



17.11.2022

Clerk of counsel for the appellant present.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General alongwith Imran Ullah Assistant for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 11.01.2023 for arguments before D.B.

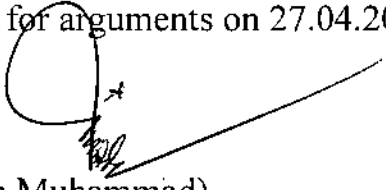

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

11.01.2023

Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 27.04.2023 before the D.B.


(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

SCANNED
PESHAWAR

27.06.2022

Learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the 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


*Propos. DB not available the case is
adjourned to 1-11-2022*

1st Nov., 2022


Assistant to learned counsel for the appellant present.

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

~~02.~~ Request for adjournment was made due to engagement of learned senior counsel for the appellant before Hon'ble High Court today. Last opportunity is granted. To come up for arguments on 17.11.2022 before the D.B.



(Fareeha Paul)
Member (E)



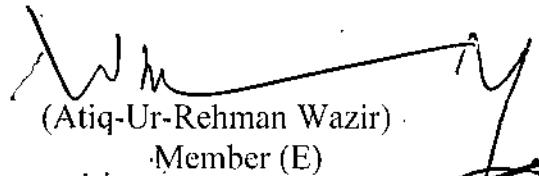
(Kalim Arshad Khan)
Chairman

18.01.2022

Appellant with counsel present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order.

Learned counsel for the appellant requested that another service appeal No. 764/2018 of the appellant is also pending before this Tribunal which is fixed for 10.03.2022, hence the instant service appeal may also be fixed for the said date. Request is allowed. File to come up alongwith connected appeal No. 764/2018 for arguments before the D.B on 10.03.2022.


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

10-3-22

*Due to Retirement of the Hon.ble
Chairman the case is adjourned to
come up for the same as before on
27-6-22*

*if all
Reader*

Wazir

718/20

15.07.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents have not submitted written reply/comments. Learned AAG is directed to contact the respondents for submission of written reply/comments in office within 10 days, positively. If written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 06.12.2021 before the D.B.


Stipulated period has passed and reply has not been submitted.

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman


Chairman

06.12.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks adjournment. Notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 18.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

23.12.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General present.

Representative of respondent is not in attendance, therefore, case is adjourned on the request of learned A.A.G with direction to furnish reply/comments on 08.02.2021 before S.B.



(Rozina Rehman)
Member (J)


08.02.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G but as a last chance. To come up for written reply/comments on 07.04.2021 before S.B.


(Rozina Rehman)
Member (J)


07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.07.2021 for the same as before.


READER




01.10.2020

Counsel for the appellant present.

Mr. Kabirullah, Khattak, Additional Advocate General
for respondents present.

Written reply on behalf of the respondents not
submitted. Learned AAG sought time for submission of
written reply/comments. Time is allowed.

Adjourned to 28.10.2020 for written reply/comments
before S.B.



(Mian Muhammad)
Member (E)

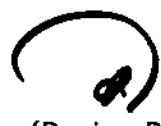
28.10.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General
present.

Written reply on behalf of respondents is still awaited. Notice
be issued to respondents for submission of written
reply/comments.

Adjourned to 23.12.2020 for reply/comments, before S.B.



(Rozina Rehman)
Member (J)

07.07.2020

Counsel for the appellant present. Arguments heard and record perused.

SIF

Contends that the appellant got inducted into service as Patwari and during service he was rightly placed in the seniority list which remained intact till 19.02.2016. That alleged final seniority list was issued on 30.09.2017 and appellant was deprived from his due place and the same is impugned in Service Appeal No:76/2018. The appellant was promoted vide order dated 07.10.2019 with immediate effect instead of retrospective effect i.e. 19.02.2016.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents. To come up for written reply/comments on 12.08.2020 before S.B.

SCANNED
KPST
Peshawar

Appellant Deposited
Security & Process Fee

Member

12.08.2020

Junior to counsel for the appellant and Addl. AG alongwith Mukhtiar Ali, Asstt. Secretary for respondent No. 1 & 2 and Qaizerud Din, ADC for respondent No. 4 present. Nemo for respondent No. 3.





Representatives of respondents No. 1, 2 and 4 request for time. Fresh notices be issued to respondent No.3. To come up for written/comments on 01.10.2020 before S.B.

Chairman

FORM OF ORDER SHEET.

Court of _____

Case No.- 712 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/01/2020	<p>The appeal of Mr. Ihsan-ul-H presented 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 decrease</p> <p style="text-align: right;"> REGISTRAR - 29/01/2020</p>
2-	10.03.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/03/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the appellant present and seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 10.04.2020 before S.B.</p> <p style="text-align: right;"> Member</p>
10.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A 718 /2020

Ihsan Ul Haq

VERSUS

Government of Khyber Pakhtunkhwa and others

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Dated : 28/01/2020

Appellant

Through

JAVED IQBAL GULBELA
&
SAGHIR IQBAL GULBELA
Advocate, High Court,
Peshawar.

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

①

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

In Re S.A _____/2020

Ihsan Ul Haq S/o Noor Ul Haq R/o Professor Colony,
House No. 80-A, Street No.3 Near Agriculture
University Peshawar.

----- (Appellant)

VERSUS

1. Board of Revenue Khyber Pakhtunkhwa through
SMBR.
2. Senior Member Board of Revenue, Khyber
Pakhtunkhwa
3. Commissioner Peshawar Region Peshawar.
4. Deputy Commissioner Peshawar.

----- (Respondents).

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDER NO.2814/DC(P)/DK DATED 07.10.2019
OF THE OFFICE OF THE DEPUTY
COMMISSIONER PESHAWAR, WHEREBY
THE APPELLANT WAS PROMOTED AS
QANOON GO(BPS-II) WITH IMMEDIATE
EFFECT, INSTEAD OF RETROSPECTIVE
W.E.F 19.02.2016 WITH ALL BACK
BENEFITS AND TO PLACE THE
APPELLANT WITH ALL BACK BENEFITS
AND TO PLACE THE APPELLANT ON HIS
DUE PLACEMENT ON SENIORITY LIST.**

Respectfully Sheweth,

1. That the Appellant got inducted into
service as Patwari on 17/05/2000.

2. That as the seniority of the Patwaris, as per manual of Land Record i.e., the Governing Law, is to be kept, maintained & determined as per the Register Patwarian & the Seniority assigned to them is to be reckoned as reflected in that Register Patwarian.

3. That this is the law & used to be followed in letter & spirit, since inception of the Land Record Manual. Thus when the seniority list of Patwaris was circulated in the year 2013 i.e. 31/12/2013, the Appellant was rightly placed ahead of Mian Noor-ul-Haq, Fazl-i-Rabi, Gulzar Khan, Riaz Khan, Salah-ud-Din, Qaisar-ud-Din and Mir Zaman Shah. This position remained intact till 19/02/2016, when DPC took place and many promotions took place on the basis of same seniority list.

4. That astonishingly when the alleged Final Seniority List was issued on

30/09/2017, the Appellant was deprived from his due place in the seniority list and the same has rightly been impugned before the Hon'ble Service Tribunal in Service Appeal No: 764/2018.

5. That it is pertinent to mentioned here that "One Telawat-ur-Rehman" who had been appointed with the Appellant on the same date i.e., 17/05/2000, is having date of birth of 01/06/1971, while the Appellant has date of birth 01/03/1971 and is thus should have been placed ahead of the said Telawat-ur-Rehman as per provisions of Appointment, Promotion and Transfer Rules 1989.
6. That the said Telawat-ur-Rehman was promoted on 19/02/2016 vide D.P.C held on 19/02/2016, while the Appellant has been promoted vide the impugned office order No: 2814/DC(P)/DK, dated 07/10/2019 of the office of Deputy Commissioner, Peshawar and that too with immediate effect, instead of retrospective effect w.e.f 19/02/2016 and placing him ahead of the said Telawat-ur-Rehman.

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(Copies of DPC and impugned promotion orders 07/02/2019 are annexed herewith as annexure "A").

7. That the Appellant preferred the Departmental Appeal against the impugned the promotion order for its retrospectivity, but in spite of lapse of statutory period, nothing came up of the same, hence instant service appeal. (Copy of Departmental Appeal has been annexed herewith as annexure "C, while the DPC Minutes are annexed as annexure "B).
8. That thus feeling aggrieved, the Appellant prefers the instant departmental appeal for modifying the impugned promotion order and for giving retrospective effect with due placement in seniority list, upon the following grounds inter-alia:-

Grounds:-

- A. That where the law require a thing to be done in a particular manner, then that is to be done in that manner and not otherwise.

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B. That where the provisions of Appointment Promotion and Transfer Rules 1989 clearly postulates that if two civil servants are appointed on the same date, then the seniority is to be reckoned from the merit assigned to them by Public Service Commission, if the post falls within the purview of Public Service Commission, but if the posts are to be filed otherwise, then the one older in age shall be placed senior to the one younger in age. Now the Appellant and the said Telawat-ur-Rehman got appointed on 17/05/2000, while the Appellant is having the date of birth of 01/03/1971 while Telawat-ur-Rehman has his date of birth as 01/06/1971 and thus the Appellant is three months older in age than Telawat-ur-Rehman and should have been placed ahead of Telawat-ur-Rehman in the seniority list of Patwaris.

C. That a D.P.C meeting held on 19/02/2016, wherein Telawat-ur-Rehman was promoted as Qanungo and due to wrong placement of the Appellant, he was not promoted.

D. That this time when the Appellant was promoted, vide the impugned subject office order, the same was issued with immediate effect, instead of retrospective effect.

E. That from every angle the impugned subject office order is liable to be modified alongwith the merits of Departmental Promotion Committee held for the subject purpose and to give retrospective effect to the impugned subject office order and the Appellant is also entitled for his due placement in the Seniority List of Qanungo, by placing him ahead of Telawat-ur-Rehman.

F. That when the complainant retracted withdrawn from their complainant and submitted their affidavits during inquiry and stated on oath that their complaints were the result of misunderstanding and declared innocence of Petitioner and thus inquiry was closed being without footing, then serving of show cause notice and penalizing the Appellant is just malafide of the Respondents and

be liable to be set aside in the best interest of justice.

G. That even the Appellate authority simply shelved the Departmental Appeal of the Appellant without any rim or reason.

H. That any other grounds not raised here, may graciously be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant Service Appeal the office order No.2814/DC(P)/DK, dated 07.10.2019 of the office of Deputy Commissioner along with the minutes of the meeting of Departmental Promotion Committee held for the subject promotion, may graciously be modified, by giving retrospective effect to the promotion order of the Appellant w.e.f 19.02.2016 with all back benefits and further directions be issued to place the Appellant head of Tilawat ur Rehman Qanoongo and thus be placed in his due placement after modify the impugned subject promotion order of the Appellant

8

Any other relief, not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.

Dated : 28/01/2020

Appellant

Through

**JAVED IQBAL GULBELA
&**

**SAGHIR IQBAL GULBELA
Advocate, High Court,
Peshawar**

NOTE:-

That the Appellant has also filed S.A#764/2018 for his due placement in seniority list & the instant case may graciously be closed with the same.

Advocate.

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

In Re S.A _____/2020

Ihsan Ul Haq

VERSUS

Government of Khyber Pakhtunkhwa and others

AFFIDAVIT

I, Ihsan Ul Haq S/o Noor Ul Haq R/o Professor Colony, House No. 80-A, Street No.3 Near Agriculture University Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

Identified By:

Javed Iqbal Gulbela
Advocate High Court
Peshawar.

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

In Re S.A _____/2020

Ihsan Ul Haq

VERSUS

Government of Khyber Pakhtunkhwa and others

ADDRESSES OF PARTIES

APPELLANT.

Ihsan Ul Haq S/o Noor Ul Haq R/o Professor
Colony, House No. 80-A, Street No.3 Near
Agriculture University Peshawar.

RESPONDENTS:

1. Board of Revenue Khyber Pakhtunkhwa through
SMBR.
2. Senior Member Board of Revenue, Khyber
Pakhtunkhwa
3. Commissioner Peshawar Region Peshawar.
4. Deputy Commissioner Peshawar.

Dated : 28/01/2020

Appellant

Through

**JAVED IQBAL GULBELA
&
SAGHIR IQBAL GULBELA
Advocate, High Court,
Peshawar.**



THE DEPUTY COMMISSIONER, PESHAWAR

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

No. 2814/DC(P)/DK

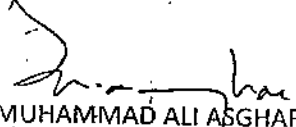
Dated: 07-October-2019

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

JAVED IQBAL, Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

(12)

Amir
2

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 musts 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 PHC WP No.975/13 vide order No.6687-95 & 6696-6704/DC(PYEA dated 03/12/2015
2	Abidullah	Malik Zahid Gul	11/06/1977	38yrs 8mths 08dys	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	Sadeeq Akbar	Ghulam Akbar	22/02/1984	31yrs 11mth 17dys	Garu/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	Iftikhar 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	Wahed 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 15dys	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	Sacedullah	15/02/1983	33yrs 04dys	Qualified
22	Zain Khan	Gul Khan	02/02/1982	34yrs 17dys	Qualified

(continued on next page)

JAVED IQBAL, Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405801

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23	Ijaz Ahmad	Saleh Muhammad	23/03/1983	32yrs 10mths 17dys	Qualified
24	Noorulhah	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	01/09/1989	26yrs 05mths 18dys	Incomplete documents
27	Taj Nabi	Ghulam Nabi	02/04/1986	29yrs 10mths 17dys	Revenue Deptt: Dir
28	Qaiser Ali	Taus Khan	24/09/1983	32yrs 4mths 15dys	serv. in Edu. Deptt:
29	Muhammad Arif	Liakat Ali	11/05/1984	31yrs 09mths 08dys	Qualified
30	Muhammad Riaz	Masahib Gul	02/02/1984	32yrs 17dys	Qualified
31	Muhammad Ayyaz	Uul Ahsar	30/04/1987	28yrs 09mths 09dy	Incomplete documents
32	Fayaz Muhammad	Riaz Muhammad	14/02/1986	27yrs 06mths 08dys	Qualified
33	Fazli Rabbi	Inayat Khan	31/07/1988	27yrs 06mths 08dys	Qualified
34	Noman Ibrar	Muhammad Ibrar	13/04/1984	31yrs 10mths 06dys	Qualified
35	Shehzad	Malik Manzar Hussain	16/09/1982	33yrs 05mths 03dys	Qualified
36	Khalid Nawaz	Haji Qasam	14/02/1986	30yrs 05dys	Incomplete documents
37	Miskin Khan	Saifur Rahman	14/11/1988	27yrs 03mths 05dys	Incomplete documents
38	Shah Fahad Khan	Saadat Khan	08/05/1981	34yrs 09mths 11dys	Qualified
39	Ghulam Ishaq Khan	Muhammad Nisar Khan	12/09/1987	28yrs 05mths 07dys	Qualified
40	Muhammad Sohail	Muhammad Ishaq	24/11/1971	44yrs 02mths 15dys	Overage/serv. Constable in
41	Muhammad Jamil	Muhammad Iqbal	19/04/1988	27yrs 10mths	Police Deptt:
42	Amir Taimur	Muhammad Baz Khan	01/12/1983	32yrs 02mths 13dys	Qualified
43	S. Abdur Rahim	Syed Badshah	01/07/1979	36yrs 07mths 18dys	Overage
44	Muhammad Daud	Muhammad Baz Khan	01/09/1985	30yrs 05mths 18dys	Qualified
45	Ali Murtaza	Abdul Qayum	01/07/1985	30yrs 07mths 18dys	Qualified
46	Muhammad Mustafa Zeb	Alamzeb	11/01/1984	32yrs 01mths 08dys	Qualified
47	Muhammad Imran Khan	Imtiaz Khan	12/10/1982	33yrs 04mths 07dys	Qualified
48	Khurram Imtiaz	Mirza Ashiq Hussain	04/04/1986	29yrs 10mths 15dys	Qualified
49	Aminullah	Muhammad Iqbal	10/12/1984	31yrs 02mths 09dys	Qualified
50	Taufeeq Muhammad	Muhammad Khan			

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 (HPS-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 NF 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 1st 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.	Tilawatul 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.

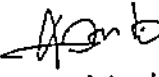
The Departmental Promotion Committee examined service records of the above officials and noted that the Patwari at S.No.2 & 6 are deferred due to suspension/pending enquiries against them while the documents of Patwari at S.No.3 are incomplete for want of ACRs.


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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Daudzai Law Chamber
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To,

The Worthy Commissioner,
Peshawar Division Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED OFFICE ORDER NO:
2814/DC(P)/DK DATED 07/10/2019 OF THE
OFFICE OF DEPUTY COMMISSIONER
PESHAWAR, WHEREBY THE APPELLANT
WAS PROMOTED AS QANUNGO (BPS-II)
WITH IMMEDIATE EFFECT, INSTEAD OF
RETROSPECTIVE EFFECT W.E.F
19/02/2016 WITH ALL BACK BENEFITS &
TO PLACE THE APPELLANT ON HIS DUE
PLACEMENT OF SENIORITY LIST.

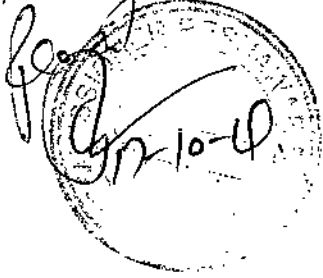
MODE: THROUGH PROPER CHANNEL

Respected Sir,

With utmost deference & obeisance, the appellant very humbly submits the instant departmental appeal against the subject impugned office order, to the following effect:-

1. That the appellant got inducted into service as Patwari on 17/05/2000.
2. That as the seniority of the Patwaris, as per manual of Land Record i.e., the Governing Law, is to be kept, maintained & determined as per the Register Patwarian & the Seniority assigned to them is to be

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Dated
17-10-19



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reckoned as reflected in that Register Patwarian.

3. That this is the law & used to be followed in letter & spirit, since inception of the Land Record Manual. Thus when the seniority list of Patwaris was circulated in the year 2013 i.e. 31/12/2013, the appellant was rightly placed ahead of Mian Noor-ul-Haq, Fazl-i-Rabi, Gulzar Khan, Riaz Khan, Salah-ud-Din, Qaisar-ud-Din and Mir Zaman Shah. This position remained intact till 19/02/2016, when DPC took place and many promotions took place on the basis of same seniority list.
4. That astonishingly when the alleged Final Seniority List was issued on 30/09/2017, the appellant was deprived from his due place in the seniority list and the same has rightly been impugned before the Hon'ble Service Tribunal in Service Appeal No: 764/2018.

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That it is pertinent to mention here that
"One Tahawwur-Rahman who had been
appointed as the appellant on the same
date i.e., 07/02/2019, is having date of birth
of 01/06/1971, while the appellant has date
of birth 07/03/1971 and thus should have
been placed ahead of the said Tahawwur-
Rahman as per provisions of Appointment,
Promotion and Transfer Rules 1989.

That the said Tahawwur-Rahman was
promoted on 07/02/2019 vide D.P.C held on
07/02/2019 while the appellant has been
promoted vide the impugned order of
M. 2814(DC)(P)DK dated 07/02/2019
issued by the Director, Commissioner, Punjab
and that too with immediate effect. In
the impugned order effect of 07/02/2019
placing him ahead of the said Tahawwur-
Rahman (Copy of D.P.C and impugned
promotion order 07/02/2019 are annexed
herewith as annexure "A")

That the finding arrived, the appellant
before the instant departmental appellate
authority the impugned promotion order
and for giving retrospective effect with a
placement in seniority list, upon the
following grounds inter alia:

1. The appellant was promoted on 07/02/2019 vide D.P.C held on 07/02/2019 while the appellant has been promoted vide the impugned order of M. 2814(DC)(P)DK dated 07/02/2019 issued by the Director, Commissioner, Punjab and that too with immediate effect. In the impugned order effect of 07/02/2019 placing him ahead of the said Tahawwur-Rahman (Copy of D.P.C and impugned promotion order 07/02/2019 are annexed herewith as annexure "A")

Grounds:-

A. That where the law require a thing to be done in a particular manner, then that is to be done in that manner and not otherwise.

B. That where the provisions of Appointment Promotion and Transfer Rules 1989 clearly postulates that if two civil servants are appointed on the same date, then the seniority is to be reckoned from the merit assigned to them by Public Service Commission, if the post falls within the purview of Public Service Commission, but if the posts are to be filled otherwise, then the one older in age shall be placed senior to the one younger in age. Now the appellant and the said Telawat-ur-Rehman got appointed on 17/05/2000, while the appellant is having the date of birth of 01/03/1971 while Telawat-ur-Rehman has his date of birth as 01/06/1971 and thus the appellant is three months older in age than Telawat-ur-Rehman and should have been placed ahead of Telawat-ur-Rehman in the seniority list of Patwaris.

C. That a D.P.C meeting held on 19/02/2016, wherein Telawat-ur-Rehman was promoted

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as Gannuko and due to wrong placement of the appellant, he was not promoted.

D. That this time when the appellant was promoted, vide the impugned subject office order, the same was issued with immediate effect, instead of retrospective effect.

E. That from every angle the impugned subject office order is liable to be modified alongwith the minutes of Departmental Promotion Committee held for the subject purpose and to give retrospective effect to the impugned subject office order and the appellant is also entitled for his due placement in the Seniority list of Gannuko, by placing him ahead of Telawat-Rahman.

F. That when the complainant retraced withdrawn from their complainant and submitted their affidavits during inquiry and stated on oath that their complainants were the result of misunderstanding and declared innocence of petitioner and this inquiry was closed being without finding their serving of show cause notice and penalizing the appellant is just maladministration and he liable to be kept aside in the best interest of justice.

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OFFICE OF THE SECRETARY
DEPARTMENT OF PUBLIC RELATIONS
GANDHINAGAR, AHMEDABAD

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as Qanungo and due to wrong placement of the appellant, he was not promoted.

D. That this time when the appellant was promoted, vide the impugned subject office order, the same was issued with immediate effect, instead of retrospective effect.

E. That from every angle the impugned subject office order is liable to be modified alongwith the minutes of Departmental Promotion Committee held for the subject purpose and to give retrospective effect to the impugned subject office order and the appellant is also entitled for his due placement in the Seniority List of Qanungos, by placing him ahead of Telawat-ur-Rehman.

F. That when the complainant retracted withdrawn from their complainant and submitted their affidavits during inquiry and stated on oath that their complaints were the result of misunderstanding and declared innocence of Petitioner and thus inquiry was closed being without footing, then serving of show cause notice and penalizing the appellant is just malafide of the Respondents and be liable to be set aside in the best interest of justice.

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It is, therefore, most humbly prayed that on acceptance of instant departmental appeal the office order No: 2814/DC(P)/DK, dated 07/10/2019 of the office of Deputy Commissioner Peshawar alongwith the minutes of meeting of Departmental Promotion Committee held for the subject promotion, may graciously be modified, by giving retrospective effect to the promotion order of the appellant with effect from 19/02/2016 with all back benefits and further directions be issued to place the appellant head of Telawat-ur-Rehman Qanungo and thus be placed in his due placement after modifying the impugned subject Promotion Order of the appellant.

Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case. The appellant also beseech for personal hearing as well.

Yours Obediently

Ihsan-ul-Haq
Ihsan-ul-Haq
Qanungo, Peshawar.

Dated: 15/10/2019

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