

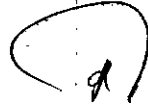
27.04.2023

Appellant present through counsel.

Fazal Shah Mohmand, learned Additional Advocate General for respondents present.

SCANNED
KPST
Peshawar

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 25.05.2023 before D.B. Parcha Peshi given to the parties.




(Rozina Rehman)
Member (J)

Mutazem Shah

1st Nov., 2022.

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 17.11.2022 before the D.B.


(Fareeha Paul)

Member (E)

Clerk of counsel for the appellant present.



(Kalim Arshad Khan)


Chairman

17.11.2022

Naseer Uddin Shah learned Assistant Advocate General Imran Ullah Assistant for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 01.01.2023 for arguments before D.B.



(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

~~Deleted~~

To come up for the same on

27-09-2023



SCANNED
KBT
Peshawar

1-1-2023

10-3-22

Due To Retirement of the Honble
Chairman the Case is adjourned to
come up for the same as before on
27-6-22


of Justice
Redder

27.06.2022

Learned counsel for the appellant present. Mr. Riaz Ahmed
Paindakhel, Assistant Advocate General for official respondents
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
01.08.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

1-8-2022

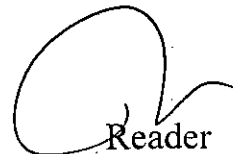
Proper DB not available the case is adjourned
to 1-11-2022

Reader



15.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 09.08.2021 for the same as before.

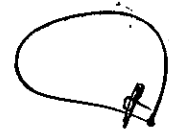

Reader

09.08.2021

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment as his counsel is not in attendance. Request is accorded. To come up for arguments on 06.12.2021 before D.B.



(Rozina Rehman)
Member (J)


Chairman

06.12.2021

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Former seeks adjournment being not prepared for arguments today. Adjourned. Case to come up for arguments on 10.03.2022 before the D.B.


(Salah-ud-Din)
Member (J)


Chairman

24.08.2020

Due to summer vacation case to come up for the same on 28.10.2020 before D.B.


Reader

28.10.2020

Junior to counsel for the appellant and Asstt. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 05.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

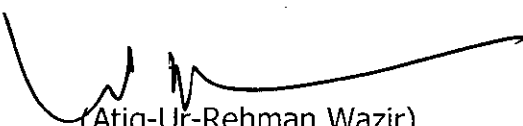
05.01.2021


Junior to counsel for the appellant present.

Riaz Khan Paindakhel Assistant Advocate General for respondents present.

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

Adjourned to 15.04.2021 for arguments before D.B.


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


(Rozina Rehman)
Member (J)

06.02.2020

Appellant in person present. Mr. Riaz Ahmed Paindakhel learned Assistant Advocate General alongwith Mr. Arif Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 10.03.2020 before D.B.


Member


Member

10.03.2020

Learned counsel for the appellant present. Mr. Ziaullah learned Deputy District Attorney alongwith Arif Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 22.04.2020 before D.B.


Member


Member

22.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.


Reader

24.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 24.08.2020 before D.B.


Reader

11.10.2019

Appellant alongwith his counsel and Mr. Usman Ghani, District Attorney alongwith M/S Attaullah, Assistant Secretary and Amir Zaman, D.K for official respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 02.11.2019 for record and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

12.11.2019


Counsel for the appellant present. Asst: AG alongwith Mr. M. Arif, Supdt for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.12.2019 before D.B.



Member


Member

09.12.2019.

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. M. Arif, Supdt for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the Bar. Adjourned. To come up for arguments on 06.02.2020 before D.B.


Member


Member

23.07.2019

Appellant alongwith his counsel and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for official respondents No. 1 to 6 present. Representative of the department is directed to furnish seniority list of Patwar District Peshawar pertaining to the year 2016 alongwith copy of Notification No. 32102/Admn:I/135/SSCR dated 26.12.2008 on the next date positively. Adjourned to 03.09.2019 for record and arguments before D.B.



(HUSSAIN SHAH)
MEMBER



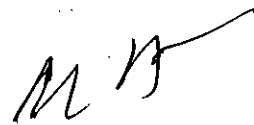
(M. AMIN KHAN KUNDI)
MEMBER

03.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Atta Ullah Assistant Secretary for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.09.2019 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

17.09.2019

Appellant present. Mr. Riaz Khan Paindakheil learned AAG alongwith Muhammad Arif Superintendent (representative of respondents No.1 to 3) present. Notice be issued to respondent No.5 with direction to furnish record as mentioned in the order sheet dated 23.07.2019. Adjourn. To come up for record and arguments on 11.10.2019 before D.B.



Member

Member

09.05.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned to 13.06.2019 for arguments before D.B.


(Muhammad Amin Khan Kundi)
Member

13.06.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith M/S Muhammad Arif, Superintendent and Ameer Zaman, District Kanungo for the respondents.

The case was argued at some length. Learned counsel for the appellant relied on some seniority lists which were firm up on the basis of date of appointment. He further contended that previously according to para 3.6 of the Land Record Manual seniority lists were prepared from the date of enlistment in Patwar Candidates Register. Learned counsel for the appellant further stated that similar nature case was decided by the Hon'ble Peshawar High Court Peshawar. However, he was unable to provide the copy of the judgment referred to above and sought time for production of the same. Learned counsel for the appellant is directed to produce the copies of seniority lists prepared according to para 3.6 of the Land Record Manual referred to above, as well as copy of judgment of Peshawar High Court Peshawar referred to above. In the meanwhile respondents are directed to intimate whether judgment of the Peshawar High Court Peshawar referred to above was implemented or assailed through appeal before the august Supreme Court of Pakistan? Adjourned to 23.07.2019 for record and further arguments before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

764/2018


12.03.2019


Appellant in person and Mr. Ziaullah, DDA alongwith M/S Muhammad Arif, Superintendent for the respondents present.

The appellant states that a meeting of DPC is in the process and the order of maintenance of status quo passed on 04.10.2018 and extended from time to time may become a hurdle in the commencement of proceeding of DPC. He, therefore, requests for recall of the order. The request is allowed and order of maintenance of status quo is vacated hereby.

On 13.02.2019 notices were required to be issued to private respondents. The record shows that the requisite notices had been prepared but not sent. Private respondents No. 7 to 14 shall therefore, be issued fresh notices for the date fixed.

To come up for arguments before D.B on 25.04.2019.


Member


Chairman

25.04.2019

Appellant alongwith his counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Arif, Superintendent for the official respondents present. Vide order sheet dated 12.03.2019 notices were issued to private respondents No. 7 to 14 through Deputy Commissioner but none is present on behalf of private respondents No. 7 to 14, hence respondents No. 7 to 14 are proceeded ex-parte. Adjourned to 09.05.2019 for arguments before D.B.



(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

13.02.2019

Counsel for the appellant and Addl. AG alongwith Javed Khan, Assistant for respondents No. 1, 2 & 3 and Amir Zaman D.K for respondents No. 4 & 5 present. Notices sent to private respondents through Deputy Commissioner office have been returned un-served.

Representative of respondents No. 4 & 5 is directed to furnish the particulars of present posting of respondents No. 7 to 13 within 10 days where-after notices be issued to the said respondents for 12.03.2019 before the D.B.



Member



Chairman

Service Appeal No. 764/2018

24.12.2018

Clerk of counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Arif, Superintendent for official respondents No. 1 to 6 present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'be Peshawar High Court. Adjourned. To come up for arguments on 04.01.2019 before D.B.



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

04.1.2019

Appellant in person and Addl. AG alongwith Muhammad Arif Superintendent for the official respondents present. No one is present on behalf of private respondents No. 7 to 14.

Let fresh notices be issued to them through the office of Deputy Commissioner, Peshawar. Adjourned to 13.02.2019 for arguments before the D.B.


Member



Chairman

26.11.2018

Counsel for the appellant, Addl. AG alongwith Javed, Assistant for official respondents and Amin Ayub, Advocate for added respondents present.

The learned AAG states that the reply is under process before the respondents which will positively be submitted in the next week.

Adjourned to 06.12.2018. The private respondents including the added respondents may also furnish reply, if so advised, on the next date of hearing. The matter of maintenance of status quo shall also be argued on the next date.


Chairman

06.12.2018


Counsel for the appellant, Addl. AG alongwith Amir Zaman, D.K and Muhammad Arif, Superintendent for the official respondents and counsel for private respondent No. 14 present.

Written reply/comments has been submitted which are placed on record. The appellant may submit rejoinder to the comments within fortnight, if so advised.

Learned counsel for private respondent No. 14 states at the bar that the order dated 04.10.2018, requiring maintenance of status-quo, is adversely affecting the said respondent as admittedly he is senior to the appellant. The said order of status-quo, therefore, may be vacated to the extent of respondent No. 14.

Learned counsel for the appellant, on the other hand, frankly conceded that the appellant had no grudge against the persons senior to him, therefore, the order dated 04.10.2018 may be declared ineffective against all those who are senior to the appellant in seniority list dated 31.12.2013.

Order accordingly. Adjourned for arguments before D.B on 24.12.2018.


Chairman

Appeal No. 764/2018
Ihsanul Haq vs S.M.B.R

7. 25-10-18

Due to retirement of honorable
Chairman, the Tribunal is non-
functional. Therefore the case is
adjourned. To come up for the
same on 20-11-2018.

Final
Reader

8. 20.11.2018

Appellant Ihsan-Ul-Haq alongwith his counsel
Irshad Farid, Advocate present. Mr. Kabirullah Khattak,
Additional AG alongwith Mr. Javed Khan, Senior Clerk
and Mr. Imran Khan on behalf of official respondents No.
1 to 6 present. Private respondents No. 7 to 13 are not
present therefore, fresh notice be issued to them. Mr.
Khalid Rehman, Advocate submitted application for
impleadment of applicant Mian Saddiq Ali Shah as
respondents and other application ^{for vacation} from the taking of status-
quo order. Both the applications are placed on record.
Learned counsel for the appellant Muhammad Irshad Farid
expressed no objection on ^{acceptance of} application for impleadment of
applicant Mian Saddiq Ali Shah therefore, the said
application is accepted and the Muharrar of this Service
Tribunal is directed to enter the name of the applicant Mian
Saddiq Ali Shah in the panel of respondents. To come up
for attendance of private respondents, written reply on
main appeal as well as reply of suspension application and
arguments on the said application on 26.11.2018 before
S.B.

MA
Muhammad Amin Khan Kundi
Member

5 - 09.08.2018

Neither the appellant nor his counsel present. Case to come up for further proceedings on 04.10.2018 before S.B.


Chairman


6
04.10.2018

SCANNED
KF3T
Peshawar

Counsel for the appellant Ihsan-ul-Haq present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was placed at serial No. 48 of the tentative seniority list of Patwaris of District Peshawar pertaining to the year 2012-13 while the private respondents have been shown junior to him in the said seniority list. It was further contended that when the final seniority list pertaining to the year 2017 was prepared, the appellant was malafidely placed junior to the private respondents. It was further contended that the appellant preferred departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the appellant was malafidely shown junior to the private respondents therefore, the impugned final seniority list pertaining to the year 2017 is illegal and liable to be rectified.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 25.10.2018 before S.B. Learned counsel for the appellant also submitted application for temporary injunction. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till the date fixed.




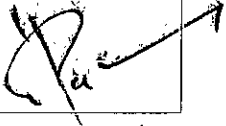
Appellant Deposited
Security Process Fee


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 764/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31/05/2018	<p>The appeal of Mr. Ihsanul Haq resubmitted today by Mr. Javed Iqbal Gulbella 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 31/5/18</p> <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/6/2018</u></p> <p style="text-align: center;"> CHAIRMAN</p>
2		
3	13.06.2018	<p>Jamrud Khan Agent to counsel for the appellant present and requested for adjournment as learned counsel for the appellant is not in attendance. Granted. To come up for preliminary hearing on 19.07.2018 before S.B.</p> <p style="text-align: center;"> Chairman</p>
4	19.07.2018	<p>Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing on 09.08.2018 before S.B</p> <p style="text-align: right;"></p> <p style="text-align: right;">Member</p>

Member

The appeal of Mr. Ihsanul Haq Patwari District Peshawar received today i.e. on 24.05.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 6 to 13 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- In the memo of appeal many places have been left blank which may be filled up.
- 3- Page no. 61 of the appeal is illegible which may be replaced by legible/better one.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1083 /S.T,

Dt. 28/5 /2018.

Anatillh
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbella Adv. Pesh.

*expated in,
Resubmitted after necessary
completion.*
[Signature]
30/5/18

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

In Re S.A 764 /2018

Mr. Ihsan ul Haq
VERSUS
Govt. of Khyber Pakhtunkhwa and others

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Dated: 18/05/2018

Appellant

Through


Javed Iqbal Gulbela

Saghir Iqbal Gulbela

Muhammad Akbar khan

&

Irshad Fareed.

*Advocates High Court
Peshawar.*

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Ihsan-Ul-Haq, Patwari, District Peshawar.

-----(*Appellant*)

Versus

1. Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue.
2. Board of Revenue Through Senior Member Board of revenue.
3. Secretary Board of Revenue.
4. Commissioner Peshawar Division, Peshawar.
5. Deputy Commissioner Peshawar.
6. Assistant Commissioner Peshawar.
7. Mian Noor Ul Haq Patwari Peshawar.
8. Fazal Rabbi Patwari Peshawar.
9. Gul Zar Ahmad Patwari Peshawar.
10. Riaz Khan Patwari Peshawar.
11. Sallah Ud Din Patwari Peshawar.
12. Qaiser Ud Din Patwari Peshawar.
13. Mir Zaman Shah Patwari Peshawar.

-----(*Respondents*).

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT-1974 AGAINST THE
IMPUGNED PLACEMENT OF THE APPELLANT IN
THE FINAL SENIORITY LIST WHEREBY THE
APPELLANT HAS BEEN KEPT DEPRIVED OF HIS
DUE SENIORITY AND FURTHER PROMOTIONS**

Respectfully Sheweth;

1. That the appellant joined the Revenue Department Peshawar as Patwari Halqa in the year 2000, after going through the mandatorily required

②

mechanism of training etc and since then is performing his duties in the same capacity.

2. That infact the recruitment procedure is provided in he manual of the land record, whereby those who aspires for becoming patwaries are supposed to move application and those are placed serial wise. Thereafter the candidates are sent for training as per seniority list, kept for that purpose on getting training, the candidates are given their respective Serial number in the register Patwarian.
3. That now whenever the post is vacant, the recruitment is made from that Patwari Register, as per its given and certain Seniority. Now anyone who is Senior in the register Patwarian is given the same Seniority, even after getting inducted as Patwaris at the same sequence and seniority positions is kept intact for further promotions to higher grades/posts.

4. That the appellant was placed ahead of the private Respondents in the register Patwarian although got appointed on 17/05/2000. **(Copies of register Patwarian is annexed herewith as annexure "A")**.
5. That a seniority list was issued on 31/12/2013 wherein the correct and actual seniority was reproduced and the appellant was placed at serial# 48 while the private Respondents were placed at their respective positions i.e. serial # 49, 50, 52, 53, 54, 57, & 59. **(Copy of the seniority list dated 31/12/2013 is annexed herewith as annexure "B")**.
6. That besides the above when the minutes of the Departmental promotion committee issued the minutes with respect to its meeting dated 19/02/2016, the same seniority was circulated therein which further strengthened the stance of the appellant that the inter-se seniority of the Patwaris are to be determined strictly as per register Patwaryan/Register Patwari Pass Persons.

(Copy of the minutes of DPC dated 19/02/2016 is annexed herewith as annexure "C")

7. That this was the backdrop when the impugned alleged Final Seniority list dated 30/09/2017 was issued wherein the juniors of the appellant were placed at serial # 18, 20, 21, 23, 25, & 26 while the Petitioner was placed at serial # 28. (Copy of the impugned alleged Final Seniority list dated 30/09/2017 is annexed herewith as annexure "D")
8. That feeling aggrieved the appellant preferred departmental appeal but inspite of lapse of statutory period no findings were made upon the same and thus was simply shelved. (Copy of Departmental appeal is annexed herewith as annexure "E")
9. That feeling aggrieved the appellant moves the instant appeal for his due placement in the seniority list, upon the following ground inter-alia:-

Grounds:

- A. That the deprival of the appellant of his due rights is wrong, illegal, void, unwarranted & ineffective upon the rights of the appellant.
- B. That it is the established law on the subject that the candidates for the Parwari posts keep and maintain their inter-se seniority as per their seniority attributed and assigned to them in the register Patwarian and the same is kept intact till their retirement from service.
- C. That the same cherished principle has been jealously and vigorously pursued and followed by the department since the inception of the revenue department and till now all the seniority of the Patwaris and their promotions are strictly followed, but now the Respondent department instead of following the rules and regulations, adhered to their own caprices and whims by adopting the policy of pick and choose and thus

the appellant were deprived of his due seniority which under the law is not allowed.

D. That this way the appellant has been made subject to repeated stripping off of his due rights in further and further promotions.

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

It is, therefore, most humbly prayed that on acceptance of the instant Appeal the impugned Final Seniority list dated 30/09/2017 may graciously be modified and rectified by placing the name of the appellant at serial # 22 instead of 28 and ahead of private Respondent No.....

It is further prayed that the appellant be given his due seniority position in the seniority list and in case any promotion took place, the appellant be promoted as well with all back benefits and in case any junior is promoted, by leaving the appellant, then the same promotions would be void and to be declared as illegal.


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

Dated: 18/05/2018

 Appellant

Through


Javed Iqbal Gulbela


Saghir Iqbal Gulbela

Muhammad Akbar khan

&

Irshad Fareed.

Advocates High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Mr. Ihsan ul Haq

VERSUS

Govt. of Khyber Pakhtunkhwa and others

AFFIDAVIT

I Ihsan-Ul-Haq, Patwari, District Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Ihsan ul Haq
DEPONENT

Identified By: *[Signature]*

Javed Iqbal Gulbela
Advocate High Court
Peshawar.



(9)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re.CM _____/2018

In Re S.A _____/2018

Mr. Ihsan ul Haq

VERSUS

Govt. of Khyber Pakhtunkhwa and others

APPLICATION FOR TEMPORARY INJUNCTION

RESPECTFULLY SHEWETH,

1. That the petitioner/Plaintiff is filing the accompanying Appeal, the contents of which may graciously be considered as integral part of the instant petition.
2. That the Petitioner has got a good prima facie case and is pertinently sanguine of its success.
3. That if the instant petition is not allowed, the Petitioner shall suffer irreparable loss.

It is, therefore most humbly prayed that on acceptance of the instant petition, the Respondent department be restrained from carrying any impugned promotion process or making any promotion to the post of Qanungoes till the final disposal of the accompanying service appeal. .

Dated: 08/02/2018

Petitioner/Appellant *JIV*

Through

JIV
~~Javed Iqbal Gulbela~~

Saghir Iqbal Gulbela

Muhammad Akbar khan

&

Irshad Fareed.

Advocates High Court
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Mr. Ihsan ul Haq

VERSUS

Govt. of Khyber Pakhtunkhwa and others

AFFIDAVIT

I Ihsan-Ul-Haq, Patwari, District Peshawar, do hereby solemnly affirm and declare that all the contents of the Condonation of delay are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Ihsan ul Haq
DEPONENT

Identified By *Javed Iqbal Gulbela*

Javed Iqbal Gulbela
Advocate High Court
Peshawar



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Mr. Ihsan ul Haq

VERSUS

Govt. of Khyber Pakhtunkhwa and others

ADDRESSES OF PARTIES

APPELLANT.

Ihsan Ullah Haq, Patwari, District Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue.
2. Board of Revenue Through Senior Member Board of revenue.
3. Secretary Board of Revenue.
4. Commissioner Peshawar Division, Peshawar.
5. Deputy Commissioner Peshawar.
6. Assistant Commissioner Peshawar.
7. Mian Noor Ul Haq Patwari Peshawar.

Dated: 18/05/2018

Through


Appellant

Javed Iqbal Gulbela

Saghir Iqbal Gulbela

Muhammad Akbar khan


&

Irshad Fareed.

Advocates High Court
Peshawar.

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
(63) 10	اظہار احمد ولد محمد منیر قوم افغان سکنہ مارچور لیشن کالونی دلہ ڈاک روڈ پشاور	13 ⁴ / ₁₉₇₀	ایف اے	1998 نینگورہ سوات	مورخہ 3/6 کوہیلم 89 طیپ کوشن صاحب درج رکڑ ہوا	پ. پی. اے میں تعینات سوگیا 1735-38 D.K مورخہ 10/98 ریٹائرڈ لفٹننٹ D.K آمن تعینات سوگیا مورخہ کوہا پرو آفس آرڈر 478-85 D.K مورخہ 9/99 پرنسپل کیا گیا

ATTESTED

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 07/5/08

(13)

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(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

15

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
	تلاوت الرحمان ولد مہاراجان انصاری سکس ماشوخیل تحصیل پشاور	1/6/1977	ایف اے	1990 پشاور	ولیم A.D.C. 3/3/90 انصاری	پشاور آرڈر 1640-48 D-12 A.C. 28 بجٹ - 94 چارج لیا پشاور آرڈر 2084-87 D-12 31 حلقہ بفری پشاور آرڈر 100-9/1/2018

بیتناٹ نوکر چارج موہ
کوہا

برو آفس آرڈر 189-96/5PK
18 2/99
کوٹھریٹھ لیا لیا

برو آفس آرڈر
احمد خیل پیر بیتناٹ نوکر
چارج موہ کوہا

برو آفس آرڈر
بجلی پیر بیتناٹ نوکر چارج
موہ کوہا

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COP/AGENT
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07/5/018

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(APPENDIX G - (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Reshawa DISTRICT

Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
12	سیر رحمان شاہ ولد سیر شاہ قہر مینان کنڈا اچھی بالا	1/1/1901	سہ ماہی	1970 مینگورہ سوات	A.P.C. مینان 6/3/89 اشراج سوات	8/10/97 ف سیر رحمان شاہ کوٹھالی سوات آئی آر ڈی 128-94 10.12 18/2/99

حکومت پاکستان
وزارت داخلہ و امور خارجہ

07/5/018

(65)

جلیل الرحمان و لا عقل یسألہ
سکندہ ہزار خواتین
تحصیل و ضلع لہور

01/02
1971

B.A

۱۹۹۰
مقام مینٹورہ

ATTESTED
CHIEF AGENT
TEHSIL PESHAWAR
07/5/018

صرف 23 کو
2001

محکم جناب ح. د. صاحب
نام خانوادہ گیلانی۔

دوبارہ اندراج نامہ بموجب
اپیل لعدالت جناب مکتبہ
دعویٰ آمدہ از دفتر جناب
مکتبہ صاحب مکتبہ

4777/Rev/Hve

صرف 01/6/2001

اپیل کیس نمبر 233/
2001

فیصلہ صرف 26/5/
2001 جناب

مکتبہ صاحب سابقہ دفتر
پر بحال کیا گیا۔

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
15	مکمل شاہ ولد صہروف شاہ قوم افغان سکند ماشوگلہ تحصیل پشاور	2 1970	پٹر	1990 مینگورہ سوات	قلم P.D.C صاحب 8/8 نور پور اردراج 13	درجہ اول 3/4 98 ول کنال موکر جارج کو حاصل کیا 1198-1204 رکن اردراج D.K 8 1998 ہوئے تینا 2 موکر جارج کو کیا 188-96 رکن آدرج D.K 14 مہر مینڈ کو کیا

سرگرم آفس آرڈر
مورخہ حلقہ پرتھووات
سوکر چارج مورخہ

موصوبہ علی گبری
5319/Reu/HVC
مورخہ 28/6/2001
ضلعہ ایسٹ
2361/P/2001
مورخہ 23/6/2001
اندر ایلٹ صاحب
مکتبہ شورشور
دوبارہ اندراج نام
کا حکم دیا گیا

حکم A.D.C.
08/05/1989
حکم D.C.P.
مورخہ 23/3/2001
افراج نام کیا
گیا

1990
مقام صیغہ فنی
اصنی نام
2000

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TENSEL PESHAWAR
07/5/018

صیغہ

5/09
1967

الہم اللہ علیہ وسلم
سیدنا شولہ
شیر

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(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
14	میاں صدیق علی شاہ ولد عنایت اللہ شاہ قسم افغان سکنہ ماشوخیل تحصیل پشاور	7/11/1968	سیکرٹری	پشاور 1008	A.D.C. 27/12/89 P.O. تحصیل پشاور ذبح درویشوا	حاصل کیا اس آڈیٹ کی بنا پر ریش تینام پورہ کو چارج کیا اس آڈیٹ 1409-15 A.D.C. 12/93 ج سوج کو

پرو آئی آر ڈی
حلقہ مالہ پربت قینات
سوکر مورخہ کوچارج

پرو آئی آر ڈی
حلقہ ٹوڈیہ بالا پربت قینات سوکر
مورخہ کوچارج

پرو آئی آر ڈی ۱۱۸۱-۸۴۱
D.K
مورخہ ۱۶/۹/۸۸ معطل مرشد

پرو آئی آر ڈی ۱۱۲۱-۲۶
D.K
مورخہ ۱۶/۹/۸۸ کو بحال سوکر
چارج تمکال بالا مورخہ
کوڈ

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TELETYPE UNIT
07/5/08

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(APPENDIX G- (FORMS)

FORM P-1, (Paragraph 3.6)

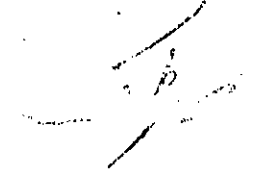
LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
15	سید قاسم حسین ولد سید اکبر حسین قوم افغان سکند دیو بھادر تحصیل پشاور	4 ³ / ₁₉₇₂	ایف اے	کوہاٹ 1994	A.D.C 8 ⁸ / ₈₇	بروز پشاور 25 ⁴ / ₉₆ کوہاٹ نصیبات سولر چارج کو حاصل کیا وجہ چھٹی ایمرت مدہ از ڈسٹرکٹ کونسل ارغ کیا گیا۔

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Reshawa DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
27	فردا سرار ولد عبدالجبار قوم افغان سکنہ دیو بھادر تھیل پشاور	15 ⁴ / ₁₉₆₈	 07/5/018	پشاور 1989	A.D.C 08/08/00	28/4/2000 بمقام سیکریٹری جی او ایف پشاور

(APPENDIX G- (FORMS)

FORM P-1, (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
17	احسان الحق ولد نور الحق محمد افغان سکنہ دانش آباد یکڑو ٹوڈاٹی کپتار	15 ³ / ₁₉₇₁	ایف اے بی۔ اے	پنجیہ 1988 07/5/08 1310-11 L-R-I/20-DEK	محمد اظہار رہبر 49 95 سوا	بڑا لاٹیشن بابٹ اسان خان ٹوڈاٹی نور الحق 28 لو کلمہ 2000

داؤد خان ولد اجمل خان
سکنہ دیکھ بھادر
تفصیل و منسلح لٹا اور

12 $\frac{4}{1968}$

B.A

مقام مستونگ
بھوجتاک 2000
میں پاس کیا ہے۔

ATTESTED
COPY
TEHSIL PESHAWAR
07/5/018

وزیر $\frac{3}{2001}$ کو
فارغ کیا گیا۔

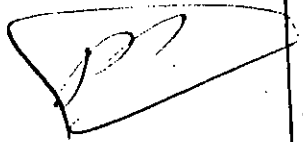
بروٹے فیصلہ اپیل نمبری
237/P/2001 وزیر
26 $\frac{5}{2001}$ و ججی انٹرنری
آمدہ از دفتر شتر
صاحب نمبری

4843/Rev: Hvc
وزیر $\frac{6}{2001}$ کو
البتہ صرف پر دوبارہ
الدرائج نام کیا گیا۔

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
18	محمد امجد الدین ولد نور اللہ خان قوم افغان سکنہ شاہی پائین تحصیل پشاور	27/7/1970	بی. اے  07/5/018	گنڈوڑہ سوات 1990	A.O.C حکم 39/89 اندرراج سوات	28/9/2000 بیان لیناٹ سوات اور کوایا

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
70 19	فناں بیگم منگلام ربانی سکھ چغزئی تحصیل پشاور	10 ³ 1968	سیکرٹری	پشاور 28-4-1990	A.D.C. حکیم اندرج ہوا	2000 کوئی

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
20	محمد یونس خان نور اللہ خان قوم افغان سکس تامفی خیلان تمیل پشاور	3 ⁴ / ₁₉₆₉	میٹر	پشاور	A.D.C انوراج پورا	28-4-2000 پشاور

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
21	غفرمان ولد ولد سردار قوم افغان سکنہ پشاور پابان قبیل پشاور	15/1/1958	ایف اے 07/5/018	میں پورہ سوات 1990	A.D.C اندراج سوا	بلدیہ پشاور خارج سوات

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
22	گلزار احمد ولد ایوب خان قوم افغان سکس ماشوخیل قبیل پشاور	15 th 1967	میٹرک	کوہاٹ	A.D.C کوہاٹ 28 2000	بزرگوار 28 2000 بزرگوار کوہاٹ بزرگوار

(APPENDIX G- (FORMS)

FORM P-1, (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
24	جمال خان دادا کا لانا قوم افغان مسکن خزانہ پیمان تمیل پشاور	12/4/1971	ایف اے	کوہاٹ 1993	A.D.C صاحب کو درج سوا	مورخہ 28/4/2000 شہادہ عمل لینا مرچاج مورخہ

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWARI PASS PERSONS OF SUB-DIVISION *Peshawar* DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
25	اصف خان پشاور قوم افغان نخترانہ پابان تھیل پشاور	30/6/1970	بی. اے.	کوٹھاک 1999	<i>[Signature]</i> مورخہ اندرج ہوا	28/4/2000 ری مانہر

07/5/018

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
26	رفیق ہزارہ اسلم خان قوم افغان سکند ماشوخیل تحصیل پشاور	15/4/1972	ایف اے P.D. 07/5/012	کوٹھادی	محمد جمیل 28/4/2005 وزیر اورراج سوا	درجہ اول 28/4/2005 وزیر اورراج سوا

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT.

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
27	منظور عالم دادا قوم افغان سکنہ چار دیوڑی تھیل پشاور	1/1974	ایف اے P.T. 07/5/10	نور محمد 1995	A.D.C. صاحب وزیراعلیٰ	

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
28	ذریعہ خان ولد روشن خان قوم افغان سکند ماٹوخیل تھیل پشاور	25 ¹² / ₁₉₇₂	ایف اے	کوئٹہ	مورثہ انوراج سوا	مورثہ 4 2000 شان مارا کوئٹہ کوئٹہ حامل رہا

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION Peshawar DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
29	صہاب الدین صاحب میان شمس القبر قوم افغان ساکن دیوبند فقیر تھیل پشاور	12 ³ / ₁₉₇₂	این ۲۱	۱۹۹۳ کراچی	AD.C ۲۸/۴/۲۰۰۰	۲۸/۴/۲۰۰۰ کراچی

(APPENDIX G- (FORMS)

FORM P-1. (Paragraph 3.6)

LIST OF PATWAR PASS PERSONS OF SUB-DIVISION *Pestun* DISTRICT

1	2	3	4	5	6	7
Serial No. of Entry	Name, Father's Name Caste & Resident	Date of Birth	Educational Qualification	Date and Place of Passing the Patwar Examination	Signature of officer Directing only to be made with date	Remarks
30	ڈاڑہ تحصیل برہان عبدالمرشد قاسم افغان مسکنہ خزانہ پایان تحصیل پشاور	15 ³ 1973	ایف اے ۱۱۱ 07/5/78	۱۱۱۰ کوہاٹ	۱۱۱۰ کوہاٹ ۱۱۱۰ کوہاٹ	

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(40)

PROVISIONAL SENIORITY LIST OF PATWRIS OF DISTRICT PESHAWAR AS ON 31-12-2013

S.NO	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
1	Muhammad Usman	Muhammad Ibrahim	27-8-1956	17-1-1981	5-2-1986	✓
2	Syed Basharat ul Shah	Sulhawal ul Shah	1-10-1956	13-10-1980	5-2-1986	✓
3	Muhammad Mushtaq	Abdul karam	20-4-1957	19-3-1981	20-4-1987	✓
4	Abdul warab	Hamid Gul	20-4-1957	26-7-1981	4-5-1991	✓
5	Muhammad Javed	Muhammad Ayub	10-3-1957	17-3-1986	4-5-1991	✓
6	Syed Mushtaq Shah	Akram Shah	10-10-1956	21-9-1983	25-10-1993	✓
7	Muhammad Bashir	Muhammad Zainab	4-6-1956	10-5-1986	25-10-1993	✓
8	Amal Ahmad	Amal Ahmad	1-1-1958	11-12-1987	25-10-1993	✓
9	Abdul Rah	Tahmash Khan	1-1-1958	23-11-1986	25-10-1993	✓
10	Fazal mahdaj	Fazal Rehman	3-5-1956	3-3-1983	25-10-1993	✓
11	Muhammad Khan	Khalid Khan	11-4-1955	17-3-1981	25-10-1993	✓
12	Noor ul qamar	Faqir Muhammad	20-9-1959	1-7-1987	25-10-1993	✓
13	Shukal ul	Ibrahim Khan	15-1-1956	11-3-1984	25-10-1993	X
14	Faqir Hussain	Abdul Haq	19-2-1955	20-7-1985	13-2-1996	X
15	Saddiq Akbar	Abdul Akbar	20-4-1963	10-11-1987	13-2-1996	✓
16	Haz Ahmad	Abdullah Khan	15-6-1963	24-11-1986	13-2-1996	X
17	Haz Ahmad	Sakhi Sarwar	5-11-1963	7-1-1990	13-2-1996	X
18	Payu Gul	Shamsur Rahman	29-10-1956	22-1-1990	13-2-1996	X
19	Muhammad Ali	Abdul Malik	19-9-1956	1-4-1990	13-2-1996	✓
20	Haz. Muhammad	Muhammad Yousof	1-3-1966	8-8-1988	13-2-1996	✓
21	Shahid Gul	Gul Rehman	20-12-1955	23-1-1987	9-8-1999	✓
22	Muhammad Salahuddin	Hidayat Ullah	15-1-1962	1-1-1990	9-8-1999	✓
23	Haji Muhammad	Malik Manawar Khan	1-5-1967	1-9-1990	9-8-1999	✓
24	Muhammad Haseen	Spleen Khan	1-12-1971	5-4-1990	9-8-1999	✓
25	Muhammad Quresh	Ashraf Nurul	12-3-1957	1-9-1990	9-8-1999	✓
26	Saeed Ahmad	Fazir Muhammad	19-3-1970	30-5-1991	9-8-1999	✓
27	Muhammad Arshad	Noor Khan	1-1-1968	1-9-1990	9-8-1999	✓
28	Nasir Khan	Manadul	14-9-1969	12-4-1992	9-8-1999	✓
29	Muhammad Shabbir	Haji Habib ul Rehman	1-1-1968	10-10-1993	9-8-1999	✓
30	Ajay Khan	Abul Khan	15-1-1969	9-1-1995	9-8-1999	✓
31	Muhammad Javed	Muhammad Aram	4-2-1970	23-8-1993	9-8-1999	✓
32	Zareya Khan	Astam Khan	1-9-1966	10-1-1995		✓
33	Muhammad Aslam	Muhammad Yousof	25-4-1970	8-1-1995		✓
34	Fazal Javed Gul	Fazir Gul	5-3-1973	27-2-1997		✓

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Sl. No.	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
36	Mohd Khan	Nasir Khan	1-1-1973	24-10-1992		
37	Muhammad Iqbal	Abdur Fouf	8-1-1966	10-10-1991		
38	Muhammad Saad	Muhammad Muhammad	20-4-1971	1-11-1990		Dismissed
39	Iqbal Ahmad	Muhammad Munir				
40	Tilawat Ur Rehman	Fazil Rehman	1-6-1971	17-5-2000		
41	Mir Rehman Shah	Mir Shah	1-4-1967	17-5-2000		
42	Jalil ur Rehman	Fazil Subshan	1-2-1971	20-6-2001		
43	Muqami Shah	Muqool Shah	2-2-1970	2-5-2000		Suspended
44	Iqbal Ullah	Habib ur Rehman	5-9-1967	14-7-2001		
45	Mian Saddiq Ali Shah	Inayat Ullah Shah	11-7-1968	27-12-1989		
46	Syed Tajamul Hussain	Syed Akbar Hussain	1-3-1972	17-5-2000		Suspended
47	Muhammad Israr	Abdul Jabbar	15-4-1968	15-5-2000		
48	Insan Ul Haq	Nasir Ullah	1-3-1971	17-5-2000		
49	Salah Ullah	Nasrullah	27-9-1970	12-5-2000		
50	Fazil Rabi	Ghulam Rabbani	10-3-1968	6-5-2000		
51	Mir Zaman	Nasrullah Khan	3-4-1969	19-5-2000		
52	Fairman Ak	Abdul Wali	15-6-1968	17-5-2000		
53	Gulzar Ahmad	Ayub Khan	15-1-1967	11-5-2000		
54	Qasir Ud Din	Abdul Hakeem	15-3-1969	15-5-2000		
55	Wajid Khan	Zakarya Khan	12-4-1971	17-5-2000		
56	Aghar Khan	Musam Khan	30-6-1970	10-5-2000		
57	Rag Khan	Aslam Khan	15-4-1972	1-5-2000		
58	Zarshad Khan	Hoshan Khan	25-12-1972	26-5-2000		
59	Mian Noor Ul Haq	Mian Shams Ul Qamar	12-3-1972	10-5-2000		
60	Sajid Muhammad	Wah Muhammad	2-2-1967	18-3-1986		Posted in this office vide high court order
61	Tariq Hussain	Abdur Rashid	15-3-1973	20-6-2001		
62	Muhammad Abid	Abdul Munad	13-4-1973	20-6-2001		
63	Tilawat Khan	Salikhin	20-12-1972	23-7-2001		
64	Ibrahim Shan	Ibrahim Shah	7-3-1973	16-2-2009		
65	Gohar Ali	Syed Shareef	15-4-1969	9-8-2006		
66	Muhammad Iqbal	Nasir Shah	1-1-1974	14-6-2011		
67	Muhammad Shahid	Muhammad Yousof	15-8-1975	16-9-2005		
68	Muhammad Younas	Muhammad Yousof	8-8-1971	15-9-2009		
69	Mir Ali	Zareen Khan	12-3-1973	16-9-2005		
70	Sher Wali	Zafar Khan	9-4-1970	9-8-2006		
71	Naveed Ahmad	Fazil Muhammad	19-12-1972	15-9-2005		

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Dismissed

Suspended

Suspended

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Posted in this office vide high court order

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	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
72	Anwer Zeb	Payenda Khan	15-3-1972	16-9-2005		
73	Siradar Khan	Janas Ullah Khan	3-2-1971	16-9-2005		
74	Muhammad Sadiq	Abdullah Nadeem	11-1-1974	16-9-2005		
75	Abdullah	Muhammad Ishaq	12-3-1973	12-8-2006		
76	Noor Mustan	Shamsheer Khan	8-12-1974	16-9-2005		
77	Muhammad Haroon	Abdul Wahab	18-2-1974	14-6-2011		
78	Muhammad Iqbal	Haji Khansher	14-10-1974	16-8-2006		
79	Amyd Anam	Rasheem Baksh	15-3-1973	12-8-2006		
80	Zam Ul Akhbar	Banas Khan	1-4-1975	1-9-2005		
81	Alam Zeb	Aurangzeb	7-4-1972	16-9-2005		
82	Inam Ullah	Awal Khan	20-4-1975	12-8-2006		
83	Muhammad Anwar	Asad Ullah	7-8-1971	14-6-2011		
84	Aurang Zeb	Payenda Khan	27-3-1971	12-8-2006		
85	Alian Inam Ullah	Mansoor Khattak	17-12-1972	14-6-2011		
86	Masood Khan	Ghulam Sarwar	15-3-1968	19-11-1989		
87	Syed Alamgir Shah	Syed Jehangir Shah	20-2-1975	12-8-2006		
88	Mansoor Khan	Noor Rehman	6-9-1970	12-7-2011		
89	Muhammad Amir	Abdul Wahab	21-12-1976	18-1-2010		
90	Saqat Ullah	Muhammad Pervait	12-8-1989	18-1-2010		
91	Iqbal Khan	Abdul Satar	12-3-1975	18-1-2010		
92	Alam Zeb Khan	Farid Ullah	7-3-1980	18-1-2010		
93	Ishfaq Anwar	Dost Muhammad	20-8-1980	3-9-2009		
94	Muhammad Zareef	Haji Muhammad Shariq	21-4-1978	18-1-2010		
95	Falag Naz	Niamat Ullah	1-10-1976	19-2-1998		
96	Sajjad	Sul Jan	2-4-1977	28-1-2010		
97	Janyar Ud Din	Muher Din	1-1-1976	15-1-2010		
98	Masrullah	Saleem Khan	19-12-1979	18-1-2010		
99	Zareef	Ali Akbar	2-1-1975	20-4-2012		
100	Azeem Ullah	Fazli Azeem	3-3-1979	18-1-2010		
101	Inayat Ullah	Muhammad Yousaf	1-1-1977	18-1-2010		
102	Farooq	Haji Dost Muhammad	15-3-1975	1-9-1995		
103	Asad Ullah	Farid Ullah	10-5-1977	18-1-2010		
104	Ghulam Anan	Fazl Raahim	2-12-1977	18-1-2010		
105	Asif Khan	Janas Khan	2-3-1978	16-1-2010		
106	Masood Jan	Farid Ullah	18-3-1978	18-1-2010		
107	Noohlan	Ghulam Muhammad	20-1-1976	13-4-2010		

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	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
100	Sana Ullah	Midayat Ullah	20-7-1977	11-5-2010		
101	Husein Alam	Sher Alam	20-1-1974	4-10-2004		
102	Abdul Ahmad	Fark wahid	19-9-1979	17-5-2010		
103	Zahid Ullah	Rasheed Khan	7-9-1981	14-6-2011		
104	Arif Khan	Mulad Khan	18-1-1980	21-9-2010		
105	Zahir Khan	Mansur Khan	31-3-1982	21-9-2010		
106	Shahjehan	Saleem Khan	15-3-1984	21-9-2010		
107	Amyd Sahail	Nafeez Ullah	15-12-1979	1-12-2011		
108	Amyd Khan	Farooq Khan	4-2-1981	21-9-2010		
109	Tahir Ullah	Bismillah Jan	1-3-1981	21-9-2010		
110	Waheed	Karam Khan	21-2-1989	21-9-2010		
111	Saleem shanad	Mafez Ullah	9-9-1981	21-9-2010		
112	Masud Masood	Siraj Khan	7-5-1979	21-9-2010		
113	Masud Abdul Galar Khan	Abdul satar	4-10-1981	21-9-2010		
114	Shakar Ullah	Arsala Khan	14-11-1981	21-9-2010		
115	Muhammad Shah	Pa Naji Shah	6-1-1982	21-9-2010		
116	Muhammad Ishaq	Sukrem Khan	20-1-1984	21-9-2010		POA
117	Wiqar Ullah	Paryaz Khan	15-12-1979	16-9-2010		
118	Fayyaz Khan	Muhammad Aslam	28-11-1978	9-7-2011		
119	Anwar ah	Taj Muhammad	1-7-1979	12-7-2011		
120	Muhammad Dostan	Gul Rehman	5-1-1991	28-12-2012		
121	Wali Khan	Misal Khan	12-9-1981	28-12-2012		
122	Sana Ullah	Gulab Sher	10-7-1987	28-12-2012		
123	Tariq Khan	Shams Ur Rehman	12-5-1985	28-12-2012		
124	Mumtaz ah Tooh	Abdul satar	15-8-1983	28-12-2012		
125	Umair Khan	Ullas Khan	23-3-1987	28-12-2012		
126	Muhammad Nadeem	Armal Khan	7-3-1986	12-7-2011		
127	Riaz Ahmad	Mawaz Khan	18-4-1984	1-9-2009		
128	Masood Ur Rehman	Mafrood Khan	25-3-1983	28-12-2012		
129	Muhammad Tufad	Muhammad Ishaq	1-3-1986	28-12-2012		
130	Rahmat alah	Faramoshan	1-1-1987	28-12-2012		
131	Raj wali	Haji Imdad	5-8-1984	28-12-2012		
132	Masood Khan	Ghulam Sarwar	15-3-1968	20-4-2012		
133	Abdul jabar	Kachkul Khan	9-2-1981	28-12-2012		
134	Ashid Khan	Tawal Khan	3-2-1981	28-12-2012		
135	Syed Anjum Hussain shah	Syed Akbar Hussain	20-9-1979	28-12-2012		

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NO	NAME OF PATRYARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
144	Sudarat Khan	Sharafat Khan	14-3-1935	15-12-2012		
145	Muhammad Imran	Fida Muhammad	1-2-1986	28-12-2012		
146	Majid Khan	Abdul Qayum	5-2-1982	29-12-2012		
147	Muhammad Jan	Muhammad Azeem Khan	12-12-1920	28-12-2012		
148	Muhammad Khatun	Muhammad Lalit	1-1-1985	29-10-2011		
149	Amjad Khan	Nisat Khan	30-3-1983	28-12-2012		PDA
150	Imdad Khan	Aslam Khan	4-4-1986	9-7-2011		PDA
151	Ibrat Khan	Nasrullah	7-2-1983	28-12-2012		
152	Imansoor Ahmad	Dost Muhammad	15-8-1985	14-6-2011		
153	Inam Ullah	Wahid Khan	16-3-1983	14-6-2011		
154	Muhammad Iftikhar	Muhammad Khan	3-9-1979	28-12-2012		
155	Waqar Ahmad	Nisar Muhammad	18-9-1982	15-9-2009		
156	Muhammad Ijaz	Abdul Rauf	2-1-1987	16-12-2009		
157	Sraaj Khan	Yanya Khan	8-3-1988	28-12-2012		Sons quota merit list
158	Sad Ullah	Hamdullah	1-8-1986	14-6-2011		

[Signature]
 A.D. PESHAWER
 OFFICE KANUNGO PESHAWER

[Signature]
 REVENUE BILL CLERK

[Signature]
 SUPERINTENDENT DC OFFICE PESHAWER

[Signature]
 08/05/2014

e/s

DC - P

S.O. DC (P)
 8/5/14

(45) *Amir*

MINUTES OF THE DEPARTMENTAL PROMOTION/SELECTION COMMITTEE MEETING HELD ON 19/02/2016 UNDER THE CHAIRMANSHIP OF DEPUTY COMMISSIONER PESHAWAR

A meeting of Departmental Promotion/Selection Committee was held on 19/02/2016 at 11:00 AM under the chairmanship of Deputy Commissioner Peshawar to consider Promotion of Patwaris to the post of Girdawars and Selection of Patwar candidates against the vacant posts of Patwaris (BPS-09) in the office of Deputy Commissioner, Peshawar.

The following attended:-

1. Mr. Riaz Khan Mehsud, Deputy Commissioner, Peshawar Chairman
2. Mr. Altaf Ahmad Sheikh, Assistant Commissioner, Peshawar Member
3. Mr. Muhammad Ayub, Representative, Commissioner Peshawar Division Member

SELECTION OF PATWARIS

Opening the discussion, the District Kanungo Peshawar informed the committee that as mentioned in the Working Paper, there are 161 sanctioned posts of Patwaris BPS-09 in the office of Deputy Commissioner, Peshawar. There are 25 posts available against which Patwaris are to be appointed, out of which 15 posts lay vacant due to retirement/death/dismissal from services of Patwaris, 5 posts of Patwaris will be vacated on promotion of Patwaris to the posts of Kanungo (BPS-11), 2 posts are demanded by SDO Civil Canal Irrigation vide their letter No.477 dated 07/11/2014 and 3 posts by the Collector PDA from their budget sanction vide letter No.601.109/4251 dated 6/4/2015.

Upon perusal of Patwar candidates register, 50 senior mosts candidates were considered for selection.

S.No.	Name of candidate	Father name	D.O.B.	Age upto 19/02/2016	Remarks
1	Saminullah	Malik Zahid Gul	01/01/1979	37 yrs 01mths 18dys	appointed vide PIC WP No.973/13 vide order No.6687-95 & 6696-6704/DC(PYEA dated 03/12/2015
2	Abidullah	Malik Zahid Gul	11/06/1977	38yrs 8mths 03dys	Insp. Demolishing in MCP
3	Muhammad Amin	Ghulam Haider	25/03/1984	31yrs 10mth 14 dys	Overage/Edu. Deptt:
4	Ishtiaq Khan	Waqif Khan	15/01/1981	35 yrs 1mth 04 dys	Girdawar in Taimar
5	Sadecq Akbar	Ghulam Akbar	22/02/1984	31yrs 11mth 17dys	Gara/Incomp. documents
6	Muhammad Aziz	Ahmad Jan	06/04/1985	30 yrs 10mths 13dys	Incomplete documents
7	Khalid Hameed	Nasrullah	01/02/1981	35 yrs 18dys	Overage/Off. Asstt. at Commissioner Office
8	Ifikhar Mahmood	Malik Mahmood	05/01/1983	33yrs 01mths 14dys	Qualified
9	Asadullah	Farmanullah	25/12/1983	32yrs 01mth 14dys	Girdawar in Mkd Div . /Incomp. documents
10	Samee ullah	Janas Khan	01/08/1983	32yrs 6mths 18dys	Incomplete documents
11	Faisal Khan	Sadiqullah	06/02/1987	29yrs 13dys	Insp. in Excise Deptt:/ Incomplete documents
12	Muhammad Majid	Abdur Rasheed	16/04/1983	32yrs 10mths 03dys	Qualified
13	Waheed Khan	Bahadar Khan	04/09/1984	31yrs 4mth 15dys	Qualified
14	Muhammad Tahir	Muhammad Iqbal	13/09/1987	28yrs 5mth 06dys	Girdawar at Dir
15	Ghulam Dastagir	Farhad Khan	04/04/1984	31yrs 10mths 13dys	Qualified
16	S. Jawad Shah	S. Munawar Shah	07/08/1984	31yrs 06mths 12dys	Qualified
17	Muhammad Ishaq	Muhammad Yaqoob	02/03/1986	29yrs 11mth 17dys	Qualified
18	Izharullah	Israr Khan	15/11/1982	33yrs 03mths 06dys	Qualified
19	Kifayat Khan	Sher Afzal	01/01/1980	36yrs 01mths 18dys	Overage/Age relaxed by CM
20	Qaiser Khan	Gul Jalil	30/03/1983	32yrs 10mth 09dy	Qualified
21	Muhammad Adil	Saeedullah	15/02/1983	33yrs 0-1dys	Qualified
22	Zain Khan	Gul Khan	02/02/1982	34yrs 17dys	Qualified

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23	Ijaz Ahmad	Saleh Muhammad	23/03/1983	32yrs 10mths 17dys	Qualified
24	Noorullah	Aslam Khan	17/03/1986	29yrs 11mths 02dys	Fake Intermediate Certif.
25	Ikramullah	Taus Khan	05/04/1979	36yrs 10mth 14yrs	Overage/Age relaxed by CM
26	Naveed Shehzad	Fazle Hanan			Incomplete documents
27	Taj Nabi	Ghulam Nabi	01/09/1989	26yrs 05mths 18dys	Revenue Deptt: Dir
28	Qaiser Ali	Taus Khan	02/04/1986	29yrs 10mths 17dys	serving in Edu. Deptt:
29	Muhammad Arif	Liaqat Ali	24/09/1983	32yrs 4mths 15dys	Qualified
30	Muhammad Rinz	Mnsahib Gul	11/05/1984	31yrs 09mths 08dys	Qualified
31	Muhammad Ayyaz	Gul Asrar		32yrs 17dys	Incomplete documents
32	Fayaz Muhammad	Rinz Muhammad	02/02/1984	28yrs 09mths 09dy	Qualified
33	Fazli Rabbi	Inayat Khan	30/04/1987	27yrs 06mths 08dys	serv. ASI Ellet Force
34	Noman Ibrar	Muhammad Ibrar	31/07/1988	27yrs 06mths 08dys	Qualified
35	Shehzad	Malik Manzar Hussain	13/04/1984	31yrs 10mths 06dys	Qualified
36	Khalid Nawaz	Haji Qasam	16/09/1982	33yrs 05mths 03dys	Qualified
37	Miskin Khan	Saifur Rahman	14/02/1986	30yrs 05dys	Incomplete documents
38	Shah Fahad Khan	Saadat Khan	14/11/1988	27yrs 03mths 05dys	Incomplete documents
39	Ghulam Ishaq Khan	Muhammad Nisar Khan	08/05/1981	34yrs 09mths 11dys	Qualified
40	Muhammad Sohail	Muhammad Ishaq	12/09/1987	28yrs 05mths 07dys	Qualified
41	Muhammad Jamil	Muhammad Iqbal	24/11/1971	44yrs 02mths 15dys	Overage/serv. Constable in Police Deptt:
42	Amir Taimur	Muhammad Baz Khan	19/04/1988	27yrs 10mths	Qualified
43	S. Abdur Rahim	Syed Badshah	01/12/1983	32yrs 02mths 13dys	Qualified
44	Muhammad Daud	Muhammad Baz Khan	01/07/1979	36yrs 07mths 18dys	Overage
45	Ali Murtaza	Abdul Qayum	01/09/1985	30yrs 05mths 18dys	Qualified
46	Muhammad Mustafa Zeb	Alamzeb	01/07/1985	30yrs 07mths 18dys	Qualified
47	Muhammad Imran Khan	Imtiaz Khan	11/01/1984	32yrs 01mths 08dys	Qualified
48	Khuram Imtiaz	Mirza Ashiq Hussain	12/10/1982	33yrs 04mths 07dys	Qualified
49	Aimulish	Muhammad Iqbal	01/04/1986	29yrs 10mths 15dys	Qualified
50	Tauheed Muhammad	Mahmood Khan	10/12/1984	31yrs 02mths 09dys	Qualified

The Candidates at S.No.1 & 2 have been appointed as Patwari vide this office order No.6687-95 & 6696-6704/DC(P)/EA dated 03/12/2015 in pursuance of the Peshawar High Court Peshawar vide Judgement dated 20/08/2014 in W.P. No.975/13.

The documents of the candidates at S.No.5,6,9,10,11,26,31,33,37&38 were not complete as per available record hence advertisement in daily Aaj dated 16/12/2015 was published inviting the already registered candidates to submit their documents within stipulated time but except the persons at S.No.33 & 41 appeared whereas the rest fail to comply/did not submit the missing documents and hence were not considered for selection. The Intermediate certificate of candidate at S.No.24 of the above list was found fake duly verified by B.I.S.E. Peshawar vide No.1651/SSC/Cert/BISE/Peshawar dated 20/11/2015.

The Representative of the Commissioner Peshawar Division pointed out that the Committee may consider 20 candidates for selection instead of 25 as at present the 5 posts of Patwaris under promotion are not vacant.

Moreover, in light of the decision of Peshawar High Court Peshawar in W.P. No.1406/2011 dated 03/03/2015 and upheld by Supreme Court of Pakistan in C.P. No.921/2015 dated 29/06/2015, the candidates are S.No.3,4,5,7,9,11,14,27 and 28 of the above list are not eligible on account of employment in other Departments as mentioned against their names.

The Committee agreed to both the above suggestions.

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The candidates at S.No.19 & 25 stood overage on the date of DSC, thus they do not meet the selection criteria set for Patwaris, however, they have produced applications addressed to the Chief Minister Khyber Pakhtunkhwa with instructions that age may be relaxed, duly signed with official stamps of Chief Minister Khyber Pakhtunkhwa.

It was decided that cases of both the candidates at S.No.19 & 25 will be referred to the Chief Minister's Secretariat through Board of Revenue for guidance in light of Board of Revenue Notification Ends. No.07-80/Admn:VII/A.Relaxation dated 01/01/2010.

The top 34 candidates, excluding S.No.3,4,5,6,7,9,10,11,14,24,27,28,31&33 were unanimously recommended for selection as Patwari (BPS-09) against the available posts.

Final Selection of all the above candidates will be subject to verification of educational and Patwar Certificates from the Board of Revenue and concerned B.I.S.E. Furthermore, they will be required to submit their arrival within fifteen days from the date of issuance of appointment letter. In case of failure to join within the stipulated time (joining time), eligible candidates from the above list will be considered against the post in their orders.

PROMOTION OF PATWARIS AS KANUNGOS

District Kanungo informed the committee that as mentioned in the working paper, there are 15 sanctioned posts of Kanungos (BPS-11) in the office of Deputy Commissioner Peshawar. Out of which one post lay vacant due to the dismissal from service of Mr. Muhammad Saeed S/O Awal Khan on 16/09/2014 and 2 posts are vacant due to promotion of Mr. Imdad Khan to the post of DRA and Syed Khurshid Shah to the post of NT and further 2 posts due to retirement of Girdawars Syed Liaqat Ali Shah and Muhammad Iqbal. Therefore a total of 5 vacancies are to be filled.

The Seniority List of Patwaris reveals that S.No.1 to 59, except the following candidates as mentioned in the table below are not eligible for promotion for not qualifying the Kanungo Examination. The officials at S.No.25 & 31 have already been promoted in the DPC held on 21/05/2014.

S.No.	Name of Patwaris	Date of Ist appointment	Date of birth	Kanungo Examination
1. ✓	Mr. Abdul Wahab	25/07/1981	20/04/1957	Qualified
2. ✓	Mian Saddiq Ali Shah	27/12/1989	11/07/1968	Qualified/Suspend
3.	Mr. Nisar Muhammad	08/08/1988	03/03/1966	Qualified
4. ✓	Mr. Namdar Khan	12/04/1992	14/09/1969	Qualified
5. ✓	Mr. Zakaria Khan	10/01/1995	01/09/1966	-do-
6. ✓	Mr. Muhammad Saeed S/o Ghulam Muhammad	1/11/1990	20/04/1971	Qualified/Suspend (NAB)
7. ✓	Tilawatur Rahman	17/05/2000	01/06/1971	Qualified
8. ✓	Mr. Mukamil Shah	02/05/2000	02/02/1970	-do-
9.	Syed Tajamul Hussain	17/05/2000	01/03/1972	-do-
10.	Mr. Ihsan-ul-Haq	17/05/2000	01/03/1971	-do-
11.	Mian Noor-ul-Haq	10/05/2000	12/03/1972	-do-

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The Representative of Commissioner Peshawar Division pointed out that the Committee may consider the promotion of Patwaris as per table above after due verification of their Kanungo Examination Passed certificates from Board of Revenue duly signed by the Director Land Record.


The Departmental Promotion Committee examined service records of the above officials and noted that the Patwari at S.No.2 & 6 are deferred due to suspension/pending enquiries against them while the documents of Patwari at S.No.3 are incomplete for want of ACRs.

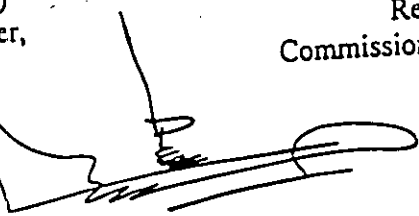
The Departmental Promotion Committee thus recommended the following names of the Patwaris for promotion to the posts of Kanungos (BPS-11) subject to the verification of their Kanungo Examination Passed Certificates issued by Director Land Record Khyber Pakhtunkhwa:-

1. Mr. Abdul Wahab.
2. Mr. Namdar Khan
3. Mr. Zakaria Khan
4. Mr. Tilawat -ur-Rahman and
5. Mr. Mukamil Shah.

Meeting ended with the vote of thanks.


(Altaf Ahmad Sheikh)
Assistant Commissioner,
Peshawar
(Member)


(Muhammad Ayub)
Representative
Commissioner Peshawar Division
(Member)


(Riaz Khan Mehsud)
Deputy Commissioner, Peshawar
(Chairman)



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OFFICE OF THE
DEPUTY COMMISSIONER
PESHAWAR

No. 342 /DC(P)/DK
Dated Pesh. the 22 /02/2016

To

The Commissioner,
Peshawar Division, Peshawar.

Subject: MINUTES OF THE DEPARTMENTAL PROMOTION/
SELECTION COMMITTEE MEETING HELD ON 19/02/2016

Enclosed please find herewith minutes of the Departmental Promotion/Selection Committee meeting held on 19/02/2016 for promotion of Patwaris to the post of Girdawars and selection of Patwar candidates to the post of Patwari for information please.

Encls: As Above


Deputy Commissioner
Peshawar

Endst: No. 343-45 /DC(P)/DK.

Copy forwarded to the:

1. Senior Member, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa Peshawar.
2. Registrar Peshawar High Court Peshawar for information.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.


Deputy Commissioner
Peshawar

FINAL SENIORITY LIST OF PATWARIS (BPS-09) WORKING IN THE
OFFICE OF DEPUTY COMMISSIONER PESHAWAR AS IT STOOD ON 30/09/2017

S.No.	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of Appt. as Patwarl	Date of joining as Patwari in this office	Remarks..
1	Abduln	Tahmash Khan	Peshawar	01/01/1958	Kanungo exam - Passed	15/11/1986	23/11/1986	
2	Raz Ahmad	Abdullah Khan	Peshawar	15/06/1963	-	24/11/1986	24/11/1986	
3	Noor-ul-Qamar	Faqir Muhammad	Peshawar	20/09/1959	-	01/07/1987	01/07/1987	
4	Nisar Muhammad	Muhammad Yousaf	Peshawar	03/03/1966	Kanungo exam - Passed	08/08/1988	08/08/1988	
5	Mian Saddiq Ali Shah	Inayat Ullah Shah	Peshawar	11/07/1968	Kanungo exam - Passed	27/12/1989	27/12/1989	
6	Muhammad Salahuddin	Hidayatullah	Peshawar	15/01/1962	-	27/12/1989	01/01/1990	
7	Riaz Ahmad	Sakhi Sarwar	Peshawar	05/11/1963	-	07/01/1990	10/01/1990	
8	Haji Muhammad	Malak Munawar Khan	Peshawar	01/05/1967	-	30/08/1990	01/09/1990	
9	Muhammad Arshad	Nadir Khan	Peshawar	01/01/1968	-	01/09/1990	01/09/1990	
10	Saeed Ahmad	Fiaz Muhammad	Peshawar	19/03/1970	-	22/11/1990	23/11/1990	
11	Muhammad Shoab	Haji Habib-ur-Rahman	Peshawar	01/01/1964	-	06/06/1992	06/06/1992	
12	Oedar Khan	Minadar Khan	Peshawar	01/01/1973	-	24/10/1992	24/10/1992	
13	Saddiq Akbar	Abdul Akbar	Peshawar	20/04/1963	-	21/08/1993	22/08/1993	
14	Muhammad Ilyas	Abdur Rauf	Peshawar	08/01/1965	-	30/10/1993	30/10/1993	
15	Muhammad Aslam	Muhammad Yousaf	Peshawar	25/04/1970	-	08/01/1995	08/01/1995	
16	Ilyas Khan	Salteem Khan	Peshawar	15/04/1969	-	08/01/1995	09/01/1995	
17	Tariq Javed Gul	Faiz Gul	Peshawar	05/03/1973	-	26/02/1997	27/02/1997	
18	Fazli Rabi	Ghulam Rabbani	Peshawar	10/03/1968	-	28/04/2000	06/05/2000	
19	Izhar Ahmad	Muhammad Munir	Peshawar	01/07/1968	-	28/04/2000	09/05/2000	
20	Mian Noor-ul-Haq	Mian Shamsul Qamar	Peshawar	12/03/1972	Kanungo exam - Passed	28/04/2000	10/05/2000	
21	Gulzar Ahmad	Ayub Khan	Peshawar	15/01/1967	-	28/04/2000	11/05/2000	
22	Riaz Khan	As'am Khan	Peshawar	15/04/1972	-	28/04/2000	11/05/2000	
23	Salan-ud-Din	Nasrullah	Peshawar	27/09/1970	-	28/04/2000	12/05/2000	
24	Munammac Israr	Abdul Jassar	Peshawar	15/04/1968	-	28/04/2000	15/05/2000	
25	Qaiser ud Din	Abdul Hakeem	Peshawar	15/03/1969	-	28/04/2000	15/05/2000	
26	Mir Rahman Shah	Mir Sherdad	Peshawar	11/04/1967	-	28/04/2000	17/05/2000	
27	Farman Ali	Abdul Wali	Peshawar	15/06/1968	-	28/04/2000	17/05/2000	
28	Insan Ul Haq	Noor Ul Haq	Peshawar	15/03/1971	-	28/04/2000	17/05/2000	
29	W.sai Khan	Zakarya Khan	Peshawar	12/04/1971	-	28/04/2000	17/05/2000	
30	Syed Tajumul Hussain	Syed Akbar Hussain	Peshawar	04/03/1972	-	28/04/2000	17/05/2000	

No.	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of Appt. as Patwari	Date of joining as Patwari in this office	Remarks
31	Mir Zaman	Nasrullah Khan	Peshawar	03/04/1969		28/04/2003	19/05/2000	
32	Zarshad Khan	Roshan Khan	Peshawar	25/12/1972		28/04/2003	26/05/2000	
33	Jalil-ur-Rahman	Fazli Subhan	Peshawar	01/02/1971		19/05/2003	20/06/2001	
34	Tariq Hussain	Abdur Rahid	Peshawar	15/03/1973		19/06/2003	20/06/2001	
35	Muhammad Abid	Abdul Munaf	Peshawar	13/04/1973		19/06/2003	20/06/2001	
36	Ikram Ullah	Habib-ur-Rahman	Peshawar	05/09/1967		13/07/2003	14/07/2001	
37	Tilawat Khan	Salaheen	Peshawar	20/12/1972		19/06/2003	23/07/2001	
38	Sikandar Khan	Amin Ullah Khan	Peshawar	03/02/1971		16/09/2005	16/09/2005	
39	Anwar Zeb	Payanda Khan	Peshawar	03/02/1971		16/09/2005	16/09/2005	
40	Alamzeb	Aurangzeb	Peshawar	15/03/1972		16/09/2005	16/09/2005	
41	Naveed Ahmad	Faiz Muhammad	Peshawar	07/04/1972		16/09/2005	16/09/2005	
42	Sher Alam	Zareen Khan	Peshawar	19/12/1972		16/09/2005	16/09/2005	
43	Noor Hussain	Shamsher Khan	Peshawar	12/03/1973		16/09/2005	16/09/2005	
44	Zain Ul Abideen	Banaras Khan	Peshawar	08/12/1974		16/09/2005	16/09/2005	
45	Muhammad Shahid	Muhammad Yousaf	Peshawar	01/04/1975		16/09/2005	16/09/2005	
46	Gohar Ali	Syed Sharif	Peshawar	15/08/1975		16/09/2005	16/09/2005	
47	Sher Wali	Zafar Khan	Peshawar	15/04/1969		16/09/2005	16/09/2005	
48	Aurangzeb	Payenda Khan	Peshawar	09/04/1970		09/08/2006	09/08/2006	
49	Ali Akbar	Muhammad Ishaq	Peshawar	27/03/1971		09/08/2006	09/08/2006	
50	Amjad Khalil	Rakheem Bakhsh	Peshawar	12/03/1973		12/08/2006	12/08/2006	
51	Inamullah	Awal Khan	Peshawar	15/03/1973		12/08/2006	12/08/2006	
52	Syed Alamgir Shah	Syed Jehangir Shah	Peshawar	20/04/1975		12/08/2006	12/08/2006	
53	Muhammad Israr	Haji Khansher	Peshawar	20/08/1975		12/08/2006	12/08/2006	
54	Ibrahim Shah	Ibrahim Shah	Peshawar	14/10/1974		12/08/2006	12/08/2006	
55	Muhammad Saeed	Ghulam Nabi	Peshawar	07/03/1973		12/08/2006	15/08/2006	
56	Ishfaq Ahmad	Dost Muhammad	Peshawar	13/05/1974		14/02/2009	16/02/2009	
57	Muhammad Younas	Muhammad Yousaf	Peshawar	20/08/1980		16/04/2009	16/04/2009	
58	Waqar Ahmad	Nisar Muhammad	Peshawar	08/08/1971		03/09/2009	03/09/2009	
59	Muhammad Ijaz	Abdul Rauf	Peshawar	18/09/1982		14/09/2009	15/09/2009	
60	Asif Khan	Janas Khan	Peshawar	02/01/1987		14/09/2009	15/09/2009	
61	Muhammad Zareef	Haji Muhammad Sharif	Peshawar	02/03/1978		16/12/2009	16/12/2009	
62	Azeem Ullah	Fazli Azeem	Peshawar	21/04/1978		16/01/2010	16/01/2010	
63	Ibrar Khan	Abdul Sattar	Peshawar	03/03/1979		16/01/2010	16/01/2010	
			Peshawar	12/03/1976		16/01/2010	18/01/2010	

No.	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of Appt. as Patwari	Date of Joining as Patwari in this office	Remarks
64	Muhammad Amir	Abdul Wahab	Peshawar	21/12/1976		16/01/2010	18/01/2010	
65	Inayat Ullah	Muhammad Yousaf	Peshawar	01/01/1977		16/01/2010	18/01/2010	
66	Sajjad	Gul Jan	Peshawar	02/04/1977		16/01/2010	18/01/2010	
67	Asad Ullah	Farid Ullah	Peshawar	10/05/1977	Can-ngo exam Passed	16/01/2010	18/01/2010	
68	Ghafoor Khan	Fazli Rahim	Peshawar	02/11/1977		16/01/2010	18/01/2010	
69	Mashooq Jan	Farid Ullah	Peshawar	18/03/1978		16/01/2010	18/01/2010	
70	Nasrullah	Saleem Khan	Peshawar	19/12/1979		16/01/2010	18/01/2010	
71	Alam Zeb Khan	Farid Ullah	Peshawar	07/03/1980		16/01/2010	18/01/2010	
72	Sadaqat Ullah	Muhammad Pervaiz	Peshawar	12/08/1989		16/01/2010	18/01/2010	
73	Farhad	Haji Dest Muhammad	Peshawar	15/01/1975		01/09/1995	13/02/2010	
74	Falak Naz	Niamat Ullah	Peshawar	01/10/1976		01/02/1998	28/02/2010	
75	Roozul Amin	Ghulam Muhammad	Peshawar	20/01/1976		13/04/2010	13/04/2010	
76	Sana Ullah	Hidaya:ullah	Peshawar	20/07/1977		10/05/2010	11/05/2010	
77	Aftab Ahmad	Fazli Wahid	Peshawar	19/09/1979		17/05/2010	17/05/2010	
78	Iftikhar Alam	Sher Alam	Peshawar	20/01/1974		11/05/2010	22/06/2010	
79	Malak Masood	Siraj Khan	Peshawar	07/05/1979		21/09/2010	21/09/2010	
80	Wiqar Ullah	Pervaz Khan	Peshawar	15/12/1979		21/09/2010	21/09/2010	
81	Javed Khan	Madad Khan	Peshawar	08/03/1980		21/09/2010	21/09/2010	
82	Amjad Khan	Firdous Khan	Peshawar	04/02/1981		21/09/2010	21/09/2010	
83	Saleem Shahzad	Hafiz Ullah	Peshawar	09/09/1981		21/09/2010	21/09/2010	
84	Malak Abdul Ghaffar Khan	Abdul Sattar	Peshawar	04/10/1981		21/09/2010	21/09/2010	
85	Shakirullah	Arsala Khan	Peshawar	14/11/1981		21/09/2010	21/09/2010	
86	Pir Hasnat Shah	Pir Nabi Shah	Peshawar	06/01/1982		21/09/2010	21/09/2010	
87	Zahir Khan	Hanif Khan	Peshawar	31/03/1982		21/09/2010	21/09/2010	
88	Muhammad Ishfaq	Sa'eem Khan	Peshawar	20/01/1984		21/09/2010	21/09/2010	
89	Shah Jehan	Sa'eem Khan	Peshawar	15/03/1984		21/09/2010	21/09/2010	
90	Waheed	Karam Khan	Peshawar	21/02/1989		21/09/2010	21/09/2010	
91	Iftikhar Ahmad	Azz Ullah	Peshawar	07/08/1971		13/06/2011	14/05/2011	
92	Mian Inamullah	Mian Fazli Khaliq	Peshawar	17/12/1972		13/06/2011	14/05/2011	
93	Muhammad Naeem	Rasool Shah	Peshawar	01/01/1974		13/06/2011	14/05/2011	
94	Muhammad Haroon	Abdul Wahab	Peshawar	18/02/1974		13/06/2011	14/05/2011	
95	Zahid Ullah	Rasheed Khan	Peshawar	07/09/1981		13/06/2011	14/05/2011	
96	Inamullah	Wali Khan	Peshawar	16/03/1983		13/06/2011	14/05/2011	

No.	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of Appt. as Patwarl	Date of Joining as Patwarl in this office	Remarks
97	Mansoor Ahmad	Dost Muhammad	Peshawar	15/08/1985		13/06/2011	14/06/2011	
98	Saifullah	Hamdullah	Peshawar	01/08/1986		13/06/2011	14/06/2011	
99	Fayyaz Khan	Muhammad Aslam	Peshawar	28/11/1978		09/07/2011	09/07/2011	
100	Imtiaz Khan	Aslam Khan	Peshawar	04/04/1986		09/07/2011	09/07/2011	
101	Mansoor Khan	Noor Rahman	Peshawar	06/09/1970		12/07/2011	12/07/2011	
102	Anwar Ali	Taj Muhammad	Peshawar	01/07/1979		12/07/2011	12/07/2011	
103	Muhammad Nadeem	Ajmal Khan	Peshawar	07/03/1986	Kanungo exam Passed	12/07/2011	12/07/2011	
104	Muhammad Kamran	Muhammad Jalil	Peshawar	01/01/1985		29/10/2011	29/10/2011	
105	Amjad Sohail	Hafeez Ullah	Peshawar	15/12/1979		01/12/2011	01/12/2011	
106	Masood Khan	Ghualm Sarwar	Peshawar	15/03/1968		20/04/2012	20/04/2012	
107	Zarshad	Ali Akbar	Peshawar	02/01/1975		20/04/2012	20/04/2012	
108	Syed Anjum Hussain Shah	Syed Akbar Hussain	Peshawar	20/09/1979		28/12/2012	28/12/2012	
109	Naeem Jan	Muhammad Azeem	Peshawar	12/12/1980		28/12/2012	28/12/2012	
110	Arshad Khan	Tawaf Khan	Peshawar	03/02/1981		28/12/2012	28/12/2012	
111	Abdul Jabbar	Kachkul Khan	Peshawar	09/02/1981		28/12/2012	28/12/2012	
112	Wali Khan	Misri Khan	Peshawar	12/09/1981		28/12/2012	28/12/2012	
113	Majid Khan	Abdul Qayum	Peshawar	05/02/1982		28/12/2012	28/12/2012	Posted at PDA
114	Ibrar Khan	Nasrullah	Peshawar	07/02/1983		28/12/2012	28/12/2012	
115	Riaz Ahmad	Mawaz Khan	Peshawar	18/04/1984		28/12/2012	28/12/2012	
116	Raj Wali	Haji Imdad	Peshawar	05/08/1984		28/12/2012	28/12/2012	
117	Sadaqat Khan	Sharafat Khan	Peshawar	14/03/1985		28/12/2012	28/12/2012	
118	Tariq Khan	Shams Ur Rahman	Peshawar	12/05/1985		28/12/2012	28/12/2012	
119	Muhammad Imran	Fida Muhammad	Peshawar	01/02/1986		28/12/2012	28/12/2012	
120	Muhammad Tufail	Muhammad Ishaq	Peshawar	01/03/1986		28/12/2012	28/12/2012	
121	Rakhmat Ilahi	Faramoshan	Peshawar	01/01/1987		28/12/2012	28/12/2012	
122	Umar Nasir	Ulas Khan	Peshawar	23/03/1987		28/12/2012	28/12/2012	
123	Sana Ullah	Gulab Sher	Peshawar	10/07/1987		28/12/2012	28/12/2012	
124	Siraj Khan	Yahya Khan	Peshawar	08/03/1988		28/12/2012	28/12/2012	
125	Muhammad Bostan	Gul Rahman	Peshawar	05/01/1991		28/12/2012	28/12/2012	
126	Farman Ullah	Muslim Khan	Peshawar	03/09/1979		28/12/2012	31/12/2012	
127	Maqsood Ur Rahman	Mafrud Khan	Peshawar	25/03/1983		28/12/2012	31/12/2012	
128	Mumtaz Ali Shah	Abdul Sattar	Peshawar	15/08/1983		28/12/2012	31/12/2012	
129	Abidullah	Malik Zahid Gul	Peshawar	11/06/1977		03/12/2015	09/12/2015	

No.	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of Appt. as Patwar	Date of Joining as Patwar in this office	Remarks
130	Saminullah	Malik Zahid Gul	Peshawar	01/01/1979		03/12/2015	09/12/2015	
131	Izharullah	Israr Khan	Peshawar	13/11/1982		07/03/2016	07/03/2016	Posted at PDA
132	Muhammad Adil	Saeedullah	Peshawar	15/02/1983		07/03/2016	07/03/2016	
133	Muhammad Arif	Liaqat Ali	Peshawar	24/09/1983		07/03/2016	07/03/2016	
134	Muhammad Riaz	Masahib Gul	Peshawar	11/05/1984		07/03/2016	07/03/2016	
135	Ijaz Ahmad	Saleh Muhammad	Peshawar	23/03/1983		07/03/2016	09/03/2016	
136	Qaiser Khan	Gul Jalil	Peshawar	30/03/1983		07/03/2016	09/03/2016	
137	Muhammad Majid	Abdur Rasheed	Peshawar	16/04/1983		07/03/2016	09/03/2016	
138	Fayaz Muhammad	Riaz Muhammad	Peshawar	02/02/1984		07/03/2016	09/03/2016	
139	Ghulam Dastagir	Farhad Khan	Peshawar	04/04/1984		07/03/2016	09/03/2016	
140	Shehzad	Malik Manzar Hussain	Peshawar	13/04/1984		07/03/2016	09/03/2016	
141	S. Jawad Shah	S. Munawar Shah	Peshawar	07/08/1984		07/03/2016	09/03/2016	
142	Waheed Khan	Bahadar Khan	Peshawar	04/09/1984		07/03/2016	09/03/2016	
143	Muhammad Ishaq	Muhammad Yaqoob	Peshawar	02/03/1986		07/03/2016	09/03/2016	
144	Zain Khan	Gul Khan	Peshawar	02/02/1982		07/03/2016	10/03/2016	
145	Iftikhar Mahmood	Malik Mahmood	Peshawar	05/01/1983		07/03/2016	14/03/2016	
146	Ikramullah	Taus Khan	Peshawar	05/04/1979		17/05/2016	17/05/2016	
147	Kifayat Khan	Sher Afzal	Peshawar	01/01/1980		04/11/2016	04/11/2016	Posted at Irrigation
148	Khurram Imtiaz	Ashiq Hussain	Peshawar	12/10/1982		31/08/2017	31/08/2017	
149	Sheikh Muhammad Fahim	Sheikh Muhammad Saleem	Peshawar	18/06/1983		31/08/2017	31/08/2017	
150	Syed Abdur Rahim	Syed Badshah	Peshawar	01/12/1983		31/08/2017	31/08/2017	
151	Imran Khan	Imtiaz Khan	Peshawar	11/01/1984		31/08/2017	31/08/2017	
152	Ali Murtaza	Abdul Qayum	Peshawar	01/09/1985		31/08/2017	31/08/2017	
153	Muhammad Mustafa Zeb	Alam Zeb Khan	Peshawar	01/12/1985		31/08/2017	31/08/2017	
154	Qaiser Ali	Taus Khan	Peshawar	02/04/1986		31/08/2017	31/08/2017	
155	Annullah	Iqbal Khan	Peshawar	04/04/1986		31/08/2017	31/08/2017	
156	Muhammad Sohail	Muhammad Ishaq	Peshawar	12/09/1987		31/08/2017	31/08/2017	
157	Amir Taimur	Muhammad Baz Khan	Peshawar	19/04/1988		31/08/2017	31/08/2017	
158	Khalid Nawaz	Haji Qasim	Peshawar	16/09/1982		05/09/2017	05/09/2017	
159	Tauheed Muhammad	Mahmood Khan	Peshawar	10/12/1984		05/09/2017	05/09/2017	
160	Shah Fahad Khan	Saadat Khan	Peshawar	14/11/1988		06/09/2017	06/09/2017	
161	Muhammad Asif Khan	Haya Khan	Peshawar	01/01/1981		25/09/2017	25/09/2017	
162	Rab Nawaz	Abdur Razaq	Peshawar	18/04/1981		25/09/2017	25/09/2017	

S.No.	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of Appt. as Patwari	Date of joining as Patwari in this office	Remarks
163	Us-s-ed Ali	Mukarram Khan	Peshawar	10/02/1986		25/09/2017	25/09/2017	
164	Us-as Khan	Saraf Khan	Peshawar	04/04/1986		25/09/2017	25/09/2017	

(56) Km-E

Before The Worthy And Honourable Commissioner
Peshawar

Department Appeal Against

- a. **final seniority list dated 30-09-2017 of patwaris (bps-9) and appellant is placed at serial no 28 instead of serial no 22 and most junior patwaris as per seniority list dated 31-12-2013 have been placed at serial no 18, 20, 21, 23, 25 and 26 and made them senior to the appellant which is against law and order**
- b. **the minutes of the departmental promotion committee meeting held on 29-12-2017. as per seniority list dated 31-12-2013, name of appellant was at serial no 48 and name of Mian Noor Ul Haq was on serial no 59 but junior Mian Noor Ul Haq was placed senior on serial no 4 instead of appellant and the appellant has not been considered / mentioned at all in the said list / meeting.**

Respectfully Sheweth:-

The appellant humbly submit as under:-

1. That the appellant is serving as Patwari District Peshawar since 2000.
2. That as per seniority list dated 31-12-2013, name of appellant is placed at serial NO 48. (Photo copy is attached)
3. That as per final seniority list dated 30-09-2017, the appellant is placed at Serial NO 28. (photo copy is attached).
4. That the patwaris paled at serial NO 18, 20, 21, 22, 23, 25 and 26 in final seniority list dated 30-09-2017 were most junior to the appellant as per previous seniority list dated 31-12-2013 but they were placed at serial No. 49, 50, 52, 53, 54, 57, 59 respectively in final seniority list . (Photo copy is attached).
5. That according to Departmental Promotion / Selection Committee Minutes dated 19-02-2016 circulated vide letter NO 342/DC(P)/DK dated Pesh the 22-02-2016 under the head of .Promotion of PATWARIS AS KANUNGO the appellant was placed at serial No 10 and the name of Mian Noor Ul Haq was placed at serial No. 11. (Photo copy is attached).

Recd

DR=1598
Date=6/2/18.

6. That vide minutes of the Departmental Promotion Committee meeting held on 29-12-2017 for the promotion of patwaris to Girdawars / Kanungo , the name of patwari Mian Noor Ul Haq was placed at serial NO 4 which was junior to the appellant and the appellant which was senior in promotion / selection committee minutes dated 19-02-2016 and also has not been considered / mentioned in the same list at all.

(Photo copy is attached).

7. It is also pertinent to mention that Mr Ibadullah Patwari who has already been retired from his service but his name is still placed at serial No 1 in the list of DPC meeting dated 29-12-2017 and thus the proper and as per the merit and seniority list Mr. Nisar Muhammad has to be placed at serial No 1, Mian Sadiqq Ali Shah at Serial NO 2 and the appellant (Ihsan Ul Haq) placed at serial No 3 and Mian Noor Ul Haq at serial No 4 for consideration and promotion to the post of Girdawar / Kanungo.

It is therefore humbly requested the appellant may kindly be placed at serial No 22 instead of serial No 28 in the final seniority list of patwaris BPS-9 dated 30-09-2017 and all the juniors patwaris at serial No 18, 20, 21, 22, 23, 25 and 26 may kindly be placed / adjust after serial 22 and also consider them juniors to the appellant.

Furthermore the name of appellant may also kindly be included / considered and place at serial NO 3 in the list of departmental promotion committee meeting held on 29-12-2017 for onward consideration and recommendation for the post of Girdawar / Kanungo.

Any other relief which this Hon'ble Forum deems fit, appropriate and the circumstances of the case, not specifically asked for may also be granted in favour of appellant.

Dated 06-02-2018

Your's Sincerely



Ihsan Ul Haq

Patwari, District Peshawar

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

NOTIFICATION
Peshawar, dated 23-01-2015

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. SPO. 457(1)/2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other details as specified in column 6 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department as specified in column 2 of the said appendix:

APPENDIX

1 S.No.	2 Nomenclature of the post	3 Appointing Authority	4 Minimum Qualification for appointment by initial recruitment or by transfer	5 Minimum Qualification for appointment by promotion	6 Age limit	7 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.

58

2	3	4	5	6	
Member to Senior Member / Members Board Revenue Inspector of Camps	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
Naib Tehsildar (PS 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 Muftaris 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)

80

2	3	4	5	6	7
District Revenue Accountant (BPS 14)	Administrative Secretary (SMBR)	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
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. Parwari (BPS - 09)	District Collector	Intermediate or equivalent qualification, who have passed the Patwar Examination.	-	13 to 35	"By initial appointment from amongst the Patwar passed candidates in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
Naib Tehsil Accountant / Tehsil Kanungo	District Collector	-	-	-	By transfer from amongst the Patwaris.

Sd/-
SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

WORKING PAPER

Subject:

PROMOTION OF PATWARIS (BES-02) TO THE POSTS OF GIRDAWAR (BES-11) AND APPOINTMENT OF NEW PATWARIS

There are 15 posts of Girdawar and 161 posts of Patwaris in the strength of DC Establishment out of which 02 posts of Girdawars and 05 posts of Patwaris have fallen vacant as per following details:

02 Nos. vacant posts of Girdawar

1. Retirement of Mr. Ibadullah Girdawar on 01/01/2018 (F.N.)
2. Retirement of Mr. Attullah Girdawar on 22/04/2018 (F.N.)

05 Nos. vacant Posts of Patwaris

1. Promotion of Mr. Ibadullah on the post of Girdawar on 29/12/2017.
2. Promotion of Mr. Nisar Muhammad on the post of Girdawar on 29/12/2017.
3. Death of Mr. Zahidullah Patwari on 29/01/2018.
4. Will be vacated on promotion of Mr. Sadiq Ali Shah Patwari to the post of Girdawar.
5. Will be vacated on promotion of Minah Noor-ul-Haq Patwari to the post of Girdawar.

Cases of two officials are subjudice before Khyber Pakhtunkhwa Services Tribunal/Peshawar High Court.

Method of Filling of Girdawar Post

Under the Revenue Department Service Rules 2015 Notified vide Government of Khyber Pakhtunkhwa, Revenue and Estate Department Notification No. FSR/2015/Estt. 135, SSRC, dated 23.01.2015 Annex-Iv the following method of Promotion has been prescribed for the post of Girdawar:-

"By promotion on the basis of Seniority and Fitness from the post of Patwari and Naib Office Kamungos of the District Kamungo with three years service as such and who have passed Departmental Exam of Kamungo"

Senior Patwaris are to be evaluated for promotion to the post of Girdawar having passed Kamungo Girdawar Examination and on the basis of seniority and fitness out of the following panel as per Seniority List of the DC as provided in the method of recruitment

S.No.	Name of Patwaris	Date of 1st appointment	Date of birth	Kamungo Examination
1.	Minah Sadiq Ali Shah	27.11.1989	11.01.1968	Qualified
2.	Minah Noor-ul-Haq	14.05.2000	12.03.1972	Qualified
3.	Mr. Ihsan-ul-Haq	12.05.2000	15.03.1979	Qualified
4.	Syed Ejazul Husain	17.05.2000	04.03.1977	Qualified

Method of Recruitment to the Post of Patwari

Under the above rules the Method of recruitment for Patwaris has been prescribed as follow:

"By initial appointment from amongst the Patwar passed candidates entered in the Tehsil Patwar Candidate Register maintained by the District Collector of the district concerned having Intermediate or equivalent qualification, who have passed Patwar Examination."

WORKING PAPER

SUBJECT: PROMOTION OF PATWARI (BPS-09) TO THE POST OF GIRDAWAR (BPS-11) AND APPOINTMENT OF NEW PATWARI

There are 15 posts of Girdawar and 161 posts of Patwari exists on the strength of DC establishment out of which 02 posts of Girdawar and 05 post of Patwari have fallen vacant as per following details:

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Method of Filling of Girdawar Post

Under the Revenue Department Service Rules 2015 Notified vide Government of Khyber Pakhtunkwa, Revenue and Estate Department Notification No. ___/Estt./_35/SSRC dated 23.01.2015 (Annex-I) the following method of Promotion has been prescribed for the post of Girdawar:-

“By promotion on the basis of Seniority cum. _____ Patwari and Naib Office Kanungos of the District Kanungos five years services as such and who have passed Department Exam of _____”

Pass Patwari are to be examined for promotion to the post of _____ having _____ of the following panel as per Seniority List _____ provided in the method of retirement.

S. No.	Name of Patwaris	Date of Appointment	1 st Date of Birth	_____ Examination
1	Mian Saddiq Ali Shah	27.12.1989	11.07.1968	Qualified
2	Mian Noor ul Haq	10.05.2000	12.03.1972	Qualified
3	Mr. Ihsan ul Haq	17.05.2000	15.03.1974	Qualified
4	Syed _____ Hussain	17.05.2000		Qualified

Method of Recruitment to the post of Patwari.

Under the above rules the method of recruitment for Patwari has been prescribed as follow:

“By initial appointment from amongst the Patwari passed candidates entered in the Tehsil Patwar Candidate Register maintained in the District Collector of the district concerned having interviewed or equivalent qualification, who have passed Patwar examination.

WORKING PAPER

SUBJECT: PROMOTION OF PATWARI (BPS-09) TO THE POST OF GIRDAWAR (BPS-11) AND APPOINTMENT OF NEW PATWARI

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“By promotion on the basis of Seniority cum. _____ Patwari and Naib Office Kanungos of the District Kanungos five years services as such and who have passed Department Exam of _____”

Pass Patwari are to be examined for promotion to the post of _____ having _____ of the following panel as per Seniority List _____ provided in the method of retirement.

S. No.	Name of Patwaris	Date of Appointment	1 st Date of Birth	_____ Examination
1	Mian Saddiq Ali Shah	27.12.1989	11.07.1968	Qualified
2	Mian Noor ul Haq	10.05.2000	12.03.1972	Qualified
3	Mr. Ihsan ul Haq	17.05.2000	15.03.1974	Qualified
4	Syed _____ Hussain	17.05.2000		Qualified

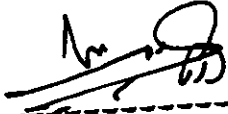
Method of Recruitment to the post of Patwari.

Under the above rules the method of recruitment for Patwari has been prescribed as follow:

“By initial appointment from amongst the Patwari passed candidates entered in the Tehsil Patwar Candidate Register maintained in the District Collector of the district concerned having interviewed or equivalent qualification, who have passed Patwar examination.

جناب عالی!

مجھے احسان الحق گرداور کے کنفرم ہونے پر کوئی اعتراض نہیں ہے۔



محمد الین مسعودی

جناب عالی!

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احسان الحق

جناب عالی!

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اب اس خان

جناب عالی!

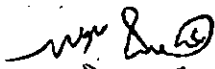
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احسان الحق گرداور

جناب عالی!

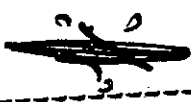
مجھے احسان الحق گرداور کے کنفرم ہونے پر کوئی اعتراض نہیں ہے۔



عباد اللہ مسعودی

جناب عالی!

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سہرت شاہ پوری

گلی

جناب عالی!

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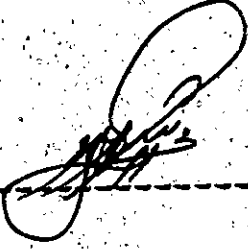
میر وطن شاہ سواری

بیت

جناب عالی!

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محمد اسلم سواری



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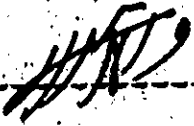
محمد اسلم سواری



جناب عالی!

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واقف بیٹواری



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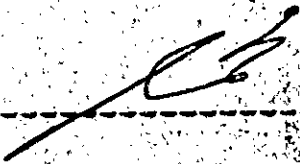
میر زمان پٹواری



جناب عالی!

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محمد شعیب پٹواری



رکھام

جناب عالی!

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طارق حادید گل (پٹواری)

طارق حادید گل

جناب عالی!

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ناصر خان (پٹواری)

ناصر خان

جناب عالی!

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دیسو خان (پٹواری)

دیسو خان

جناب عالی!

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شہباز علی پٹواری

شہباز علی

جناب عالی!

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محمد سعید پٹواری

محمد سعید

جناب عالی!

مجھے احسان الحق گرواؤر کے کنفرم ہونے پر کوئی اعتراض نہیں ہے۔

اکرم اللہ پٹواری

اکرم اللہ

جناب عالی!

مجھے احسان الحق گرو اور کے کفرم ہونے پر کوئی اعتراض نہیں ہے۔

Signature

ربانی اکر

جناب عالی!

مجھے احسان الحق گرو اور کے کفرم ہونے پر کوئی اعتراض نہیں ہے۔

Signature

منزل سوری

جناب عالی!

مجھے احسان الحق گرو اور کے کفرم ہونے پر کوئی اعتراض نہیں ہے۔

Signature

کلیں

جناب عالی!

مجھے احسان الحق گرو اور کے کفرم ہونے پر کوئی اعتراض نہیں ہے۔

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مجھے احسان الحق گرو اور کے کفرم ہونے پر کوئی اعتراض نہیں ہے۔

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مجھے احسان الحق گرو اور کے کفرم ہونے پر کوئی اعتراض نہیں ہے۔

وکالت نامہ

بعدالت: ضامن سٹریٹون ضد ضنونہ

اصالہ الحق بنام حکومت ذرہ

منجانب پیدلند دعویٰ S.A.

تاریخ 2018-5-22

قلم الاحوال اسد
اور سڈ
آپر ڈی

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جھگڑی
 بمقام کیلے جاویدا قبال گل بیلہ ایڈووکیٹ ہاکی کورٹ سیکرٹری شراویکل
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر
 مقام پجھری کی کسی اور جگہ یا پجھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر
 مقدمہ علاوہ صدر مقام پجھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پجھری کے اوقات کے آگے پیچھے پیش ہونے پر
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
 کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و درآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا اگر قاری قبل اجراء ڈگری بھی موصوف
 کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا
 اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیر سٹر کو بجائے اپنے یا اپنے ہمراہ
 مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔
 مورخہ 2018-5-22 مضمون مختار نامہ سن لیا ہے اور اسی طرح سبجکٹ ہے اور منظور ہے۔

منجانب اصالہ الحق پیدلند
اصالہ الحق

Accepted by

Signature

Jahad (ASW)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Appeal No.764/2018

Ihsan-Ul-Haq Patwari, District Peshawar

.....(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Senior Member Board of Revenue.
2. Board of Revenue through Senior Member Board of Revenue.
3. Secretary Board of Revenue.
4. Commissioner Peshawar Division, Peshawar.
5. Deputy Commissioner Peshawar.
6. Assistant Commissioner Peshawar & Others

.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 6

Respectfully Sheweth,

Preliminary Objections.

1. That the appellant in the instant case has no locus standi or cause of action to institute present appeal.
2. That the appellant has not come to this honourable court with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in the present form.
5. That the instant appeal is barred by law.

OBJECTION ON FACTS.

1. Correct to the extent that the appellant is performing duty as Patwari in District Peshawar.
2. Incorrect. The entry in the Patwar register is made on basis of the marks obtained in the Patwar Examination as per land record manual and it is the ongoing practice.
3. Incorrect. The appointment rules of Patwaris have been amended vide Board of Revenue Notification No.Estt:1/Amendment/38383-38423 dated 25/11/2016 (Annex-I) and similar to service rules of other cadres advertisement have be made for appointment.
4. Matter pertains to record.
5. Keeping in view the Amendment mentioned vide Para-3, now the seniority list is to be issued on the basis of date of appointment accordingly the same was issued.
6. The Position of the appellant in the seniority list of 2013 was the same was claimed, but after the amendment in 2016 the situation has been changed altogether and hence the new seniority list was issued.

(Continued on Page-2)

7. Same as above Para-4.
8. The matter explained as above.
9. Incorrect. The appeal was considered, rejected/filed.
10. The appellants have got no cause of action to file instant appeal. Furthermore he should have filed appeal in the court of appellate authority i.e. Commissioner Peshawar Division Peshawar which he did not follow.

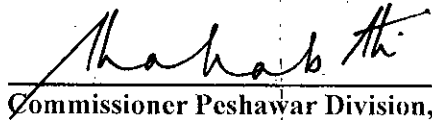
GROUND

- A. Incorrect. No violation of rules and deprivation of rights was made. The Rules framed by the Board of Revenue were followed.
- B. Incorrect. As replied above.
- C. Incorrect. As per para-A above.
- D. Incorrect. As per Para-A above.
- E. This office may be allowed to present other grounds if required in future.

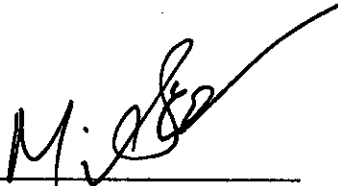
It is therefore prayed before the honourable court that appeal in hand having no weight may very humbly be dismissed with cost.



Senior Member Board of Revenue/
Secretary, Govt. of Khyber Pakhtunkhwa,
Board of Revenue, Peshawar
(Respondent No.1,2&3)



Commissioner Peshawar Division,
Peshawar
(Respondent No.4)



Deputy Commissioner
Peshawar
(Respondent No.5)



Assistant Commissioner
Peshawar
(Respondent No.6)

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

NOTIFICATION

Peshawar dated the 25/11/2016

No.Estt:/Amendment/ _____ .- 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 and Estate Department in consultation with Establishment Department and Finance Department, hereby directs that in this Department's Notification No. 32102/Admn:/135/SSRC, dated 26/12/2008, the following further amendments shall be made, namely: 45.1.15

AMENDMENTS

In the Appendix, against serial No. 8, in column No. 7, for the existing entry, the following shall be substituted, namely: :-

“By initial recruitment from amongst the patwar passed candidates entered in the patwar candidates register of Tehsil or District concerned on the basis of test and interview to be conducted after advertising the posts.”

By order of
Secretary to Government of the
Khyber Pakhtunkhwa, Revenue and
Estate Department

No.Estt:/Amendment/ 38383-38423
Copy forwarded to the:-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. PSO to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. All Commissioners of Khyber Pakhtunkhwa.
5. All Deputy Commissioners of Khyber Pakhtunkhwa.
6. Director, Land Records, Khyber Pakhtunkhwa.
7. Manager Government Printing Press Peshawar.
8. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.

Or
Deputy Secretary to Government of
Khyber Pakhtunkhwa, Revenue
Estate Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 764 /2018

Ihsan-ul-Haq Appellant


Versus

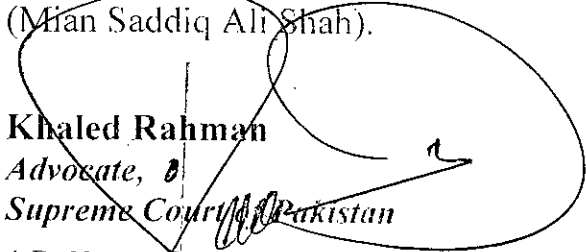
The Govt. of KPK through SMBR and others..... Respondents

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S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Reply with Affidavit			1-4
2.	Result Notification		Reply/1	5-6
3.	Order dated of Respondent No.4	22.09.2015	Reply/2	7-8
4.	Minutes of Meetings wherein Respondent was again recommended for promotion	29.12.2017	Reply/3	9
5.	Promotion order	19.07.2018		10

Through


Respondent No.14
(Mian Saddiq Ali Shah).


Khaled Rahman
Advocate,
Supreme Court of Pakistan
4-B, Haroon Mansion,
Khyber Bazar, Peshawar
Cell: 0313-9040434

Dated: 06 /12/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 764/2018

Ihsan-ul-Haq Appellant

Versus

The Govt. of KPK through SMBR and others..... Respondents

REPLY ON BEHALF OF IMPEADED RESPONDENTS NO.14

Respectfully Sheweth,

(BACK GROUND OF THE APPEAL).

- i. That initially answering/impeaded Respondent No.14 was appointed against the post of Patwari on 27.12.1989. Since then he has been served the Department with full dedication. It is pertinent to submit here that answering Respondent No.14 has also qualified the examination at Abbottbad for the post of Kanungo/Girdawar way back in the year of 1999 (Result Notification *Annex:-RP/1*).
- ii. That vide meeting of the Departmental Promotion Committee held in the year of 2014 where, answering Respondent No14 was placed at wrong Serial Number thus, he challenged the same before the Respondent No.4 who was pleased to accept the Departmental Appeal vide order dated 22.09.2015 (*Annex:-RP/2*) and official Respondents were directed to place the answering Respondent No.14 at appropriate place (at Serial No.2) in the Seniority List for the Department Promotion Committee-2015 as per his appointment order.
- iii. That vide minutes of the meetings dated 29.12.2017 (*Annex:-RP/3*) answering Respondent No.14 was recommended for promotion against the post of Kanungo/Girdawar but was not considered against the subject post rather inspite of having eligibility and availability of sanctioned posts of the Kanungo/Girdawar. Vide order dated 19.07.2017 (*Annex:-RP/4*) answering

Respondent No.14 was posted as Kanungo/Girdawar Circle Gulbela in his own Pay and Scale against the vacant post (in promotion zone). It is also to be noted that there are as many as 15 sanctioned posts of the Kanungo/Girdawar but he was appointed in his own pay and scale which is not sustainable in the eye of law.

Preliminary objections.

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal in hand is badly time barred.
3. That the appellant has not approached the Tribunal with clean hands.
4. That the instant appeal is bad in form and shape.
5. That the appeal is also bad for misjoinder and non-joinder of the parties.
6. That the appellant has been guilty of concealment of facts hence his appeal is not maintainable.
7. That the claim of the appellant is hit by the principle of estoppel.

Reply to Facts

1-3 Need no reply. However, it is asserted that answering Respondent No.14 was inducted as a Patwari on 27.12.1989, thus he is an established senior to appellant for the appellant has not been him made party in the instant appeal. It would not be out of place to add here that answering Respondent has also qualified the examination at Abbottbad for the post of Kanungo/Girdawar way back in the year of 1999 but due to the status quo order of this Hon'ble Tribunal the promotion process of the answering Respondent got delayed.

4&5. Comprehensive reply has already been submitted in the preceding paras. However, it is added that answering Respondent was placed at Serial No.14 of the said Patwari List. The status of the answering Respondent is quite different from that of other private Respondents in the instant Service Appeal while answering Respondent in spite of being an established senior to

appellant has not been made party in the instant service appeal but the process of promotion of the answering Respondent against the post of Kanungo/Girdawar has been withheld due to the status quo order of this Hon'ble Tribunal.

6&7. Misconceived. However, it is averred that vide meeting of the Departmental Promotion Committee held in the year of 2014 where, answering Respondent was placed at wrong Serial Number which he challenged the before the Respondent No.4 who was pleased to accept the Departmental Appeal and directed the official Respondents to place the answering Respondent No.14 at the appropriate place (at Serial No.2) in the Seniority List for the Department Promotion Committee-2015 as per his appointment order. Furthermore, answering Respondent has also obtained the requisite training for the post of Kanungo/Girdawar which was conducted at Abbottabad in the year of 1999. In spite of that answering Respondent has been deprived of his right of promotion more than once.

8&9. Needs no reply.

Reply to Grounds:-

A-C. Misconceived, however it is added that vide minutes of the meetings dated 29.12.2017 answering Respondent No.14 was recommended for promotion against the post of Kanungo/Girdawar but was not considered against the subject post rather in spite of having eligibility and availability sanctioned posts of the Kanungo/Girdawar vide order dated 19.07.2017 answering Respondent No.14 was posted as Kanungo/Girdawar Circle Gulbela in his own Pay and Scale against the vacant post (in promotion zone). There are as many as 15 sanction posts of the Girdawar in which Respondent was recommended for promotion but again he is being deprived due to interim order and imposed upon the him a major penalty without any legal justification.

D&E. Comprehensive reply has already been submitted in the above paras.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Respondent No.14
(Mian Saddiq Ali Shah).

Through

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

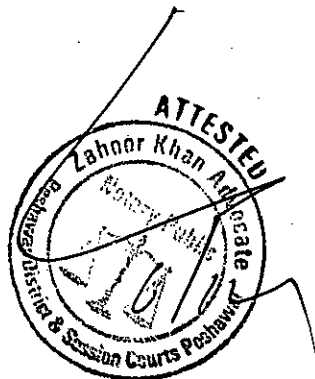
Dated: 06/12/2018

Counter Affidavit

I, , do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

Bandy Ali



RESOLUTION DATED THE 17/5/20.

NOTIFICATION

No. 1975/LR-I/20. In pursuance of the provision contained in Sub-Rule (5) of Rule 6 of the West Pakistan Rangro Service (Northern Zone) Rules, 1964, the candidates of the following Roll nos: have passed the Departmental Examination for the post of Kanungo held on 8-7-1999 ~~and 20-7-1999~~ in Papers noted against.

5
Reply
11

NAME OF PAPER.	ROLL NOS.
PAPER - I	01, 09, 10, 12, 13, 15, 16, 18, 19, 21, 23, 24, 26, 28, 30, 31, 32, 37, 38, 40, 41, 42, 50, 61, 62, 64, 65, 68, 73, 84, 88, 90, 92, 93, 94, 95, 96, 97, 106, 107, 124, 125, 127, 130, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152.
PAPER - II	01, 08, 09, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 23, 24, 26, 28, 30, 31, 32, 34, 37, 38, 40, 41, 42, 59, 61, 62, 63, 64, 65, 68, 69, 73, 76, 85, 88, 92, 93, 94, 95, 96, 97, 106, 107, 123, 124, 127, 130, 135, 136, 137, 138, 139, 140, 142, 144, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158.
PAPER - III	06, 10, 12, 13, 16, 18, 19, 21, 24, 26, 30, 31, 32, 34, 38, 40, 41, 42, 43, 59, 61, 62, 63, 64, 65, 68, 73, 88, 92, 93, 94, 95, 96, 97, 106, 107, 124, 127, 130, 135, 136, 137, 139, 140, 142, 143, 144, 146, 147, 149, 151, 152, 154, 155, 159, 160, 161, 162.
PAPER - IV	06, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 23, 24, 26, 28, 29, 30, 31, 32, 34, 37, 38, 40, 41, 42, 59, 61, 62, 63, 64, 65, 68, 69, 70, 72, 73, 83, 86, 88, 89, 90, 92, 93, 94, 95, 96, 97, 106, 107, 123, 124, 127, 130, 135, 136, 137, 139, 140, 142, 144, 146, 147, 148, 149, 150, 151, 152, 154, 155, 157, 162, 163, 164, 165, 166, 167.
PAPER - V	08, 10, 11, 13, 16, 17, 19, 21, 23, 24, 26, 28, 30, 31, 32, 34, 38, 40, 41, 59, 61, 62, 64, 65, 68, 73, 88, 94, 95, 96, 97, 106, 107, 123, 124, 127, 130, 136, 137, 139, 140, 142, 146, 147, 148, 149, 150, 151, 154, 155, 159.

Amal Bala Ahmad
(CARI MAEYUS AHMAD)
REGISTRAR (DEPT: EXAM:)
BOARD OF REVENUE, NWFP.

Atte

C E R T I F I C A T E

Certified that Mr. Mian Siddique Ali Shah
S/O Mr. Inayatullah Jan Pstwari of District Peshawar
was appeared in the Departmental Examination of
Kamungo under Roll No. 13 held at Abbottabad in the
year, 1999, and passed all the papers.

[Signature]
15-7-04
SUPERINTENDENT,
LAND RECORDS, NWFP.
SUPERINTENDENT,
LAND RECORDS
N.W.F.P.

[Signature]
15-7-04

[Signature]





D.K.P. Dary No 23612
07/10/15

IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR.

Appeal No. 1/2015
Date of institution 29.04.2015 ✓
Date of Decision 22.09.2015 ✓

Mian Muhammad Siddique Ali Shah, Patwaris Appellant

Versus

The Deputy Commissioner, Peshawar Respondent

-7-
Reply/2

ORDER

My this order will dispose of the instant departmental appeal filed by the above named appellant against ignoring him in the DPC meeting intended to be held shortly for promotion of senior most patwaris against the vacant posts of Kanungos (EPS-11) praying thereby for placing his name at appropriate place in the seniority list of patwaris of the district.

Briefly stated the facts giving rise to filing of the instant appeal by the appellant are that a DPC is being arranged for promotion of senior most patwaris against the vacant posts of Kanungos beside appointment of patwaris. To this effect the appellant produced copy of the working paper wherein name of the appellant appeared at S.No 7 of the list intended to be promoted. The appellant has claimed that he is senior most Patwari of the district, appointed in the year 1989 and is being ignored from promotion in the said DPC. Aggrieved of this, the appellant filed the instant appeal praying therein for placing his name at appropriate place in the seniority list considering him for promotion in the DPC.

Comments on appeal were requisitioned from the Deputy Commissioner, Peshawar. The comments stated that the appellant was appointed ahead of numerous candidates, secondly, his name is not traceable in Darjebandi Register maintained at the time of regularization of services of patwaris and thirdly, that the appellant did not challenge the seniority list of patwaris issued on 08.5.2014 despite it being displayed in tensil office for one month for objection if any, meaning thereby that if the appellant was aggrieved, he should have challenged the same hence on the basis of above, his name was not considered for promotion in the DPC as visible from the working paper.

Arguments heard. Representative of the DC office Peshawar as well as appellant present and heard. Available record on file also perused and comments examined.

From comments and perused of the available record on file it is observed that the appellant was appointed as Patwari on 27.12.1989 by the Deputy Commissioner Peshawar being competent authority. His appointment was later on challenged by the candidates placed below him in the patwar candidate register of the district. The appeals were however rejected which showed that the competent authority was satisfied of his performance and efficiency of the appellant.

Ato

Regarding regularization of services, it is remarked that maintenance of Darjabandi register etc is the sole responsibility of the DC office (DK branch) and as such when the appellant was appointed as Patwari by the competent authority and after disposal of appeals in favor of the appellant, the DC office was required to have shifted his name into Darjabandi register and properly maintained his record therein as per his appointment order. Moreover, the word "regularization" is used in cases where an official is appointed on contract basis, adhoc basis or promoted to the next higher post on Acting charge basis while in the instant case the appellant was appointed against a permanent vacant post and as per rules the official will remain on probation and on successful completion of probation period, his confirmation order is issued by the competent authority and in case of not issuing such orders, the official will automatically be considered as confirmed. Hence the word "regularization" is misconceived in the present sense. The DC office Peshawar was required to have shifted his name/record by placing it at appropriate place and Serial Number in Darjabandi register according to his appointment order after disposal of appeals in his favor. Thus failure is on the part of DC office which can't be attributed to the appellant.

It is further observed that a number of patwaris placed below the appellant in the candidate register or appointed later have since long been promoted as Kanungos or elevated to the post of Naib Tehsilgars while the appellant being senior most in appointment is still serving as Patwari. It is ironic that an official serving for 26 years against his post of initial recruitment is conveyed in 2015 that his services are not regularized.

Similarly, regarding comments that the appellant if aggrieved of being ignored was required to have challenged the seniority list of patwaris issued in 2014 and displayed in tehsil office for a month, it is further remarked that it is the responsibility of the DC office to inform them of the issuance of any seniority list (at least senior most patwaris who are on the verge of promotion). Mere display of seniority list does not serve the purpose unless copy of the same is handed over to the patwaris by obtaining proper signatures for record, being an important matter of seniority and service. Hence, it has not been proved whether appellant has been properly informed or copy of the seniority list handed over to him, being a senior most Patwari of the district. If done so, the appellant could have been held responsible for not challenging the seniority list.

Keeping in view the facts explained above, the appeal in hand is accepted. Deputy Commissioner Peshawar is directed to place name of the appellant at appropriate place (at S.No 2) in the seniority list prepared for the instant DPC-2015 as per his appointment order. File to GRR.

Atc I

M. J. Khan
COMMISSIONER
 Peshawar Division, Peshawar

-9-
Reply/3

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 29/12/2017 UNDER THE CHAIRMANSHIP OF DEPUTY COMMISSIONER PESHAWAR

A meeting of Departmental Promotion Committee was held on 29/12/2017 at 02:00 PM under the chairmanship of Deputy Commissioner Peshawar to consider promotion of Patwaris to the post of Girdawars against the vacant posts in the office of Deputy Commissioner, Peshawar.

The following attended:-

1. Mr. Islam Zeb,
Deputy Commissioner, Peshawar Chairman
2. Mr. Muhammad Mughes Sanaullah,
Assistant Commissioner, Peshawar Member
3. Mr. Muhammad Ayub,
Representative,
Commissioner Peshawar Division Member

District Kanungo informed the committee that as mentioned in the working paper, there are 15 sanctioned posts of Kanungos (BPS-11) in the office of Deputy Commissioner Peshawar. Out of which two posts lay vacant due to the retirement from service of Mr. Abdul Wahab on 20/04/2017 and promotion of Mr. Dilawar Khan to the post of Naib Tehsildar on 11/08/2017, thus a total of 2 vacancies are to be filled.

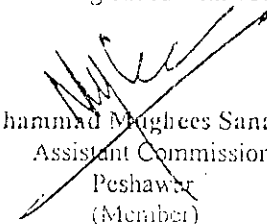
The Seniority List of Patwaris for the period ending 30-09-2017 reveals that S.No.1 to 20, except the following candidates as mentioned in the table below, were not found eligible for promotion for not qualifying the Kanungo Examination.


S.No.	Name of Patwaris	Date of 1st appointment	Date of birth	Kanungo Examination
1.	Mr. Ibadullah RID	23/11/1986	01/01/1988	Qualified
2.	Mr. Nisar Muhammad	08/08/1988	03/03/1966	-do-
3.	Mian Saddiq Aji Shah	27/12/1989	11/07/1968	-do-
4.	Mian Noor-ul-Haq	10/05/2000	12/03/1972	-do-

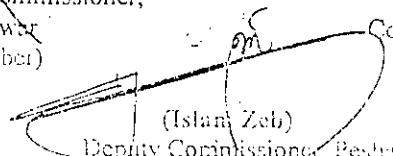
The Departmental Promotion Committee examined service record of the above officials and recommended the following Patwaris for promotion to the post of Kanungo (BPS-11).

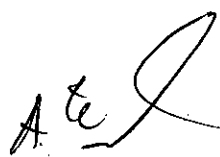
1. Mr. Ibadullah.
2. Mr. Nisar Muhammad

Meeting ended with vote of thanks to & from the Chair.


(Muhammad Mughes Sanaullah)
Assistant Commissioner,
Peshawar
(Member)


(Muhammad Ayub)
Representative
Commissioner Peshawar Division
(Member)


(Islam Zeb)
Deputy Commissioner, Peshawar
(Chairman)





OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.
Dated Peshawar the 19th / 7 / 2017

OFFICE ORDER.

Mian Saddiq Ali Shah Patwari DK's office (in promotion zone) is hereby posted as Girdawar/Kanungo Circle Gulbela in his own pay scale against the vacant post with immediate effect in the public interest.

- 10 -
Reply/4
Deputy Commissioner,
Peshawar.

No. 13667-72 /DC(P)/EA

Dated Peshawar the 19 / 07 / 2017

Copy forwarded to the:-

1. Additional Deputy Commissioner, Peshawar.
2. Assistant Commissioner, Peshawar.
3. Tehsildar Peshawar.
4. District Kanungo Peshawar.
5. Mian Saddiq Ali Shah Patwari for immediate compliance.

Deputy Commissioner,
Peshawar.

A 09



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 2814/DC(P)/DK

Dated:07-October-2019

OFFICE ORDER.

On the recommendation of Departmental Promotion Committee firmed up in its meeting held on 07/10/2019, the Competent Authority is pleased to promote Mr. Ihsan-ul-Haq S/o Noor-ul-Haq Patwari (B-09) of this office to the post of Kanungo (BPS-11) with immediate effect.

On promotion the above official will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment/ Promotion/Transfer) Rules 1989.

The Official is directed to report to District Kanungo Office for further posting.


(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Endst: No. and Date Even:

Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department.
2. Commissioner Peshawar Division Peshawar.
3. Addl. Deputy Commissioner, Peshawar.
4. Assistant Commissioner Officer, Peshawar.
5. Accounts Officer of this office Peshawar for necessary action.
6. Official concerned for strict compliance.


DEPUTY COMMISSIONER

BEFORE THE PESHAWAR HIGH COURT,
PESHAWAR

Writ Petition No. 4785/2016



1. Ain Ullah Khan S/o Iqbal Khan
R/o Mohallah Bazai Khel, Musazai, Peshawar
2. Khurram Imtiaz S/o Mirza Ashiq Hussain
R/o House No.2746, Mohallah Mohtaseban,
Tehsil Gorgathri, Peshawar
3. Sheikh Muhammad Faheem S/o Sheikh
Muhammad Saleem R/o House No C 447,
Mohallah Malik Pura, Yakatoot, Peshawar
4. Rab Nawaz Khan S/o Abdul Razaq,
R/o Mohallah Haya Khel, Hazarkhwai, Peshawar
5. Sana ur Rehman S/o Aziz ur Rehman
R/o Mohallah Haya Khel, Hazarkhwai, Peshawar
6. Janas Khan S/o Saraf Khan
R/o House No.1, Charsadda Road, Meowra,
Peshawar
7. Intekhab S/o AbdulWali
R/o Canal Road, Wali Abad, Peshawar
8. Hassan Shah S/o Abdul Sattar
R/o Mohallah Haya Khel, Hazarkhwani,
Peshawar
9. Muhammad Ali S/o Darvesh Khan
R/o WazirBagh Tehsil & District Peshawar

..... **Petitioners**

ATTESTED
AMINER
PESHAWAR HIGH COURT

VERSUS

FILED TODAY
Deputy Registrar

17 DEC 2016

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT**

W.P. No.4785-P/2016.

*Ainullah etc
Vs
Government of KPK etc.*

JUDGMENT

Date of hearing: 30/10/2018.

Petitioner(s) by: Mr. Javed Gulbela Advocate.

Respondent (s) by: Mr. Moeenuddin Humayun AAG.



IKRAMULLAH KHAN, J:- Through this single judgment we intend to dispose of instant **Writ Petition No.4785-P/2016** and **Writ Petition No.1894-P/2017**, titled, "**Inam Ullah Vs Govt of KPK etc**" as in both the petitions filed under 199 of Constitution of Islamic Republic of Pakistan, 1973, one and same notification No.Esst:I/Amendment/38382 dated 25.11.2016 has been challenged by petitioners Ainullah etc and Inamullah etc respectively.

2. In essence, all of the petitioners had passed the Patwar examination in the year 2007 and 2009 respectively. Their names were duly entered in the prescribed register of Patwar candidates held under Paragraph 3.6 of Chapter 3 of

ATTESTED
EXAMINER
Peshawar High Court

the Land Records Manual. According to the repealed Rules, the method of recruitment prescribed by the Department in view of sub-rule 2 of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, was that the Patwar post would have been filled from amongst the senior most candidates appears on Rules of Patwar Register candidates. However, the respondents amended the aforesaid Rules of appointment of Patwar vide impugned notification dated 25.11.2016, hence the petitioners who were waiting for their appointments on the basis of seniority felt aggrieved of the newly amendment rules and invoked the jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan 1973.

3. Learned counsel for petitioners contended that the impugned rules were amended by unauthorized persons therefore having no legal effect which is illegal and against the Constitution.

4. We have heard learned counsel for the parties in light of available record and relevant law on the subject.

5. Admittedly, the recruitment of Patwaris was governed by the Rules contained in Chapter 3 of Paragraph 3.6 of Land Record Manual, which reads as:-

"3.6. List of Patwar Pass persons---
1) For each Sub-Division, a list of
all Patwar Pass persons shall
be maintained by the Sub-

ATTESTED
 EXAMINER
 Patwar High Court

Divisional Collector/ Political Assistant in Form P-1 given in Appendix "G" with a view to have ready information about the availability of eligible persons in the sub-Division to facilitate filling up the vacancies. However, the appointment of Patwaris shall be made strictly in accordance with Service Rules and the Recruitment Policy as may be applicable at the relevant time.

- 2) Maximum Education qualification for the Patwari is F.A/ Intermediate. The name of only those persons shall be enrolled, who are bona fide residents of the concerned Sub-Division.**
- 3) The name of the eligible persons shall be added to the list and when the result of the Patwar Examination is received and no eligible person shall be refused enrollment.**
- 4) The aforesaid list shall be verified and up-dated by the Collector concerned at least once in a year so as to exclude the names of those, who have become un-available on account of death, migration, employment on any other post, etc.**

6. The bare reading of above Rules clearly shows that appointments of Patwaris are to be made from amongst the list of candidates of all the Patwar Pass persons maintained by Sub-Divisional Collector in Form P-1 appendix "G" under the rules subject to observance of Service Rules and the recruitment policy prevalent at the relevant time. The

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method of recruitment of Patwaris has been given in Service Rules i.e, The West Pakistan (Northern Zone) Patwari Subordinate Service Rules, 1963 and relevant Para of Rules 5 & 7 are reproduced as under:-

Method of recruitment:

(1) Recruitment to the Service shall be made by initial recruitment.

(2) Vacancies in the Service shall be reserved for bona fide residents of the District in which they occur.

7. Qualification. (1) No person shall be appointed to the Service unless he is able to record and write Urdu and has passed:-

- i. The Vernacular Middle Examination and**
- ii. The Patwar Examination from a Patwar School established in accordance with paragraph 3.6 of the Land Record Manual.**

7. No doubt previously the above mentioned method of recruitment was in vogue and the same was adopted and approved by the competent authority in terms of Sub-Rule 2 of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, which reads as:-

Method of Appointment:-

(1) Appointment to posts shall be made by any of the following methods, namely:-

(a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and

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(b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Establishment and Administration Department and the Finance Department. "

8. The impugned notification issued by respondents in unequivocal terms reveals that the same has been issued by the department after fulfilling the required conditions mentioned in sub-rule 2 *ibid*.

9. For determination of this Court, in order to resolve the objections and grievance of petitioners that the department has no power and jurisdiction to amend the previously existing rules. It is settled law that recruitment policy has always been formulated by the Government as a part of delegated legislation conferred upon the Government departments in view of the above mentioned sub-rule 2 of Rule 3 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, while making policy is prerogative of the Government and the Court in exercise of its Constitutional jurisdiction cannot make policy for the Government, however, any government policy which infringe any legal rights of citizen against the Constitution, the Court

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 Peshawar High Court

may declare the same as ultra vires. In case of 2008 SCMR

537, the Hon'ble apex Court observed that:-

"This is, however, prerogative of the Government to grant certain privileges to a particular category of its employees on the basis of reasonable classification and the law is that the Courts should not ordinarily interfere in the matter falling within the exclusive domain of Government or nullify its legal and constitutional authority. The courts may not undo the action taken by the Government in its discretion, unless there is infringement of a legal right, rather the Courts-in the light of aim and object of the action should broadly regard the authority confided in the Government. This is however, well-settled principle of law that discretionary power conferred on the Government should be exercised reasonably and subject to the existence of the essential conditions required for exercise of such powers within the scope of law."

In another case title "Dr.Alyas Oadeer Tahir Vs Secretary (2014 SCMR 997)", the Hon'ble apex Court observed that:=-

"Enactments of rules and amendments therein was the prerogative of the Government--- Government could enact and amend rules according to the needs and exigencies of service---Institutional interest shaped structure of a service and not individual interest."

10. The Constitution of Islamic Republic of Pakistan envisages the tricotomy of powers amongst three organs of

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the State, namely the Legislature, Executive and the Judiciary. The legislature is assigned the task of law making, the executive to execute such law and the judiciary to interpret the laws. None of the organs of the State can encroach upon the field of the others. Reliance is placed on the case of **"Executive District Officer (Revenue) Vs Ijaz Hussain and another" (2011 SCMR 1864)**, wherein the Hon'ble apex Court has observed that:-

The framing of the recruitment policy and the rules thereunder, admittedly, fall in the executive domain. The Constitution of Islamic Republic of Pakistan is based on the well known principle of trichotomy of powers where legislature is vested with the function of law making, the executive with its enforcement and judiciary of interpreting the law. The Court can neither assume the role of a policy maker or that of a law maker."

11. The rules and policy is the formal expression of the will of the legislative organs of the State. There is clear-cut procedure for appointment of Patwaris in the Land Records Manual as well as in the West Pakistan (Northern Zone) Patwar Subordinate Service Rules, 1963. The argument of learned AAG that the object of advertisement and test and interview is to ensure the fair selection, minimize the chances of discretion and favoritism, therefore, test and interview from amongst the list of the candidates of patwar pass

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persons is the better course than that of the selection provided in the Land Record Manual, has no force because competent authority has the powers to bring changes in the relevant rules for appointment on a particular post by making amendment in order to maintain efficiency in the services. If conduct of test and interview for appointment of Patwari keeping in view the exigency of services is necessary, it is the prerogative of the Government to make amendment in this regard in the relevant rules. In this respect reliance is placed on the case titled, "Zafar Iqbal and another Vs Director Secondary Education, Multan Division and 3 others (2006 SCMR 1427)" wherein, the august Supreme Court has observed that:-

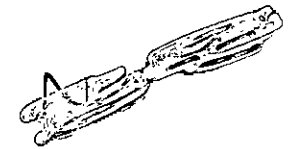
"The Government is always empowered to change the promotion policy and the domain of the Government to prescribe the qualification for a particular post through amendment in the relevant rules, is not challengeable. This is also a settled law that notwithstanding fulfilment of the requirement qualification and other conditions contained in the rules, the promotion cannot be claimed as a vested right."

12. For the reasons discussed hereinabove, we are of the view that until and unless rules prescribed for appointment of Patwaris provided in the Land Records Manual as well as service rules with regard to method of


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 Patwaris High Court.

recruitment of Patwaris are not amended or struck down, the respondents are bound to make appointment in accordance with existing rules and policy governing the subject matter as it is settled principle for administration of justice that when law requires a thing to be done in a particular manner then that thing be done in that particular manner and not otherwise. Consequently both the writ petitions referred above are dismissed.

Announced
Dated: 30.10.2018.



JUDGE



JUDGE

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 The Qanun-e-shahadat Order 1988
 23 JUL 2018

For Appellant

IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. 3398/2014

1. Ameer Taimoor S/o Muhammad Baz Khan
R/o Chagharmati, Tehsil & District Peshawar.
- Syed Abdur Rahim S/o Syed Badshah
R/o Garhi Saidan, Shahi Bala, Peshawar.
- Ali Murtaza S/o Abdul Qayyum
R/o Chagharmati, Tehsil & District Peshawar.
- Muhammad Mustafa Zeb S/o Alamzeb Khan
R/o Chagharmati, Tehsil & District Peshawar.

(17) Rehman Imtiaz
S/o Mirza Ashiq
Hussain R/o H.No.
2746 Mstallab
Mohdaseeb Karim
Peshawar (B) Shalch
Mohammad Rahis S/o
Shalch Mohammad Balaam
R/o H.No. C. 447
Mdr: Malik Pura
Yakatoot Peshawar

5. Muhammad Imran Khan S/o Imtiaz Khan
R/o Chagharmati, Tehsil & District Peshawar.

(6) Anullah Khan S/o Iqbal Khan R/o Mohallah Bagged Khel
Muzame Peshawar
.....Petitioners

Versus

1. Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Assistant Secretary Administration, Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Deputy Commissioner, District Peshawar.

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

FILED TODAY
Deputy Registrar
13 NOV 2014

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EXAMINER

vide order
dt 23/12/2014
the applicant
be impleaded
as petitioners
etc.

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)



W.Petitions No. 3398-P/2014 alongwith

W.P Nos. 3556/2014, 2242-P/2014 and 1833-P/2014.

Date of hearing:..... **04.2.2015.**

Appellant-Petitioner (Amir Taimoor and others) by

Mr. Shakeel Ahmad, Advocate.

Respondent: (Govt of Khyber Pakhtunkhwa etc)

by Muhammad Rahim Shah,

Advocate.

MALIK MANZOOR HUSSAIN, J.- Through this single judgment, we intend to dispose of writ petitions No. 3398-P/2014, 3556/2014, 2242-P/2014 and 1833-P/2014 as common question of law and facts are involved in all the petitions. In the petitions, petitioners have challenged the mode of appointment of patwaris appeared in advertisement through test and interview, being against the prescribed manner provided under Paragraph 3.6 of Land Records Manual.

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2. The background to constitute this special three members Bench is that writ petition, titled "Amir Khan v/s

Government bearing No. 129/2012, this Court (Abbottabad Bench) was allowed with the direction that appointment of patwaris be made after conducting test and interview and displaying of merit list while in a case titled Zafar Iqbal v/s Government in W.P No. 278-D/2012 (D.I Khan Bench) passed directions that the petitioner be appointed as patwari according to his position and seniority in the Register of Patwar Candidate. Since the recruitment of Patwaris are made under the existing policy of the Government, therefore, Assistant Secretary (Establishment) addressed letter to Registrar of this Court bearing No. Estt.VII/ DPC/DIK 23693, Peshawar dated 2.12.2014, to set the controversy at rest arising out in the above referred judgments of this Court. Accordingly, this larger Bench of three members was constituted by the Hon'able Chief justice and the Bench is seized of the matter to determine the question as to whether appointments of patwaris are to be made under Paragraph 3.6 of Land Records Manual or otherwise. Since number of writ petitions were pending disposal wherein similar relief was sought and question of implementation of procedure provided for appointment of Patwaris under Paragraph 3.6 of Land Records Manual was prayed, therefore, by order of Hon'able Chief Justice all the ripe up cases were clubbed together and

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were fixed for today which we intend to dispose of through this single judgment.

3. Learned counsel for the petitioners contended that the petitioners passed the Patwar Examination in year, 2006, and their names are mentioned in the Register Patwar maintained under Paragraph 3.6 of the Land Records Manual. They contended that petitioners are on the top of seniority list of the patwar Pass List, therefore, the respondents were required to appoint them as Patwaris in accordance with seniority list but instead of following the rules and policy, issued advertisement dated 31.5.2014 and invited applications from the candidates who passed the Patwar examination through Test and interview, which is in utter violation of the provisions of Land Record Manual. They contended that while advertising the post of Patwaris, the respondents have adopted different criteria than that of the existing rules and policy, therefore, their act is illegal, unlawful, without lawful authority.

4. Learned AAG appearing on behalf of the respondents contended that the competent authority has the power to advertise a particular post. He further contended

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that open merit competition is better option than that of appointment to be made batch-wise.

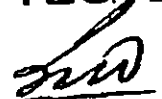
5. We have examined the respective contentions as advanced on behalf of the parties in the light of relevant provisions of law and record perused.

6. The perusal of judgment in W.P No. 129/2012 reveals that the petitioners had challenged the appointment order to be illegal on the ground that it was made beyond the criteria of appointment as laid down by the Government and the appointment was made without advertising the posts while ignoring the basic legal and fundamental rights of the petitioners guaranteed by the Constitution. The writ petition was disposed of on 10.4.2012 and relevant Para No. 11 & 12 of the judgment is as under:-

" According to section 3.6 list of patwar pass persons, in each Sub-Division a merit list of all patwar pass persons per year-wise commencement of patwar Course shall be maintained by the Sub-Divisional Collector/Political Assistant in P-1 given in Appendix "a" with a view to have ready information about the availability of eligible persons in the Sub-Division to facilitate filling up the vacancies according to merit irrespective of the fact whether he has passed Field or Settlement course form the Patwar School as there is no distinction regarding settlement and field school.

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However, the rules governing the subject matter clearly direct appointment of Patwaris strictly in accordance with Service Rules and the Recruitment Policy. The maximum educational qualification for the patwari is now FA/F.Sc. As per rules, the official respondents are required to display the merit list and candidates be given appointment according to it, subject to passing of test and interview (underlining is ours) and no discrimination be made.

12. In the light of the above, the three writ petitions stand disposed of accordingly."

In a Writ Petition No. 278/2012, the petitioner had prayed issuance of an appropriate writ for directions to the respondents to appoint him as Patwari on the basis of his merit position as well as in pursuance of the order dated 16.7.2011 passed by the respondent No. 3 on his appeal which was disposed of by the Division Bench of this Court at D.I Khan with the following observations:-

"For the aforesaid discussion and reasons, we admit and allow this petition and direct the respondents to appoint the petitioner as Patwari according to his position and seniority in the register of patwar candidates (underlining is ours)."

7. Admittedly, the recruitment of patwaris is governed by the rules as contained in Chapter-3 of Paragraph 3.6 of Land Records Manual, which reads as thus:-

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"3.6. List of Patwar Pass persons.--- (1) For each Sub-Division, a list of all Patwar Pass persons shall be maintained by the Sub-Divisional Collector/Political Assistant in Form P-1 given in Appendix "G" with a view to have ready information about the availability of eligible persons in the Sub-Division to facilitate filling up the vacancies. However, the appointment of Patwaris shall be made strictly in accordance with Service Rules and the Recruitment Policy as may be applicable at the relevant time.

(2) Maximum Educational qualification for the Patwari is F.A/intermediate. The names of only those persons shall be enrolled, who are bona fide residents of the concerned Sub-Division.

(3) The name of the eligible persons shall be added to the list as and when the result of the Patwar Examination is received and no eligible person shall be refused enrollment.

(4) The aforesaid list shall be verified and up-dated by the Collector concerned at least once in a year so as to exclude the names of those, who have become un-available on account of death, migration, employment on any other post, etc.

The bare reading of above Rules clearly shows that appointments of Patwaris are to be made from amongst the list of candidates of all the Patwar Pass persons, maintained by Sub-Divisional Collector in Form P-1 appendix "G" under the rules, subject to observance of service Rules and the Recruitment policy prevalent at the

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relevant time. The method of Recruitment of Patwaris has been given in Service Rules, i.e., The West Pakistan (Northern Zone) Patwari Subordinate Service Rules, 1963 and relevant Para of Rules 5 & 7 are reproduced as under:-

Method of recruitment: (1) Recruitment to the Service shall be made by initial recruitment.

(2) Vacancies in the Service shall be reserved for bona fide residents of the District in which they occur.

7. Qualification: (1) No person shall be appointed to the Service unless he is able to read and write Urdu and has passed:-

(i) [The Vernacular Final Examination or Anglo Vernacular Middle Examination] and

(ii) The Patwar Examination from a Patwar School established in accordance with paragraph 3.6 of the Land Record Manual.

A look at the above paragraph and service rules, ibid, reveals that a prescribed procedure for appointment has been given in it and there is no intricacy to understand its meaning as the same is clear and has to be interpreted in its true sense. A question of interpretation arises, when one side submits that a particular provision of an enactment covers the facts of the case and the other side submits that it does not. When the words are not clear or the provision in question is confusing, then the duty of interpretation arises and if the

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language is clear and explicit the Court must give effect to it. Admitted position in the present petitions is that the petitioners in the instant writ petitions and in the above referred decided writ petitions have not challenged the existing policy for appointment of Patwaris. The petitioners only sought for their appointments in accordance with the prevalent rules and policy as test and interview is not prerequisite for recruitment of patwari anywhere in the rules or in Land Records Manual.

8. The recruitment policy has always been formulated by the Government as part of the delegated legislation. Making policy is the prerogative of the Government and the Court in exercise of its constitutional jurisdiction cannot make policy for the Government. The Court cannot interfere in the Government policy unless there is infringement of legal rights or found to be ultra virus to the Constitution and injunction of Islam. In a human rights case reported in (2008 SCMR 531), Hon'able the apex Court observed that:-

"This is, however, prerogative of the Government to grant certain privileges to a particular category of its employees on the basis of reasonable classification and the law is that the Court should not ordinarily interfere in the matter falling within the exclusive domain of Government or nullify its legal and constitutional authority. The courts may not

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undo the action taken by the Government in its discretion, unless there is infringement of a legal rights, rather the courts in the light of aim and object of the action should broadly regard the authority, conferred in the Government. This is however, well settled principle of law that discretionary power confided on the Government should be exercised reasonably and subject to the existence of the essential conditions required for exercise of such powers within the scope of law".

In another case title Dr. *Alyas Qadeer Tahir vs. Secretary (2014 S C M R 997)* Hon'able the Supreme Court observed that:-

"Enactments of rules and amendments therein was the prerogative of the Government-- Government could enact and amend rules according to the needs and exigencies of service----Institutional interest shaped structure of a service and not individual interest."

9. The Constitution of Islamic Republic of Pakistan envisages the trichotomy of powers amongst three organs of the State, namely, the Legislature, Executive and the Judiciary. The legislature is assigned the task of law making, the executive to execute such law and the Judiciary to interpret the laws. None of the organs of the State can encroach upon the field of the others. Reliance is placed on the case of Executive District Officer (Revenue) Vs Ijaz

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Hussain and another (2011 SCMR 1864), wherein Hon'able
the apex Court has observed that:-

"The framing of the recruitment policy and the rules thereunder, admittedly, fall in the executive domain. The Constitution of Islamic Republic of Pakistan is based on the well known principle of trichotomy of powers where legislature is vested with the function of law making, the Executive with its enforcement and Judiciary of interpreting the law. The court can neither assume the role of a policy maker or that of a law maker."

10. The rules and policy is the formal expression of the will of the legislative organ of the State. There is clear-cut procedure for appointment of Patwaris in the Land Records Manual as well as in the West Pakistan (Northern Zone) Patwar Subordinate Service Rules, 1963. The arguments of learned AAG that the object of advertisement and test and interview is to ensure the fair selection, minimize the chances of discretion and favoritism, therefore, test and interview from amongst the list of the candidates of patwar pass persons is the better course than that of the selection provided in the land Record Manual has no force because competent authority has the powers to bring changes in the relevant rules for appointment on a particular post by making amendment in order to maintain efficiency in the services. If conduct of test and interview for appointment of Patwari

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keeping in view the exigency of services is necessary, it is the prerogative of the Government to make amendment in this regard in the relevant rules. In this respect, reliance is placed on the case titled Zafar Iqbal and another v Director Secondary Education, Multan Division and 3 others (2006 SCMR 1427) wherein, the august Supreme Court has observed that:-

"The Government is always empowered to change the promotion policy and the domain of the Government to prescribe the qualification for a particular post through amendment in the relevant rules, is not challengeable. This is also a settled law that notwithstanding fulfillment of the requirement qualification and other conditions contained in the rules, the promotion cannot be claimed as a vested right."

11. For what has been discussed above, we are of the view that until and unless rules prescribed for appointment of Patwaris provided in the Land Record Manual as well as service rules with regard to method of recruitment of patwaris are not amended or struck down, the respondents are bound to make appointment in accordance with the existing rules and policy governing the subject matter as it is settled principle for administration of justice that when law requires a thing to be done in a particular manner then that thing be done in that particular manner and not otherwise.

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For what has been discussed above, the instant writ petition alongwith writ petitions No. 3556/2014, 2242-P/2014 and 1833-P/2014 are disposed of accordingly.

Announced.
Dt: 04.2.2015

[Signature]
JUDGE

Mr Malik Manzoor Hussain

[Signature]
JUDGE

Mr Qasim Ali

JUDGE

Mr Ghousia

CERTIFIED TO BE TRUE COPY

EXAMINED
Peshawar High Court Peshawar
Authorised by Article 87 of
The Constitution of Pakistan

19 JUN 2019

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WARIS OF TEHSIL AND DISTRICT PESHAWAR (20/06/2009)

		Date of Birth	Date of 1st entry in Govt Service	Education	Date of regular appointment on the present post	Method of appointment/E nroment
	S. Muhammad Iqbal s/o H. Abdul Karim	3/19/1953	11/10/1978	Matric	11/10/1978	Patwari
	Mr. Muhammad Yaseen s/c Abdul Qayyum	6/19/1954	2/18/1979	Matric	2/18/1979	"
3	Mr. Muhammad Iqbal s/o Zabia Khan	2/4/1954	1/15/1981		1/15/1981	"
4	Mr. Liaqat Ali s/o Sultan Muhammad	8/18/1952	2/2/1981	Matric	2/2/1981	"
5	Mr. Multan Khan s/o Khalid Khan	11/4/1955	3/17/1981	Matric	3/17/1981	"
6	Mr. Muhammad Khurshid s/o Abdul Karim	4/20/1957	3/19/1981		3/19/1981	"
7	Mr. Gulab Khan s/o Abdullah Khan	4/20/1952	7/26/1981	F.A	7/26/1981	"
8	Mr. Abdul Wahab s/o Hamid Gul	4/20/1957	7/26/1981	Matric	7/26/1981	"
9	Mr. Raza Khan s/o Ajab Khan	4/1/1950	1/4/1982		1/4/1982	"
10	Mr. Zia-ud-Din s/o	21/12/1954	1/9/1982		1/9/1982	"
11	Mr. Muhammad Israr s/o Fazal Khadi Khan	9/12/1951	1/12/1982		1/12/1982	"
12	Mr. Pervez Akhtar s/o H. Karam Elahi	10/5/1951	8/29/1982	Matric	8/29/1982	"
13	Mr. Fazal Mukhtaj s/o Fazal-ur-Rehman	3/5/1956	3/3/1983	Matric	3/3/1983	"
14	S. Musharaf Shah s/o S. Akram Shah	10/10/1956	9/21/1983	Matric	9/21/1983	"
15	Mr. Qasim Jan s/o Wazir Khan	3/4/1950	3/23/1984	Up to Matric	4/23/1984	"
16	Mr. Ihsanullah s/o Muhammad Amin	8/3/1952	5/2/1984	Matric	5/2/1984	"
17	Mr. Noor Shad s/o Abdul Hakim	1/1/1952	5/11/1984	Matric	5/11/1984	"
18	Mr. Shoukat Ali s/o Ibrahim Khan	1/15/1956	11/3/1984	Matric	11/3/1984	"
19	Mr. Riaz Ali Khan s/o Haji Muhammad Khan	10/20/1960	11/5/1984	F.A.	11/5/1984	"
20	Mr. Shindi Gul s/o Gul Rehman	20/12/1955	11/11/1984		11/11/1984	"

S. No.	Name	Date of Birth	Date of 1st entry in Govt Service	Education	Date of regular appointment on the present post	Method of appointment/Enrolment
21	Mr. Purdil Khan s/o Muhammad Usman	3/15/1955	1/21/1985	Matric	1/21/1985	"
22	Mr. Faqir Hussain s/o Abdul Haq	2/19/1955	7/31/1985	Matric	7/31/1985	"
23	Mr. Kiramat ullah s/o Muhammad Hussain	7/14/1953	1/4/1986	Matric	1/4/1986	"
24	Mr. Muhammad Javed Khan Muhammad Ayub Khan	10/3/1957	3/17/1986	up-to Matric	3/17/1986	"
25	Mr. Siraj Muhammad Wali Muhammad	2/2/1967	3/18/1986	Matric	3/18/1983	"
26	Mr. Muhammad Bashir s/o Muhammad Zaman	4/6/1956	10/5/1986	Matric	10/5/1986	"
27	Mr. Ibadullah s/o Tehmas Khan	1/1/1958	11/23/1986	F.A.	11/23/1986	"
28	Mr. Riaz Ahmad s/o Abdullah Khan	6/15/1963	11/24/1986	Matric	11/24/1986	"
29	Mr. Payo Gul s/o Shamsur Rehman	10/29/1956	12/1/1986	Matric	12/1/1986	"
30	Mr. Noor-ul-Qamar s/o H. Faqir Muhammad Khan	9/20/1959	1/7/1987	Matric	1/7/1987	"
31	Mr. Muhammad Ali Jan s/o H. Abdul Malik	9/19/1956	6/18/1987	Matric	6/18/1987	"
32	Mr. Atta-ullah s/o Muhammad Ibrahim	22/4/1958	6/28/1987	MA	28/6/1987	"
33	Mr. Sadiq Akbar s/o Abdul Akbar	4/20/1963	11/10/1987	Matric	11/10/1987	"
34	Mr. Nisar Muhammad s/o Muhammad Yousaf	3/3/1966	8/8/1988	F.A.	8/8/1988	"
35	Mian Sadiq Ali Shah s/o	11/7/1968	27/12/1989		27/12/1989	"
36	Mr. Haji Muhammad s/o	1/5/1967	1/9/1990		9/1/1990	"
37	Mr. Muhammad Saeed s/o Ghulam Muhd:	4/20/1971	1/11/1990	Matric	1/11/1990	"
38	Mr. Muhammad Nadeem s/o Salim Khan	1/12/1971	5/4/1990	Matric	5/4/1990	"
39	Mr. Muhammad Qayas s/o <i>Achhtar Juneja</i>	15/3/1957	9/1/1990	FA	1/9/1990	"
40	Mr. Muhammad Salahuddin s/o Hidayat ullah	1/15/1962	9/1/1990	Matric	1/9/1990	"
41	Mr. Muhammad Humayun s/o Abdul Wahab	2/5/1966	9/1/1990	B.A.	1/9/1990	"

S. No.	Name	Date of Birth	Date of 1st entry in Govt Service	Education	Date of regular appointment on the present post	Method of appointment/ Promotion
42	Mr. Inayat-ur-Rehman s/o Fazal Subhan	12/31/1966	9/1/1990	B.A.	1/9/1990	"
43	Mr. Fazl-e-Rabbi s/o Said Sharif	12/28/1967	10/9/1990	F.A.	10/9/1990	"
44	Mr. Muhammad Arshad s/o Nadar Khan	1/1/1968	23/11/1990	BA	23/11/1990	"
45	Mr. Saeed Ahmad s/o Faiz Muhammad	3/19/1970	11/23/1990	Matric	11/23/1990	"
46	Mr. Ilyas s/o Abdur Rauf	8/1/1968	28/05/1991	Matric	5/28/1997	"
47	Mr. Tehseen ullah s/o Habib-ur-Rehman	5/4/1965	4/24/1992	Matric	4/24/1992	"
48	Mr. Jehangir Khan s/o Pir Bakhsh Khan	2/16/1966	6/6/1992	F.A.	6/6/1992	"
49	Mr. Didar Khan s/o Minadar Khan	1/1/1973	10/20/1992	F.A.	10/20/1992	"
50	Mr. Namdar Khan s/o Haji Minadar	9/14/1969	12/4/1992	B.A.	12/4/1992	"
51	Mr. Muhammad Jamil s/o Azam Khan	4/2/1970	8/23/1993	F.A.	8/23/1993	"
52	Mr. Riaz Muhammad s/o Sakhi Sarwar	5/11/1963	5/31/1994	Matric	5/31/1994	"
53	Mr. Muhammad Aslam S/O Muhammad Yousaf	4/25/1970	8/1/1995	F.A.	8/1/1995	"
54	Mr. Ilyas Khan s/o Muhammad Saleem	4/15/1969	9/1/1995	F.A.	9/1/1995	"
55	Mr. Zakria Khan s/o Hastam Khan	1/9/1966	10/1/1995	F.A.	10/1/1995	"
56	Mr. Tariq Javed Gul s/o Faiz Gul	5/3/1973	2/27/1997	Matric	2/27/1997	"
57	Mr Waqif Khan s/o Dost Muhammad	4/12/1968	7/30/1997	BA	30/7/1997	"
58	Mr. Izhar Ahmad s/o Muhammad Munir	10/13/1967	10/29/1997	Matric	10/29/1997	"
59	Mr. Muhammad Saeed s/o Awal Khan	4/14/1970	9/1/1998	B.A.	9/1/1998	"
60	Mr. Muhammad Israr s/o Abdul Jabbar	4/15/1968	5/15/2000	F.A.	5/15/2000	"
61	Mr. Qasir-ud-Din s/o Abdul Hakim	3/15/1969	5/15/2000	B.A.	5/15/2000	"
62	Mr. Mukammil Shah S/O Maroof Shah	2/2/1970	5/16/2000	F.Sc.	5/16/2000	"

	Name	Date of Birth	Date of 1st entry in Govt Service	Education	Date of regular appointment on the present post	Method of appointment/Environment
	Ali s/o Abdul Ali	15/6/1968	5/17/2000		17/5/2000	"
	Tilawat-ur-Rehman s/o Fazal-ur-Rehman	4/6/1971	5/17/2000	F.A.	5/17/2000	"
65	Mr. Insan Noor-ul-Haq	3/15/1971	5/17/2000	B.A.	5/17/2000	"
66	Syed Tajamul Hussain s/o S. Akbar Hussain	4/3/1972	5/17/2000	F.A.	5/15/2000	"
67	Mr. Mir Zaman s/o Nasrullah Khan	3/4/1969	5/19/2000	Matric	5/19/2000	"
68	Mr. Fazal Rabbi s/o Ghulam Rabbani	10/3/1968	5/26/2000	Matric	5/26/2000	"
69	Mr. Zarshad Khan s/o Roshan Khan	12/25/1972	5/26/2000	F.A.	5/26/2000	"
70	Mr. Asghar Khan s/o Musam Khan	6/30/1970	10/5/2000	Matric	10/5/2000	"
71	Mian Noor-ul-Haq s/o Mian Shams-ul-Haq	12/3/1972	10/5/2000	B.A.	10/5/2000	"
72	Mr. Gulzar Khan s/o Muhammad Ayub Khan	1/15/1967	11/5/2000	Matric	11/5/2000	"
73	Mr. Riaz Khan s/o Aslam Khan	4/15/1972	11/5/2000	F.A.	11/5/2000	"
74	Mr. Salah-ud-Din s/o Nasrullah Khan	9/27/1970	12/5/2000	B.A.	12/5/2000	"
75	Mr. Tariq Hussain s/o	15/03/1973	19/06/2001	FA	19/06/2001	"
76	Mr. Muhammad Daud s/o Muhammad Jamil	12/4/1968	6/20/2001	B.A.	6/20/2001	"
77	Mr. Jalil-ur-Rehman s/o Fazal Subhan	1/2/1971	6/20/2001	B.A.	6/20/2001	"
78	Mr. Muhammad Abid s/o Abdul Muonif Khan	4/13/1973	6/20/2001	B.A.	6/20/2001	"
79	Mr. Ikramullah s/o Habib-ur-Rehman	5/9/1967	7/14/2001	Matric	7/14/2001	"
80	Mr. Tilawat Khan S/O. Saliheen	12/20/1972	7/23/2001	B.A.	7/23/2001	"
81	Mr. Ifrahim Shah s/o Ibrahim Shah	7/3/1973	2/16/2009	FA	2/16/2009	"
82	Mr. Sikandar Khan s/o Amin ullah	2/3/1971	9/16/2005	B.A.	9/16/2005	"
83	Mr. Anwar Zeb s/o Pinda Khan	3/15/1972	9/16/2005	F.A.		"

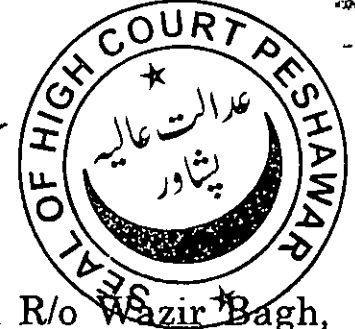
S. No	Name	Date of Birth	Date of 1st entry in Govt Service	Education	Date of regular appointment on the present post	Method of appointment/E nroment
84	Mr. Atamzeb Khan s/o Aurang Zeb	7/4/1972	9/16/2005	B.A.	9/16/2005	"
85	Mr. Naveed Ahmad s/o Mr. Tilawat Khan S/O	12/19/1972	9/16/2005	F.A.	9/16/2005	"
86	Mr. Sher Alam s/o Muhammad Zarin Khan	12/3/1973	9/16/2005	M.A.	9/16/2005	"
87	Mr. Noor Hussain s/o Shamsher Khan	8/12/1974	9/16/2005	B.A.	9/16/2005	"
88	Malik Zainul Abideen S/O Malik Banaras Khan	1/4/1975	9/16/2005	F.A.	9/16/2005	"
89	Mr. Muhammad Shahid s/o Muhammad Yousaf	8/15/1975	9/16/2005	B.A.	9/16/2005	"
90	Mr. Gohar Ali s/o Said Sharif	4/15/1969	9/8/2006	F.A.	9/8/2006	"
91	Mr. Sher Wali s/o Zafazr Khan	9/4/1971	9/8/2006	F.A.	9/8/2006	"
92	Mr. Aurang Zeb s/o Pianda Khan	3/27/1971	12/8/2006	F.A.	12/8/2006	"
93	Mr. Amjad Khan Khalil s/o Rahim Bakhsh Khalil	3/15/1973	12/8/2006	F.A.	12/8/2006	"
94	Mr. Ali Akbar s/o Muhammad Izhar	12/3/1973	12/8/2006	B.A.	12/8/2006	"
95	Mr. Muhammad Israr s/o Haji Khan Sher	10/14/1974	12/8/2006	Matric	12/8/2006	"
96	S. Alamgir Shah s/o S. Jehangir Shah	2/8/1975	12/8/2006	F.A.	12/8/2006	"
97	Mr. Inamullah s/o Awal Khan	4/20/1975	12/8/2006	F.A.	12/8/2006	"
98	Mr. Muhammad Saeed s/o Ghulam Nabi	13/05/1974	16/04/2009	FA	16/04/2009	"
99	Mr Salahuddin s/o Nasrullah	9/27/1970	5/17/2002	FA	5/17/2002	"

(1)

IN THE HON'BLE PESHAWAR HIGH COURT,
PESHAWAR

In Re Review Petition: 2477/2018

In W.P: 4785-P/ 2016



1. Muhammad Ali s/o Darwesh khan R/o Wazir Bagh, Peshawar.
2. Sana ur Rehman s/o Aziz ur Rehman r/o Muhallah Haya kheil, Hazar khwani, Peshawar.
3. Malik Basheer Ullah s/o Malik Aslam khan R/o Masho kheil, Peshawar.
4. Muhammad Haroon Basheer s/o Muhammad Basheer r/o Badhbeer, Peshawar.
5. Usman s/o Saleem khan r/o Hazarkhwani, Peshawar.

.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue, Khyber Pakhtunkhwa civil secretariat, Peshawar,
2. Secretary Board of Revenue, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Assistant Secretary Administration, Board of Revenue, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. Deputy Commissioner, District Peshawar.

.....Respondent

REVIEW PETITION UNDER SECTION -114 OF
CPC AGAINST THE IMPUGNED JUDGMENT
DATED 30-10-2018 OF THIS AUGUST COURT
PASSED IN W.P # 4785-P/2018 OF THIS AUGUST
COURT.

FILED TODAY

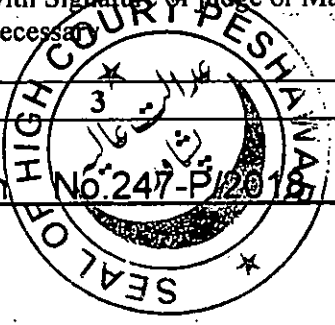
Deputy Registrar

20 NOV 2018

ATTESTED
EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR
FORM "A"
FORM OF ORDER SHEET.

Court of
Case No.....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	
	22.01.2019.	<div style="text-align: center;">  </div> <p><u>Review Petition No.247-P/2018</u> in WP No.4785 /2016.</p> <p><u>Present:-</u></p> <p style="text-align: right;">Mr. Javed Iqbal Gulbela Advocate, for the petitioner.</p> <p style="text-align: right;">Mr. Mujahid Ali Khan AAG, for official respondents.</p> <p style="text-align: center;">=====</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through the instant review petition, petition seeks review/modification of the impugned judgment dated 30.10.2018 rendered by this Court in Writ Petition No.4785-P/2018.</p> <p>2. Learned counsel for petitioners contended that although this Court has discussed various aspects of the Patwar Rules and appointment of Patwaris and findings were in favour of the petitioners but inadvertently the Writ Petition referred above alongwith</p>

ATTESTED
EXAMINER
Peshawar High Court

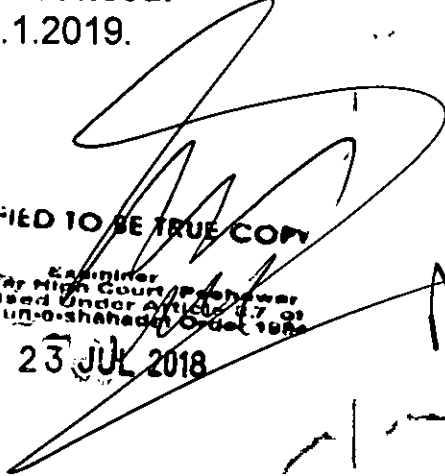
connected WP No.1894-P/2017, were dismissed.

3. We have heard learned counsel for petitioners as well as learned AAG on behalf of respondents.

4. The issue decided by this Court in Writ Petition No.4785-P/2016 was that till new rules are not framed by the Government, the respondents/government was bound to make appointment of Patwaris in regard to the old policy, so inadvertently the writ petitions were dismissed. As such, the instant petition is disposed of in terms that the last Paragraph of the impugned judgment is rectified as:-

"Consequently both the writ petitions referred above are disposed of accordingly."

Announced.
22.1.2019.



JUDGE

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 177 of
The Qanun-o-shahadat Ord. 1984

23 JUL 2018



JUDGE

27885
Date of Presentation of Application... 23/7/19
No of Pages... 3
Copying fee... 12/2
Total... 23/7/19
Date of Preparation of Copy... 23/7/19
Date of Delivery of copy...
Received By... [Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 764/2018

2137
19-11-18

Ihsan-ul-Haq Appellant

Versus

The Govt. of KPK through SMBR and others..... Respondents

Application for impleadment of applicant (Mian Saddiq Ali Shah) in the panel of Respondents in the titled appeal.

Respectfully Sheweth,

1. That the titled Appeal is pending before the Hon'ble Tribunal Scheduled for hearing on 20.11.2018.
2. That the applicant has also sought an application for vacation of stay to his extent in the instant Service Appeal in which this Hon'ble Tribunal has also issued status quo order on 04.10.2018.
3. That the matter involved in the instant service appeal is promotion of Patwaris against the post of Kanungos. It is submitted that applicant has been working against the vacant post of Girdawar/Kanungo in his own pay and scale (in promotion zone) Circle, Gul Bela in his own pay and scale vide office order dated 09.07.2017 (*Annex:-A*).
4. That status of the applicant is quite different from that of other private Respondents in the instant Service Appeal while applicant inspite of being established senior to appellant has not been made party in the instant service appeal but the process of promotion of the applicant against the post of Kanungo has been withheld due to the status quo order of this Hon'ble Tribunal.
5. That vide Page-45 of the instant Appeal, Minutes of the Meeting of Departmental Promotion/Selection Committee held on 19.02.2016 wherein applicant was placed at Serial No.2 while appellant dwelled at Serial No.10 thereof which shows the

senior position of the applicant.

6. That on the account of the status quo order of this Tribunal *ibid*, the service career of the applicant is badly suffered and having eligibility and length of service even the seniority position of the applicant was not called in question in the service appeal.
7. That the applicant is waiting for his promotion since long and has suffered great loss due to stoppage of process of his promotion, therefore, it is in interest of justice to allow the Petitioner to be impleaded in the panel of Respondents being necessary party.

It is, therefore, humbly prayed that the applicants may graciously be allowed be arrayed as Respondents in the titled appeal in the panel of Respondents to defend their rights.

Applicant/



Mian Saddiq Ali Shah
Girdawar (OPS)
Gurbela Circle, Peshawar

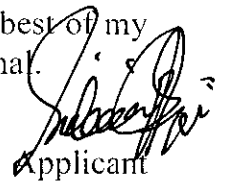
Through

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

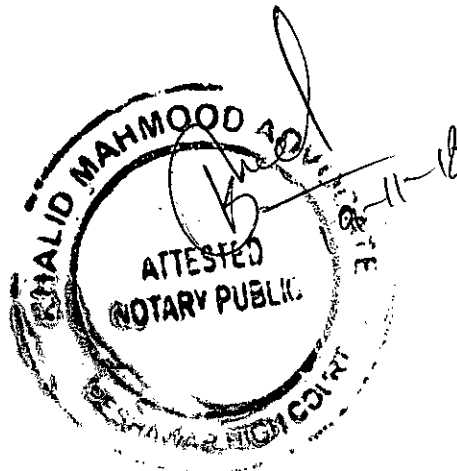
Dated: 19 /11/2018

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Applicant






OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.

Dated Peshawar the 19th / 7 / 2017

OFFICE ORDER.

Mian Saddiq Ali Shah Patwari DK's office (in promotion zone) is hereby posted as Girdawar/Kanungo Circle Gulbela in his own pay scale against the vacant post with immediate effect in the public interest.



Deputy Commissioner,
Peshawar.

No. 13667-72/DC(P)/EA

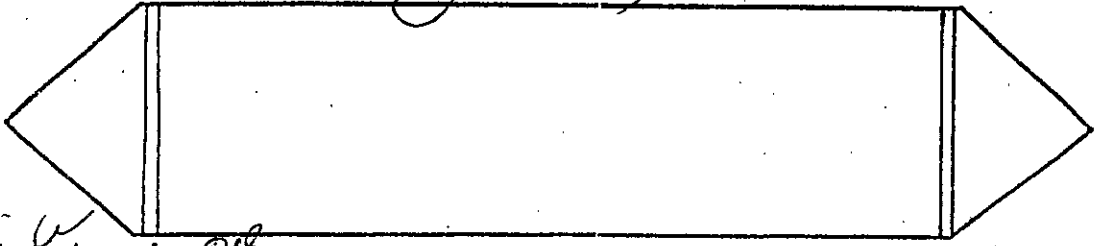
Dated Peshawar the 19 / 07 / 2017

Copy forwarded to the:-

1. Additional Deputy Commissioner, Peshawar.
2. Assistant Commissioner, Peshawar.
3. Tehsildar Peshawar.
4. District Kanungo Peshawar.
5. Mian Saddiq Ali Shah Patwari for immediate compliance.


Deputy Commissioner,
Peshawar.

بعدالت سرسٹریٹس کورپوریشن



2018ء منجانب سرسٹریٹس کورپوریشن
اصناف الحقیقی بنام ایس ایم بی آر

S.A 764/18

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام کیلئے صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرا ایک پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20 ماہ _____
واہ العب _____
بمقام _____

کے لئے منظور ہے۔
M. S. Ahmed
I. A. Ahmed
A. M. Ahmed

Service Appeal No. 764 /2018

Ihsan-ul-Haq Appellant

VERSUS

The Govt. of KPK through SMBR & others..... Respondents

Khyber Pakhtunkhwa
Service TribunalDiary No. 2138dated 19-11-18

Application for vacating the status-quo order passed by the Hon'ble Tribunal on 04.10.2018 to the extent of applicant (Mian Saddiq Ali Shah).

Respectfully Sheweth,

1. That the above titled service appeal is pending before the Hon'ble Tribunal fixed for 20.11.2018.
2. That the applicant has also sought an application for impleadment in the instant Service Appeal in which this Hon'ble Tribunal has also issued status quo order on 04.10.2018.
3. That the matter involved in the instant service appeal is promotion of Patwaris against the post of Kanungos. It is submitted that applicant has also been performing his duties (in promotion zone) against the vacant post of Girdawar/Kanungo Circle Gul Bela in his own pay and scale vide office order dated 09.07.2017 (*Annex:-A*).
4. That status of the applicant is quite different from that of Respondents in the instant Service Appeal while applicant inspite of being established senior to appellant has not been made party in the instant service appeal but the process of promotion of the applicant against the post of Kanungo has been withheld due to the status quo order of this Hon'ble Tribunal.
5. That vide Page-45 of the instant Appeal, Minutes of the Meeting of Departmental Promotion/Selection Committee held on 19.02.2016 wherein applicant was placed at Serial No.2 while appellant dwelled at Serial No.10 which shows the senior position of the applicant.
6. That on the account of the status quo order of this Tribunal, the service career of the applicant is badly suffered and having eligibility and length of service even the seniority position of the applicant was not called in question in the service appeal.
7. That the applicant is waiting for his promotion since long but when applicant was recommended for promotion against the post of Kanungo then the major penalty in the shape of status quo order has been imposed upon applicant thus applicant has been deprived of his lawful right of promotion. Moreover, there is no bar upon this Hon'ble Tribunal to accept the instant application and vacate the status quo order to the extent of applicant in the best interest of justice.

It is, therefore, humbly prayed that on acceptance of this application, the status-quo order passed by the Hon'ble Tribunal to the extent of the applicant may be vacated in the interest of justice.

[Signature]
Applicant/
(Mian Saddiq Ali Shah)

Through

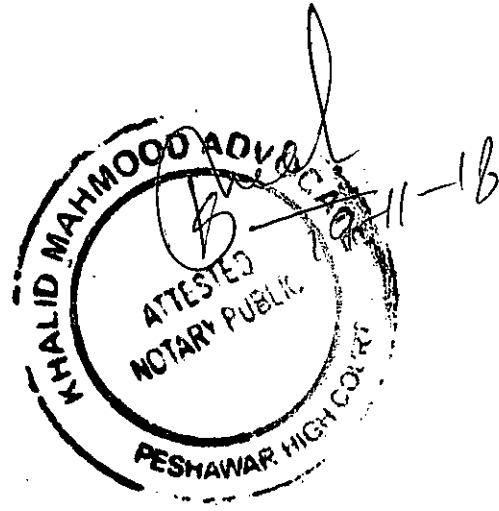
[Signature]
Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 19 /11/2018

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Applicant





OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.

Dated Peshawar the 19th / 7 / 2017

- 3 -

OFFICE ORDER.

Mian Saddiq Ali Shah Patwari DK's office (in promotion zone) is hereby posted as Girdawar/Kanungo Circle Gulbela in his own pay scale against the vacant post with immediate effect in the public interest.



Deputy Commissioner,
Peshawar.

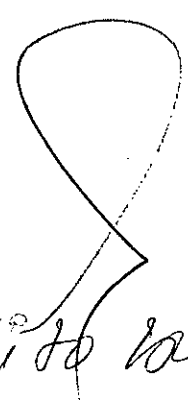
No. 13667-72/DC(P)/EA

Dated Peshawar the 19 / 07 / 2017

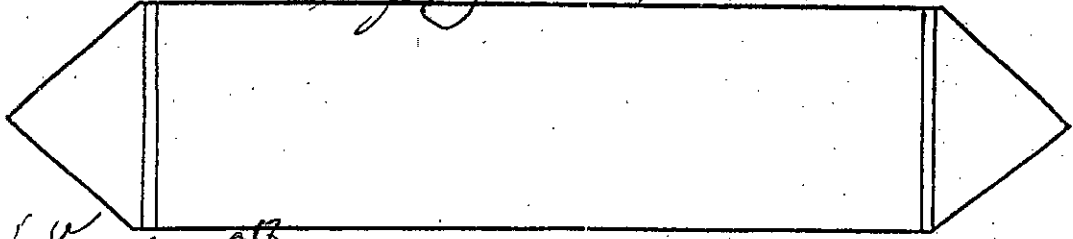
Copy forwarded to the:-

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2. Assistant Commissioner, Peshawar.
3. Tehsildar Peshawar.
4. District Kanungo Peshawar.
5. Mian Saddiq Ali Shah Patwari for immediate compliance.


Deputy Commissioner,
Peshawar.


Added to the
for comm.

بعدالت کے لئے درخواست



2018ء منجانب اس کے لئے

SA 764/18 اس کی بنام فکوت

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عمل بالابال میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ کے لئے
آن مقام کے لئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

الحق

واہ الع

کے لئے منظور ہے۔

Master
Accept

Signature
Name
Signature