post of Kanungos

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BPS-11 against the available vacancies as indicated above. Their synopsis of character rolls are attached as Annexure "I"

S.N	Name of Patwari	Kanungo Exam: Passed / Unpassed	Remarks
1.	Hamid Ullah Jan	Passed	Kanungo Exam: passed on 20.03.2019
2.	Farid Ullah s/o Hukam Zad	Unpassed	Not passed the Kanungo Exam:
3.	Wali Khan	Unpassed	Not passed the Kanungo Exam:
4.	Gulab Khan	Passed	Kanungo Exam: passed on 20.03.2019
5.	Habib Ur Rehman	Passed	Deferred on 24.10.2017 by DPC due to involvement in VR Case but now exonerated from the charges.
6.	Wali Khan s/o Qasim Khan	Passed	Kanungo Exam: passed on 20.03.2019
7.	Dil Jan	Passed	Kanungo Exam: passed on 20.03.2019
8.	Miras Khan	Passed	Kanungo Exam: passed on 20.03.2019
9.	Noor Ali Khan	Unpassed	Not passed the Kanungo Exam:
10.	Noor Aslam Khan	Passed	Deferred on 24.10.2017 by DPC due to involvement in VR Case but now exonerated from the charges.
11.	Farid Ullah-II	Passed	Deferred on 24.10.2017 by DPC due to involvement in VR Case but now exonerated from the charges.
12.	Khamdullah Jan	Unpassed	Not passed the Kanungo Exam:
13.	Mohib Ullah	Passed	Kanungo Exam: passed on 20.03.2019
14.	Mamoor Jan	Passed	Deferred on 24.10.2017 by DPC due to involvement in VR Case but now exonerated from the charges.

c. Criteria/Rules

Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department Peshawar Notification No.1942/Estt:1/135/SSRC dated 23.01.2015 Serial No. 6 Column 7 of schedule Appendix to the Notification annexed as Annexure "C" wherein it has been laid down that the post of Kanungo should be filled in by promotion, on the basis of Joint Seniority-cum-fitness from amongst the Patwaris and Naib Office Kanungos of the District concerned with three years service as such and who have passed the Departmental Examination of Kanungo.

2- APPOINTMENT OF PATWARI BPS-09

Consequent upon the promotion of 01 Senior Most Patwari BPS-09 to the post of Kanungo BPS-11 Post of Patwari in BPS-09 will become vacant, which are to be filled in by initial appointment in compliance with Judgment of Honourable Peshawar High Court Peshawar dated 17.01.2018 passed in writ Petition No.931/B of 2016 and in accordance with relevant rules/criteria (Judgement copy annexed as Annexure "J"). The List of Patwar Candidates as per Patwar Candidate register of Tehsil Lakkī Marwat is placed before the Departmental Selection / Promotion Committee for consideration and selection of candidate for appointment as Patwari BPS-09:-

S.N	Name of Candidate with Parentage	Date of Birth	Remarks
1.	Ijaz Ullah S/O Adul Qayum	13.06.1988	
2.	Azmat Kamal S/O Muhammad Iqbal	10.03.1989	
3.	Hanif Ullah Khan S/O Sad Ullah Khan	03.04.1989	

3

22

S.N	Name of Candidate with Parentage	Date of Birth	Remarks
4.	Ikram Ullah Khan S/O Ali Muhammad	06.04.1983	Overage
5.	Barkat Ullah S/O Mehtar Yousaf	10.02.1983	Overage
6.	Imtiaz Ali Khan S/O Mira Jan	10.02.1988	
7.	Ihsan Ullah S/O Nadir Khan	15.02.1984	Overage
8.	Muhammad Imran S/O Ghulam Jan	18.03.1991	

Criteria/Rules

Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department Peshawar Notification No.1942/Estt:I/135/SSRC dated 23.01.2015 Serial No. 8 Column 4, 6 & 7 of schedule Appendix and amended Notification No.Estt:I/ Amendment/ 38382 dated 25.11.2016 annexed as Annexure "C" & "K", wherein it has been laid down that minimum qualification for appointment of Patwari shall be Intermediate or equivalent, who have passed the Patwar Examination, age limit will be 18-35 years and the post of Patwari should be filled in by Initial recruitment from amongst the Patwar Passed candidates entered in the Patwar Candidate register of Tehsil or District on the basis of test and interview to be conducted after advertising the posts but the same amendment has been challenged by the Patwar Candidates in Peshawar High Court Bannu Bench and got decision in their favour. Copy of Judgement has already been annexed vide Annexure "J".


 Deputy Commissioner
 Lakki Marwat

مل جل پروٹو 10 ڈی آر حبیب الرحمن بھٹانی

(102)

OFFICE OF THE
DEPUTY COMMISSIONER
LAKKI MARWAT.

83

No: 139 /EAR
Date: 0 // 11/2019

Phone No: 0969-538330-31
Fax No: 0969-538333

OFFICE ORDER

Consequent upon the recommendations of Departmental Promotion / Selection Committee in a meeting dated 01.11.2019, Mr Habib ur Rehman Fatwani BPS-09 is hereby promoted to the post of Kanungo BPS-11 on regular basis with immediate effect in the interest of public.

Deputy Commissioner
Lakki Marwat

Given No. & date.

Copy forwarded to:-

- 1- The Secretary Board of Revenue Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Land Record, Khyber Pakhtunkhwa, Peshawar.
- 3- The Additional Deputy Commissioner, Lakki Marwat.
- 4- PS to Commissioner, Bannu Division.
- 5- The District Accounts Officer, Lakki Marwat.
- 6- Official concerned.

Deputy Commissioner
Lakki Marwat

ATTESTED

Exam. Acct.
Copy to Branch DC Office
Lakki Marwat

14/11/19

Attested

Commissioner
Bannu Division

09/01/2020

Recd to

② J (24)

BEFORE THE HON'BLE COMMISSIONER BANNU DIVISION, BANNU

Departmental appeal 7 / 2019

Attested
Hamid Ullah Jan s/o Haji Sarwar Jan r/o Shahbaz Khel Lakki, presently patwari
halqa Jabu Khel Teshil & District Lakki Marwat.

Asad
Resident
Commissioner
Bannu Division

Secy
(Appellant)

09/01/2020
Versus

COMMISSIONER
Bannu Division

1. Deputy Commissioner, Lakki Marwat.
2. Habib ur Rehman presently Kanungo Tehsil Lakki District Lakki Marwat.

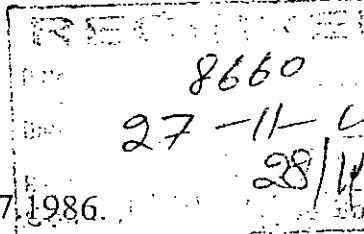
(Respondents)

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED
01.11.2019 OF DEPUTY COMMISSIONER, LAKKI MARWAT
WHEREBY APPELLANT IS DEFERRED / DROPPED FROM
PROMOTION AS KANUNGO BPS-11**

Respectfully Sheweth:

1. That, appellant was appointed as Patwari (BPS-05) on 19.07.1986.
2. That, during 33 years service, the appellant has performed his duties to the best of his abilities and to the entire satisfaction of the Superior Officers. The appellant has performed his duties with honesty which is evident from the fact that there is no red entry in the ACR's or service book of appellant.
3. That, as per seniority list of Patwari's prepared by respondent department on 31.12.2016 and seniority list 31.12.2018, the appellant is senior most patwari in the seniority list and is atop of the Seniority list.

- Agri*
R/W
27/11/2019
4. That, thereafter, on 24.10.2017 the meeting of Departmental Promotion Committee was held in the office of Deputy Commissioner, Lakki Marwat for the promotion of Patwaris to the post of Kanungo (BPS-11). It is pertinent to mention here that 03 posts of Kanungo (BPS-11) were lying vacant upon which promotion of Patwaris were required to be made.



5. That, as appellant was on top of seniority list of Patwari's and there are no red entry in the ACR's of the appellant, therefore, appellant was expecting his promotion to the post of Kanungo (BPS-11).
6. That, on 06.11.2017, the Deputy Commissioner Lakki Marwat issued office order No. 1102/EAR dated 06.11.2017 vide which 03 junior most Patwari's were promoted to the post of Kanungo (BPS-11) and appellant was deferred / dropped from promotion for the reason that appellant has not passed the Departmental exam of Kanungo for promotion.
7. That, the appellant has passed the said examination and submitted application alongwith Patwar passed certificate to Deputy Commissioner Lakki for promotion as a Kanungo and the Deputy Commissioner Lakki send letter for advise to the SMBR KPK Peshawar vide letter 117 dated 30.09.2019 and the office of SMBR / Assistant Secretary Establishment vide letter No. 2886 dated 16.10.2019 advised to the Deputy Commissioner Lakki to promote the Kanungo on their own turn but the respondent department has ignored the appellant by willfully and promoted the junior most patwari namely Habib ur Rehman to the post of Kanungo vide office order No. 139 dated 01.11.2019.
8. That, feeling aggrieved of order dated 01.11.2019 of Deputy Commissioner Lakki Marwat and seniority list of 2018, the appellant preferred instant Departmental Appeal before your kind office, on the following grounds.
9. That, the following are the documents on which appellant places his reliance:
Copies of Seniority list year 2016 office of Deputy Commissioner, Seniority list year 2018, Departmental Exam of Kanungo passed Certificate of appellant No. 1, application for promotion of appellant No. 1, letter No. 117 dated 30.09.2019, letter No. 3286 dated 16.10.2019, letter No. SO(P SB)ED/1. dated 15.05.2019, Departmental Exam of Kanungo passed Certificate of appellant No. 2, promotion order of Habib ur Rehman vide

(2)

(26)

office 139 / EAR dated 01.11.2019 are annexed herewith as Annexure
"A,B,C,D,E,F,G,H,I".

GROUNDS:

- A. That, appellant has not been treated according to law nor been treated equally before the law.
- B. That, appellant is top on seniority list of Patwaris prepared by the Department, even than appellant has not been promoted which act of respondent Department is illegal, unlawful and without lawful authority.
- C. That, Deputy Commissioner, Lakki Marwat has promoted one namely Habib ur Rehman as Kanungo (BPS-11) who is junior most patwaris to the appellant. As such this act of respondent department is against rules, regulation and policy.
- D. That, appellant has 33 year unblemished service record. All the ACR's of appellant are clear and there is no red entry in the ACR's of appellant, which ground is sufficient for promotion of appellant and also appellant has passed patwar departmental exam on 20.03.2019.
- E. That, during 33 years service, the appellant has performed his duties to the best of his abilities and to the entire satisfaction of the Superior Officers. The appellant has performed his duties with honesty throughout which is evident from the fact that there is no red entry in the ACR's of appellant.
- F. That, the reason given for the deferment of appellant is unpassed Department Exam while the appellant has been passed departmental exam of Kanungo for promotion before the DPC and before promotion order of Habib ur Rehman. Which is mis statement and false remarks.

(27)

(27)

G. That, fundamental rights of appellant have been infringed by the respondents whereby appellant is refused to grant promotion to the post of Kanungo (BPS-11) on mere wrong entry by the Departmental Promotion Committee.

H. That, promotion orders of respondent No. 06 is illegal, unlawful and without lawful authority being junior most from appellant.

I. That, minutes of meeting of Departmental Promotion Committee and on the recommendation of DSC the said promotion order dated 01.11.2019 of Mr. Habib ur Rehman is illegal, unlawful and against rules, regulations and policy as such the same be cancelled.

J. That, counsel for appellant seeks leave of this Hon'ble Court to argue further points, having legal bearing, at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant Departmental Appeal, the office order No. 139/EAR dated 01.11.2019 of Deputy Commissioner Lakki Marwat vide which promotion orders of respondent No. 02, superseding the appellant, as Kanungo (BPS-11) has been made, may very graciously be declared as illegal, unlawful, without lawful authority, against advise of SMBR / Assistant Secretary dated 16.10.2019, rules, regulations, as such the same be cancelled. It is further prayed that appellant may kindly be given promotion as Kanungo (BPS-11) from the date on which the respondent No. 02 was promoted i.e. from 01.11.2019. Any other relief which deems fit and proper according to the circumstances of the case may also be granted.

INTERIM RELIEF

Interim Relief to the effect that the impugned promotion order dated 01.11.2019 may very kindly be suspended and further Respondents may kindly be directed to conduct departmental promotion committee immediately and consider the name of appellant in said DPC provisionally and one post of Kanungo

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in District Lakki Marwat may kindly be kept vacant till disposal of instant Departmental Appeal.

Dated: 26.11.2019

Attested

[Handwritten signature]

Reader to

Commissioner
Bannu Division

09/01/2020

[Handwritten signature]

Appellant

Hamidullah Khan presently patwari
halqa Jabu Khel

Through Counsel
[Handwritten signature]
Muhammad Tariq Qureshi
Advocate Supreme Court of Pakistan

K (99)

Before the Commissioner/Appellate Authority Bannu Division

Departmental Appeal No. 07/2019 ----- Service Appeal

Hamid Ullah Jan Patwari Office of the Deputy Commissioner, Lakki Marwat

VS

Deputy Commissioner, Lakki Marwat and Others

ORDER
09/01/2020

Mr. Hameed Ullah Jan Patwari of District Lakki Marwat has preferred presentation/departmental appeal against the impugned order No. 139/EAR, dated 01/11/2019, issued by the Deputy Commissioner, Lakki Marwat whereby, Mr. Habib-ur-Rehman Patwari, the respondent, of the District Lakki Marwat was promoted to the post of Kanungo BPS-11 on regular basis, though he was junior to the appellant as per the seniority list; hence the instant appeal.

Appellant, the respondent and representative of the Deputy Commissioner, Lakki Marwat/respondent department present. Arguments heard and case file perused.

Background of the case is that Departmental Promotion/Selection Committee for promotion of patwari to the posts of Kanungo was held on 24/10/2017 under the chairmanship of Deputy Commissioner Lakki Marwat. The appellant was at serial No. 3 and the respondent was at serial number 6 of the seniority list as stood on 31-12-2016. The appellant was deferred on account of not having passed the mandatory Departmental Kanungo examination while the respondent was deferred due to Suo-Moto initiated by the apex Court in VR Cases. As such, junior Patwaris appearing at 10, 14 and 20 were promoted against the three vacant posts of Kanungos.

Another vacancy of kanungo occurred on 20/03/2019 in the District Lakki Marwat and the appellant stood at S# 1 and the respondent at S#5 of the seniority list as stood on 31-12-2018 and both of them were eligible for promotion. The Deputy Commissioner, Lakki Marwat sought guidance from the Board of Revenue Peshawar vide his letter No. 117/EA Revenue, dated 30/09/2019, placed on file. The Board of Revenue Peshawar vide letter No. Estt:VII/DPC/Lakki Marwat/3286, dated 16/10/2019, advised the Deputy Commissioner, Lakki Marwat to consider the promotion of officials mentioned in Para-2 of the letter under reference for promotion as kanungo on their own turn. Para-2 of the letter of the Deputy Commissioner, Lakki Marwat is reproduced as below:

"On the other hand Mr. Habib-ur-Rehman, Noor Aslam, Farid Ullah and Mamoor Jan Patwairs of this office who were otherwise eligible for promotion but they were deferred by the Departmental Promotion Committee on 24/10/2017 and their juniors were promoted as Kanungos due to their involvement in Voluntary Return to NAB Authorities (Mutation Scam)".

Arguments advanced by the parties and perusal of the record show that at the time of Departmental Promotion / Selection Committee meeting held on 01-11-2019 for promotion to

Attested

Reader to

Commissioner
Bannu Division

09/01/2020

the post of kanungo both the appellant, who had passed the Kanungo Departmental Examination and the respondent in terms of guidance by the Board of Revenue were eligible for promotion. The appellant, being senior to the respondent, was required to have been promoted. The Board of Revenue guidance seems to have been misconstrued by the Deputy Commissioner Lakki. It was advised that the official mentioned in Para-2 of DC Lakki letter be considered for promotion on their own turn. In other words it was advised that the officials who have done VR may be considered for promotion on their turn. It was not advised that the appellant be deferred or dropped.

The impugned order is, therefore, set aside. The Deputy Commissioner, Lakki Marwat/respondent department is directed to consider the promotion of the appellant for the post of kanungo in accordance with law and the relevant applicable rules.

Announced
09/01/2020

[Handwritten Signature]
COMMISSIONER/APPELLATE AUTHORITY,
BANNU DIVISION

A Hester

[Handwritten Signature]

Reader to

Commissioner
Bannu Division

09/01/2020

10 (5) COMMISSIONER

81

5

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE / REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION

Peshawar, dated 23-01-2015

No. 1942/Estt./135/SSRC. 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 read with the Cabinet Division Notification No. SRO. 457(1)/2001 dated 23rd June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:

APPENDIX

1	2	3	4	5	6	7
S.No.	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service. (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of Board of Revenue, offices of Commissioners, Deputy Commissioners and Political Agents having five years service as such.

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12

	2	3	4	5	6	7
1-A	Reader to Senior Member/ Members Board of Revenue	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
1-B	Inspector of Stamps	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
2.	Naib Tehsildar (BPS-14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21 - 30 years For initial recruitment	(a) Fifty percent by initial recruitment through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus; and (b) twenty five percent by promotion on the basis of Seniority - cum - fitness from amongst Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. (c) fifteen percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners Offices in the Division concerned; and (d) Ten percent by promotion on the basis of seniority cum fitness from amongst Junior Clerks as Political Mutarrifs of the offices of Political Agents with atleast ten years service.
3.	District Kanungo (Saddar Kanungo) (BPS 14)	Administrative Secretary (SMBR)				By promotion on the basis of seniority-cum-fitness, from amongst the Kanungo of the concerned District with at least three years service as such
4.	Head Clerk Revenue (BPS - 14)					By transfer from amongst Naib Tehsildar (Deleted) (Post has been abolished)

7 78 33 42

	2	3	4	5	6	7
5.	District Revenue Accountant (BPS 14)	Administrative Secretary, (SMBR)				By promotion, on the basis of seniority-cum-fitness, from amongst the Te. Accountant of the district with at least three years service as such.
6.	Kanungo (BPS - 11)	District Collector				By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungos of the district concerned with three years service as such and who have passed the Departmental examination of Kanungo.
7.	Tehsil Accountant	District Collector				By promotion on the basis seniority-cum-fitness from amongst the Naib Tehsil Accountants having three (03) years service as such.
8.	Patwar (BPS - 09)	District Collector	Intermediate or equivalent qualification, who have passed the Patwar Examination.		18 to 35	By initial appointment from amongst the Patwar passed candidate entered in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
9.	Naib Tehsil Accountant / Naib Tehsil Office Kanungo	District Collector				By transfer from amongst the Patwaris.

Sd/-
SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

13

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34

11

No 1943-SI/Estt/135/SSRE

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. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners/Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

VAKALAT NAMA

NO. _____/20

28

IN THE COURT OF KoP Service Tribunal Peshawar

Habib-ur-Rehman (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Gout of KoP (Respondent)
(Defendant)

I/We, Habib-ur-Rehman

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court 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 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




(CLIENT)


ACCEPTED



Taimur AG Khan
Adv High Court



M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3



Syed Noman Ali Baloch
Advocate High Court

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 334/2020

Habib ur Rehman Ex Kanungo Tehsil Lakki District Lakki Marwat.

..... Appellant

Versus

1. The Commissioner, Bannu Division, Bannu.
2. The Deputy Commissioner Lakki Marwat.
3. Hamidullah Jan S/O Haji Sarwar Jan R/O Shehbaz Azmat Khel Bannu Presently Patwari Halqa Jabu Khel Tehsil & District Lakki Marwat.

..... Respondents

Index

S/No	Description	Annexure	Pages
1.	Joint Para-wise Comments	A	1-2
2.	Affidavit	B	3
3.	Authority	C	4
4.			


Deponents

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 334/2020

Habib ur Rehman Ex Kanungo Tehsil Lakki District Lakki Marwat.

..... Appellant

Versus

1. The Commissioner, Bannu Division, Bannu.
2. The Deputy Commissioner Lakki Marwat.
3. Hamidullah Jan S/O Haji Sarwar Jan R/O Shehbaz Azmat Khel Bannu Presently Patwari Halqa Jabu Khel Tehsil & District Lakki Marwat.


..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED APPELLATE ORDER DATED 09.01.2020 WHEREBY
THE PROMOTION ORDER OF THE APPELLANT IS SET-ASIDE BY THE
RESPONDENT NO.1

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

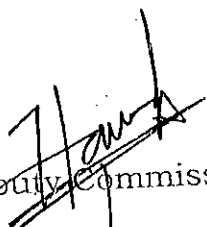
1. The petition is badly time barred.
2. The petitioner has no locus standi to bring the present petition.
3. The petition is not maintainable in the present forum.
4. The petition is bad for mis-joinder and non-joinder of necessary parties.
5. The petitioner is estopped by his own conduct.

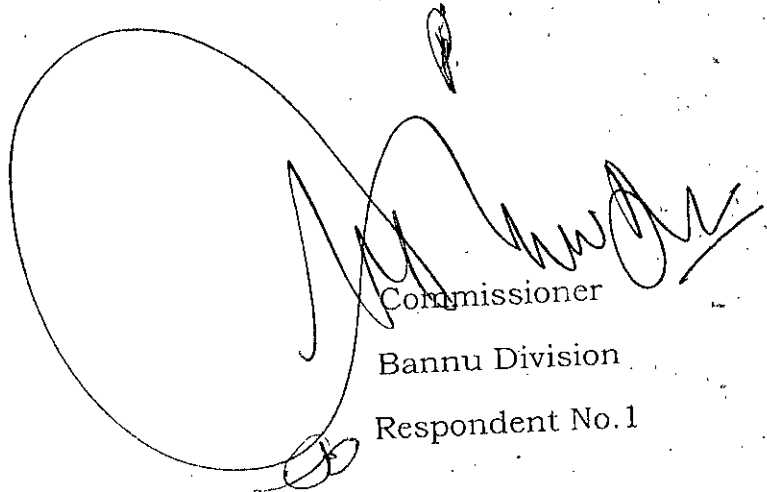
 Joint Parawise Comments on behalf of Respondent No.1 & 2 are submitted as under:-

- Correct.
- 2- Correct.
- 3- Correct.
- 4- Correct.
- 5- Incorrect. The appeal is accepted on merit.
- 6- No comments.

GROUNDS

- A. Incorrect.
- B. Pertains to record/rules.
- C. No comments.
- D. Pertains to the Judgment of Honorable Court.
- E. Incorrect.
- F. Pertains to rules/Court Judgment
- G. Pertains to rules/Court Judgment
- H. Pertains to record.
- I. No comments
- J. No comments.


Deputy Commissioner
Lakki Marwat
Respondent No.2


Commissioner
Bannu Division
Respondent No.1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 334/2020

Habib ur Rehman Ex Kanungo Tehsil Lakki District Lakki Marwat:

..... Appellant

Versus

1. The Commissioner, Bannu Division, Bannu.
2. The Deputy Commissioner Lakki Marwat.
3. Hamidullah Jan S/O Haji Sarwar Jan R/O Shehbaz Azmat Khel Bannu Presently Patwari Halqa Jabu Khel Tehsil & District Lakki Marwat.

..... Respondents

AFFIDAVIT

I, Muhammad Sajjad Litigation Officer Office of the Deputy Commissioner Lakki Marwat do hereby solemnly affirm and declare that all the contents of these parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponents

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 334/2020

Habib ur Rehman Ex Kanungo Tehsil Lakki District Lakki Marwat.
.....Appellant

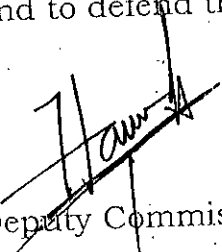
Versus

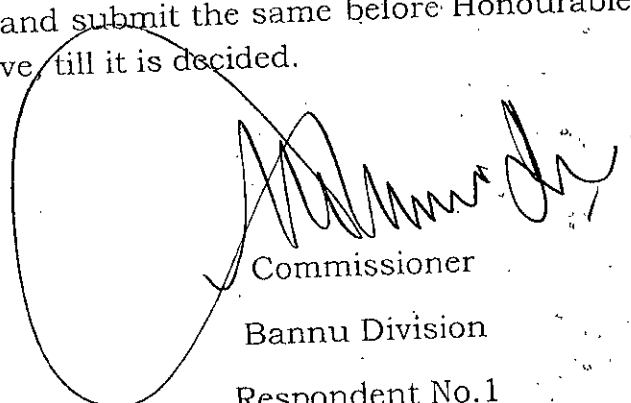
1. The Commissioner, Bannu Division, Bannu.
2. The Deputy Commissioner Lakki Marwat.
3. Hamidullah Jan S/O Haji Sarwar Jan R/O Shehbaz Azmat Khel Bannu Presently Patwari Halqa Jabu Khel Tehsil & District Lakki Marwat.

.....Respondents

AUTHORITY

I Muhammad Sajjad Litigation Officer Office of the Deputy Commissioner, Lakki Marwat is hereby authorized to sign Joint parawise comments from respondents No.1 & 2 and submit the same before Honourable Court and to defend the case titled above, till it is decided.


 Deputy Commissioner
 Lakki Marwat
 Respondent No.2


 Commissioner
 Bannu Division
 Respondent No.1