

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SA No. 376/2023

Taj Ali, Kanungo, District Mardan..... Appellant

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

Senior Member Board of Revenue & others..... Respondents **5577**

Diary No. **5577**

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Dated **25/5/2023**

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Authority letter

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Assistant Secretary Lit-II
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SA No. 376 /2023

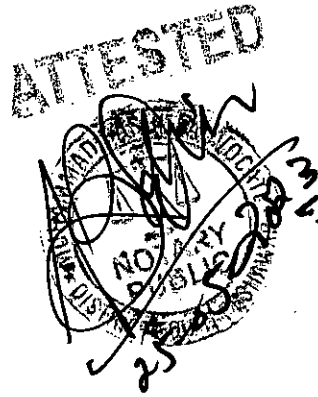
Taj Ali, Kanungo, District Mardan.....Appellant

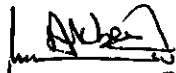
VERSUS

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

AFFIDAVIT

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




DEPONENT 23-5-23

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 376/2023

Taj Ali S/o Muhammad Hazrat Kanungo District Mardan..... Appellant.

VERSUS

Government of KPK through Chief Secretary and others..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No.1&2

RESPECTFULL SHEWETH THAT THE RESPONDENTS SUBMIT AS UNDER:-

PRELIMINARY OBJECTIONS

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

FACTS:-

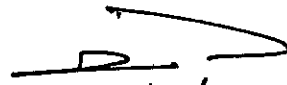
1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Incorrect. In the seniority List of Kanungo issued by Commissioner Mardan for the year 2021 the appellant is at serial No. 5 and Tariq Ali is at Serial No.6.
7. Incorrect. DPC follow the service rules wherein it is mentioned that those Kanungo who have passed the departmental Exam of Naib Tehsildar will be promoted as Naib Tehsildar (**Annex-A**). The appellant did not pass the mandatory examination of Naib Tehsildar due to which he was not appointed/promoted to the post of Naib Tehsildar .
8. Incorrect. This department has not received the Departmental Appeal of the Appellant.

Grounds:-

- A Pertains to record.
- B Incorrect. As mentioned in para-7 and 8 of the facts.

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- C Incorrect. The department has not violated the Rules 9 of the Civil servants (APT Rules 1989, as the appellant did not pass the mandatory examination of Naib Tehsildar.
 - D Incorrect. No discrimination has been done with the appellant.
 - E In correct. Appellant is treated in accordance with law/ rules.
 - F The respondents will also argue other additional ground at the time of arguments.

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



17/4/2023

Senior Member/Secretary ,
Revenue & Estate Department
(Respondent No.1&2)

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

NOTIFICATION
Peshawar, dated 23- 01-2015

No. 1942/Estt:I/135/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457(1)/2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

APPENDIX

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

As/Estt

Attested
[Signature]

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

Attested
[Signature]

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

Sd/-
SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

Arrested
Chaudhary

No1943-81/Instt:1/135/SSRC

Copy forwarded for information and necessary action to the:-

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

DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Amestef
Jan 2002

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To

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Divisional Commissioners in NWFP.
5. All Heads of attached Departments in NWFP.
6. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
7. All Deputy Commissioners/Political Agents In NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District and Session Judges in NWFP.
10. The Registrar, NWFP Services Tribunal, Peshawar.
11. The Secretary, NWFP Public Service Commission.
12. The Director, Anti-Corruption Establishment, Peshawar.
13. The Secretary, Board of Revenue, NWFP.

SUBJECT: - SIGNING OF PARA-WISE COMMENTS ETC. IN SERVICE APPEALS FILED IN THE NWFP SERVICES TRIBUNAL BY CIVIL SERVANTS.

Sir,

I am directed to refer to the subject noted above and to say that pursua to Rule-12(2) of NWFP Services Tribunal Rules, 1974, the competent authority has been pleased to authorize the Administrative Secretaries concerned or a subordinate officer to be nominated by the Administrative Secretary to sign para-wise comments of on behalf of the Chief Minister, NWFP and Chief Secretary, NWFP, as the case may be in cases of service appeals filed by the Civil Servants before the NWFP Services Tribunal.

Yours Obedient Servant



SECTION OFFICER (REGULATION
S&GAD.)

Endst: Even No. and date.

A copy is forwarded for information to the:-

1. All Adml: Secretaries/Dy: Secretaries in S&GAD.
2. All Section Officers/Estate Officers in S&GAD.
3. P.S. to Chief Secretary, NWFP.
4. P.S. to Secretary S&GAD.
5. Librarian, S&GAD.

SECTION OFFICER (REGULATION)


*Attested
A. A. Khan*

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

AUTHORITY LETTER

Mr. Imran Akbar, Assistant Litigation-II (BS-16) Board of Revenue, is hereby authorized to attend and submit comments in Service Tribunal, Khyber Pakhtunkhwa Peshawar, in Service Appeal No. 376/2023 titled Taj Ali Versus Senior Member, Board of Revenue on behalf of this department.


**Asstt: Secretary Lit-II
Board of Revenue
Khyber Pakhtunkhwa
Assistant Secretary (Litigation)
Board of Revenue,
Khyber Pakhtun Khawa**