

WORKING PAPER FOR THE DEPARTMENTAL PROMOTION COMMITTEE FOR
THE PROMOTION OF PATWARI (BPS-9) TO THE POST OF KANUNGO (BPS-11) IN
THE OFFICE OF THE DEPUTY COMMISSIONER DIR LOWER

A post of Kanungo(BPS-11) has fallen vacant in this office due to promotion / appointment of Mr. Gul Shehzad Kanungo of this office, vide Senior Member Board of Revenue, Khyber Pakhtunkhwa, order No.3043/Admn:/V/PF(Gul), dated 8-11-2009 and order No.8583/Admn:/V/G, dated 21-4-2010.

Under Service Rules, notified vide Govt. of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department, Notification No.1942/Est/135/SSRC, dated 23-11-2015, the post of Kanungo (BPS-11) will be filled by promotion, on the basis of seniority-cum fitness, from amongst the Patwaris/Naib Tehsil Office Kanungos of the District concerned with three years as such and who have passed the Departmental Examination of Kanungo. Accordingly, the said one post of Kanungo lying vacant in this office is required to be filled by way of promotion from amongst the Patwaris/Naib Tehsil Office Kanungos.

Under the rules, the Deputy Commissioner Dir Lower is competent authority to appoint/promote officials in BPS-1 to BPS-15 in his office.

Following is the panel of senior most Patwaris as per seniority list:-

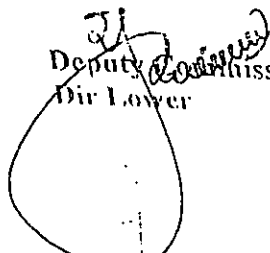
- 1- Mr. Saeedur Rahman
- 2- Mr. Tahir Hassan

ACRs, Synopsis and Non Involvement Certificates of the officials mentioned above have been completed, copy of the same will be supplied to the committee members at the time of meeting.

In order to consider promotion of one Patwari to the post of Kanungo (BPS-11) a meeting of the Departmental Promotion Committee, comprising the following would be held on 23/8/2016 at 11:00 AM in the office of the undersigned:-

- 1- Deputy Commissioner.....Chairman.
- 2- Representative of CMD.....Member.
- 3- An officer to be nominated by the appointing authority... Member.

All members are requested to attend the meeting on the date and time mentioned


Deputy Commissioner,
Dir Lower

No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / E-MICILE	DATE OF IST ENTRY INTO GOVT. SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
1.	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Promoted as Tehsildar on Acting Charge Basis
2.	Mr. Muhammad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	Ditto	
3.	Mr. Abdul Nabi F.A	05.04.1957 Kohat	12.12.1976	10.04.2001	Ditto	
4.	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohat)	14.03.1984	10.04.2001	Ditto	
5.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	Ditto	
6.	Mr. Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	10.04.2001	Ditto	
7.	Mr. Muhammad Umar (M.A)	10.03.1966 Mardan	16.07.2002	16.07.2002	Ditto	
8.	Mr. Javed Anwar Kamal (F A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	Ditto	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
9.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	Ditto	Ditto
10.	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	Ditto	Ditto
11.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	Ditto	Ditto
12.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	Ditto	
13.	Mr. Naz Amin Khan (Matic)	12.05.1960 Bajuar	25.11.1981	13.01.2003	Ditto	
14.	Mr. Muhammad Riaz Khan (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
15.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	Promote	
16.	Mr. Sikandar Hayat Shah (Matic)	20.01.1958 Bannu	18.02.1981	09.05.2003	Promote	
17.	Mr. Javed Hussain (Matic)	13.06.1952 Haripur	27.05.1977	30.06.2003	Promote	
18.	Mr. S. Asghar Shah (Matic)	25.12.1959 Haripur	25.05.1981	30.06.2003	Ditto	

(Signature)



	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
146.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	Promoted through Administrative order of SMBR. . Decision of the Competent Authority is awaited.
147.	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	Naib Tehsildar
148.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	Promotee	--do--
149.	Mr. Sheryar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	--do--	Promoted through Administrative order of SMBR. . Decision of the Competent Authority is awaited.
150.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1986	10.09.2009	--do--	--do--
51.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajaur	22.02.1978	17.09.2009	--do--	--do--
52.	Mr. Saz Muhammad (FA)	01.02.1961 Bajaur	25.11.1981	17.09.2009	--do--	--do--
53.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
54.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
55.	Mr. Muhamad Saeed	Peshawar		30.09.2009	--do--	--do--
56.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
57.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
58.	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
59.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
60.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
	Mr. Gul Saeed	15.05.1968 Peshawar		22.10.2010	---	---
61.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--

M.Sc

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Annexure

(A)

(3)

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 30/06/2009

OFFICE ORDER

No 127-00 /Admn:V/S.I. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib 4ehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 30/06/2009 is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No 12751-90 /Admn:V/S.I.

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Officials concerned.
3. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction / control.

Assistant Secretary (I) (SI)
Board of Revenue Khyber Pakhtunkhwa



	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH/ DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On REGULAR BASIS	METHOD OF RECRUITMENT.	REMARKS.
146.	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	Naib Tehsildar
147.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
148.	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
149.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
150.	Mr. Shehyar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	--do--	Promoted through Administrative Order of Senior Member, Board of Revenue
151.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1976	10.09.2009	--do--	--do--
152.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajour	22.02.1978	17.09.2009	--do--	--do--
153.	Mr. Saz Muhammad (FA)	01.02.1961 Bajour	25.11.1981	17.09.2009	--do--	--do--
154.	Mr. Ghulam Saeed Ullah (FA)	01.01.1957 Bajour	24.11.1975	18.09.2009	--do--	--do--
155.	Mr. Abdul Malik (FA)	01.08.1955 Bajour	24.11.1975	26.09.2009	--do--	--do--
156.	Mr. Muhammad Saeed	Peshawar		30.09.2009	--do--	--do--
157.	Mr. Riaz ul Haq (B.A)	11.01.1969 Bajour	04.07.1987	22.10.2009	--do--	--do--
158.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	26.10.2009	--do--	--do--
59.	Mr. Umer Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
60.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
61.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
[REDACTED]						
53.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
54.	Mr. Abbas Ali Shah (F. A)	06.08.1957 (Batagram)	14.05.1979	24.06.2010	--do--	--do--
55.	Mr. Dildar Khan (BA)	15.05.1975 (Haripur)	01.09.2003	25.06.2010	--do--	--do--
56.	Mr. Fazl - e - Hakeem (Matric)	02.09.1953 (Swat)	09.05.1979	11.07.2010	--do--	--do--

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 16/09/2012

OFFICE ORDER

No. Estt: V/F.S.L/ 11736 In pursuance of Section 8 (1) of the Civil
Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List
of regular Naib Tehsildars (BPS--) in Khyber Pakhtunkhwa as listed on 31-12-2010

is hereby published for information of all concerned.

By Order of,
Senior Member

No. Estt: V/F.S.L/ 11737-40

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction / control.

Assistant Secretary (Estt)

No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
150.	Mr. Sheryar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	Promotee	Promoted through Administrative order of SMBR
151.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1986	10.09.2009	--do--	--do--
152.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajaur	22.02.1978	17.09.2009	--do--	--do--
153.	Mr. Saz Muhammad (FA)	01.02.1961 Bajaur	25.11.1981	17.09.2009	--do--	--do--
154.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
155.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
156.	Mr. Muhamad Saeed	Peshawar		30.09.2009	--do--	--do--
157.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
158.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
159.	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
160.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
161.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
	Mr. Ghulam Saeed	13.06.1986 Peshawar		21.04.2010	--do--	--do--
63.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
64.	Mr. Abbas Ali Shah (FA)	06.08.1997 Battagram	14.05.1979	24.06.2010	--do--	--do--
65.	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
66.	Mr. Fazl-e-Hakeem (Matric)	02.09.1953 Swat	09.05.1979	14.07.2010	--do--	--do--

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 20/04/2013

OFFICE ORDER

No. Estt: V/S.1/

In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 31/12/2012, is hereby

published for information of all concerned.

By Order of,
Senior Member

No. Estt: V/S.1/

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Officials concerned.
3. Office Order file

They are requested to circulate the same amongst the Naib Tehsildars working under concerned working under their jurisdiction / control.

Assistant Secretary (List)

FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2012

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
1	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
2	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	--do--
3	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
5	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
6	Mr. S. Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
7	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
8	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	Naib Tehsildar
9	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
10	Mr. Saïd Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
11	Mr. Kiranat Ullah Kundi B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--
12	Mr. Akbar Inikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	--do--	--do--
13	Mr. Qaiser Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
14	Mr. Naïb Ullah (BA)	15.02.1969 DIKhan	27.02.2006	27.02.2006	--do--	--do--
15	Mr. Muhammad Ayub Khan (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
16	Mr. Abdur Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
17	Mr. Sarir Ahmad (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
18	Muhammad Riãz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
19	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
20	Mr. Musaddiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--

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S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib-Tehsildar on regular basis	Method of Recruitment	Remarks
						Naib Tehsildar
135	Mr. Nawab Gul (M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	Promotee	--do--
136	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	--do--	--do--
137	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
138	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
139	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
140	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
141	Mr. Shehryar Khan (Matric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Promoted through Adminstrative order o SMBR,
142	Mr. Hazrat Khan (Matric)	02.02.1956 Mohamand Agency	08.10.1986	10.09.2009	--do--	--do--
143	Sardar Yousaf (BA)	15.03.1969 Bajaur	22.02.1978	17.09.2009	--do--	--do--
144	Mr. Saz Muhammad (BA)	01.02.1965 Bajaur	25.11.1981	17.09.2009	--do--	--do--
145	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
146	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
147	Mr. Muhammad Saeed	Peshawar		30.09.209	--do--	--do--
148	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
149	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
150	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
151	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
152	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
153	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
154	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
155	Mr. Abbas Ali Shah (FA)	06.08.1957 Battagram	14.05.1979	24.06.2010	--do--	--do--
156	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
157	Mr. Sardar Ghulam Murtaza FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	--do--	--do--
158	Mr. Fazl-e-Hakeem (Matric)	02.09.1953 Swabi	09.05.1979	14.07.2010	--do--	--do--
159	Mr. Musadiq Hussain (BA)	27.10.1962 Hanug	15.03.1980	23.07.2010	--do--	--do--
160	Mr. Fazle-Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	--do--

Seniority list of Naib Tehsildar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated 09/09/2013

OFFICE ORDER

No.Estt:V/S.L/2013/_____ In pursuance of Section 8 (1) of the Civil Servant Act, 1973 Final Seniority list of Naib Tehsildar (BPS-14) in Khyber Pakhtunkhwa as it stood on 31/12/2013 is hereby published for information of all concerned.

By order of
Senior Member

No.Estt:V/S.L/2013/17211-35

Copy alongwith a copy of Final Seniority lists is forwarded to:-

1. All Commissioner, in Khyber Pakhtunkhwa
2. All Deputy Commissioners, in Khyber Pakhtunkhwa
3. Official concerned.
4. Office order file.

They are requested to circulate the same amongst the Naib Tehsildars working under concerned their jurisdiction/ control


Assistant Secretary (Estt.)



FINAL SENIORITY LIST OF NAIB TEHSILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2013

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
1	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
2	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	Posted as Tehsildar on Current Charge Basis
3	Mr. Naz Amin Khan (Matic)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	--do--
4	Mr. S.Asghar Shah (Matic)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
5	Mr. Said Rehman (Matic)	30.10.1958 Mardan	01.10.1980	22.11.2004	--do--	--do--
6	Mr. Kiramatullah-Kundi (B.A)	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
7	Mr. Abdur Rehman Shah (B.A)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
8	Mr. Sarir Ahamd (Matic)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Posted as Tehsildar on Current Charge Basis
9	Muhammad Riaz (Matic)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
10	Mr. Atta Ullah (Matic)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
11	Mr. Musadiq Hussain (Matic)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--
12	Mr. Abdul Qayyum (Matic)	03.01.1954 Kohat	23.06.1970	31.05.2007	--do--	--do--
13	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
14	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
15	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	--do--	--do--
16	Mr. Iftikhar Ahmad (Matic)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--
17	Mr. Ghulam Sarwar (Matic)	01.03.1955 Shangla	01.03.1978	20.07.2007	--do--	--do--
18	Mr. Farzand Ali (Matic)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
19	Mr. Said Rahim (Matic)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
20	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--

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	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	Promotee	-NI-
116.	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
117.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
118.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
119.	Mr. Shehryar Khan (Matric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Reverted to his original post of Political Moharir
120.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohamand Agency	08.10.1986	10.09.2009	--do--	--do--
121.	Sardar Yousaf (BA)	15.03.1957 Bajaur	22.02.1978	17.09.2009	Promotee	Promoted through Administrative order of SMBR,
122.	Mr. Saz Muhammad (BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
123.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
124.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
125.	Mr. Muhammad Saeed	Peshawar		30.09.2009	--do--	--do--
126.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
127.	Mr. Umar Saig (B.A)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	Reverted to his original post of Assistant
128.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	Promoted through Administrative order of SMBR,
129.	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
130.	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
131.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	Reverted to his original post of Assistant
132.	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	Promoted through Administrative order of SMBR,
133.	Mr. Sardar Ghulam Murtaza FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	Promotee	Naib Tehsildar
134.	Mr. Musadiq Hussain (BA)	27.10.1962 Hanug	15.03.1980	23.07.2010	Naib Tehsildar	Promoted through Administrative order of SMBR,
135.	Mr. Fazle-Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	Promoted through Administrative order of SMBR,
136.	Mr. Haq Nawaz (Matric)	03.07.1960 DIKhan		02.09.2010	Naib Tehsildar	--do--

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BOARD OF REVENUE, KHYBER PAKHTUNKHWA
VERSUS
GUL SHAHZAD NAIB TEHSILDAR

ORDER

Brief facts of the case are that one Mr. Gul Shahzad joined government service as Patwari on 06.07.2008 and thereafter promoted to the post of Kanungo in District Dir Lower. On 18.11.2009 he was promoted / appointed as Naib Tehsildar on current charge basis. Later on he has filed an appeal before the then Senior Member, Board of Revenue for regularization of services as Naib Tehsildar. The then SMBR, after hearing arguments of the appellant promoted him as Naib Tehsildar (BS 14) on 17.04.2010 on regular basis through Administrative order.

During the internal audit this irregular promotion came to the notice hence a notice was served upon Mr. Gul Shahzad Naib Tehsildar with the direction to appear before the Senior Member, Board of Revenue to explain his unlawful promotion order on 23.04.2011. He appeared and submitted reply.

Meanwhile National Accountability Bureau (NAB) initiated an enquiry into the misuse of authority / illegal promotion / appointment of revenue staff by officers / officials of Board of Revenue upon which further proceedings in the matter were withheld. However, after obtaining an advice of NAB and Establishment Department, the proceedings were taken forward from the point they were withheld. A fresh notice was issued to him on 27.07.2015 to appear for personal hearing. He appeared in person on 30.07.2015 and was heard accordingly. On 10.02.2016 due to an order of Peshawar High Court proceedings were withheld again. On 26.07.2016 proceedings again started.

The perusal of records reveals that legal position in the instant case is that the Senior Member, Board of Revenue is designated as the Competent Authority to take decisions in matters pertaining to employees of Revenue & Estate Department / BOR falling within the purview of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, however SMBR has not been vested with any special power to exercise judicial review in the services matters of employees of Revenue & Estate Department, which falls in the domain of Service Tribunal.

Moreover the official at the time of his promotion was holding the substantive post of Kanungo in the office of Deputy Commissioner Dir Lower, he was neither eligible for promotion nor any Departmental Promotion Committee was held as per rules to consider his seniority and suitability for the post.

It is also well settled principle of law that an invalid and illegal order cannot get validity merely due to passage of time and, is therefore open to review and withdrawal at any time. Likewise, there are numerous decisions of Superior Courts that period of limitation does not count against illegal and unlawful exercise of authority, therefore question of the order attaining finality does not arise.

Hence in view of the above the orders passed by SMBR for appointment of Mr. Gul Shahzad as Naib Tehsildar on regular basis on 18.11.2009 and order dated 17.04.2010 is devoid of legal force void ab initio and is hereby set aside.

Ah. I. L. / 1/9/2016
Senior Member, Board of Revenue




GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10 /03/2010

ORDER

No 6174 /Admn:V/PF(Abdul Latif)


In pursuance of Judgement of Senior Member Board of Revenue NWFP dated 08.03.2010 passed in Appeal No. 59/2010, services of Mr. Abdul Latif Tehsildar Acting Charge basis presently posted as Tehsildar Mandanr District Buner, are hereby regularized with immediate effect.


Senior Member
Board of Revenue NWFP

No 6175-82 /Admn:V/PF(Abdul Latif)

Copy to:-

1. Commissioner, Malakand Division.
2. District Coordination Officer, Buner
3. District Officer (R&E)/Collector, Buner
4. District Accounts Officer, Buner.
5. Reader to Senior Member Board of Revenue NWFP
6. Officer concerned.
7. Office Order File.
8. Personal file.


Senior Member
Board of Revenue NWFP




GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10/03/2010

ORDER


No _____ /Admn:V/PF(Qaiser Khan) In pursuance of Judgement of Senior Member Board of Revenue NWFP dated 08.03.2010 passed in Appeal No. 59/2010, services of Mr. Qaiser Khan Tehsildar Acting Charge basis presently posted as Tehsildar Gagra District Buner, are hereby regularized with immediate effect.


Senior Member
Board of Revenue NWFP

No 6184-91 /Admn:V/PF(Qaiser Khan)

Copy to:-

1. Commissioner, Malakand Division.
2. District Coordination Officer, Buner
3. District Officer (R&E)/Collector, Buner
4. District Accounts Officer Buner.
5. Reader to Senior Member Board of Revenue NWFP
6. Officer concerned.
7. Office Order File.
8. Personal file.


Senior Member
Board of Revenue NWFP

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IN THE COURT OF AHSANULLAH KHAN SENIOR MEMBER
BOARD OF REVENUE NWFP

Case No. 59/2010
Date of institution. 16.02.2010
Date of Decision 08.03.2010



1. Abdul Latif Tehsildar Mandanr Acting Charge basis, District Buner.
2. Qaiser Khan Tehsildar Gagra Acting Charge basis District Buner
..... (Appellants)

Versus

1. District Officer (R&E)/Collector, Buner,
2. Senior Member Board of Revenue NWFP.....(Respondent)

ORDER
08.03.2010

This is a Departmental appeal filed by M/S Abdul Latif and Qaiser Khan Tehsildars (Acting Charge Basis), District Buner for promotion as Tehsildar on regular basis.

Appellants with their counsel present. Arguments heard. Comments received from Assistant Secretary (Estt) Board of Revenue NWFP and record of the case gone through.

Brief facts of the case are that the appellants are regular District Kanungo (BPS-14) and they were promoted to the post of Tehsildar (BPS-16) on Acting Charge basis on 22.10.2009 and at present they are working as Tehsildars in District, Buner.


Counsel for the appellants pleaded that the appellants have rendered sufficient service in Revenue Department and are serving as Tehsildars on Acting Charge basis and have passed the Departmental Examination of Tehsildars and he referred to Section-9 of the NWFP (Appointment, Promotion and Transfer) Rules, 1989 regarding appointment on Acting Charge basis. The counsel for the appellants further argued that the appellants are already holding the posts of Tehsildars and their regular appointment / promotions as Tehsildars will not affect any one nor disposes any other officials from the post of Tehsildars (BPS-16) against which they are already working on Acting Charge basis and also availing the financial benefits. The counsel for the appellants submitted verdicts of Supreme Court of Pakistan in certain cases whereby the Supreme Court of Pakistan held that where a

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post was available against which civil servant could be promoted where such civil servant was qualified to be promoted to such higher post and where he was put on such higher post on officiating or acting charge basis only because requisite exercise of allowing regular promotion to such post was being delayed by Competent Authority and where he was subsequently found fit for such promotion and was so promoted on regular basis, then the civil servant was entitled not only to the salary attaching to such post but also to all consequential benefits from that very date from which he had put on the said post on officiating or Acting Charge basis.

In light of above authorities of Supreme Court of Pakistan submitted by the counsel of appellants and under circumstances of the case and comments of Establishment Section of Board of Revenue NWFP that the SSRC has already decided in a meeting that District Kanungo, HCR, District Revenue Accountants included in the Seniority List of Naib Tehsildars for the purpose of Promotion to the post of Tehsildar as all the above posts i.e. District Kanungo, HCR District Revenue Accountant and Naib Tehsildar carries equal grades (BPS-14) and are encircled in the Revenue heirachy and the next step for the above categories is Tehsildar Cadre. As such the appeals of appellants are accepted and the appellants are selected/ promoted to the post of Tehsildar (BPS-16) on regular basis with immediate effect.

ANNOUNCED
08.03.2010


(Asanullah Khan)
Senior Member,
Board of Revenue NWFP.

B 5 1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No 1154/2016

Date of Institution... 16.11.2016

Date of decision... 04.10.2017



Kamalistan Tehsildar Barikot, District Swat.

... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and 2 others. ... (Respondents)

MR. IMDADULLAH,
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

... CHAIRMAN
... MEMBER

JUDGMENT

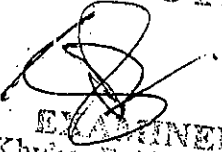
NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was shown at S.No. 18 in the seniority list of Kanungos issued on 31.12.2008. Thereafter he was promoted as Naib Tehsildar on 08.11.2010 by the order of the Senior Member Board of Revenue, purportedly on the basis of a judicial order dated 20.10.2010. Then another seniority list was prepared on 26.4.2013 and he was shown at S.No. 167 in the seniority list of Naib Tehsildars as it stood on 31.12.2012. But on 09.09.2016 an order was passed by the Senior Member Board of Revenue by withdrawing the order of promotion dated 20.10.2010 on the ground that the promotion/regularization was made in

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

violation of the service rules and instructions without holding the meeting of the Departmental Promotion Committee. Against this order a departmental appeal was preferred by the appellant on 19.9.2016 which was dismissed on 07.11.2016 and thereafter the present appeal was filed on 16.11.2016.

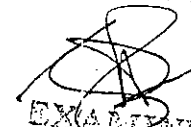
ARGUMENTS

3. The learned counsel for the appellant argued that the a similar case entitled "*Muhammad Amin Vs. the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others*" bearing service appeal No. 1155/2016 has been decided by this Tribunal on 09.08.2017. That on the principles of similarity and equal treatment, the present appeal is liable to be accepted. He further argued the appeal on two scores. That an order of promotion once passed cannot be withdrawn on the ground that the promotion was made in violation of rules or law and in this respect the learned counsel for the appellant relied upon judgments reported as 1996-SCMR-1350 and 2004-SCMR-630. The second argument was that on the principle of *locus poenitentiae* the authority withdrawing the order must adhere to the minimum standard of due process. In this regard the learned counsel for the appellant relied upon a judgment reported as 1992-SCMR-1420. According to the learned counsel for the appellant no chance of hearing or any notice was ever served on the appellant.

4. On the other hand the learned District Attorney argued that the original order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his earlier order.

CONCLUSION

5. There can be no two opinions about this settled proposition of law that if any irregularity or illegality is committed by the department then the sufferer

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

should not be the civil servant and in this respect the two former reported judgments pressed into service by the learned counsel for the appellant are very much clear. Though defence of *locus-poenitentiae* is available only in those orders which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

SD/-Niaz Muhammad Khan,
Chairman
Camp Court Swat

Original copy
Stamp: District Court Swat

SD/-Gulzar Khan
Member

Date of Presentation of Application: 11-10-2017
Number of Writs: 1200
Copying Fee: 8-
Urgent: -
Total: 8-
Name of Officer: [Signature]
Date of Copying: 23-10-17
Date of Delivery of Copy: 23-10-17

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT

Service Appeal No 1020/2016

Date of Institution... 30.09.2016

Date of decision... 06.09.2017



Abrar Ahmad presently posted as Tehsildar Babozai, Swat. ... (Appellant)

Versus

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and others. ... (Respondents)

MR. SHAMSUL HADI,
Advocate

For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER

*Abrar v/o Swat
Patwari (Swat)
Kamra (Diploppa)
Tehsildar (Swat)*

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned

counsel for the parties heard and record perused.

FACTS

The appellant was recruited as Patwari in 1985. Later on he was promoted as Naib Tehsildar on acting charge basis on 09.10.2009. That against this order some of his colleagues moved a departmental appeal which was decided vide order dated 18.11.2009 and the original order of promotion was kept intact to the extent of appellant. But after lapse of 7 years respondent No. 1 through an order dated 09.09.2016 withdrew earlier promotion order on the ground that promotion/regularization was made in violation of service rules and instructions without holding of Departmental Promotion Committee. Against this order a

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departmental appeal was filed which was rejected on 29.09.2016 and thereafter the present appeal.

ARGUMENTS

3. The learned counsel for the appellant argued the appeal on two scores. That an order of promotion once passed cannot be withdrawn on the ground that the promotion was made in violation of rules or law and in this respect the learned counsel for the appellant relied upon judgments reported as 1996-SCMR-1350 and 2004-SCMR-630. The second argument was that on the principle of *locus poenitentiae* the authority withdrawing the order must adhere to the minimum standard of due process. In this regard the learned counsel for the appellant relied upon a judgment reported as 1992-SCMR- 1420. According to the learned counsel for the appellant no chance of hearing or any notice was ever served on the appellant.

4. On the other hand the learned District Attorney argued that the original order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his earlier order.

CONCLUSION

5. There can be no two opinions about this settled proposition of law that if any irregularity or illegality is committed by the department then the sufferer should not be the civil servant and in this respect the two former reported judgments pressed into service by the learned counsel for the appellant are very much clear. Though defence of *locus poenitentiae* is available only in those orders which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be restored to his position of acting charge basis as stood on 09.09.2016. The department is at liberty to proceed further in accordance with law while considering the appellant on acting charge basis on 09.09.2016. Parties are left to bear their own costs. File be consigned to the record room.

Announced
06.09.2017

SD/- Niaz Muhammad Khan,
Chairman
Campus SWAT

SD/- Ahmad Hassan,
Nander

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated: Peshawar the October, 30, 2012

NOTIFICATION

NO.SO.E.II(ED) 2(192)2012- Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following PMS BS-17 (Acting Charge)/Tehsildars to the post of Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr. Sajid Nawaz
2.	Mr. Kashmir Khan
3.	Mr. Khalid Qayyum
4.	Mr. Muhammad Yousaf Kareem
5.	Mr. Muhammad Imran
6.	Mr. Sohail Ahmed Khan
7.	Mr. Muhammad Shah Jamil
8.	Mr. Naveed Akber
9.	Mr. Hamid Ali Gigyani
10.	Mr. Akber Shah
11.	Mr. Muhammad Ali Shah
12.	Mr. Muhammad Zaman Khattak
13.	Mr. Bagh Bostan
14.	Mr. Amjad Ali
15.	Mr. Safdar Azam Qureshi
16.	Mr. Sajid Hussain
17.	Mr. Israr Ahmad
18.	Mr. Muhammad Fahim
19.	Mr. Adalat Khan
20.	Mr. Said Qadir
21.	Mr. Jan Alam
22.	Mr. Abdul Wali Khan
23.	Mr. Samiullah
24.	Mr. Abdul Naseer

25.	Mr. Haider Hussain
26.	Mr. Qaisar Naz
27.	Mr. Muhammad Riaz
28.	Mr. Muhammad Naib Din
29.	Mr. Abdul Latif
30.	Mr. Qaisar Khan

2. On promotion the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act 1973, read with Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. '

3. Consequent upon above, the following postings/transfers are ordered with immediate effect:-

S.#	Name of Officer	From	To
1.	Mr. Sajid Nawaz	DO(R), Bannu.	Retained on the same post and station.
2.	Mr. Kashmir Khan	Tehsildar/ Inspector Stamps, D.I.Khan	DDO(R), Paharpur D.I.Khan against the vacant post.
3.	Mr. Khalid Qayyum	Tehsildar, Irrigation D.I.Khan	DDO(R), D.I.Khan against the vacant post.
4.	Mr. Muhammad Yousaf Kareem	Political Tehsildar, FR Kohat	DDO(J), Hangu against the vacant post relieving Mr. M. Abid, DDO(R), Hangu of the additional charge of the post.
5.	Mr. Muhammad Imran	Assistant Commissioner, Malakand	Retained on the same post and station
6.	Mr. Sohail Ahmed Khan	DDO(J), Khawazakhela.	Retained on the same post and station
7.	Mr. Muhammad Shah Jamil	Tehsildar, Lal Qilla Dir Lower	DDO(J), Sheringal Dir Upper against the vacant post.
8.	Mr. Naveed Akber	APA FR, Peshawar.	Retained on the same post and station
9.	Mr. Hamid Ali Gigyani	Finance Officer, MSDP, LG&RDD	Secretary District Public Safety Commission, Peshawar against the vacant post.
10.	Mr. Akber Shah	Tehsildar/Reader to SMBR	Deputy Secretary, Board of Revenue against the vacant post.
11.	Mr. Muhammad Ali Shah	DDO(R), Swabi.	Retained on the same post and station
12.	Mr. Muhammad	DO(R), Kohat.	Retained on the same post and station

	Zaman Khattak		station
13.	Mr. Bagh Bostan	Political - Tehsildar, Upper Orakzai	DDO(R), Takhtbhai Mardan against the vacant post.
14.	Mr. Amjad Ali	Tehsildar, Swabi Scarp WAPDA, Mardan	DDO(J), Swabi against the vacant post relieving Syed Muhammad Ali Shah, DDO(R), Swabi of the additional charge of the post.
15.	Mr. Safdar Azam Qureshi	Tehsildar, Mansehra	Secretary District Public Safety Commission, Mansehra relieving Mr. M. Anwar Khan Sherani, DDO(J), Mansehra of the additional charge of the post.
16.	Mr. Sajid Hussain	Tehsildar, Balakot	DDO(F), Haripur against the vacant post
17.	Mr. Israr Ahmad	DDO(R), Booni Chitral.	Retained on the same post and station
18.	Mr. Muhammad Fahim	Tehsildar, Barikot.	DDO(F), Swat against the vacant post.
19.	Mr. Adalat Khan	Political Tehsildar, Khar Bajaur	HRDO, Shangla against the vacant post.
20.	Mr. Said Qadir	Tehsildar, Khal	DDO(F), Shangla against the vacant post relieving Mr. Anwar Zeb, DDO(J), Alpuri Shangla of the additional charge of the post.
21.	Mr. Jan Alam	Tehsildar, Babuzai	Secretary District Public Safety Commission, Dir Upper against the vacant post.
22.	Mr. Abdul Wali Khan	Tehsildar, Dir Upper	DDO(J), Dir Upper against the vacant post relieving Mr. Arshad Ali, DDO(R), Dir Upper of the additional charge of the post.
23.	Mr. Samiullah	Tehsildar, Bannu	DDO(J), Bannu against the vacant post
24.	Mr. Abdul Naseer	Tehsildar, Rajar Swabi.	HRDO, Peshawar against the vacant post
25.	Mr. Haider Hussain	Assistant to Commissioner (Rev), Kohat.	Retained on the same post and station
26.	Mr. Qaisar Naz	Tehsildar, Kohat.	Secretary, RTA, Kohat against the vacant post
27.	Mr. Muhammad Riaz	Tehsildar, Lahor Swabi	DDO(R), Lahor Swabi against the vacant post.
28.	Mr. Muhammad Naib Din	Tehsildar, FATA Sectt.	Section Officer, FATA Sectt: against the vacant post.
29.	Mr. Abdul Latif	Political Tehsildar, Mamund Bajaur	DDO(R), Khado Khel Buner against the vacant post.
30.	Mr. Qaisar Khan	Tehsildar, Gagra Buner	DDO(F), Buner against the vacant post

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN

A copy is forwarded to:-

1. Additional Chief Secretary, FATA.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Transport Department.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. Secretary (Admn. & Coord), FATA Secretariat
9. Accountant General, Khyber Pakhtunkhwa.
10. Accountant General (PR), Sub- Office, Peshawar.
11. Political Agents, Bajaur & Orakzai.
12. All District Accounts Officers in Khyber Pakhtunkhwa.
13. Agency Accounts Officers, Bajaur & Orakzai
14. Project Director, Municipal Services Delivery Programme (PMU), Peshawar.
15. SO(Secret)/SO(Admn)/SOE-I/ EO/Librarian, E&A Department.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary Establishment.
18. PS to Special Secretary (Estt), Establishment Department.
19. PAs to AS(E)/ AS(HRD)/ DS(E) Estab: Deptt:
20. Officers concerned.
21. Office order file.
22. Personal file of the officers concerned.

WISAN AERIOD

naizam
30/10/12
(NAJM-US-SAHAR)
SECTION OFFICER (E-II)

NOTICE PAPER FOR THE DEPARTMENTAL PROMOTION COMMITTEE FOR THE PROMOTION OF PATWARI (BPS-9) TO THE POST OF KANUNGO (BPS-11) IN THE OFFICE OF THE DEPUTY COMMISSIONER DIR LOWER

A post of Kanungo(BPS-11) has fallen vacant in this office due to promotion / appointment of Mr. Gul Shehzad Kanungo of this office, vide Senior Member Board of Revenue, Khyber Pakhtunkhwa, order No.3043/Admn:/V/PF(Gul), dated 8-11-2009 and order No.3583/Admn:/V/G, dated 21-4-2010.

Under Service Rules, notified vide Govt: of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department, Notification No.1942/Estt/135/SSRC, dated 23-11-2015, the post of Kanungo (BPS-11) will be filled by promotion, on the basis of seniority-cum fitness, from amongst the Patwaris/Naib Tehsil Office Kanungos of the District concerned with three years as such and who have passed the Departmental Examination of Kanungo. Accordingly, the said one post of Kanungo lying vacant in this office is required to be filled by way of promotion from amongst the Patwaris/Naib Tehsil Office Kanungos.

Under the rules, the Deputy Commissioner Dir Lower is competent authority to appoint/promote officials in BPS-1 to BPS-15 in his office.

Following is the panel of senior most Patwaris as per seniority list:-

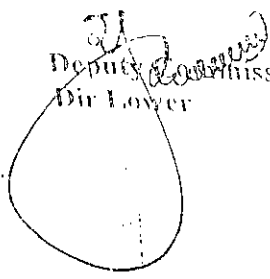
- 1- Mr. Saeedur Rahman
- 2- Mr. Tahir Hassan

ACRs, Synopsis and Non Involvement Certificates of the officials mentioned above have been completed, copy of the same will be supplied to the committee members at the time of meeting.

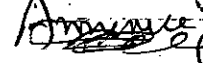

In order to consider promotion of one Patwari to the post of Kanungo (BPS-11) a meeting of the Departmental Promotion Committee, comprising the following would be held on 23/8/2016 at 11:00 AM in the office of the undersigned:-

- 1- Deputy Commissioner.....Chairman.
- 2- Representative of CMD.....Member.
- 3- An officer to be nominated by the appointing authority... Member.

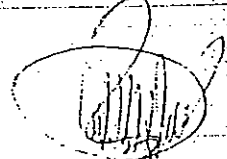

All members are requested to attend the meeting on the date and time mentioned.


Deputy Commissioner,
Dir Lower

~~FINAL SENIORITY LIST OF NAIB TEHSILDARS (BPS-16) IN CHARGES OF TEHSILDARIES AS STATIONED ON 31.12.2009~~

Annexure 2



No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / E-OMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
1.	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Promoted as Tehsildar on Acting Charge Basis
2.	Mr. Muhammad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	Ditto	
3.	Mr. Abdul Nabi F.A.	05.04.1957 Kohat	12.12.1976	10.04.2001	Ditto	
4.	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohat)	14.03.1984	10.04.2001	Ditto	
5.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	Ditto	
6.	Mr. Muhammad Shoab (BA)	01.01.1968 Kohat	09.12.1990	10.04.2001	Ditto	
7.	Mr. Muhammad Umar (M.A)	10.03.1966 Mardan	16.07.2002	16.07.2002	Ditto	
8.	Mr. Javed Anwar Kamal (F A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	Ditto	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
9.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	Ditto	Ditto
10.	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	Ditto	Ditto
11.	Mr. Ghani Khan B.A.	02.02.1952 Charsadda	1979	12.10.2002	Ditto	Ditto
12.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	Ditto	
13.	Mr. Naz Amin Khan (Matic)	12.05.1960 Bajuar	25.11.1981	13.01.2003	Ditto	
14.	Mr. Muhammad Riaz Khan (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
15.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	Promote	
16.	Mr. Sikandar Hayat Shah (Matic)	20.01.1958 Bannu	18.02.1981	09.05.2003	Promote	
17.	Mr. Javed Hussain (Matic)	13.06.1952 Haripur	27.05.1977	30.06.2003	Promote	
18.	Mr. S. Asghar Shah (Matic)	25.12.1959 Haripur	25.05.1981	30.06.2003	Ditto	



	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
146.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	Promoted through Administrative order of SMBR. . Decision of the Competent Authority is awaited.
147.	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	Naib Tehsildar
148.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	Promotee	--do--
149.	Mr. Sheryar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	--do--	Promoted through Administrative order of SMBR. . Decision of the Competent Authority is awaited.
150.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1986	10.09.2009	--do--	--do--
51.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajaur	22.02.1978	17.09.2009	--do--	--do--
52.	Mr. Saz Muhammad (FA)	01.02.1961 Bajaur	25.11.1981	17.09.2009	--do--	--do--
53.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
54.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
55.	Mr. Muhamad Saeed	Peshawar		30.09.2009	--do--	--do--
56.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
57.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
58.	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
59.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
60.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
	Mr. Col. Sulezad	Col. Sulezad Peshawar		22.09.2010	do	do
61.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--

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16

Annexure

(H)

(S)

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the ~~30/06/2009~~

OFFICE ORDER

No 12700 /Admn:V/S.I. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on ~~31/12/2009~~ is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No 12751-90 /Admn:V/S.I.

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Officials concerned.
3. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction / control.

Assistant Secretary (I) (SU)
Board of Revenue Khyber Pakhtunkhwa



	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On REGULAR BASIS	METHOD OF RECRUITMENT.	REMARKS.
146.	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	Naib Tehsildar
147.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
148.	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
149.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
150.	Mr. Shehyar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	--do--	Promoted through Administrative Order of Senior Member, Board of Revenue
151.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1976	10.09.2009	--do--	--do--
152.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajour	22.02.1978	17.09.2009	--do--	--do--
153.	Mr. Saz Muhammad (FA)	01.02.1961 Bajour	25.11.1981	17.09.2009	--do--	--do--
154.	Mr. Ghulam Saeed Ullah (FA)	01.01.1957 Bajour	24.11.1975	18.09.2009	--do--	--do--
155.	Mr. Abdul Malik (FA)	01.08.1955 Bajour	24.11.1975	26.09.2009	--do--	--do--
156.	Mr. Muhammad Saeed	Peshawar		30.09.2009	--do--	--do--
157.	Mr. Riaz ul Haq (B.A)	11.01.1969 Bajour	04.07.1987	22.10.2009	--do--	--do--
58.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	26.10.2009	--do--	--do--
59.	Mr. Umer Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
60.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
61.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
	Mr. Asmatullah (BA)	01.07.1976 Peshawar		22.01.2010	--do--	--do--
53.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
54.	Mr. Abbas Ali Shah (F. A)	06.08.1957 (Batagram)	14.05.1979	24.06.2010	--do--	--do--
55.	Mr. Dildar Khan (BA)	15.05.1975 (Haripur)	01.09.2003	25.06.2010	--do--	--do--
56.	Mr. Fazl - e- Hakeem (Matric)	02.09.1953 (Swat)	09.05.1979	11.07.2010	--do--	--do--

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10/09/2012

OFFICE ORDER

No. Estt: V/F.S.L/ 11736 In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Tehsildars (BPS-- 17) in Khyber Pakhtunkhwa as dated on 31-12-2010

~~copy prepared for information of all concerned~~

By Order of,
Senior Member

No. Estt: V/F.S.L/ 11737-40

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction / control.

Assistant Secretary (Estt)

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
150.	Mr. Sheryar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	Promotee	Promoted through Administrative order of SMBR
151.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1986	10.09.2009	--do--	--do--
152.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajaur	22.02.1978	17.09.2009	--do--	--do--
153.	Mr. Saz Muhammad (FA)	01.02.1961 Bajaur	25.11.1981	17.09.2009	--do--	--do--
154.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
155.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
156.	Mr. Muhamad Saeed	Peshawar		30.09.2009	--do--	--do--
157.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
158.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
159.	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
160.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
161.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
63.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
64.	Mr. Abbas Ali Shah (FA)	06.08.1997 Battagram	14.05.1979	24.06.2010	--do--	--do--
65.	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
66.	Mr. Fazl-e-Hakeem (Matric)	02.09.1953 Swat	09.05.1979	14.07.2010	--do--	--do--

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(S) (S)

W

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 04/20/13

OFFICE ORDER

No. Estt: V/S.1/

In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 31/12/2012, is hereby

~~published for information of all concerned.~~

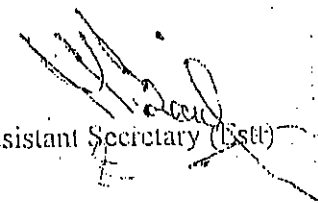
By Order of,
Senior Member

No. Estt: V/S.1/

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Officials concerned.
3. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars working under concerned working under their jurisdiction / control.


Assistant Secretary (1st)



FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2012

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
1	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
2	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	--do--
3	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
5	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
6	Mr. S. Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
7	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
8	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	Naib Tehsildar
9	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
10	Mr. Saif Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
11	Mr. Kiranat Ullah Kundi B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--
12	Mr. Akbar Inikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	--do--	--do--
13	Mr. Qaiser Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
14	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	27.02.2006	27.02.2006	--do--	--do--
15	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
16	Mr. Abdul Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
17	Mr. Sarir Ahmad (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
18	Muhamrazd Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
19	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
20	Mr. Musaddiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--

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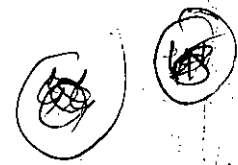


S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib-Tehsildar on regular basis	Method of Recruitment	Remarks
						Naib Tehsildar
135	Mr. Nawab Gul (M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	Promotee	--do--
136	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	--do--	--do--
137	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
138	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
139	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
140	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
141	Mr. Shehryar Khan (Matric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Promoted through Administrative order of SMBR,
142	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand Agency	08.10.1986	10.09.2009	--do--	--do--
143	Sardar Yousaf (BA)	15.03.1969 Bajaur	22.02.1978	17.09.2009	--do--	--do--
144	Mr. Saz Muhammad (BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
145	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
146	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
147	Mr. Muhammad Saeed	Peshawar		30.09.209	--do--	--do--
148	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
149	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
150	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
151	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
152	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
153	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
153	Mr. Gul Shehzad	FR (Lakki)		03.06.2010	--do--	--do--
154	Mr. Muhammad Alam (FA)	06.08.1957 Battagram	14.05.1979	24.06.2010	--do--	--do--
155	Mr. Abbas Ali Shah (FA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
156	Mr. Dildar Khan (BA)	01.11.1965 Abbottabad	04.06.1988	30.06.2010	--do--	--do--
157	Mr. Sardar Ghulam Murtaza FA	02.09.1953 Swabi	09.05.1979	14.07.2010	--do--	--do--
158	Mr. Fazl-e-Hakeem (Matric)	27.10.1962 Hanug	15.03.1980	23.07.2010	--do--	--do--
159	Mr. Musadiq Hussain (BA)	10.06.1958 DIKhan		02.09.2010	--do--	--do--
160	Mr. Fazle-Rehman (Matric)					

Seniority list of Naib Tehsildar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated 07/09/2014

OFFICE ORDER

No. Estt: V/S.L/2013/_____ In pursuance of Section 8 (1) of the Civil Servant Act, 1973 Final Seniority list of Naib Tehsildar (BPS-14) in Khyber Pakhtunkhwa as it stood on 21/12/2013 is hereby published for information of all concerned.


By order of
Senior Member

No. Estt: V/S.L/2013/ 17211-35

Copy alongwith a copy of Final Seniority lists is forwarded to:-

1. All Commissioner, in Khyber Pakhtunkhwa
2. All Deputy Commissioners, in Khyber Pakhtunkhwa
3. Official concerned.
4. Office order file.

They are requested to circulate the same amongst the Naib Tehsildars working under concerned their jurisdiction/ control


Assistant Secretary (Pst.)

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FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2013

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
1	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
2	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	Posted as Tehsildar on Current Charge Basis
3	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	--do--
4	Mr. S.Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
5	Mr. Said Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	--do--	--do--
6	Mr. Kiramatullah Kundi (B.A)	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
7	Mr. Abdur Rehman Shah (B.A)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
8	Mr. Sarir Ahamd (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Posted as Tehsildar on Current Charge Basis
9	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
10	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
11	Mr. Musadiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--
12	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	--do--	--do--
13	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
14	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
15	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	--do--	--do--
16	Mr. Iftikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--
17	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	--do--	--do--
18	Mr. Farzand Ali (Matric)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
19	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
20	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--

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	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	Ben-Hae	-NI-
116.	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
117.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
118.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
119.	Mr. Shehryar Khan (Matric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Reverted to his original post of Political Moharir
120.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohamand Agency	08.10.1986	10.09.2009	--do--	--do--
121.	Sardar Yousaf (BA)	15.03.1957 Bajaur	22.02.1978	17.09.2009	Promotee	Promoted through Administrative order of SMBR,
122.	Mr. Saz Muhamamd (BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
123.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
124.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
125.	Mr. Muhammd Saeed	Peshawar		30.09.209	--do--	--do--
126.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
127.	Mr. Umar Said (B.A)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	Reverted to his original post of Assistant
128.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	Promoted through Administrative order of SMBR,
129.	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
130.	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
131.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	Reverted to his original post of Assistant
132.	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	Promoted through Administrative order of SMBR,
133.	Mr. Sardar Ghulam Murtaza FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	Promotee	Naib Tehsildar
134.	Mr. Musadiq Hussain (BA)	27.10.1962 Hanug	15.03.1980	23.07.2010	Naib Tehsildar	Promoted through Administrative order of SMBR,
135.	Mr. Fazle-Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	Promoted through Administrative order of SMBR,
136.	Mr. Haq Nawaz (Matric)	03.07.1960 DIKhan		02.09.2010	Naib Tehsildar	--do--

[Handwritten signature]

evidence available on the record and are of the view that the learned appellate as well as the constitutional court has not assigned reasons while discussing the evidence on the record in respect of maintenance claim of the petitioner and such judgments therefore, can be sustained in law. However, after having heard the learned counsel for the parties with respect to this particular claim, we are inclined to modify the judgment and decree of the trial court, in that, the petitioner shall be entitled to the lump sum amount of Rs.75,000 (rupees seventy five thousand) as against her claim of Rs.1,02,000, which amount shall be paid by the respondent to the petitioner within a period of one month. In the light of the above, the judgment and decree of the appellate court as has been affirmed in the writ jurisdiction by the learned High Court is modified to the extent of the maintenance and also for the recovery of the petitioner i.e. the suit of the petitioner with regard to articles/dowry shall stand decreed as per the list provided by the respondent (Exh.P5) and in case, the respondent is not in a position to return articles/items in accord with the said list, he shall be liable to pay the value/price with respect to such articles/items in the list of dowry articles (Ex.P1) brought on the record by the petitioner. Thus this petition is converted into an appeal and allowed in terms noted above.

MWA/S-2/SC

Appeal allowed

P L D 2014 Supreme Court 338

Present: Anwar Zaheer Jamali,
Khilji Arif Hussain and Gulzar Ahmed, JJ

SAROSH HAIDER---Appellant

versus

MUHAMMAD JAVED CHUNDRIGAR
and others---Respondents

Civil Appeal No.187-K of 2010, decided on 20th December, 2013

(a) Civil service---

---Promotion---Inter se seniority---Considerable delay in challenge seniority list---Acquiescence---Effect---Vested right, creation of Estoppel---Locus poenitentiae, principle of---Appellant and respondent (both civil servants) were appointed on the same date i.e. 16-6-1986. Appellant was senior in age to the respondent and also submitted a joining report on 30-6-1986, whereas respondent submitted his joining report on 1-7-1986---Appellant was shown as senior to respondent in the year

2001---Respondent never challenged such lists and notification and was satisfied being junior to the appellant---Seniority of appellant was challenged for the first time on 30-3-2002 by filing an appeal before the competent authority, which was rejected as being time barred---Respondent filed another appeal before the Chief Secretary on 20-11-2002, which was allowed and after an intervening period of almost 14 years seniority of appellant was all of a sudden reversed in favour of respondent--- Appellant enjoyed position of seniority above that of respondent for such a long period of time, which created a vested right in the appellant of being senior to respondent---Such right of appellant could not have been upset as principle of locus poenitentiae would come into application and competent authority could have no power to recede, more so, when appellant was not provided any right of hearing whatsoever by the Chief Secretary, which was a violation of the mandatory provision of audi alteram partem--- Respondent had more than one occasion to agitate about his seniority but he himself chose not to challenge the same and allowed it to attain finality---Respondent could have challenged the seniority lists and notification within the limitation period prescribed by law to have them corrected or set aside, but he chose not to do so---Respondent himself acquiesced and abandoned his right to claim seniority over that of appellant through his own act and conduct, thus principle of Estoppel would debar respondent from asserting right of seniority--- Order passed by Chief Secretary was not in accordance with law, thus not sustainable---Appeal was allowed accordingly. [pp. 341, 342, 343, 346] A, B, C, D, E & G

Abdul Ghani v. Mst. Shaheen and others 2007 SCMR 834 distinguished.

Wazir Khan v. Government of N.-W.F.P. through Secretary Irrigation, Peshawar and 4 others 2002 SCMR 889 and Faris Rahman Khan v. Federation of Pakistan through Secretary, Establishment Division Islamabad and others 1995 SCMR 579 ref.

(b) Civil service---

Competent authority passing a voidable order---Setting aside of such order---Limitation---Where competent authority did any act or passed an order, which was adverse to any person, who had full knowledge of same, then such order would remain in the field and operate fully until it was challenged through proceedings within the prescribed limitation period---Such an order would not be void ab initio but merely a voidable order, which could be corrected if proceedings against it were brought within prescribed period of limitation. [p. 345] F

Chairman District Screening Committee, Lahore and another vs. Sharif Ahmed Hashmi PLD 1976 SC 258 ref.

M. M. Aqil Awan, Senior Advocate Supreme Court
Appellant.

Noor Muhammad Memon, Advocate Supreme Court
Ghulam Qadir Jatoti, Advocate-on-Record for Respondent No.1.

Adnan Karim Addl. A.G. Sindh for Respondents Nos. 2 and 3

Date of hearing: 20th December, 2013.

ORDER

GULZAR AHMED, J.---By this appeal, appellant Sarosh Hashmi has challenged the order dated 28-4-2010 passed by a learned Division Bench of High Court of Sindh, Circuit Court, Hyderabad, by which Constitutional Petition No.D-302 of 2009, filed by the respondent No.1 was allowed and the official respondents were directed to implement the order dated 29-5-2004 of Chief Secretary allowing the seniority to respondent No.1 over and above the appellant.

2. Vide order dated 8-9-2010 leave to appeal was granted. The learned Division Bench, Hyderabad, in its order dated 29-5-2004 was justifiable and legal and whether promotion should merely be granted on the opinion of Law Department.

3. We have heard the learned counsel for the parties and have perused the record.

4. Learned Senior Advocate Supreme Court for the appellant vehemently argued that though the appellant and respondent No. 1 were appointed on the same date i.e. 16-6-1986 as Draftsman BPS-13 in the Town Planning Department, Hyderabad but the appellant was senior in age and has also submitted his joining report on 30-6-1986, whereas respondent No. 1 submitted his joining report on 1-7-1986 and pursuant to these differences, the name of appellant, always appeared above that of respondent No. 1 in seniority list. In this respect he referred to the seniority list of December, 1991, of December 1994, the notification dated 14-12-1995, whereby the appellant and respondent No.1 were promoted to the post of Sr. Draftsman BPS-16 and the seniority list dated 1-1-2000. He contended that none of these seniority lists were ever challenged by respondent No. 1 and it was only at the stage of the recommendation for promotion to the post of Chief Draftsman BPS-17 was initiated the respondent No.1 filed a belated appeal on 30-3-2002 claiming seniority over and above the appellant. This

the respondent No. 1 was rejected by the competent authority being time barred vide letter dated 20-10-2002. He contended that vide notification dated 8-11-2002 the appellant was promoted to the post of Chief Draftsman BPS-17 in the Directorate of Town Planning Sindh with immediate effect. He further contended that it was after such promotion the appellant was made that the respondent No.1 submitted an appeal on 18-11-2002 to the Chief Secretary, whereby he sought his seniority to be corrected with that of appellant. He contended that the appeal did not lie to the Chief Secretary and even otherwise it was time-barred. He further contended that promotion of the appellant as Chief Draftsman BPS-17 was never challenged by respondent No.1 through proper procedure. He has further contended that no notice of hearing of appeal of respondent No.1, was issued to the appellant and further the order of Chief Secretary is a non-speaking one and does not assign any reasons. In support of his submissions, the learned counsel relied upon the case of ABDUL MAJEED ZAFAR and others v. GOVERNOR OF PUNJAB THROUGH CHIEF SECRETARY and others (2007 SCMR 330).

5. On the other hand, learned Advocate Supreme Court appearing for respondent No. 1 has supported the impugned order and has contended that in terms of Law Department's opinion, opportunity of being provided to the appellant and appellant could not have any grievance against the order of Chief Secretary. In support of his submissions, he has relied upon the case of ABDUL GHANI v. MST. SAHEEN and others (2007 SCMR 834).

6. On Court directions, learned Additional Advocate General Sindh placed on record copy of appeal dated 18-11-2002 of respondent No.1 along with office noting. He has referred to para 15 of notes submitted to appeal and has contended that while the appellant and respondent No.1 were appointed on one and same date, respondent No.1 having higher marks than that of appellant, his seniority was rightly maintained.

The facts that appellant and respondent No.1 were appointed on one and same date i.e. 16-6-1986 as Draftsman BPS-13 in the Town Planning Department, Hyderabad and that the appellant being senior in age than that of respondent No. 1 and has submitted his joining report on 30-6-1986 and respondent No. 1 has submitted his joining report on 1-7-1986 are not disputed. Further more, it is also not disputed that the seniority lists of December 1991, December 1994, the notification dated 14-12-1995 by which the appellant and respondent No. 1 were promoted as Sr. Draftsman in BPS-16, the seniority list dated 1-1-2000 and the seniority list dated 13-8-2001 were not objected to or challenged by respondent No. 1. In all these seniority lists and the notification the appellant was shown senior to respondent No. 1. It is also an admitted

fact that it was at the stage when recommendation for promotion to post of Chief Draftsman BPS-17 was initiated; the respondent No. 1 filed an appeal dated 30-3-2002 claiming seniority over and above the appellant and this appeal of respondent No. 1 was rejected as time barred on 20-10-2002. In the meanwhile, on 8-11-2002 the appellant was promoted to the post of Chief Draftsman BPS-17 and it was, after the promotion of appellant, that the respondent No.1 filed an appeal on 8-11-2002 to the Chief Secretary, in which his claim was for the correction of seniority with that of appellant on the basis of recommendation for initial appointment dated 4-3-1986, where in the category of draftsman the name of respondent No.1 was shown as Senior No.1 while that of appellant at Serial No.2 and this appears to be for the reasons that respondent No.1 has obtained 39 marks while the appellant has obtained 36 marks out of 50 marks.

8. Learned Advocate Supreme Court for respondent No. 1 heavily relied upon Rule 11 Sindh Civil Servants (Probation Confirmation and Seniority) Rules, 1975 and has contended that the seniority of the respondent No.1 could not have been changed from the one assigned to him on initial appointment. He contended that the order of the Chief Secretary has already been implemented and the respondent No.1 has been placed as Senior to the appellant.

9. There cannot be two views with regard to the provision of Rule 11 that the inter se seniority of civil servant, appointed in a post on the same date is to be based in order of merit, assigned by the selection authority. In the present case though the name of respondent No. 1 was above that of appellant at the time of selection in 1986 but in the seniority lists of December 1991, December 1994, the notification dated 14-12-1995, the seniority list dated 1-1-2000, the name of the appellant appeared as senior to that of the respondent No. 1. From December 1991 upto 1-1-2000, which is the period of almost about nine years, the respondent No. 1 was satisfied with his seniority position that he was junior to the appellant and did not either make any representation or file any appeal. From the office note dated 22-8-2002 it appears that another seniority list dated 13-8-2001 of senior draftsmen was issued and circulated amongst the senior draftsmen. Against this seniority list, the respondent No.1 did not file any appeal, but when the case of the appellant was taken up for promotion as Chief Draftsman BPS-17, the respondent No.1 rose from his deep slumber and for the first time filed an appeal dated 30-3-2002, which was rejected by competent authority on 20-10-2002 as being time barred. In the meanwhile, the appellant was promoted as Chief Draftsman by the Departmental Promotion Committee and notification dated 8-11-2002 of promotion of appellant was issued. The respondent No.1 then preferred further appeal on 20-11-2002 to the Chief Secretary which as it appears has been allowed.

order dated 29-5-2004 and the seniority which the appellant was enjoying on the basis of which he was promoted as senior draftsman and Chief Draftsman, was all of sudden reversed in favour of respondent No. 1. The total intervening period being that of almost 14 years.

Having enjoyed the position of seniority by the appellant above respondent No. 1 for such a long period, created a vested right in the appellant of that being senior to the respondent No. 1 and such right could not have been upset as principle of *locus poenitentiae* come into application in that authority will have no power to recede, when no hearing whatsoever was provided to the appellant considering the case of seniority. Thus the mandatory provision of *audi alteram partem* has been seriously violated by the Chief Secretary while passing the order dated 29-5-2004. The learned counsel for respondent No.1 has relied upon the case of Abdul Ghani (supra) which decides the case on the basis of order passed in violation of the mandatory provision of law and it was held that no limitation would run against the appellant in challenging such order. We may note that this judgment relied upon by the learned counsel for respondent No. 1 would be of no help for the appellant as the respondent No. 1 had more than one occasions to agitate his seniority but he himself chose not to challenge the same and allowed them to attain finality and thus he himself acquiesced and waived his right to claim seniority over that of appellant and principle of *estoppel* will surely come into operation and debar the respondent from asserting the right of seniority over and above that of the appellant which he himself through his own act and conduct has rested.

In the case of CHAIRMAN, DISTRICT SCREENING COMMITTEE, LAHORE and another v. SHARIF AHMED HASHMI (1976 SC 258), this court has elaborately dealt with and has laid down the distinction between the word "Void" and "Voidable" and in this case I have observed as follows:--

There is great looseness in the use of the words "void" and "voidable" and very often they are used interchangeably. Nevertheless there is a clear distinction between things "void" and "voidable" though the two terms are not infrequently used without special regard for the difference or distinction particularly where such distinction is of no consequence or where the attention of the Court is not particularly directed to this distinction. The expression "Void" in the strict or accurate sense means "absolutely null" that is to say incapable of ratification or confirmation and of no effect whatever. The word "voidable" on the other hand is something which could be avoided or confirmed and which is not absolutely void. In other

words what is voidable has some force or effect, but which be set aside or annulled for some error or inherent defect. "Thus that which is voidable operates to accomplish thing sought to be accomplished until the fatal vice in transaction has been judicially ascertained and declared. (Corpus Juris Secundum Volume 92 pp.1021-1024). A common place instance of a void act or transaction in the sense of absolute nullity is an agreement by a person under a disability e.g. a minor or a person of unsound mind. Such a void *ab initio* and is incapable of ratification or confirmation. See section 11 of the Contract Act, 1872. Law forbids enforcement of such a transaction even if the minor were to ratify it after attaining majority. This is clearly distinguished from a case in which a thing or an act is "relatively void" in the law condemns as wrong to the individual concerned who may avoid it by appropriate proceedings. A common place instance of such transaction is that which is brought about by duress, influence, fraud etc. Which remains of full effect unless annulled by appropriate proceedings. In the relevant field, an order of dismissal etc. of a Government servant by an authority who has *ab initio* no authority will fall under the first category. For instance, if the respondent had been retired by a Superintendent of Police instead of appellant No. 2 the order would have been *ab initio*. On the other hand an order by competent authority suffering from a procedural defect will be voidable and fall under second category. The first case is of total invalidity assimilable to a defect falling under section 11 of the Contract Act and the resulting act is a dead letter. In the latter case the order is by the competent authority though in violation of procedural rules.

Bearing this distinction in mind, the cardinal fact in the present case is that respondent was retired compulsorily by appellant No.2 who was his Appointing Authority and not by the Appointing Authority, Under the Constitution of 1956 read with the (Continuance in Force) Order, 1958 appellant 2 being the Appointing Authority was fully competent to do so, however to satisfying certain procedural requirements. Appellant 2 purported to act under the Public Conduct (Scrutiny) Ordinance, 1959 (Ordinance III of 1959) and the Public Conduct (Scrutiny) Rules, 1959-framed thereunder, Rule 2 of the Ordinance as Originally framed provided as follows:--

"Where a Committee is of the opinion that there is cause to believe that person to whom the Ordinance applies-

- (a) is corrupt.....

is inefficient or has ceased to be efficient and is not likely to recover his efficiency.

It may so inform that person and call upon him to explain any fact or circumstance appearing against him."

This covered the respondent's case. But by a subsequent amendment clause (c) of the rule was omitted with effect from 28-2-1957. Appellant 2 however, apparently ignorant of the amendment proceeded against the respondent as if the rule as originally framed had continued and ordered respondent's compulsory retirement, on the report of the Screening Committee constituted under section 3 of the Ordinance. Any penal action properly taken under the rules was protected under section 10 *ibid*. But the impugned order not being under the rules is not protected and is therefore, open to challenge.

The result therefore is that the impugned order was made by the authority otherwise competent to make it: it is under attack because of the defective procedure. But all the same it had taken effect as from 1-7-1959 according to its tenor and has not been recalled notwithstanding many representations made by the respondent. In this situation, it is in my opinion wholly wrong to treat the order void *ab initio* in the sense of an absolute nullity. It was made by the authority inherently competent to make it, though a wrong procedure was followed. Appellant 2 could have proceeded under the Civil Servants (Efficiency and Discipline) Rules. It was therefore, merely voidable which could have been avoided by the respondent by appropriate proceedings. This he did, but not until after the lapse of twelve years. Since then further three years have gone by.

Therefore, it can scarcely be controverted that the respondent's writ petition in the High Court suffered from inordinate delay and ordinarily relief should have been refused to him as it was done by the learned single Judge for reasons of gross Laches."

In the present case, it is not disputed that the seniority lists and classification by which the appellant and respondent No.1 were appointed as Senior Draftsmen were issued by the competent authority. Where the competent authority does any act or passes any order, if it is adverse to any person and he being in full knowledge of the facts, such act and order remains in the field and operates fully until it is annulled through a proceeding within prescribed limitation period. The impugned order will not be void *ab initio* but merely be a voidable which

can be corrected if proceedings against it is brought within prescribed limit of limitation. Thus, in the present case, seniority lists and notification which admittedly were issued by the competent authority at all were adverse to respondent No. 1, he could have challenged the same within limitation period prescribed by the law to have it corrected or set aside which he did not do so.

13. In the case of WAZIR KHAN v. GOVERNMENT OF N.-W.F.P. THROUGH SECRETARY IRRIGATION, PESHAWAR & 4 others (2002 SCMR 889), this Court has observed as follows:--

"The next question relates to the limitation. It is not denied that upon rejection of the representation by the competent Authority against the revised seniority list published in 1981, the appellant did not prefer appeal before the Service Tribunal and allowed the same to attain finality. The appellant also did not raise any objection to the seniority list issued periodically in the intervening period and consequently it would be deemed that he has accepted the seniority assigned to him in the revised seniority list published in the year 1981. The matter relating to the seniority of private respondents inter se having attained finality would be deemed as past and closed transaction and could not be re-agitated after lapse of a period of about 15 years through a fresh representation.

14. In another case of FARIS RAHMAN KHAN v. FEDERATION OF PAKISTAN THROUGH SECRETARY, ESTABLISHMENT DIVISION, ISLAMABAD and others (1995 SCMR 579), this Court has observed as follows:--

"The facts as stated above, clearly show that after the recommendation of September 1981 was returned, the appellant's case was reconsidered many times during the years 1983 to 1989 and on all occasions it was rejected and persons junior to him were promoted superseding him. The appellant remained in the same position till 1990 and agitated after he was promoted on the basis of the recommendation made by the Board on 12-4-1989. The delay in making claim is fatal to the appellant's case. The legal counsel for the appellant contended that the appellant was not aware of what had been happening as no list of the persons considered for promotion was circulated nor any information was supplied. This seems to be a naïve argument. Every servant is aware of the promotion and supersession."

15. In view of the above pronouncements of this Court, there is hardly any justification for the learned Division Bench of High Court to pass order that of implementation of the order dated 29-5-2004 of

Secretary which in terms as noted above was not in accordance with law. The impugned order, therefore, suffers from defects, which is unsustainable in law.

16. For the foregoing reasons, this appeal is allowed, the impugned order dated 28-4-2010 of High Court of Sindh is set aside.

WAJS-1/SC

Appeal allowed.

P L D 2014 Supreme Court 347

Present: Anwar Zaheer Jamali and
Sarmad Jalal Osmany, JJ

MUHAMMAD NISAR---Appellant

versus

IZHAR AHMED SHAIKH and others---Respondents

Civil Appeal No.62-K of 2013, decided on 23rd October, 2013.

(Against the Judgment dated 20-3-2013 passed by High Court of Sindh, Sukkur Bench in C.P. No.S-2406 of 2010.)

(a) Sindh Rented Premises Ordinance (XVII of 1979)---

S. 2(j)---Devolution of tenancy onto legal heirs of tenant---Scope---Under S.2(j) of Sindh Rented Premises Ordinance, 1979 each legal heir of the tenant after his demise became a tenant. [p. 349] A

(b) Sindh Rented Premises Ordinance (XVII of 1979)---

S. 2(j)---Devolution of tenancy onto legal heirs of tenant---Scope---Landlord filed rent application against son of deceased-tenant/appellant on the ground of default of payment of rent---Son of deceased tenant claimed that he had purchased the rented premises from the landlord through an agreement to sell after the death of his tenant-father; that after the demise of his tenant-father, he was not in possession of the premises but his family members were---Validity---Such contention would not displace the law under S.2(j) of Sindh Rented Premises Ordinance, 1979, which stated that each legal heir of the tenant after his demise became a tenant, therefore relationship of landlord and tenant did exist between the parties---When son of deceased-tenant put his plea in the rent application that he had purchased the property and he had to file a suit for his remedies and vacate the premises and after if he succeeded, he would be entitled to take possession of the premises again---Appeal was dismissed accordingly. [p. 349] A, B & C

(17)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT.

Service Appeal No 1155/16.

Date of Institution... 16.11.2016
Date of decision... 09.08.2017

Muhammad Amin Ex-Naib Tehsildar Matta, District Swat. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others. ... (Respondents)

MR. AZIZUR RAHMAN,
Advocate

For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was shown at S.No. 19 in the seniority list of Kanungos issued on 31.12.2008. Thereafter he was promoted as Naib Tehsildar on 08.11.2010 by the order of the Senior Member Board of Revenue, purportedly on the basis of a judicial order dated 20.10.2010. Then another seniority list was prepared on 26.4.2013 and he was shown at S.No. 166 in the seniority list of Naib Tehsildars as it stood on 31.12.2012. But on 09.09.2016 an order was passed by the Senior Member Board of Revenue by withdrawing the order of promotion

mental Promotion Committee. Against this order a departmental appeal was
ed by the appellant on 19.9.2016 which was dismissed on 03.11.2016 and
fter the present appeal was filed on 16.11.2016.

ARGUMENTS

The learned counsel for the appellant argued the appeal on two scores.
an order of promotion once passed cannot be withdrawn on the ground that
promotion was made in violation of rules or law and in this respect the learned
n counsel for the appellant relied upon judgments reported as 1996-SCMR-1350
l 2004-SCMR-630. The second argument was that on the principle of *locus
poenitentiae* the authority withdrawing the order must adhere to the minimum
andard of due process. In this regard the learned counsel for the appellant relied
pon a judgment reported as 1992-SCMR- 1420. According to the learned counsel
or the appellant no chance of hearing or any notice was ever served on the
ppellant.

4. On the other hand the learned District Attorney argued that the original
order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his
earlier order.

CONCLUSION

5. There can be no two opinions¹²⁴ about this settled proposition of law that if
any irregularity or illegality is committed by the department then the sufferer
should not be the civil servant and in this respect the two former reported
judgments pressed into service by the learned counsel for the appellant are very
much clear. Though defence of *locus-poenitentiae* is available only in those orders

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BY APPOINT

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which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

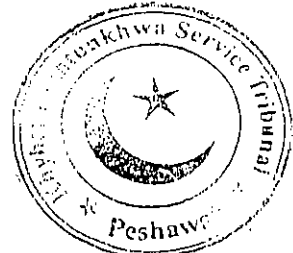
6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 305/2017

Date of Institution ... 29.03.2017
Date of Decision ... 09.02.2018



Jehanzeb Kanungo (BPS-11) Office of the Deputy Commissioner Malakand ... (Appellant)

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and two others. ... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate


For appellant

MR. MUHAMMAD JAN,
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI.

CHAIRMAN
MEMBER

ATTESTED

CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.-

counsel for the parties heard and record perused.

Arguments of the learned

FACTS

2. The appellant was promoted on acting charge basis as Kanungo on 4.12.2015. He then figured in the final seniority list of Kanungos District Malakand

as it stood on 31.12.2015 at S. No. 5. On 15.11.2016 a meeting of DPC was held wherein some posts of Kanungos were filled on regular basis. In that meeting in the Working Papers the present appellant was not promoted for the reason that the promotion of the appellant on acting charge basis was made without DPC which needed verification. Against this promotion order, the appellant filed a departmental appeal on 07.12.2016 which was rejected on 28.2.2016. Thereafter, he filed the present service appeal on 29.3.2016.


ARGUMENTS.

3. The learned counsel for the appellant argued that the only reason shown in the meeting of DPC dated 15.11.2016 was that the appellant was promoted on acting charge basis without DPC. That there was no other reason shown for deferring the appellant from promotion. That the reason shown in the DPC had nothing to do with the regular promotion of the appellant who was entitled for regular promotion. That any defect in promotion on acting charge basis would have no bearing on the regular promotion in light of Rule 7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

4. On the other hand, the learned Deputy District Attorney argued that this was not the only reason of deferring the appellant from promotion but the appellant is also junior to other three Patwaris namely Aslam Khan, Muhammad Ali and Syed Saleem Shah as per seniority list of the Patwaris. That the departmental appellate authority in the order dated 28.2.2016 had mentioned this fact.

5. Replying the arguments of the learned Deputy District Attorney, the learned counsel for the appellant argued that in the seniority list Mr. Aslam Khan who was

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at S.No. 1 was superseded due to his unwillingness for promotion and due to non-passing of departmental examination in the said DPC. That the other two Patwaris namely Muhammad Ali and Syed Saleem Shah are from Charsadda and that in view of the judgment of this Tribunal in case entitled "*Zahir Muhammad Vs. Senior Member Board of Revenue and others*" bearing appeal No. 1318/2011, decided on 26.12.2017, this Tribunal has elaborately discussed that the posts of Patwari and Kanungo are district cadre posts and no person outside of District Cadre can serve legally in the district cadre post. That on that score too, the case of the appellant is worthy of acceptance.

CONCLUSION.

6. The appellant was promoted on acting charge basis on 4.12.2015 and he figured at S.No. 5 of the list of Kanungos of District Malakand as it stood on 31.12.2015. The only reason shown in the working papers for deferring him was his previous acting charge appointment without DPC and no other reason was shown. This reason to our mind has got no legal basis for regular promotion to the post of Kanungo. However, for the first time in the departmental appeal, the appellate authority added that there were certain patwaris who were senior to the appellant. As pointed out by the learned counsel for the appellant that the other two patwaris mentioned above belonged to Charsadda and it is not discernable from the record that how these two patwaris were enlisted in the district cadre posts of Malakand. This issue has elaborately been discussed by this Tribunal in Zahir Muhammad case mentioned above and while relying on the judgment of the august Supreme Court of Pakistan it has been held that no person from outside cadre can be given seniority

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over the persons from the concerned cadre. In that very case of Zahir Muhammad appellant alongwith Muhammad Ghufuran were given seniority over Faiz Muhammad for this sole reason and it was also decided that no limitation would attract in matter of seniority. This Tribunal therefore, by accepting the appeal, direct the department to see whether the two persons from Charsadda mentioned above are senior to the appellant and if so should examine their cases that how these two persons were inducted in the district cadre post of Malakand. As per judgment of august Supreme Court mentioned in Zahir Muhammad's case no absorption is allowed from another cadre. And if they were absorbed from another cadre then should decide the issue of seniority of appellant viz-viz those two persons in the light of judgment of Zahir Muhammad mentioned above. And if appellant then figures in a position in seniority list on 15.11.2016 which makes him entitled for promotion, he may be considered for promotion from due date. This exercise be completed within a period of ninety days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

(NIAZ MUHAMMAD KHAN)
CHAIRMAN

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED
09.02.2018

Certified to be true copy

Khyber Pakhtunkhwa
Peshawar

Date of Presentation of Application	01-03-2018
Number of Pages	1600
Copying Charges	10-00
Urgent	2-00
Total	12-00
Number of Pages	
Date of Delivery	01-03-2018
Date of Delivery	07-03-2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No 1154/2016

Date of Institution... 16.11.2016
Date of decision... 04.10.2017

Kamalistan Tehsildar Barikot, District Swat ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others. ... (Respondents)

MR. IMDADULLAH,
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was shown at S.No. 18 in the seniority list of Kanungos issued on 31.12.2008. Thereafter he was promoted as Naib Tehsildar on 08.11.2010 by the order of the Senior Member Board of Revenue, purportedly on the basis of a judicial order dated 20.10.2010. Then another seniority list was prepared on 26.4.2013 and he was shown at S.No. 167 in the seniority list of Naib Tehsildars as it stood on 31.12.2012. But on 09.09.2016 an order was passed by the Senior Member Board of Revenue by withdrawing the order of promotion dated 20.10.2010 on the ground that the promotion/regularization was made in

violation of the service rules and instructions without holding the meeting of the Departmental Promotion Committee. Against this order a departmental appeal was preferred by the appellant on 19.9.2016 which was dismissed on 07.11.2016 and thereafter the present appeal was filed on 16.11.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the a similar case entitled "*Muhammad Amin Vs. the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others*" bearing service appeal No. 1155/2016 has been decided by this Tribunal on 09.08.2017. That on the principles of similarity and equal treatment, the present appeal is liable to be accepted. He further argued the appeal on two scores. That an order of promotion once passed cannot be withdrawn on the ground that the promotion was made in violation of rules or law and in this respect the learned counsel for the appellant relied upon judgments reported as 1996-SCMR-1350 and 2004-SCMR-630. The second argument was that on the principle of *locus poenitentiae* the authority withdrawing the order must adhere to the minimum standard of due process. In this regard the learned counsel for the appellant relied upon a judgment reported as 1992-SCMR-1420. According to the learned counsel for the appellant no chance of hearing or any notice was ever served on the appellant.

4. On the other hand the learned District Attorney argued that the original order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his earlier order.

CONCLUSION

5. There can be no two opinions about this settled proposition of law that if any irregularity or illegality is committed by the department then the sufferer

should not be the civil servant and in this respect the two former reported judgments pressed into service by the learned counsel for the appellant are very much clear. Though defence of *locus-poenitentiae* is available only in those orders which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

(17)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No 1155/16

Date of Institution... 16.11.2016
Date of decision... 09.08.2017

Muhammad Amin Ex-Naib Tehsildar Matta, District Swat. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others. ... (Respondents)

MR. AZIZUR RAHMAN,
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was shown at S.No. 19 in the seniority list of Kanungos issued on 31.12.2008. Thereafter he was promoted as Naib Tehsildar on 08.11.2010 by the order of the Senior Member Board of Revenue, purportedly on the basis of a judicial order dated 20.10.2010. Then another seniority list was prepared on 26.4.2013 and he was shown at S.No. 166 in the seniority list of Naib Tehsildars as it stood on 31.12.2012. But on 09.09.2016 an order was passed by the Senior Member Board of Revenue by withdrawing the order of promotion

Departmental Promotion Committee. Against this order a departmental appeal was preferred by the appellant on 19.9.2016 which was dismissed on 03.11.2016 and thereafter the present appeal was filed on 16.11.2016.

ARGUMENTS

The learned counsel for the appellant argued the appeal on two scores. That an order of promotion once passed cannot be withdrawn on the ground that the promotion was made in violation of rules or law and in this respect the learned counsel for the appellant relied upon judgments reported as 1996-SCMR-1350 and 2004-SCMR-630. The second argument was that on the principle of *locus poenitentiae* the authority withdrawing the order must adhere to the minimum standard of due process. In this regard the learned counsel for the appellant relied upon a judgment reported as 1992-SCMR-1420. According to the learned counsel for the appellant no chance of hearing or any notice was ever served on the appellant.

4. On the other hand the learned District Attorney argued that the original order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his earlier order.

CONCLUSION

5. There can be no two opinions about this settled proposition of law that if any irregularity or illegality is committed by the department then the sufferer should not be the civil servant and in this respect the two former reported judgments pressed into service by the learned counsel for the appellant are very much clear. Though defence of *locus-poenitentiae* is available only in those orders

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which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to all record room.

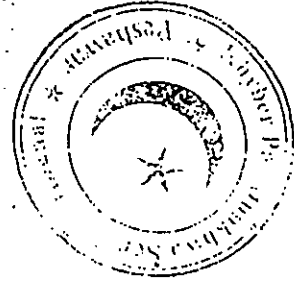
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

11

Service Appeal No- 1020/2016

Date of Institution... 30.09.2016
Date of decision... 06.09.2017



J.
Abbar Ahmad presently posted as Tehsildar Babozai, Swat. (Appellant)
Versus

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and others. (Respondents)

MR. SHAMSUL HADI,
Advocate

For appellant.

Abbar + 10 Swat

MR. MUHAMMAD ZUBAIR,
District Attorney

For respondents.

*→ Patwari (Swat)
Kangro (Dit. upper)
Tehsildar (Swat)*

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

The appellant was recruited as Patwari in 1985. Later on he was promoted as Naib Tehsildar on acting charge basis on 09.10.2009. That against this order some of his colleagues moved a departmental appeal which was decided vide order dated 18.11.2009 and the original order of promotion was kept intact to the extent of appellant. But after lapse of 7 years respondent No. 1 through an order dated 09.09.2016 withdrew earlier promotion order on the ground that promotion/regularization was made in violation of service rules and instructions without holding of Departmental Promotion Committee. Against this order a

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departmental appeal was filed which was rejected on 29.09.2016 and thereafter the present appeal.

ARGUMENTS

3. The learned counsel for the appellant argued the appeal on two scores. That an order of promotion once passed cannot be withdrawn on the ground that the promotion was made in violation of rules or law and in this respect the learned counsel for the appellant relied upon judgments reported as 1996-SCMR-1350 and 2004-SCMR-630. The second argument was that on the principle of *locus poenitentiae* the authority withdrawing the order must adhere to the minimum standard of due process. In this regard the learned counsel for the appellant relied upon a judgment reported as 1992-SCMR-1420. According to the learned counsel for the appellant no chance of hearing or any notice was ever served on the appellant.

4. On the other hand the learned District Attorney argued that the original order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his earlier order.

CONCLUSION

5. There can be no two opinions about this settled proposition of law that if any irregularity or illegality is committed by the department then the sufferer should not be the civil servant and in this respect the two former reported judgments pressed into service by the learned counsel for the appellant are very much clear. Though defence of *locus poenitentiae* is available only in those orders which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

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6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be restored to his position of acting charge basis as stood on 09.09.2016. The department is at liberty to proceed further in accordance with law while considering the appellant on acting charge basis on 09.09.2016. Parties are left to bear their own costs. File be consigned to the record room.

Announced
06.09.2017

SD/- Niaz Muhammad Khan,
Chairman
Camp Court Swat

SD/- Ahmad Hassan,
N. Qandari

Certified true copy
E. M. M. M. M.
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

DECISION U/S 18 (g) OF NAO, 1999 IN RESPECT OF

AHSAN ULLAH

(CORRUPTION & CORRUPT PRACTICES CASE)

31

I have appraised the material and evidence collected by the I.O in the matter during the inquiry and investigation. I am satisfied that offences u/s 9 of NAO, 1999 have been committed with malafide intention by the cited accused. That the then SMBR accused Ahsan Ullah Khan illegally promoted Naib Tehsildar and Tehsildars without DPC/codal formalities against the rules and regulations by misusing judicial powers vested in him for revenue matters.

There is sufficient material to justify the filing of Reference against the accused person listed in the Investigation Report. Therefore, it would be just and proper to refer the matter to the Accountability Court for trial by way of filing a reference.



(QAMAR ZAMAN CH.)

Chairman

National Accountability Bureau

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(52)

BEFORE THE ADMINISTRATIVE JUDGE ACCOUNTABILITY COURTS
PESHAWAR

Reference No. 04/2016

State

Versus

Ahsan Ullah Khan S/o Ameer Sahib Khan,
(Ex-SMBR Revenue Department Khyber Pakhtunkhwa)
r/o; Raza Shaheed Road, House No. 1/9, Peshawar Cantt,
Peshawar.

REFERENCE UNDER SECTION 18 (g) READ WITH SECTION 21(b) OF THE
NATIONAL ACCOUNTABILITY ORDINANCE, 1999

Respectfully Sheweth:

1. That on receipts of information regarding illegal promotion of Revenue Staff and Officials in violation of NWFP Civil Servants (Appointments, promotions and transfer) Rules, 1989 r/w notification No.32102-61/admn: 1/135/SSRC) and Cabinet Division Notification No. SRO. 457 (1) 2001 dated 28th June, 2001, in the year 2009-2010 by the accused under the garb of illegal and without jurisdiction exercise of judicial power under Board of Revenue Act, 1957 which were only pertains to revenue matters, the accused promoted a large number of revenue officials with ulterior motives, an inquiry was authorized and on confirmation of allegations, the inquiry was converted into investigation. During inquiry/investigation, the Investigation Officer (s) collected necessary documentary as well as oral evidence and submitted his report.

That during investigation, it revealed that accused Ahsan Ullah during his posting as SMBR illegally, without jurisdiction and with ulterior

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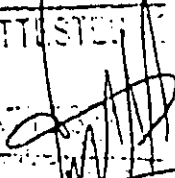
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motives under the garb of judicial powers, promoted, 48 Qanungo and Ministerial Staff to the post of Naib Tehsildar and Tehsildar in sheer violation of the above mentioned rules and notification.

That during investigation it further revealed that the accused Ahsan Ullah, Ex-SMBR committed the offence of corruption and corrupt practices in the following manners:-

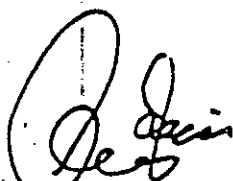
- i. He assumed powers of judicial officer in violation of NWFP Civil Servants (Appointments, promotions and transfer) Rules, 1989 r/w notification No.32102/admn: 1/13^c/SSRC) under Board of Revenue Act, 1957, the Act under which the SMBR could only exercise such powers in matter of Land Revenue Disputes and not in departmental promotions cases.
- ii. He promoted ministerial staff and Qanungo to the post of Naib Tehsildar and Tehsildar without constituting Departmental Promotion Committee (DPC) and its recommendations, directly.
- iii. In some cases, the DPC had considered the cases of some officials however, recommended not to promote them due to deficiency in their qualification etc but despite that he illegally promoted them.
- iv. He promoted most of the Qanungo, Ministerial Staff and Naib Tehsildars despite the fact that they were ineligible and lack requisite qualification by misusing his authority.
- v. He appointed some of the officials on acting charge basis being the head of DPC and subsequently with ulterior motives, illegally promoted them on regular basis through judicial order against rules/regulations etc.
- vi. The Promotion of revenue officials is completely administrative matter. As per the KP Civil Servant (Appeal Rules 1986) provide for filing of appeal under Rule-3 where

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a civil servant feels himself to be aggrieved by an order passed or penalty imposed by the competent authority affecting his terms and conditions of service; the appeal lies to appellate authority. In the instant cases there were no such orders. Despite that accused in exercise of self-proclaimed judicial power under the Board of Revenue Act, 1957, illegally and without jurisdiction promoted them. Even otherwise the competent/appellate authority was Chief Secretary.

- 4. That the evidence collected during the investigation established that the accused with ulterior motive and by misusing his official authority promoted 48 Qanungo and Ministerial staff to the post of Naib Tehsildar and Tehsildar in sheer violation of rules and regulations pertaining to promotion. Thus he has committed the offence of corruption and corrupt practices as defined in section 9, (a) (vi) punishable u/s 10 of NA Ordinance, 1999 and schedule thereto.
- 5. That on the appraisal of material and evidence placed before me, I am satisfied that it is just and proper to proceed further as there is sufficient incriminating material to justify the filing of this reference. The matter is, therefore, referred to this Hon'ble court within the meaning of section 16 (c) NAO, 1999.

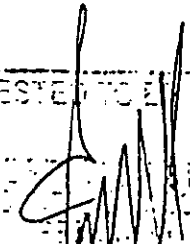
It is, therefore, respectfully prayed that the accused be tried and punished by this Hon'ble Court in accordance with law. List of the investigation Report witnesses, documents and investigation report are annexed herewith.


(Qamar Zaman Ch.)
Chairman NAB

National Accountability Bureau
Islamabad

Dated: 14 / March 2016

ATTESTED TO BE TRUE


27/3/16

**INVESTIGATION AGAINST AHSAN ULLAH KHAN EX- SMBR AND OFFICERS /
OFFICIALS OF BOARD OF REVENUE DEPARTMENT, KHYBER
PAKHTUNKHWA, AND OTHERS REGARDING MISUSE OF AUTHORITY /
ILLEGAL APPOINTMENT / PROMOTONS OF REVENUE STAFF**

01.	Name & Address of Complainant:	National Accountability Bureau
02.	Name of the accused: Not Arrested	Ahsan Ullah Khan Ex-SMBR S/O Ameer Sahib Khan, R/O Raza Shaheed Road, House No. 1/9, Peshawar
03.	Allegations:	Misuse of authority
04.	List of Documents	Attached
05.	List Of Witnesses	Attached

4. Background of the case

A Complaint was received at this Bureau alleging that some revenue officials have been promoted illegally by SMBR against rules and regulations. DG, NAB (KPK) took the cognizance of the matter and inquiry was authorized initially to Muhammad Kamran on 18th April 2011 and then re authorize to Adnan Aqiq, Assistant Director on 16 October 2014. Later on the investigation was authorized to the undersigned on 06th August 2015.

5. Gist of Allegations:

The then SMBR accused Ahsan Ullah Khan illegally promoted Naib Tehsildar and Tehsildars without DPC / codal formalities against the rules and regulations by misusing judicial powers vested in him for revenue matters. *A.S.*

6. Brief facts of the case

The accused Ahsanullah Khan during his tenure as SMBR illegally promoted revenue officials by misusing his authority under the garb of judicial powers that are exclusively related to the revenue matters.

a) Procedure for promotion

There are total 2 categories of staff to be promoted as Naib tehsildar, firstly Kanungos (30% Quota) and secondly ministerial staff (20% Quota) i.e. assistants etc. DPC recommends promotion of revenue officials while considering seniority cum fitness and availability of seats as defined in the rules. SMBR can promote revenue officials on acting charge basis or on regular basis strictly on merit and on the recommendation of departmental promotion / selection committee (NWFP. civil servants (appointment, promotion and transfer) rules, 1989, rule 5 and in sub rule (2) of the rule 3 and notification no. 32102-61/admn: 1/135/SSRC). Any other channel adopted for promotion on acting charge or on regular basis, is illegal.

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The board of revenue is the controlling authority in all matters connected with administration of land, collection of land revenue, preparation of land record and other matters related to it. The board of revenue is the highest court of appeal and revision in revenue cases in the province (Board of Revenue Act, 1957 S.5 Ss.2)

SMBR being the head of Board of revenue has general superintendence and control over all other revenue officers and all such officers shall be subordinate to him.

SMBR's office acts as the highest court of appeal and revision in revenue cases in the province. His judicial powers are related to the revenue cases as clearly described in Board of Revenue Act, 1957 S.5 Ss.2

8. Modes Operandi in current promotion cases

The then SMBR accused Ahsan Ullah Khan took the cognizance of promotion appeals and promoted revenue officials through illegal judicial orders in gross violation of rules and regulations by misusing his authority. He was only empowered to pass such orders in revenue matters being the highest court of appeal and revision. However, by misusing his authority, he promoted them by judicial orders despite of the dissenting comments from the department.

9. Detailed findings:

The detailed findings on case to case basis in tabular form are as under:-

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Detail Of Illegally Promoted Naib Tehsildar/Tehsildar Through Judicial Orders From Kanungo Cadre

Name of Official	Gist of orders	Judicial	Remarks
Qaisar Khan	Promoted as Tehsildar by Judicial order dated: 08-03-2010. Notification date.10-03-2010	as	The then SMBR Illegally promoted him to the post of regular Tehsildar (BS-16), without possessing requisite minimum length of service directly through a judicial order in violation of service rules and without DPC by SMBR. Interesting fact is that the then SMBR himself promoted Qaiser Khan as Tehsildar on Acting charge basis through notification dated: 22-10-2009 reads as he "will be regularized through Departmental Promotion Committee". However, he illegally promoted him regular Tehsildar by Judicial order dated: 08-03-2010 without the recommendation of DPC. Ex-SMBR (NWFP) Mr. Ahsanullah Khan was aware of the facts that Assistant Secretary (Estb) has opined vide letter no. 3175/ Admn:- V Peshawar dated: 23-02-2010. that appeal regularization of Tehsildar may be dismissed. Despite of this fact he regularized them as Tehsildar by a judicial order dated: 08-03-2010.

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	<p>Tehsildar by Judicial order dated: 08-03-2010. Notification date.10-03-2010</p>	<p>of regular Tehsildar (BS-16), without possessing requisite minimum length of service directly through a judicial order in violation of service rules and without DPC by SMBR. Interesting fact is that the then SMBR himself promoted Abdul Latif as Tehsildar on Acting charge basis through notification dated: 22-10-2009 reads as he "will be regularized through Departmental Promotion Committee". However, later on he illegally promoted him regular Tehsildar by Judicial order dated: 08-03-2010 without the recommendation of DPC. Ex-SMBR (NWFP) Mr. Ahsanullah Khan was aware of the facts that Assistant Secretary (Estb) has opined vide letter no. 3175/ Admn:- V Peshawar dated: 23-02-2010 that appeal regularization of Tehsildar may be dismissed. Despite of this fact he regularized them as Tehsildar by a judicial order dated: 08-03-2010.</p>
<p>Gul Shehzad</p>	<p>Judicial order dated:17-04-2010 Notification dated: 21-04-2010</p>	<p>Gul Shehzad was appointed Naib Tehsildar on current charge basis on 18-11-2009 by the then SMBR. The subject official was illegally regularized by judicial order dated 17-04-2010 without the recommendation of DPC and against the comments of assistant secretary (est) which clearly says that "the appeal of appellant may be dismissed having no merits." He was regularized despite of the fact that he had not fulfilled the minimum required length of service as Kanungo described under the law.</p>
<p>Amanullah</p>	<p>Notification date.16-02-2010</p>	<p>These officials, from S. No. 4 to 7, were promoted on acting charge basis on vacant reserved seats of initial quota by departmental promotion committee dated 27-05-2008. NWFP civil servants (appointment, promotion and transfer) rules, 1989 section 9 says that no appointment on acting charge basis shall be made if the prescribed length of service is short by more than three years. Despite of this fact revenue officials' service from S. no. 4 to 7 was short by more than approx. three years, they were illegally promoted on acting charge basis by departmental promotion committee. It is written in the working paper that "they will be reverted if the candidates selected/recommended as Naib Tehsildar by public service commission NWFP reported their arrival in Board of Revenue, NWFP after getting one year training". However, in violation of said notification Mr. Abdur Rashid was illegally regularized by a judicial order of SMBR dated 12-10-2009. Notification in this regard issued on 16-01-2010. Subsequently another notification issued by the then SMBR all officials at S. nos. 4, 5 and 7 were regularized. M/s Fazale-Rehman, Haq Nawaz, Gohar Zaman went to service tribunal that they are senior from S.no.6, Abdur Rashid, and have passed the Naib Tehsildar examination deserved to be promoted as Naib Tehsildar before Abdur Rashid. The service tribunal order dated 23-07-2010 that "appoint senior most amongst them on regular basis as Naib Tehsildar, while others may be regularized as</p>
<p>Shah Zaman</p>	<p>Notification date.16-02-2010</p>	
<p>Abdur Rashid</p>	<p>Judicial order dated:12-10-2009 Notification date.16-01-2010 Another Notification date.16-02-2010</p>	
<p>Muhammad Ayub</p>	<p>Notification date.16-02-2010</p>	
<p>Fazale-Rehman</p>	<p>Notification date 02-09-2010</p>	
<p>Haq Nawaz</p>	<p>Notification date 02-09-2010</p>	
<p>Gohar Zaman</p>	<p>Notification date 02-09-2010</p>	

ATTENDED TO

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		<p>Naib Tehsildars as and when vacancies were available for them. Instead of calling DPC to check the fitness cum seniority and availability of seats the ex- SMBR promoted all the officials, S.no. 6 to 8, by issuing notification order dated 02-09-2010 under the pretext of service tribunal order and against the spirit of service tribunal order dated 23-07-2010 and they were regularized w.e.f 29-05-2008 in violation of NWFP civil servants (appointment, promotion and transfer) rules, 1989 S. 6 which says acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis. Despite of having competency to call the DPC, the then SMBR did not convene and promoted them through illegal judicial order. They were regularized despite of the fact that they had not fulfilled the minimum required length of service as Kanungo described under the law. Their service as Kanungo was less than one year if promoted from 29-05-2008.</p>
Abrar Ahmad	Notification date.18-11-2009	He was illegally promoted Naib Tehsildar on acting charge basis by Administrative order without the recommendation of DPC and notification in this regard was issued on 18-11-2009
Muhammad Amin	Judicial order dated:20-10-2010 Notification date.08-11-2010	They filed a promotion appeal that they are senior from Abrar Ahmad, illegally promoted on acting charge basis by the then SMBR, so deserved to be promoted Naib Tehsildar before Abrar Ahmad. Instead of calling DPC they were illegally promoted to regular Naib Tehsildar by judicial order of SMBR dated 20-10-2010 without the recommendation of DPC. They were regularized despite of the fact that they have not fulfilled the minimum required length of service as Kanungo described under the law.
Kamalistan	Judicial order dated:20-10-2010 Notification date.08-11-2010	<p>(NWFP civil servants (appointment, promotion and transfer) rules, 1989 Rule 9, sub section 5 states "promotion on acting charge basis and regular basis shall be made on the recommendation of Departmental Promotion Committee or the Provincial Selection Board, as the case may be".</p>
Dildar Khan	Judicial order dated:24-06-2010 Notification date.25-06-2010	<p>He was posted as Naib Tehsildar on current charge basis.</p> <p>He was illegally promoted regular Naib Tehsildar by the then SMBR through judicial order dated 24-06-2010 without the recommendation of DPC.</p> <p>In gross violation of rules, he was illegally promoted regular Naib Tehsildar by judicial order although his length of service short by more than 3 years.</p> <p>NWFP civil servants (appointment, promotion and transfer) rules, 1989 section 9 says that no appointment on acting charge basis shall be made if the prescribed length of service is short by more than three years.</p>
Syed Hussain	Judicial order dated:07-07-2010 Notification date.23-07-2010	He was illegally promoted by a judicial order dated 07-07-2010 in violation of law. (NWFP civil servants appointment, promotion and transfer) rules, 1989 section 7 which states that appointment by promotion shall be made on recommendation of DPC).

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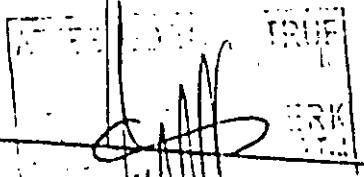
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16-Nasceem Khan	Judicial Order dated 7-7-2010 Notification dated 14-7-2010	He was promoted on acting charge basis by DPC on 27-5-2008. He was regularized illegally through a judicial order. He was retired on 11-9-2013
17-Faizullah Khan	Judicial Order dated 16-5-2010	He was illegally promoted by judicial order without the recommendation of DPC. Reverted on 7-7-2011
18-Haq Dad Khan	Judicial order dated 16-6-2010 Notification dated 16-7-2010	He was illegally promoted by judicial order without recommendation of DPC. Reverted on 7-7-2011
19-Inayatullah	Judicial order dated 16-6-2010 Notification dated 16-7-2010	He was illegally promoted by judicial order without recommendations of DPC. Reverted on 7-7-2011
20-Muhammad Arif	Judicial order dated 18-3-2010 Notification dated 19-4-2010	He was promoted as Naib Tehsildar on acting charge basis by a judicial order without the recommendation of DPC
21-Amir Shahzad	Judicial order dated 9-7-2010 Notification dated 12-7-2010	They were promoted as kanungo on regular basis by judicial order dated 9-7-2010 Amir Shahzad reverted on 25-2-2011
22-Imran Khan	Judicial order dated 9-7-2010 Notification dated 12-7-2010	Imran Khan reverted on 25-1-2011

DETAILS OF ILLEGALLY PROMOTED NAIB TEHSILDAR FROM MINISTERIAL STAFF.

S. No	Name of Officer	Promotion through judicial order	Remarks
1	Muhammad Sajid Saleem	Judicial order dated 4-2-2009	<p>He became an assistant on 1-1-2006. A DPC was held on 6-5-2008 under the chairmanship of SMBR. His case was considered but he was not promoted being junior most in the seniority list. He was also not promoted in a DPC held on 25-4-2009 as his number was below in the respective seniority list of ministerial staff. Despite of this fact that regular DPCs are going to be held and the subject was not promoted as he was below in joint seniority list of ministerial staff, the accused SMBR entertained the promotion appeal and promoted against the comments of assistant Secretary establishment through a judicial order.</p> <p>Illegalsities as under:</p> <ol style="list-style-type: none"> 1- DPC did not promote them as they were junior assistant but they were promoted through a judicial order and without DPC. 2- Sajid Saleem five years experience as assistant was not completed. 3- Promoted in violation of laid down rules and procedures.

<p>Asmat</p>	<p>Judicial order dated: 29-09-2009 Notification dated: 18-01-2010</p>	<p>He became an assistant on 1-1-1993. A DPC was held on 06-5-2008 under the chairmanship of SMBR. His case was considered but he was not promoted being junior most in the seniority list. He was also not promoted in a DPC held on 25-04-2009 as his number was below in the seniority list of ministerial staff. Despite of this fact that regular DPC are going to be held and the subject was not promoted as he was below in joint seniority list of ministerial employees. The ex-SMBR entertained the promotion appeal of the subject and promoted through a judicial order dated 29-09-2009 w.e.f. 31-01-2004.</p>
<p>3 Muhammad Saeed</p>	<p>Judicial order dated: 29-09-2009 Notification dated: 30-09-2009</p>	<p>He was a junior clerk. He was promoted through a judicial order by SMBR against the promotion rules, (NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC), directly from junior clerk to Naib Tehsildar by passing the steps of senior clerk and assistant in violation of law.</p>
<p>4 Anwar Hussain</p>	<p>Judicial order dated: 13-10-2010 Notification date: 15-10-2010</p>	<p>He was appointed as political Moharir/ junior clerk. He was not eligible to be promoted Naib Tehsildar under the rules. The category of political Moharir does not exist in promotion rules 2001 and 2008. SMBR has no power to promote a political moharir / junior clerk by judicial order without DPC against the views of assistant secretary establishment.</p> <p>Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in view seniority cum fitness as described under the rules and officials are promoted as many vacancies are available. Moreover, Anwar Hussain was appointed as junior clerk (BPS-05) on 24-03-2007. The total service of Anwar Hussain in revenue department was 3 years and 7 months when he was promoted as regular Naib Tehsildar(BPS-14) by judicial order.</p> <p>Interestingly Anwar Hussain was promoted as Naib Tehsildar on current charge basis by judicial order dated: 22-07-2010 and notification issued on 17-08-2010 reads that "regularization of current charge basis will be placed before the departmental promotion committee". However in review petition Anwar Hussain is regularized through judicial order dated: 13-10-10 and notification issued in this regard on 15-10-2010.</p> <p><u>Illegality as under</u></p> <ol style="list-style-type: none"> 1. Promoted through a judicial order and without DPC. 2. Promoted in violation of rules and procedures.
<p>Ghuncha Gul</p>	<p>Judicial order dated: 14-07-2010 Notification dated: 02-11-2010</p>	<p>He was appointed as political Moharir/ junior clerk. He was not eligible to be promoted Naib Tehsildar under the rules. The category of political Moharir does not exist in promotion rules 2001 and 2008. SMBR has no power to promote a political moharir / junior clerk by judicial order without DPC against the views of assistant secretary establishment.</p> <p>Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in</p>



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view seniority cum fitness as described under the rules and officials are promoted as many vacancies are available. He was promoted Naib Tehsildar on acting charge basis by judicial order by SMBR dated: 28-09-2009 and notification issued on 18-01-2010. He filed another appeal for regularization of his service as Naib Tehsildar which was accepted and he was regularized w.e.f 18-01-2010 by judicial order dated: 14-07-2010 and notification issued on 02-11-2010.

Illegalsities as under

1. Promoted through a judicial order and without DPC.
2. Promoted in violation of rules and procedures

They were appointed as political Moharir/ junior clerk and promoted to senior clerk. They are not eligible to be promoted Naib Tehsildar under the rules. (NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC) The category of political Moharir does not exist in promotion rules 2001 and 2008. SMBR has no power to promote a political moharir by judicial order without DPC against the views of assistant secretary establishment.

Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in view seniority cum fitness as described under the rules and officials are promoted as many vacancies are available.

In this case the SMBR entertained department appeals promoted them illegally by a judicial order and without DPC despite of the fact that assistant secretary establishment views clearly says that the category of political moharirs are excluded from the promotion rules.

The Ex- SMBR committed gross violation of rules and misused his authority by assuming the judicial powers of service tribunal promoted them without DPC.

Illegalsities as under

1. Promoted through a judicial order and without DPC.
2. Promoted in violation of rules and procedures

They were appointed as political Moharir/ junior clerk. They were not eligible to be promoted Naib Tehsildar under the rules. The category of political Moharir did not exist in promotion rules 2001 and 2008. (NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC)

SMBR has no power to promote a political moharir by judicial order without DPC against the views of assistant secretary establishment.

Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in view seniority cum fitness as described under the rules and as many officials as many vacancies are available.

Abdul Malik
Judicial order dated:26-9-2009
Notification dated: 04-11-2010

Ghulam Saeed-Ullah
Judicial order dated:03-11-2010
Notification dated: 04-11-2010

Faramosh Khan
Judicial order dated:07-05-2009
Notification dated: 12-05-2009

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Sardar Yousaf
Judicial order dated:16-09-2009
Notification dated: 17-09-2009

Abdul Haseeb
Judicial order dated:07-05-2009
Notification dated: 12-05-2009

Saz Muhammad
Judicial order dated:16-09-2009
Notification dated: 17-09-2009

Riazul Haq
Judicial order dated:15-10-2009
Notification dated:

		<p>In this case the SMBR entertained the departmental appeals and promoted them illegally by a judicial order and without DPC despite of the fact that assistant secretary establishment views clearly says that the category of political moharirs are excluded from the promotion rules.</p> <p>The Ex- SMBR committed gross of rules and misused his authority by assuming the judicial powers of service tribunal promoted them without DPC.</p> <p>Illegalsities as under</p> <ol style="list-style-type: none"> 1. Promoted through a judicial order and without DPC. 2. Promoted in violation of laid down rules and procedures
13	<p>Hazrat Khan</p> <p>Judicial order dated:03-09-2009 Notification dated: 10-09-2009</p>	<p>He was promoted to assistant on 27-11-2007. He was promoted / appointed as political Naib Tehsildar on regular basis conceding his experience as political moharir by judicial order of SMBR dated 06-09-2009. He was promoted assistant and cannot be promoted as Naib Tehsildar on conceding the experience of political moharir as he was already promoted as Assistant. He could not enjoy the facilities of both cadres at the same time.</p> <p>Moreover, political moharirs were not eligible to be promoted Naib Tehsildar under the rules as there existed no rules at the time of promotion. (NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC). Reverted on 25-09-2014</p>
14	<p>Shakeel Ahmad</p> <p>Judicial order dated:07-05-2009 Notification dated: 12-05-2009</p>	<p>They were appointed as political Moharir/ junior clerk and promoted to senior clerk. They were not eligible to be promoted Naib Tehsildar under the rules. (NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC) The category of political Moharir does not exist in promotion rules 2001 and 2008. The category of political moharir was included in rules 2011.</p> <p>SMBR has no power to promote a political moharir by judicial order without DPC against the views of assistant secretary establishment.</p> <p>Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in view seniority cum fitness as described under the rules and officials are promoted as many vacancies are available.</p> <p>In this case the SMBR entertained department appeal promoted them by a judicial order despite of the fact that assistant secretary establishment views clearly says that the category of political moharirs are excluded from the promotion rules.</p> <p>The Ex- SMBR committed gross violation of rules and misused his authority by assuming the judicial powers of service tribunal promoted them without DPC.</p> <p>Shakeel Ahmad reverted on 25-09-2014. Shehriyar Khan Reverted on 25-09-2014.</p>
15	<p>Shehriyar Khan</p> <p>Judicial order dated:22-07-2009 Notification dated: 25-07-2009</p>	<p>SMBR has no power to promote a political moharir by judicial order without DPC against the views of assistant secretary establishment.</p> <p>Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in view seniority cum fitness as described under the rules and officials are promoted as many vacancies are available.</p> <p>In this case the SMBR entertained department appeal promoted them by a judicial order despite of the fact that assistant secretary establishment views clearly says that the category of political moharirs are excluded from the promotion rules.</p> <p>The Ex- SMBR committed gross violation of rules and misused his authority by assuming the judicial powers of service tribunal promoted them without DPC.</p> <p>Shakeel Ahmad reverted on 25-09-2014. Shehriyar Khan Reverted on 25-09-2014.</p>

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Muhammad
Tajal
Marwat.

Judicial order
dated:22-10-2009
Notification dated:
26-10-2009

He was promoted Naib Tehsildar (OPS) on 25-07-2006. The Naib-Tehsildar is a divisional cadre post and a quota is fixed for ministerial staff. The subject official "cannot claim seniority over the officials of other divisions" as he made respondent in his appeal belong to other division.
He was promoted to Naib Tehsildar by judicial order of SMBR against the comments of department, which clearly says, that "appeal of appellant may be dismissed having no merit".

Illegality as under

1. Promoted through a judicial order and without DPC.
2. Promoted in violation of laid down rules, and procedures
3. Promoted against the comments of department.

The subject official retired on 4-10-2013.

Umer Said

Judicial order
dated:07-01-2010

He is basically an assistant and was posted as Tehsildar Dargai (OPS). He was never been promoted as Naib Tehsildar or Tehsildar on acting or regular basis by departmental promotion committee. He was promoted acting Naib Tehsildar by a judicial order dated 10-09-2009 against the comments of department which clearly says that the promotion "appeal may be dismissed". In another appeal he was promoted regular Naib Tehsildar by judicial order dated: 07-01-2010.

Jehan zeb

Judicial order
dated:07-01-2010
Notification dated:
08-01-2010

He was promoted assistant on 24-01-2003. He was transferred and posted as District Revenue Accountant Bathkela (OPS) on 04-11-2008 by SMBR. He was promoted Naib Tehsildar by a judicial order dated: 07-01-2010 w.e.f 04-11-2008 in violation of NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC.

Illegality as under

1. Promoted through a judicial order and without DPC.
2. Promoted in violation of laid down rules and procedures
3. Five years experience as assistant required under law is not completed.

Asmat Ullah

Judicial order
dated:29-09-2009
Notification dated:
22-01-2010

He was appointed as political Moharir/ junior clerk. He was not eligible to be promoted as Naib Tehsildar under the rules as there existed no rules at the time of promotion. The category of political Moharir does not exist in promotion rules 2001 and 2008. (NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC) SMBR has no power to promote a political moharir by judicial order dated 29-09-2009 without DPC.

Under the rules, DPC recommends those who fulfill the criteria for promotion while keeping in view seniority cum fitness as described under the rules and as many officials as many vacancies are available.

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<p>mad</p>	<p>Judicial order dated: 03-6-2010. Notification dated: 15-06-2010</p>	<p>144</p> <p>He was basically an assistant. He was transferred and posted as political Naib Tehsildar (OPS) FR Lakki Marwat by FATA secretariat vide order dated 11-12-2008. The Naib Tehsildar is a divisional cadre post and a quota is fixed for ministerial staff. The subject official cannot claim seniority over the officials of other divisions as he made respondent in his appeal belong to other division. He was promoted Naib Tehsildar by a judicial order dated: 03-06-2010 in violation of NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC. Moreover, he was promoted against the comments of dept. which clearly says "appeal may be dismissed".</p> <p>Illegals as under</p> <ol style="list-style-type: none"> 1. Promoted through a judicial order and without DPC. 2. Promoted in violation of rules and procedures 3. Five years experience as assistant required under law was not completed. <p>Reverted on 30-06-2014</p>
<p>Abbas Shah</p>	<p>Ali Judicial order dated:10-06-2010 Notification dated: 24-06-2010</p>	<p>The subject official was promoted to the post of Naib Tehsildar on acting charge basis in pursuance of judicial order of SMBR KP. He was promoted Naib Tehsildar by a judicial order dated: 03-06-2010 in violation of NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC.</p> <p>Illegals as under</p> <ol style="list-style-type: none"> 1. Promoted through a judicial order and without DPC. 2. Promoted in violation of rules and procedures <p>Retired on 16-09-2014</p>
<p>22 Hazrat Yousaf</p>	<p>Judicial order dated:11-11-2010 Notification dated: 11-11-2010</p>	<p>Service tribunal KPK order dated 22-02-2010 reads as that "directions are issued accordingly for consideration of the case of the appellant on merits in the next DPC meeting, which shall be convened, preferably, within a reasonable time i.e. three / four months". And in execution petition the service tribunal order dated 01-10-2010 reads that the "Board of Revenue is directed to implement the order/decision of the Tribunal without further loss of time positively before the date fixed and furnish compliance report, otherwise appropriate legal action will be initiated against the responsible officer/official". Instead of calling DPC as directed in Service Tribunal order dated 22-02-2010. The subject official was promoted without DPC retrospective from the date he became Naib Tehsildar (OPS) i.e. with effect from 04-07-2006.</p>
<p>23 Abdul Jalil</p>	<p>Judicial order dated:13-10-2010 Notification dated: 04-11-2010</p>	<p>He is basically an assistant and he was promoted to Naib Tehsildar against the comments of department that the promotion appeal may be dismissed. He was promoted to Naib Tehsildar by a judicial order in violation of NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC.</p>

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			<u>Illegality as under.</u> 1- Promoted through a judicial order and without DPC. 2- Promoted in violation of rules and procedures. 3- Five years experience as assistant required under law was not completed.
24-	Maqbool ur Rehman	Judicial order dated 31-12-2008	Passed away on 3-4-2013
25-	Ikramullah Khan	Judicial order dated 6-5-2010	Re-DPC is held on 1-4-2013 and official was given ex-post facto clearance/sanction to the promotion.
26-	Muhammad Asghar	Judicial order 3-11-2010 Notification dated 5-11-2010	He was promoted by judicial order dated 3-11-2010 against the accused SMBR own order dated 5-8-2010.

10 Role of accused (Ahsanullah Khan)

- I- Accused Ahsanullah Khan the then, SMBR without considering seniority cum fitness and availability of seats as per defined rules promoted revenue officials through judicial orders in sheer violation of NWFP civil servants (appointment, promotion and transfer) rules, 1989 in sub rules (2) of the rules 3 and notification No. 32102/admn: 1/135/SSRC). Record shows that regular DPCs were held during the tenure of accused Ahsanullah Khan as SMBR but he will promoted his blue eyed officials directly and illegally through judicial order by passing the legal procedure.
- II- In violation of the then NWFP civil servants (appointment, Promotion and transfer) rules, 1989 in sub rule (2) of the rule 3 and notification no. 32102/admn: 1/135/SSRC) and NWFP civil servants (appointment, promotion and transfer) rules, 1989 Rule 9, accused promoted political Moharirs/Junior clerks to Naib Tehsildar through illegal judicial orders.
- III- Accused SMBR promoted junior assistant to Naib Tehsildar despite of dissenting comments from the department on promotion appeal. Moreover, promotion cases of some officials were considered in DPCs but they were not promoted being junior in the seniority list but despite of that accused promoted them to Naib Tehsildar through judicial orders in violation of rules.
- IV- Accused SMBR promoted Kanungos to Naib Tehsildar and Naib Tehsildar to Tehsildar through judicial order despite of the fact that they do not fulfill the minimum requirements described under law and dissenting comments from the department on promotion appeal.
- V- It is pertinent to mention that accused SMBR was competent to call DPC but he did not call the DPC which showed his malafide intention and promoted revenue officials who did not fulfill the minimum requirement described under law by misusing his authority through issuing judicial orders.

- VI. Promotion of revenue official is completely an administrative matter. "Khyber Pakhtunkhwa Civil Servant (Appeal Rules 1986) provide for filing of appeal under rule 3 where a civil servant feels himself to be aggrieved by an order passed or penalty imposed by the competent authority affecting his terms and conditions of service; the appeal lies to appellate authority. In the instant cases there were no such orders, while cognizance was taken by the then SMBR exercising judicial powers under the Board of Revenue Act, 1957 which pertains to revenue matter. Furthermore, the appellate authority in these cases is the chief secretary and not the revenue & Estate Department" according to a letter addressed to NAB by Assistant Secretary, Board of Revenue, Revenue and Estate Department, Khyber Pakhtunkhwa.
- VII. Promoting revenue officials without DPC and against laid down rules and regulations establish that the accused Ahsanullah Khan, the then SMBR conducted gross violation of rules and misused his authority.

11. Plea of accused (Ahsanullah Khan)

The accused explained in his plea that he had promoted the officials in Judicial capacity and in accordance with the law, if anyone is aggrieved by his decision he should go for appeal to the competent forum.

12. Conclusion / Recommendations

The accused failed to give any plausible explanation of the illegal promotions made by him during his tenure as SMBR through misusing his judicial powers given for revenue matters. Accused Ahsanullah Khan, has made illegal promotions through judicial orders in sheer violation of all the relevant rules by misusing his authority. Hence it is recommended that on the basis of investigation against accused Ahsanullah Khan, reference may be filed in Accountability Court under NAO, 1999.

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 24/11/15
 (Anwar Amin)
 Investigation Officer
 NAB, Khyber Pakhtunkhwa