

24.03.2021

Appellant alongwith his counsel Mr. Rustum Khan Kundi, Advocate, present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The appellant submitted written request that he wants to withdraw the instant appeal as the same has become infructuous. Copy of NIC of the appellant is annexed with the written request. The same are placed on record.

In view of the above, the appeal in hand stands dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
24.03.2021




(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

STA NO 1151/19.


stated on oath I the Appellant,
Mr Jyoti Chauhan intends to
withdraw of the STA NO 1151/2019
since due to events, it has
become infructuous —


Deponent

24/3/2021

12103-1868397-3

Identified by

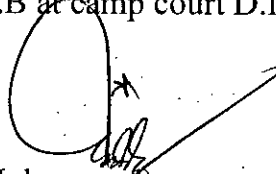

Adv He

Wednesday 24/3/21

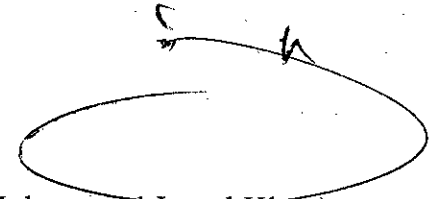
29.10.2020

Assistant to counsel for the appellant is present. Mr. Usman Ghani, District Attorney for respondents is present.

Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 22.12.2020 for arguments before D.B at camp court D.I.Khan.



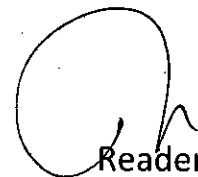
(Mian Muhammad)
Member (E)



(Muhammad Jamal Khan)
Member (J)
Camp Court D.I.Khan

22.12.2020

Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.



Reader

22.02.2021

Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 24.03.2021 before D.B at Camp Court, D.I. Khan.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

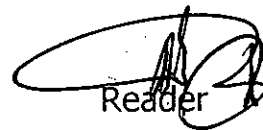
27/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4 /2020 at Camp Court, D.I Khan


Reader

23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 25/9 /2020 at Camp Court, D.I Khan


Reader

25.09.2020

Appellant present in person.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Abdul Halim Superintendent and Muhammad Shafqat Superintendent for respondents present.


Representatives of respondents submitted written reply/comments. To come up for rejoinder, if any, and arguments on 29.10.2020 before D.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Service Appeal No. 1151/2019


30.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Abdul Haleem, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for adjournment. Adjourned to 27.02.2020 for written reply/comments before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

27.02.2020

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith M/S Abdul Haleem, Superintendent and Shafqat, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Representatives of the department requested for further time to furnish written reply/comments. Adjourned to 27.03.2020 for written reply/comments before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

28.11.2019

Counsel for the appellant Ijaz Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Junior Clerk in the office of Political Assistant. It was further contended that as per seniority list of Junior Clerks of Political Assistant dated 25.02.2019, the appellant has been shown at serial no. 3 of the said seniority list of Junior Clerks of Political Muharrars. It was further contended that as per rule/notification dated 23.01.2015 10% quota has been allocated to Junior Clerks and Political Muharrars for promotion to the post of Naib Tehsildar. It was further contended that the post of Naib Tehsildar was vacant therefore, the appellant was appointed as Naib Tehsildar against the vacant post but in his own pay and scale vide order dated 25.03.2019. It was further contended that the appellant filed departmental appeal against the said order dated 25.03.2019 but the same was not responded hence, the present service appeal. It was further contended that the appellant is fully entitled and eligible for promotion to the post of Naib Tehsildar therefore, the respondent-department was bound to regularly promote the appellant from the post of Junior Clerk to the post of Naib Tehsildar but they have illegally posted/appointed the appellant in own pay and scale instead of regular promotion.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 30.01.2020 before S.B at Camp Court D.I.Khan.

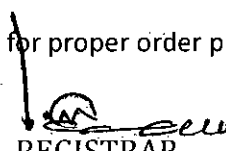
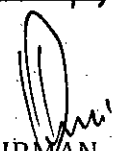

Appellant deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1151/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/09/2019	<p style="text-align: center;">The appeal of Mr. Ijaz Khan received today by post through Mr. Muhammad Waqar Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 17/9/19</p>
2-	15.11.2019	<p style="text-align: center;">This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>28.11.2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service appeal No. 1151 / 2019

Ijaz Khan **VERSUS** Govt. of KPK and others

SERVICE APPEAL


INDEX

S. No.	Particulars of documents	Annexure	Page
1.	Grounds of service appeal alongwith stay application and affidavits	--	1-7
2.	Copies of service record i.e service card XXXXXXXXXX	A	8-
3.	Copy of letter dated 10-04-2019, 08-03-2019, 25-03-2019 alongwith arrival reports	B	9-18
4.	Copy of the seniority list dated 25-02-2019	C	19-22
5.	Copy of notification dated 23-01-2015	'D'	23-29
6.	Copy of departmental appeal dated 26-05-2019	D-1	30-31
7.	Wakalat Nama	--	32

Dated: ____/09/2019

Humble appellant


Ijaz Khan


Muhammad Waqar Alam
Advocate High Court

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1151/2019

Diary No. 1265

Dated 17/9/2019

Ijaz Khan son of Malik Ranjhu Presently Working as Naib Tehsildar
(OPS) Tehsil Shakai, District South Waziristan (DOA: 01/04/1992).

Appellant

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Senior Member Board of Revenue & Estate Department, Khyber Pakhtunkhwa Peshawar.
3. The Commissioner Dera Ismail Khan.
4. The Deputy Commissioner, Dera Ismail Khan.
5. The Deputy Commissioner, South Waziristan.
6. The Assistant Commissioner, South Waziristan.

Respondents

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL
ACT, 1974, AGAINST THE IMPUGNED OFFICE ORDER NO.1276-
82/ESTT; (NTS) DATED 25/03/2019 VIDE WHICH THE
APPELLANT WAS APPOINTED/TRANSFERRED/POSTED AS NAIB
TEHSILDAR IN OWN PAY AND SCALE AGAINST THE VACANT
POST IN THE BEST PUBLIC INTEREST WITH IMMEDIATE EFFECT
BY VIOLATING THE SERVICE RULES REGULATIONS AND NOT
GIVING THE OTHER BENEFITS OF SERVICE AGAINST THE
PERMANENT POST TO THE APPELLANT MOREOVER THE
APPELLANT FILED A DEPARTMENTAL APPEAL REGARDING THE
IMPUGNED ORDER DATED: 25/03/2019 WHICH WAS NOT
DECIDED TILL DATE AFTER LAPS OF 90 DAYS BY
RESPONDENT #2 HENCE THE ACT OF THE RESPONDENT NO.2 IS
IMPUGNED HEREBY.**

File
Filed to-day
Registrar
17/9/19

PRAYER

On acceptance of this appeal, impugned office order No.1276-82/Estt; (NTs) DATED 25/03/2019 issued by respondent No.3 may please be modified to the extent of appellant by directing the official respondent to appoint the appellant against the post of Naib Tehsildar on regular basis instead of OPS and this Honorable Tribunal may also be requested by appellant that the back benefit may also be decreed in the favor of appellant against the respondents in the best interest of justice and equity.

Note: That the addresses of the Parties given in the heading of the Petition are true and correct for the purpose of service.

Respectfully Sheweth:-

The Appellant most respectfully submits as under:-

BRIEF FACTS:

1. That the appellant was initially appointed as Junior Clerk on 01/04/1992 in the office of respondents and has been serving the department with great zeal and zest and to the entire satisfaction of their superiors. Copies of the service ~~card~~^{card} is enclosed as **Annexure-A**.
2. That the appellant was promoted vide impugned dated: 25/03/2019 by the Commissioner Dera Ismail Khan vide which the services against the permanent post assigned to the appellant on OPS basis which act of the respondents is totally unjustified and against the law. Copies of the office order dated: 25/03/2019, 08/03/2019 and 10/04/2019 are jointly enclosed herewith as **Annexure B**.
3. That the appellant is senior most employees in the department and performing his duties in different divisions as Political Moharirs and on this ground the appellant were shown as senior most Political Moharirs in the seniority list which is prepared by the office of Deputy Commissioner Dera Ismail Khan on 25/02/2019. Copy of the seniority list is enclosed as **Annexure: C**.

File

4. That the appellant being senior most Political Moharir is promoted/ appointed against the vacant post of Naib Tehsildar by the competent authority but unfortunately the appointment order of the appellant is made in OPS basis which is bad in law as well as against the settled realities.
5. That on 26/05/2019 the appellant filed a departmental appeal to the competent authority which was not decided in the statutory period laid down under the law. Copy of the Departmental appeal is enclosed as **Annex: DA**.
6. That the appellant is having no other remedy but to knock the doors of this Honourable Tribunal by invoking the jurisdiction under section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, inter alia, on the following grounds,

GROUND

- a) That the impugned office order dated 25/03/2019 passed by the respondents is illegal, unjustified, without lawful authority and against the settled laws of the land, hence, liable to be set aside/ modified.
- b) That the appellant has been serving the department since long and eligible for promotion according to their seniority which was accordingly accorded by the competent authorities in different seniority lists which was complied by themselves, hence, at this belated stage the appellant deserved to be promoted against the vacant post on permanent basis but the official respondents appointed/ adjusted/ transferred the appellant in own pay scale is a result of malafide hence, bad in law.
- c) That according to the statutes of the department the appellant served the as Political Moharirs in the office of respondents and is entitled for promotion against the post of Naib Tehsildar on regular basis, hence, the order dated: 25/03/2019 passed by the Commissioner Dera Ismail Khan is the result of non reading, miss reading of the statutes of the department, hence, the appellant is illegible for the promotion on regular basis not own pay and scale.
- d) That the appellant is working against the budgetary post of Naib Tehsildar, then in the light of the various judgments of the

She

august forum as well as this Honourable Tribunal the appellant deserves to be regularized on the post on which he performs his duties with all back benefits.

- e) That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

PRAYER:

On acceptance of this appeal, impugned office order No.1276-82/Estt; (NTs) DATED 25/03/2019 issued by respondent No.3 may please be modified to the extent of appellant by directing the official respondent to appoint the appellant against the post of Naib Tehsildar on regular basis instead of OPS and this Honourable Tribunal may also be requested by appellant that the back benefit may also be decreed in the favor of appellant against the respondents in the best interest of justice and equity.

Date: ___/09/2019

Yours Humble Appellant



Ijaz Khan

Through Counsel, ^




Muhammad Waqar Alam
Advocate High Court

AFFIDAVIT

I, Ijaz Khan s/o Malik Ranjhu Presently Working as Naib Tehsildar (OPS) Tehsil Shakai, District South Waziristan, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Tribunal.

Dated: ___/09/2019



DÉPONENT

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. _____/2019

Ijaz Khan **VERSUS** Govt. of KPK and others

SERVICE APPEAL

APPLICATION FOR INTERIM RELIEF REGARDING DIRECTION TO
OFFICIAL RESPONDENTS TO NOT TAKE ANY ADVERSE ACTION
AGAINST THE APPELLANT TILL FINAL DISPOSAL OF THE INSTANT
SERVICE APPEAL AND THE STATUS QUO MAY ALSO BE GRANTED IN
FAVOUR OF THE APPELLANT.

Respectfully Sheweth;

The appellant humbly submit as under;

1. That the above titled service appeal is being filed before this Honourable Tribunal and contents of the instant application may please be considered as integral part of main service appeal.
2. That that the appellant have prima facie case and balance of convenience also tilts in favour of appellant.
3. That the respondents are intending to deprive the appellant from their valuable rights of appellant and if the application of the appellant is not accepted then the appellant will face complications and will suffer irreparable loss and purpose of institution of instant service appeal will become futile.
4. That this Honourable Tribunal has got vast and ample powers to entertain the application in hand.

It is therefore, humbly prayed that the instant application may kindly be accepted as prayed for.

Date: ___/09/2019

Your humble appellant



Ijaz Khan

Through Counsel



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. _____/2019

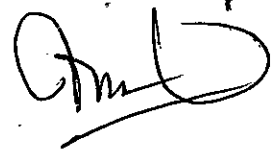
Ijaz Khan **VERSUS** Govt. of KPK and others

SERVICE APPEAL

AFFIDAVIT


I, Ijaz Khan s/o Malik Ranjhu Presently Working as Naib Tehsildar (OPS) Tehsil Shakai, District South Waziristan, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Tribunal.

Dated: ___/09/2019




DEPONENT

Annex B - 9



OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN
Ph: 0992 220034
Fax: 0992 220033
www.dikhandivision.gov.pk
Secretary, Dikhon Division, Dikhon



NTS COMDIX

No. / Estt. - 38 / Estt. (NTs)
Dated 20/04/2019

OFFICE ORDER

Consequent upon Government of Khyber Pakhtunkhwa Board of Revenue Revenue & Estate Department Order No. Estt./V/DPC/NT/2019/9535-42 dated 08-03-2019 and Deputy Commissioner South Waziristan Tribal District recommendations vide letter No.1313/S-32 dated 03-04-2019, the following posting/transfer is hereby made in the best public interest with immediate effect;

S#	Name of Official	From	To	Remarks
1	Mr. Muhammad Amin Naib Tehsildar (BPS-14-ACE)	Placed at the disposal of this office.	Naib Tehsildar Tank	Against the vacant post
2	Mr. Akhtar Minir Naib Tehsildar (BPS-14-ACE)	-do-	Naib Tehsildar Irrigation Tank	-do-
3	Mr. Muhammad Anwar Naib Tehsildar (BPS-14-ACE)	-do-	District Kanungo Tank	-do-
4	Mr. Khalilullah (C/Political) Muharir (BPS-11)	-do-	HVC (OPS) at Commissioner Office DIKhan	-do-
5	Mr. Muhammad Ayub Naib Tehsildar (BPS-14)	NT Shakai with additional charge of NT Tiarza	Naib Tehsildar Tiarza South Waziristan Tribal District	-do-
6	Mr. Ejaz Khan (C/Political) Muharir (BPS-11)	NT (OPS) Tank SWTD	Naib Tehsildar (OPS) Shakai with additional charge of NT Survey Sarwakai SWTD	-do-
7	Mr. Amjad Naeem (C/Political) Muharir (BPS-11)	NT (OPS) Jaodola SWTD	Naib Tehsildar (OPS) Survey Sararogha SWTD	-do-
8	Mr. Sheikh Fazal Rehman Kanungo (BPS-11)	PNT (OPS) of Survey Sararogha SWTD	Repatriated to his parent department i.e Deputy Commissioner Office DIKhan	-do-

-sd-
Commissioner
DIKhan Division, DIKhan

Encs. No. & date even
Copy for information to the;

1. The Deputy Commissioner DIKhan.
2. The Deputy Commissioner Tank.
3. The Deputy Commissioner South Waziristan Tribal District.
4. The Assistant Secretary (Estt) Board of Revenue Revenue & Estate Department Khyber Pakhtunkhwa w/r to above.
5. The District Accounts Officer Tank/DIKhan/South Waziristan Tribal District.

TESTED
[Signature]

"B" - 10 -

FROM: DC DIKHAH

FAK: HQ: 9200110

10. Apr. 2001 12:59PM P2

- 6. PS to Senior Member Board of Revenue Khyber Pakhtunkhwa.
- 7. The Assistant to Commissioner (R/GA) DIKhan Division DIKhan.
- 8. PS to Commissioner DIKhar Division DIKhan.
- 9. Official concerned for comp. junc.

[Signature]
 Secretary to Commissioner
 DIKhan Division, DIKhan

ATTESTED:

[Signature]

Annex: "B" - 11 -

BETTER COPY

No. 1530-38/Estt (NTs)

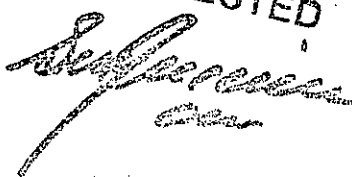
Dated 10/04/2019

OFFICE ORDER

Consequent upon Government of Khyber Pakhtunkhwa Board of Revenue Revenue & Estate Department Order No. Estt;V/DPC/NT/2019/8535-42 dated 08/03/2019 and Deputy Commissioner South Waziristan Tribal District recommendation vide letter No. 1313/S-32 dated 03/04/2019 the following posting/transfer is hereby made in the best public interest with immediate effect.

Sr.No	Name of Official	From	To	Remarks
1	Mr. Muhammad Ameen Naib Tehsildar (BPS-14 ASB)	Placed at the disposal of this office	Naib Tehsildar Tank	Against the vacant post
2	Mr. Akbar Munir Naib Tehsildar (BPS-14 ASB)	-do-	Naib Tehsildar irrigation Tank	-do-
3	Mr. Muhammad Anwar Naib Tehsildar (BPS-14 ASB)	-do-	District Kanungu Tank	-do-
4	Mr. Khalilullah JC/Political Muharrir (BPS-11)	-do-	HVC (OPS) at Commissioner Office D I Khan	-do-
5	Mr. Muhammad Ayub Naib Tehsildar (BPS-14)	NT Shakai with additional charge of NT Tiarza	Naib Tehsildar Tiarza South Waziristan Tribal District	-do-
6	Mr. Ijaz Khan JC/Political Muharrir (BPS-11)	NT (OPS) Tank SWFD	Naib Tehsildar (OPS) Shakal with additional charge of NT Survey Sarwakai STD	-do-
7	Mr. Amjid Naeem JC/Political Muharrir (BPS-11)	NT (OPS) Jandola SWTD	Naib Tehsildar (OPS) Survey Sararogha SWTE	-do-
8	Mr. Sheikh Fazal Rahim Kanungu (BPS-11)	PNT (OPS) of Survey Sararogha SWTD	Repatriated to his parent department i-e Deputy Commissioner office D I Khan	-do-

ATTESTED



-sd-

Commissioner

DIKhan, Division DIKhan

Endst;No. & date even.

Copy for information to the;

1. The Deputy Commissioner D I Khan.
2. The Deputy Commissioner Tank.
3. The Deputy Commissioner South Waziristan Tribal District.
4. The Assistant Secretary (Estt) Board of Revenue, Revenue & Estate Department KPK w/r to above.

"B"-12-

5. The District Accounts Officer Tank/DIKhan/South Wazirstan Tribal Distirct.
6. PS to Senior Member Board of Revenue KPK.
7. The Assistant to Commissioner (R/GA) D I Khan, Division D I Khan.
8. PS to Commissioner D I Khan, Division D I Khan.
9. Official concerned for compliance.

Secretary to Commissioner
DIKhan, Division DIKhan

ATTESTED

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-13-
"B"



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
Peshawar dated the 08/03/2015

ORDER

No. Estt: V/DPC/NT/2019/ 3543-49. The Competent Authority is pleased to place the services of the following Political Muharrirs of DIKhan Division at the disposal of Commissioner DIKhan for further posting as Naib Tehsildar (own pay & scale).

S NO.	NAME OF OFFICIALS
1.	Mr. Shaukatullah
2.	Mr. Naveed Hussain
3.	Mr. Khalihullah
4.	Mr. Amjid Naeem
5.	Mr. Ijaz Khan

Their posting as Naib Tehsildar (own pay & scale) is a temporary arrangement till proper promotion as Naib Tehsildar through Departmental Promotion Committee.

By order of
Senior Member

No. Estt: V/DPC/NT/2019/ 3543-49

Copy forwarded to the:-

1. Commissioner, DIKhan Division DIKhan with the request to provide complete service record of the officials for the Departmental Promotion Committee.
2. Deputy Commissioner, DIKhan, South Waziristan and Tank.
3. District Accounts Officer, DIKhan, South Waziristan and Tank.
4. P.S.O, Senior Member, Board of Revenue.
5. Officials concerned.
6. Personal Files.

Assistant Secretary (Estt)

ATTESTED

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Page

"B" - 14 -

Better copy

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
Peshawar Dated The ___/08/2019ORDER

No. Estt: V/DPC/NT/2019/_____ the competent authority is pleased to place the services of the following political Muharrirs of D I Khan Division at the disposal of Commissioner D I Khan for further posting as Naib Tehsildar (own pay & scale.)

S.No	Name of officials
1.	Mr. Shaukatullah
2.	Mr.Naveed hussain
3.	Mr.Khalilullah
4.	Mr.Amjid Naeem
5.	Mr.Ijaz khan

Their posting as Naib Tehsildar (own pay & scale) is a temporary arrangement till proper promotion as Naib Tehsildar through Departmental Promotion Committee.

By order of

Senior Member

No.Esst:V/DPC/NT/2019/_____

Copy Forwarded to the .

1. Commissioner, D I Khan Division D I Khan with the request to provide complete service record of the officials for the department promotion Comines
2. Deputy commissioner D I Khan south Waziristan and Tank .
3. District accounts officers D I Khan south Waziristan and Tank
4. P.S to senior member board of revenue
5. Officials concerned.
6. Personal file.

Assistant Secretary (Estt:)

ATTESTED
[Handwritten Signature]

OFFICE OF THE
COMMISSIONER
D.I. KHAN DIVISION, DIKHAN

Phone: 0766-220123
Fax: 0766-220123
Email: dikhandivision@pws.com.pk
Website: www.dikhandivision.com

PT'S COMDIK

No. 276-82/ESV(N/S)
Dated 25/03/2019

Consequent upon Order No. ESV/DPC/N/2019/8543-49 dated 08-03-2019 issued by Government of Khyber Pakhtunkhwa Board of Revenue & Estate Department, the following officials are hereby transferred/posted as Naib Tehsildar in their own pay & scale against the vacant post in the best public interest with immediate effect:

Sr	Name of Official	From	To	Remarks
1	Mr. Amjad Naem (BPS-13)	Placed at the disposal of Commissioner, Office Dikhan	PNT(OPS) Jandola South Waziristan Tribal District	Against vacant post.
2	Mr. Jaz Khan (C/PM (BPS-11))	-do-	PNT(OPS) Tank South Waziristan Tribal District	-do-

Commissioner
D.I. KHAN DIVISION, DIKHAN

For information to the
Indst. No. & date given

1. The Deputy Commissioner, South Waziristan Tribal District
2. The Assistant Secretary (I-st) Board of Revenue & Estate Department, Khyber Pakhtunkhwa w/ to above.
3. The District Accounts Officer, South Waziristan Tribal District, PNT(OPS) Jandola South Waziristan Tribal District.
4. PS to Senior Member Board of Revenue Khyber Pakhtunkhwa.
5. The Assistant to Commissioner (R/GA) Dikhan Division Dikhan.
6. PS to Commissioner Dikhan Division Dikhan.

ATTESTED
Secretary to Commissioner
D.I. KHAN DIVISION, DIKHAN

B-15-

Office orderNo. 1276-82/Estt :(NTS)
Dated 25/03/2019

Consequent upon order No Estt;V/DPC/NT/2019/8543-49 dated 08-03-2019 issued by Government of Khyber Pakhtunkhwa board of Revenue & Estate department the following officials are hereby transferred/posted as Naib Tehsildar in own pay & scale against the vacant post in the best public interest with immediate effect

S#	Name of official	Form	To	Remark
1	Mr. Amjad Naeem JC/PM(BPS-11)	Placed at the disposal Of commissioner Office D I Khan	PNT (OPS)jandola South Waziristan Tribal district	Against Vacant post -
2	Mr. Ijaz khan JC/PM (BPS-11)	-do-	PNT (OPS)jandola South Waziristan Tribal district	-do-

Commissioner
DIKhan Division DIKhan

Endst; No & date even

Copy for information to the:

1. The deputy commissioner south Waziristan Tribal district
2. The assistant secretary (Estt) board of revenue revenue & estate department the Khyber Pakhtunkhwa w/ to above.
3. The district account officer south Waziristan Tribal district
4. PS to senior member board of revenue Khyber Pakhtunkhwa
5. The assistant to commissioner (R/GA) D I Khan Division D I Khan .
6. PS to commissioner D I Khan Division D I Khan

Secretary to Commissioner
DIKhan Division DIKhan

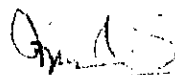
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"B" -17-

ARRIVAL REPORT.

In compliance with the orders of Government of Khyber Pakhtunkhwa, Revenue & Estates Department bearing No. Estt:V/DPC/NT/2019/8543-49 dated 08/03/2019, I, Ijaz Khan, submit my arrival report as Naib Tehsildar (own pay & scale) to the Commissioner, D.I.Khan Division today, the 12th March, 2019, (Fore-Noon).


(Ijaz KHAN),
Naib Tehsildar

Copy to the:-

1. Commissioner, D.I.Khan Division, D.I.Khan.
2. Deputy Commissioner, D.I.Khan.
3. Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officer, D.I.Khan.


(Ijaz KHAN),
Naib Tehsildar



"B"-18-

To

The Deputy Commissioner
South Waziristan Tribal District

Subject: - ARRIVAL REPORT

In compliance with the Commissioner DIKhan Division DIKhan Office Order No.1276-82/Estt,(NT's) dated. 25-03-2019, I, Ejaz Khan Naib Tehsildar (OPS) hereby submit my arrival for the post of Naib Tehsildar (OPS) Tank South Waziristan Tribal District today on 26-03-2019 (F.N) for duty.



Ejaz Khan
Naib Tehsildar (OPS)
Tank SWTD

No 1033-38/DCSW Dated DIKhan the 26/03/2019.

Copy to the:-

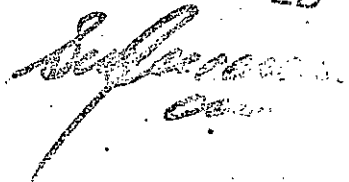
- ✓1. Commissioner DIKhan Division DIKhan
- ✓2. Deputy Commissioner DIKhan.
- ✓3. Assistant Secretary (Estt) Board of Revenue Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer South Waziristan Tribal District
5. PS to SMBR Khyber Pakhtunkhwa Peshawar.

6: Accountant Be office SWTD for n/a/cion



Ejaz Khan
Naib Tehsildar (OPS)
Tank SWTD

ATTESTED



Annex: "C" - 19 -

OFFICE OF THE ASSISTANT COMMISSIONER DARAZINDA DIKHAN

115

/APA (FR) dated

DIKhan

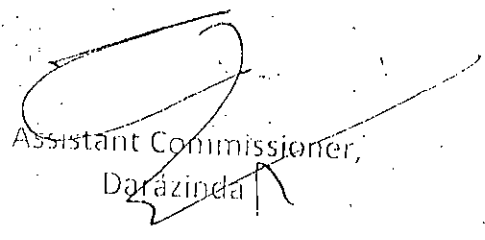
the 25/02/2019

The Deputy Commissioner,
DIKhan

Subject: SENIORITY LIST OF POLITICAL MOHARRIRS AT DIVISIONAL LEVEL

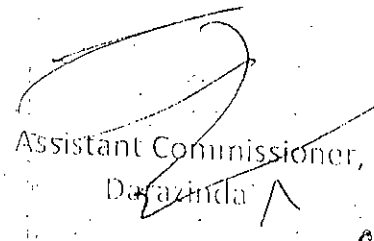
Kindly refer to Secretary to Commissioner, DIKhan Division DIKhan office letter No. 773-76/DC (FR) dated 22.02.2019 on the subject noted above.

The requisite seniority list of Political Moharrir / J/Clerk in respect of Darazinda Sub Division DIKhan is sent herewith for onward submission to the quarter concerned please.

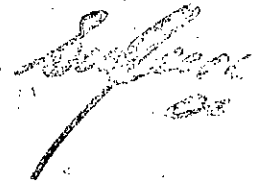

Assistant Commissioner,
Darazinda

Endst: No & date even

Copy forwarded to the Secretary to Commissioner, DIKhan Division DIKhan for information w/r to above please.


Assistant Commissioner,
Darazinda

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OFFICE OF THE
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Date of
Qualif

"C" -20-

BETTER COPY

OFFICE OF THE ASSISTANT COMMISSIONER DARAZINDA
DIKHAN

_____ APA (FR) dated DIKhan the _____ 25/02019

To

The Deputy Commissioner,
D I Khan.

Subject:- SENIORITY LIST OF POLITICAL MOHARRIRS AT
DIVISIONAL LEVEL kindly refer to Secretary to
Commissioner, D I Khan Division. D I Khan office
letter No.773-76/DC (FR) dated 22.02.2019 on the
subject noted above.

The requisite seniority list of Political Moharrirs/
junior Clerk in respect of Darazinda Sub Division is
sent herewith for onward submission to the quarter
concerned please.

Assistant Commissioner,
Darazinda

Endst: No & dated even .

Copy forwarded to the Secretary to Commissioner, DIKhan
Division DIKhan for information w/r to above please.

Assistant Commissioner,
Darazinda

ATTESTED
[Handwritten Signature]

SENIORITY LIST OF POLITICAL MOHARRIR /JUNIOR CLERK IN RESPECT OF OFFICE OF THE ASSISTANT COMMISSIONER, TRIBAL SUB DIVISION
DARAZINDA, DIKhan TILL DATE.

S.No	Name of official	Father's Name	Design:	BPS	Date of Birth	Date of Appointt:	Date of Retirement	Qualif:	Remarks
1	Khalil Ullah	Imam Bakhsh	PMi/j/Clerk	11	14.08.1961	07.12.1982	13.08.2021	Matric	
2	Amjad Naeem	Muhammad Yaqoob	-do-	11	24.02.1965	1.10.1989	23.2.2025	FA	
3	Ijaz Khan	Malik Ranjhu	-do-	11	1.1.1967	1.4.1992	31.12.2027	D.Com	
4	Muhammad Saeed Ahmad	Fazal-ur-Rehman	-do-	11	15.11.1971	23.10.1996	14.11.2031	BA	
5	Ahmad Saleem	Muhammad Saleem Taair	-do-	11	01.03.1991	08.04.2009	28.02.2051	FSC	
6	Ghulam Farid	Allah Bakhsh	-do-	11	11.04.1968	30.05.1996	10.04.2028	B.Com	Adjusted APA office DIKhan vide Commissioner, DIKhan Division DIKhan dated 23.04.2018.
7	Muhammad Saqlan	Amad Nawaz	-do-	11	02.12.1972	30.05.1996	1.12.2032	B.A	-do-

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Assistant Commissioner,
Tribal Sub Division Darazinda

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Annex: "C" - 2/-

BETTER COPY

SENIORITY LIST OF POLITICAL MOHARRIRS/JUNIOR CLERK IN RESPECT OF OFFICE OF THE ASSISTANT COMMISSIONER TRIBAL SUB DIVISION DARAZINDA D I KHAN DATE.

S.no	Name of official	Father name	Desig:	Bps	Date of Birth	Date of Appointt:	Date of Retirement	Qualif:	Remarks
1	Khalil Ullah	Imam Bakhsh	PM/J/Clerk	11	14.08.1961	17.12.1982	13.08.2021	Matric	-----
2	Amjad Naeem	Muhammad Yaqoob	-do-	11	24.02.1965	01.10.1989	23.02.2025	FA	-----
3	Ijaz Khan	Malik Ranjhu	-do-	11	01.01.1967	01.04.1992	31.12.2027	D.Com	-----
4	Muhammad Saeed Ahamd	Fazal-ur- Rehman	-do-	11	15.11.1971	23.10.1996	14.11.2031	BA	-----
5	Ahmad Saleem	Muhammad Saleem Taair	-do-	11	01.03.1991	08.04.2009	28.02.2051	FSC	-----
6	Ghulam Farid	Allah Bakhsh	-do-	11	11.04.1968	30.05.1996	10.04.2028	B.Com	Adjusted APA office DIKhan vide Commissioner, DIKhan Division DIKhan dated 23.04.2018
7	Muhammad Saqlain	Ahmad Nawaz	-do-	11	02.12.1972	30.05.1996	01.12.2032	BA	-do-

ATTESTED

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Assistant Commissioner,
Tribal Sub Division Darazinda

"C" - 22 -

GOVERNMENT OF KYBER PAKHTUNKHWA
 BOARD OF REVENUE AND ESTATE DEPARTMENT
 (TEHSILDAR, NAIB TEHSILDAR / SUBORDINATE REVENUE SERVICE RULES, 2003)

NOTIFICATION

Peshawar, dated 23-01-2015

No. 1942/2015/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Kyber Pakhtunkhwa, Civil Service (Appointment, Promotion and Transfer) Rules, 1955 read with the Cabinet Division Notification No. SRO 457(I)/2001 dated 22.11.2001, the Government, Peshawar and the Revenue and Estate Department, Peshawar, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to those posts on the roster strength of Revenue and Estate Department specified in column 2 of the said Appendix:

APPENDIX

S.No.	Number of Appointments	Minimum	Minimum	Age limit	Method of recruitment
1	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Related	21 - 30 years	For initial recruitment

- (a) Twenty percent by initial recruitment; and
- (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Khatungus and Sub-Registers with at least five years service.
- (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of Tax Office of Board of Revenue, offices of Commissioners, Deputy Commissioners and Mutual Agents having five years service as such.

ATTESTED

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BETTER COPY

GOVERNMENT OF KYBERPAKHTUKHWA
 BORD OF REVENUE/ REVENUE AND ESTATE DEPARTMENT.

TEHSILDAR, NAIB TEHSILDAR/SUBORDINATED REVENUE SERVICE RULES, 2000.

ATTESTED
 [Signature]

"D" - 24-

NOTIFICATON

Peshawar, dated 23-01-2015

No.1942/Esttl/135/SSRC: In pursuance of the provision contained in sub-rule (2) of rule 3 of the Khyber Pakhtukhwa civil servants (appointment, promotion and transfer) Rules,1989 read with the Cabinet division Notification #SRO.457(1)/2001 dated 28th june, 2001 and in supersession of all previous rules issues in this behalf, conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix.

APPENDIX

1	2	3	4	5	6	7
S.No	Nomenclature of Posts	Appointing	Minimum Qualification of appointment by Initial recruitment or by transfer	Minimum Qualification for appointing by promotion	Age limit	Method of recruitment
1	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21-30 Year for initial recruitment	(a) twenty percent 5, initial recruitment and (b) sixty percent by promotion on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungu and Sub-Registrar with at least five year service. (c) Twenty percent by promotion of the basis of joint seniority-cum-fitness from amongst Assistant of the Office of Board of Revenue, officers of Commissioners, Deputy Commissioners and Political Agents having five year service as such.

"D" - 25

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5	6	7
		By transfer from amongst the Tehsildars
		By transfer from amongst the Tehsildars
	Deleted 21-30 years For initial recruitment	(a) Fifty percent by initial recruitment, through N.W.F.F. Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (b) Fifty percent by promotion on the basis of Seniority - cum - fitness from amongst Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. (c) fifteen percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners Offices in the Division concerned; and (d) Ten percent by promotion on the basis of seniority cum fitness from amongst Junior Clerks as Political Assistants of the offices of Political Agents with atleast ten years service."
		By promotion on the basis of seniority-cum-fitness, from amongst the Kanungos of the concerned District with atleast three years service as such
		By transfer from amongst Naib Tehsildars (Deleted) (Post has been abolished)

"D"-26-

5	6	7
		By transfer amongst the tehsildar
		By transfer amongst the tehsildar
Dated	21-30 years for initial recruitment	<p>a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a competitive Examination conducted by it in accordance with syllabus, and</p> <p>b) Twenty five percent by promotion on the basis of Seniority-cum-fitness from amongst Kanungu with at least five years Service as such, who have passed the departmental Examination of Naib Tehsildar.</p> <p>c) Fifteen percent by promotion, on the basis of joint seniority-cum-fitness from amongst Senior Clerks of the office of Board of Revenue Commissioners and Deputy Commissioners offices in the Division concerned; and</p> <p>d) Ten percent by promotion, on the basis of seniority-cum-fitness from amongst Junior Clerks as Political Muharrir of the offices of Political Agents with at least ten years service;</p>
		By promotion on the basis of seniority-cum-fitness amongst the Kanungu of the concerned District with at least three year service as such.
		By transfer from amongst Naib Tehsildar (Deleted) (Post has been abolished)

ATTESTED:
[Signature]

"D" - 27 -

5	45	7	By promotion on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
			By promotion on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungos of the district concerned with three years service as such and who have passed the Departmental examination of Kanungo.
			By promotion on the basis of seniority-cum-fitness from amongst the Naib Tehsil Accountants having three (03) years service as such.
	18 to 33		By direct appointment from amongst the Talwar passed candidate entered in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
			By transfer from amongst the Patwaris.

For order

SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

ATTESTED

"D"-28-

Handwritten notes in Urdu at the top of the page, including dates like 17/05/1991 and 18/05/1991, and names like 'M. J. Khan' and 'S. J. Khan'.

5	6	7
		By promotion on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the District with at least three service as such
		By promotion on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungu of the District concerned with three year service as such and who have passed the departmental Examination of Kanungu.
Dated	21-30 years for initial recruitment	By promotion on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant having three year service as such.
	18-35	By initial appointment from amongst the Patwar passed candidate in the Tehsil Patwar candidate register maintained by District Collector of the District concerned.
		By transfer from amongst the Patwaris.

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SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

"D" - 29 -

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the request to publish the above notification in the official Gazette and supply 50 printed copies

DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

ATTESTED
[Signature]

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KHYBER PAKHTUNKHWA
STATE DEPARTMENT
OFFICE RULES

بخدمت جناب سینئر ممبر بورڈ آف ریونیو، خیبر پختونخواہ پشاور

Departmental Appeal برخلاف حکم مورخہ 25/03/2019 مصدرہ ازاں جناب
کمشنر ڈیرہ اسماعیل خان ڈویژن جس کی رو سے من اپیلانٹ کو بطور نائب تحصیلدار OPS تعینات
کرنے کے احکامات صادر کیے گئے جبکہ آسامی نائب تحصیلدار پر من اپیلانٹ بوجہ سناریائی مستقل
بنیادوں پر تعیناتی کا حقدار تھا بدیں وجہ یہ عمل قابل پذیرائی نہ ہے۔

جناب عالی! سائل اپیلانٹ حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ من سائل اپیل کنندہ آنجناب کے ماتحت گزشتہ تین دہائیوں سے ڈیوٹی با احسن طریقہ سے سرانجام
دیتا چلا آرہا ہوں جب کہ من سائل اپیل کنندہ کو سناریائی کی بنیاد پر آنجناب کے حکم پر بطور پولیٹیکل نائب تحصیلدار
تعینات کیا گیا ہے جبکہ من سائل اپیل کنندہ کو OPS میں ڈیوٹی کرائی جا رہی ہے جبکہ مراعات لوئرز سکیل کے
دیے جا رہے ہیں جو کہ یہ عمل غیر قانونی ہونے کے ساتھ ساتھ بنیادی حقوق کے خلاف ہے اور قابل منسوخی ہے
بدیں وجہ مندرجہ ذیل وجوہات کی بناء پر من سائل اپیل کنندہ کو آسامی پولیٹیکل نائب تحصیلدار پر مستقل بنیادوں پر
تعیناتی کا حکم صادر کیا جاوے اور من سائل اپیل کنندہ کو تمام سابقہ مراعات دلائی جاوے۔

وجوہات اپیل:

۱۔ یہ کہ من اپیل کنندہ سینئر موسٹ پولیٹیکل محرر ہونے کی بنیاد پر خالی آسامی پولیٹیکل نائب تحصیلدار پر مستقل
طور پر تعیناتی کا حقدار ہے اور تمام مراعات کا بھی حقدار ہے جبکہ من اپیل کنندہ کو OPS میں تعینات کرنا سروس
قوانین کے بالکل خلاف ہے اور اعلیٰ عدالتوں کے فیصلہ جات کے بھی خلاف ہے۔

(2014SCMR1189)

۲۔ یہ کہ من سائل اپیل کنندہ نے حکم مورخہ 25/03/2019 کے مطابق عمل درآمد حکم کرتے ہوئے ڈیوٹی
بطور نائب تحصیلدار سرانجام دینا شروع کی اور آج تک با احسن طریقے سے ڈیوٹی سرانجام دیتا چلا آرہا ہوں لیکن
من اپیل کنندہ کو نا تو آسامی نائب تحصیلدار کے برخلاف مراعات دیے جا رہے ہیں اور نہ ہی دیگر ضروری الاؤنس
دیے جا رہے ہیں جو کہ سروس قوانین اور بنیادی حقوق کے خلاف ہے بدیں وجہ حکم مورخہ 25/03/2019 اس
طور قابل درستی ہے۔

۳۔ یہ من سائل اپیل کنندہ گزشتہ تین دہائیوں سے آنجناب کے ماتحت با احسن طریقے سے فرائض منصبی ادا کرتا چلا آ رہا ہوں اور اب جب قانون کے مطابق سنیا رٹی کی بنیاد پر من سائل کو APT Rules 1989 کے مطابق پروموشن %10 کے برخلاف ریگولر بنیاد پر تعینات کرنا مقصود تھا تو آنجناب کے ماتحت افسر نے غلط تشریح قانون کرتے ہوئے من سائل اپیل کنندہ کو عارضی بنیادوں پر OPS سکیل میں نائب تحصیلدار تعینات کیا جو کہ مبنی بر بدعتی ہے اور یہ عمل قابل درستی ہے۔

لہذا استدعا ہے کہ منظور اپیل ہذا من سائل اپیل کنندہ کو خالی آسامی پولیٹیکل نائب تحصیلدار پر مستقل بنیادوں پر تعیناتی کا حکم صادر کیا جاوے اور Back benefits بھی من سائل اپیل کنندہ کے حق میں جاری کرنے کے احکامات صادر فرمائے جاوے تاکہ انصاف کے تقاضے پورے ہو سکے۔

مورخہ: 26/05/2019

اعجاز خان PNT ٹانک سناؤ تھوہم پستان ٹرانسپل ڈسٹرکٹ

49

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1151/2019.

1. Ijaz Khan son of Malik Ranjha, Presently working as Naib Tehsildar (OPS)
Tehsil Shakkai South Waziristan

APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar etc.
2. The Senior Member Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
3. The Commissioner, Dera Ismail Khan.
4. The Deputy Commissioner, Dera Ismail Khan.
5. The Deputy Commissioner, South Waziristan.
6. The Assistant Commissioner, South Waziristan.

Respected Sheweth:

I to 6

Reply on behalf of the Respondents No. 2 to 6) are narrated below:-

PRILIMINARY OBJECTIONS.

1. That the appellant has no cause of action or locus standi.
 2. That the appellant is estopped due to his own conduct to file this appeal.
 3. That the appellant does not come to the tribunal with clean hands and has suppressed all relevant facts.
 4. That the appeal is bad for misjoinder/non-joinder of necessary parties.
 5. That the honorable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
 6. That the appeal has been mis-oriented, mis-constructed & mistakenly drawn instant present frame and context & is liable for rejection.
 7. That the appeal is weak having no force, fabricated and factitious base on ill will modified and having no footing in the eyes of Law.
- 42

BRIEF FACTS:

1. This Para pertains to the record of the appellant and two other but it is admitted feature of all the three that they were the officials of **Settle District** and that's why they were declared **Surplus** in 2001. It is pertinent to mention here that that as the answering respondent were not the employees of Settle District that's why the Govt: Policy of the Devolution of power 2001 was not apply to us and never being declared as surplus throughout. This difference was because the appellant and two other employees of the Deputy Commissioner Office relating to settle District Office whereas the answering respondents were the employees of erstwhile FATA Region.

2. **Incorrect.** He was not promoted but was assigned duty of Naib Tehsildar ***as OWN PAY & SCALE*** which does not create any right

3. **Incorrect.** He is a Junior Clerk and was not appointed as Naib Tehsildar neither he has been promoted as Naib Tehsildar but was only assigned the duties of Naib Tehsildar in his OWN PAY & SCALE, which does not create any right.

4. **Incorrect** Sonority is not the sole criteria for promotion further he was not promoted but posted on own pay scale (OPS)

5. **Incorrect.** The applicant with three other officials submitted departmental appeals before the Senior Member Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa Peshawar and they were given opportunity of personal hearing by the Senior Member Board of Revenue(SMBR) one by one, but they could not prove the right of their seniority, as all of them were given seniority from their regular adjustment on FATA side and their departmental appeal were dismissed by SMBR Peshawar vide order dated 16/10/2019. (Copy attached). Remarks of the Senior Member Board of Revenue (SMBR) Khyber Pakhtunkhwa Peshawar in their departmental appeal are re-produced as under:-

"Opportunity of personal hearing by the Senior Member Board of Revenue(SMBR) one by one, but they could not prove the right of their seniority, as all of them were given seniority from their regular adjustment on FATA side. Perusal of available record reveals that no discrimination has been done with the appellant. The Seniority list issued by Commissioner, DIKhan Division DIKhan is based on facts and round realities which is maintained and the appeals (numbers) having no legal grounds is dismissed with no order to cost."

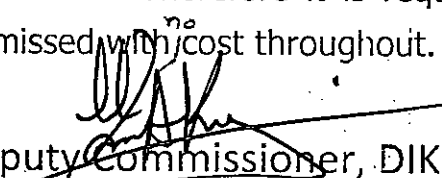
6. No Comments.

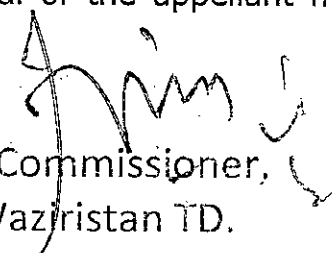
GROUND:

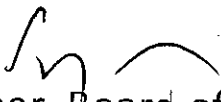
- a) Incorrect. The impugned Seniority list is according to Law after observing all codal formalities.
- b) Incorrect. The appellant has been dealt in accordance with Law & Rules.
- c) Incorrect. All the Junior Clerks/Political Muharrirs in erstwhile FATA offices will be given seniority/promotion to the post of Naib Tehsildar/Senior Clerk on their own turn.
- d) Incorrect. The Final Seniority List of Junior Clerk/Political Muharrir issued vide this office No.4192-96/Estt: dated 18/07/2019 is quite correct and according to Rules.

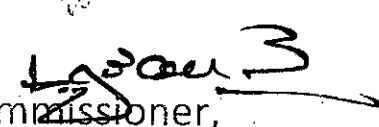
PRAYERS

Therefore it is requested that the appeal of the appellant may be dismissed with cost throughout.


Deputy Commissioner, DIKhan.
(Respondent No.4)


Deputy Commissioner,
South Waziristan TD.
(Respondent No.5)


Senior Member, Board of Revenue,
Revenue & Estate Department, Pesh:
(Respondent No.2).


Commissioner,
DIKhan Division.
Respondent No.3.

IN THE COURT OF SENIOR MEMBER, BOARD OF REVENUE.

1. Mr. Amjad Naeem Political Muharrir South Waziristan Tribal District
2. Mr. Ejaz Khan Political Muharrir South Waziristan Tribal District.
3. Mr. Rehmatullah Political Muharrir FR Tank.
4. Mr. Khalilullah Political Muharrir FR D.I.Khan.

Appellants

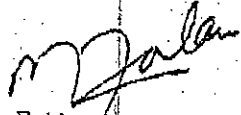
Versus

Commissioner D.I.Khan Division, D.I.Khan..... Respondent.

My this single order will dispose off the above mentioned identical nature appeals of the above named Political Muharrirs against the order / seniority list of Political Muharrirs issued on 22.07.2019 by Commissioner D.I.Khan Division.

Facts of the case are that Commissioner D.I.Khan issued seniority list of Political Muharrirs of D.I.Khan Division on 27.02.2019 wherein the names of the appellants were included. On receipt of objections from some Political Muharrirs to the effect that the appellants have been adjusted as Political Muharrirs after devolution on FATA side, therefore, their names may be placed in the seniority list from the date of their adjustment on FATA side. Accordingly on the basis of advice tendered by Board of Revenue, the Commissioner D.I.Khan Division issued final seniority list of Political Muharrirs by placing the names of the appellants from the date of their adjustment on FATA side.

Opportunity of personal hearing was afforded to each appellant one by one, but they could not prove the right of their seniority, as all of them were given seniority from their regular adjustment on FATA side. Perusal of available record reveals that no discrimination has been done with the appellant. The seniority list issued by Commissioner D.I.Khan is based on facts and ground realities which is maintained and the appeals (4 numbers) having no legal grounds is dismissed with no order as to cost.


Dr. Fakhre Alam
Senior Member, Board of Revenue

Announced
16.10.2019

Estt-V-2019

FPX NO. : 0919213989

FROM : SMR OFFICE

101

1 Jan. 2020 2:08PM P2

BEFORE THE HON'ABLE SERVICE TRIBUNAL , DIKHAN BENCH.

APPEAL No. 1151 of 2019,

(Ijaz Khan versus KPK)

Service Appeal.

Affidavit

I Abdul Abdul Haleem Superintendent DC office SWTD Authorized in the in appeal No.1151 of 2019 Ijaz Khan versus Govt: Khyber Pakhtunkha do hereby solemnly affirm and declare on oath that contents of comments are true & Correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.


DEPONENT.



وکالت نامہ

RUSTAM KHAN KUNDI

Advocate
bc-09-0903
Date of issue: June 2017
Valid upto: June 2020



Advt. Secretary
KP Bar Council

کورت فیس

بعدالت جناب سروس ٹری بیونل - بیخ ڈیو اسماعیل خان
 منجانب اعجاز خان
 اعجاز خان نام حکومت کے لیے کہ
 سروس ایپل 1151/2019
 دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات ہی برائے پیشی یا تصفیہ مقدمہ بمقام ڈیو اسماعیل خان کیلئے
 کو حسب ذیل شرائط پر مکمل مقرر کیا ہے، کہ میں ہر پیشی پر خود بخود برائے اختیار عام رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت یکا سے جائے مقدمہ مکمل صاحب
 موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز مکمل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز مکمل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ
 ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائدہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خط صاحب موصوف مثل کردہ
 ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا بزب دعویٰ یا درخواست اراضی کے ذریعہ نظر ثانی اپیل گمرانی و ہر قسم درخواست پر دخل و تصرف کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہرجم کاروبار وصول کرنے اور سروس دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر عاشرانی یا راضی نامہ فیصلہ پر
 حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و گمرانی و درآمد کی
 مقدمہ یا منسوخی ڈگری یا طرف یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء دے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ عائد بیرونی کا اختیار ہوگا
 اور تمام ساختہ پروا خط صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
 کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گمرانی یا دیگر ساختہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہرجم کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التواہ پڑیگا، وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کرے گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مواہقہ ماہ التواہ 2020

مضمون وکالت نامہ میں لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

ایم ایچ خان - اعجاز خان

Accepted
Rustam Khan Kundi

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1170/2019.

1. Amjad Naeem s/o Muhammad Yaqoob.

APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar etc.
2. The Senior Member Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
3. The Commissioner, Dera Ismail Khan.
4. The Deputy Commissioner, Dera Ismail Khan.
5. The Deputy Commissioner, South Waziristan.
6. The Assistant Commissioner, South Waziristan.

RESPONDENTS

Respected Sheweth:

Reply on behalf of the respondents No. ^{1 to 6} ~~2~~ to ~~8~~ are narrated below:-

PRILIMINARY OBJECTIONS.

1. The appellant has no cause of action are locus stanadi.
2. That the appellant is estopped due to his own conduct to file this appeal.
3. That the appellant does not come to the tribunal with clean hands and has suppressed all relevant facts.
4. That the appeal is bad for misjoinder/non-joinder of necessary parties.
5. That the honorable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
6. That the appeal has been mis-oriented, mis-constructed & mistakenly drawn instant present frame and context & is liable for rejection.
7. That the appeal is weak having no force, fabricated and factitious base on ill will modified and having no footing in the eyes of Law.
8. That the proceedings in the instant appeal would be futile exercise and wastage of precious time of this honorable Tribunal.

BRIEF FACTS:

1. This Para pertains to the record of the appellant and two other but it is admitted feature of all the three that they were the officials of **Settle District** and that's why they were declared **Surplus** in 2001. It is pertinent to mention here that as the answering respondent were not the employees of Settle District that's why the Govt: Policy of the Devolution of power 2001 was not apply to us and never being declared as surplus throughout. This difference was because the appellant and two other employees of the Deputy Commissioner Office relating to settle District Office whereas the answering respondents were the employees of erstwhile FATA Region.

2. **Incorrect.** He was assigned duty of Naib Tehsildar as OWN PAY & SCALE which does not create any right.

3. **Incorrect.** The Seniority list was prepared according to service rules on the basis of service record i.e. date of appointment in erstwhile FATA offices or adjustment from Settle district to FATA Offices.

4. **Incorrect.** He is a Junior Clerk and was not appointed as Naib Tehsildar neither he has been promoted as Naib Tehsildar but was only assigned the duties of Naib Tehsildar in his OWN PAY & SCALE, as explained in Para No.2 above.

5. **Incorrect.** The applicant with three other officials submitted departmental appeals before the Senior Member Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa Peshawar and they were given opportunity of personal hearing by the Senior Member Board of Revenue (SMBR) one by one, but they could not prove the right of their seniority, as all of them were given seniority from their regular adjustment on FATA side and their departmental appeal were dismissed by SMBR Peshawar vide order dated 16/10/2019. (Copy attached). Remarks of the Senior Member Board of Revenue (SMBR) Khyber Pakhtunkhwa Peshawar in their departmental appeal are re-produced as under:-

"Opportunity of personal hearing by the Senior Member Board of Revenue (SMBR) one by one, but they could not prove the right of their seniority, as all of them were given seniority from their regular adjustment on FATA side. Perusal of available record reveals that no discrimination has been done with the appellant. The Seniority list issued by Commissioner, DIKhan Division DIKhan is based on facts and round realities which is maintained and the appeals (numbers) having no legal grounds is dismissed with no order to cost."

GROUNDS:

- a) **Incorrect.** The impugned Seniority list is according to Law after observing all codal formalities.


b) **Incorrect.** The appellant has been dealt in accordance with Law / Rules.

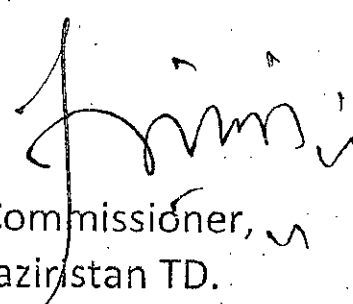
c) Incorrect. All the Junior Clerks/Political Muharrirs in erstwhile FATA offices will be given seniority/promotion to the post of Naib Tehsildar/Senior Clerk on their own turn.

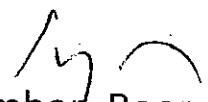
d) Incorrect. The Final Seniority List of Junior Clerk/Political Muharrir issued vide this office No.4192-96/Estt: dated 18/07/2019 is quite correct and according to Rules.

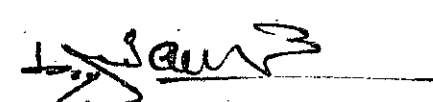
PRAYERS

Therefore it is requested that the instant appeal of the appellant may be dismissed having no legal status / grounds.


Deputy Commissioner, DIKhan.
(Respondent No.4)


Deputy Commissioner,
South Waziristan TD.
(Respondent No.5)


Senior Member, Board of Revenue,
Revenue & Estate Department, Pesh:
(Respondent No.2).


Commissioner,
DIKhan Division DIKhan.
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IN THE COURT OF SENIOR MEMBER, BOARD OF REVENUE.

1. Mr. Amjad Naeem Political Muharrir South Waziristan Tribal District
2. Mr. Ejaz Khan Political Muharrir South Waziristan Tribal District.
3. Mr. Rehmatullah Political Muharrir FR Tank.
4. Mr. Khalilullah Political Muharrir FR. D.I.Khan.

Appellants

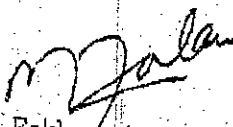
Versus

Commissioner D.I.Khan Division, D.I.Khan Respondent.

My this single order will dispose off the above mentioned identical nature appeals of the above named Political Muharrirs against the order / seniority list of Political Muharrirs issued on 22.07.2019 by Commissioner D.I.Khan Division.

Facts of the case are that Commissioner D.I.Khan issued seniority list of Political Muharrirs of D.I.Khan Division on 27.02.2019 wherein the names of the appellants were included. On receipt of objections from some Political Muharrirs to the effect that the appellants have been adjusted as Political Muharrirs after devolution on FATA side, therefore, their names may be placed in the seniority list from the date of their adjustment on FATA side. Accordingly on the basis of advice tendered by Board of Revenue, the Commissioner D.I.Khan Division issued final seniority list of Political Muharrirs by placing the names of the appellants from the date of their adjustment on FATA side.

Opportunity of personal hearing was afforded to each appellant one by one, but they could not prove the right of their seniority, as all of them were given seniority from their regular adjustment on FATA side. Perusal of available record reveals that no discrimination has been done with the appellant. The seniority list issued by Commissioner D.I.Khan is based on facts and ground realities which is maintained and the appeals (4 numbers) having no legal grounds is dismissed with no order as to cost.


Dr. Fakhre Alam
Senior Member, Board of Revenue

Announced

16.10.2019

Est.V-2019

FRX NO.: 0519213989

FROM: SMR OFFICE

PC-1

1 Jan. 2020 2:08PM

BEFORE THE HON'ABLE SERVICE TRIBUNAL , DIKHAN BENCH.

APPEAL No. 1170 of 2019,

(Amjad Naeem versus KPK)

Service Appeal.

Affidavit

I Abdul Abdul Haleem Superintendent DC office SWTD Authorized in the in appeal No.1170 of 2019 Amjad Naeem versus Govt: Khyber Pakhtunkhwa do hereby solemnly affirm and declare on oath that contents of comments are true & Correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

DEPONENT.