

3rd July, 2023

1. Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Ghulam Shabir, Assistant Secretary for official respondents and private respondent No.4 in person present.

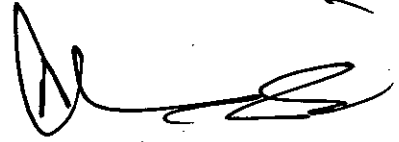
2. The case was called time and again but neither the appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open Court in Peshawar given under our hands and seal of the Tribunal on this 3rd day of July, 2023.*

SCANNED
K-3T
Peshawar



(Rashida Bano)
Member(J)



(Kalim Arshad Khan)
Chairman

Adnan Shah

23.11.2022 Due to rush of work. This case has been deleted. To come up for the same as before on 24.01.2023.

24.01.2023

Proper D.B is not available, therefore the case is

Cyud
Reader

adjourned to 02.05.2023 for the same as before.

On
Reader

02nd May, 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. Appellant stated that his counsel has been appointed as Additional Advocate General and posted in this Tribunal, therefore, time may be granted to him to engage another counsel. Adjourned. To come up for arguments on 03.07.2023 before the D.B. Parcha Peshi is given to the parties.

SCANNED
KPST
Peshawar



(Salah-ud-Din)
Member (J)

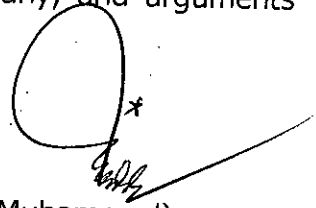


(Kalim Arshad Khan)
Chairman

22.08.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Zahid, Assistant and Mr. Imran Akbar, Assistant for official respondents No. 1 to 3 present. Private respondent No. 4 in person present.

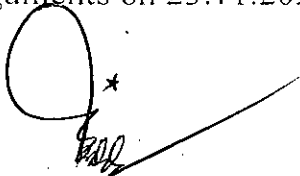
Reply/comments on behalf of official respondents No. 2 & 3 have already been submitted. Reply/comments on behalf of official respondent No. 1 and private respondent No. 4 submitted which are placed on file. Copy of the same is handed over to clerk of learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments before the D.B on 17.10.2022.



(Mian Muhammad)
Member (E)

17.10.2022

Ms. Rabia Muzaffar, Advocate, junior of learned counsel for the appellant present. Mr. Imran Akbar, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present. Private respondent No. 4 in person present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 23.11.2022 before the D.B.

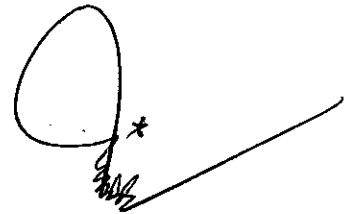

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

31.03.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. M. Arif, Assistant for respondent No.1, Mr. Muhammad Zahid, Assistant for respondents No. 2 and 3 and private respondents No. 4 in person present.

Written reply/comments on behalf of respondents No. 2 and 3 submitted which is placed on file. A copy of the same is also handed over the appellant. Representative of the respondents No. 1 and private respondent No. 4 seek time to submit written reply on the next date. adjourned. To come up for written reply/comments of respondents No. 1 and 4 on 03.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E) 7

03.06.2022

Appellant in person present. Mr. Kabir Ullah Khattak, Addl. AG alongwith Muhammad zahid, Assistant for respondents No. 2 & 3 Muhammad Arif Assistant for respondent No. 1 present. Mr. Noor Badshah Bangash, Advocate for respondents No. 4 & 5 present and submitted vakalatnama which is placed on file. Representative of respondents No. 1, 4 & 5 seeks time for submission of written reply. Last opportunity is granted. To come up for written reply/comments of respondents No. 1, 4 & 5 on 22.08.2022 before S.B.



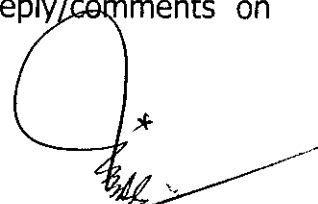
(FAREEHA PAUL)
Member (E)

29.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order of official respondent No.1 dated 07.09.2021 to have been passed on the departmental appeal of private respondent No.4 due to which seniority of the appellant is affected. The impugned order, therefore, has been challenged and assailed by invoking jurisdiction of Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and the instant service appeal was filed on 13.10.2021.


The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 31.01.2022 before S.B.


(Mian Muhammad)
Member(E)

31.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for official respondents No. 1 to 3 present. Private respondent No. 4 in person present.

Reply/comments on behalf of respondents official respondents No. 1 to 3 and private respondent No. 4 are still awaited. Learned Additional Advocate General and private respondent No. 4 sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 31.03.2022.




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

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7714 /2021


S.No.,	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/11/2021 SCANNED KPST Peshawar	<p>The appeal of Mr. Shams ul Zaman resubmitted today by Mr. Fazal Shah Mohmand 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</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>29/11/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Shams Ul Zaman, Patwari, Patwari Halqa, Tehsil and District Hangu received today i.e. on 13.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Annexures mentioned in the memo of the appeal is not attached with the appeal.
3. Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
4. Affidavit attested by Oath Commissioner is not attached with the appeal.
5. Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2065 /S.T,

Dt. 14/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

7 days work extend.
[Signature]
28/10/21

R/Sir,

*Resubmitted after necessary
completion.*

[Signature]
02/11/21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Shams ul Zaman vs COMMISSIONER & OTHERS

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: Fazal Shah Mohmand, (ASC)	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **FAZAL SHAH MOHMAND ASC**

Signature: 

Dated: _____

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 7714/2021

Shams Ul Zaman.....Appellant

V E R S U S

Commissioner & Others.....Respondents

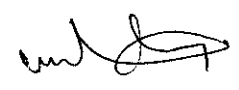
I N D E X

S. No	Description of documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-5
2.	Copy of Patwar Candidates Register & Patwar School Examination Result	A & B	6-7
3.	Copies of Appointment orders	C	8-9
4.	Copy of Tentative Seniority List & Final Seniority List of Patwaris, of District Hangu dated 24-06-2020 and dated 26-08-2020	D & E	10-12
5.	Copies of departmental appeals, comments, order dated 07-09-2021, application dated 15-09-2021 & letter dated 21-09-2021	F, G, H, I & J	13-20
6.	Copy of Para 3.6 of the Land Records Manual and Letter dated 14-11-2019	K & L	21-23
7.	Wakalatnama		24

Dated:-13-10-2021


Appellant

Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

-1-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 7714 /2021

Shams Ulzaman, Patwari, PatwarHalqa.....Tehsil and District Hangu.

↓ Kharsha
E

.....Appellant

V E R S U S

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7733

13-10-2021

1. Commissioner, Kohat Division, Kohat.
2. Deputy Commissioner, District Hangu.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. ObaidUllah Khan, Patwari, PatwarHalqa Tale District Hangu.

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 07-09-2021 OF
RESPONDENT NO 1 WHEREBY DEPARTMENTAL APPEAL
OF RESPONDENTS NO 4& 5 WAS ACCEPTED AND THE
FINAL SENIORITY LIST OF PATWARI,S (BPS-09) DATED 26-
08-2020 HAS BEEN SET ASIDE.**

PRAYER:-

On acceptance of this appeal the impugned order dated 07-09-2021 of respondent No 1, passed in departmental appeal No 14/2021, may kindly be set aside and the Final Seniority List of Patwari,s of District Hangu dated 26-08-2020 may kindly be ordered to be restored with consequential service benefits.

Filed to-day

Registrar

13/10/2021

Respectfully Submitted:-

1. That the appellant belongs to District Hangu, has qualified his Intermediate in Science whose date of birth is 08-08-1986 and his name was included in the Patwar Candidates Register on 13-08-2009 and who passed Patwar School Examination in the year 2009 securing 338 marks and respondents No 4 also passed Patwar School Examination along with the appellant in the same session securing 312 marks. (Copy of Patwar Candidates Register & Patwar School Examination Result is enclosed as Annexure A& B).
2. That the appellant along with respondents No 4 were appointed as Patwari,s on 01-09-2009 and since appointment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. It is pertinent to mention that since appointment the Seniority List of Patwari,s was never

notified. **(Copies of Appointment orders are enclosed as Annexure C).**

3. That on 24-06-2020, the very first Tentative Seniority List of Patwari,s of District Hangu was issued which was never objected and then Final seniority List of Patwrai,s of District Hangu was issued on 26-08-2020 which was circulated to all concerned. **(Copy of Tentative Seniority List & Final Seniority List of Patwari,s of District Hangu dated 24-06-2020 and dated 26-08-2020 is enclosed as Annexure D & E).**
4. That respondents No 4 impugned the Final seniority List dated 26-08-2020 before respondent No 1 vide departmental appeal bearing No 14 wherein the official respondents No 2 submitted comments and finally respondent No 1 accepted appeals of respondents No 4 by setting aside the final Seniority Lists of Patwrai,s of District Hangu dated 26-08-2020 vide order dated 07-09-2021, copy of which was provided to the appellant upon his application on 21-09-2021. **(Copies of departmental appeals, comments, order dated 07-09-2021, application dated 15-09-2021 & letter dated 21-09-2021 are enclosed as Annexure F, G, H, I & J).**
5. That the impugned order dated 07-09-2021 of respondent No 1, depriving the appellant of his due seniority is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND:-

- A. That the impugned order is illegal and void ab-initio hence needs the interference of this honorable Tribunal.
- B. That mandatory provisions of law have been violated by the respondents and the appellant is not treated according to law and rules governing the subject.
- C. That the appellant is having better merit position than the private respondent as having more marks than them hence requires to be placed senior to the private respondent, hence the impugned order is liable to be set aside.
- D. That the appellant and private respondent were appointed the same day without any test and interview in which eventuality, the only criteria determining the merit is the marks they have obtained hence

the appellant is senior to them and requires to be placed senior to him.

- E.** That the names of the qualified patwar candidates are required to be placed in the Patwar Candidates Register on merit i, e the marks obtained in the Patwar School Examination which is evident from Para 3.6 of the Land Records Manual and Letter dated 14-11-2019. **(Copy of Para 3.6 of the Land Records Manual and Letter dated 14-11-2019 is enclosed as Annexure K & L).**
- F.** That the Civil Servants Act as well as Rule 17 of the Appointment, Promotion and Transfer Rules 1989 is also very much clear on the point which envisages that seniority in case of appointment by initial recruitment will be maintained in the order of merit, hence too the impugned order is liable to be struck down.
- G.** That even otherwise the appellant is older than the private respondent and being appointed on the same date hence too, the appellant is required to be placed senior to respondent No 4.
- H.** That the impugned order/decision is also not speaking one, as per Section 24 A (2) General Clauses Act 1897, thus to the same is liable to set at naught.
- I.** That the appellant is subjected to loss in terms of seniority, promotion etc, and causing heavy financial loss to him for no legal reason.
- J.** That the impugned order is in total disregard of the law and rules on the subject which matter has time and again been elaborated by this honorable tribunal in many pronouncements.
- K.** That valuable rights had accrued in favor of the appellant from which he could not be deprived and more particularly at the whims of someone.
- L.** That the appellant has been deprived of his due seniority without any omission and commission on his part.
- M.** That the law as well as rules is very much clear on the point and respondent No 1 has violated the law and principles of natural justice for unknown reasons.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2021

Shams UlZaman.....Appellant

V E R S U S

Commissioner & Others.....Respondents

Application for restraining respondents from holding the meeting of Provincial Selection Board to the extent of promotion of Senior Instructors Physical Education (BPS-18) to the post of Chief Instructors Physical Education (BPS-19), till the final disposal of instant appeal.

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the applicant/appellant is the most senior while he is malafidely kept deprived of seniority and respondents are going to promote those who are juniors to the appellant for reasons other than fair and bonafide.
3. That the applicant has got a good prima facie case and is sanguine of its success.
4. That the balance of convenience lies in his favor and if the respondents are not restrained from make promotions, the applicant would suffer an irreparable loss.

It is therefore prayed that on acceptance of this application, respondents may kindly be restrained from holding the meeting of Provincial Selection Board to the extent of promotion of Senior Instructors Physical Education (BPS-18) to the post of Chief Instructors Physical Education (BPS-19), till the final disposal of instant appeal.

Dated:-05-08-2021

[Signature]
Appellant



Through

[Signature]
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Muhammad Arif, Senior Director Physical Education, Govt. Higher Secondary School, BamkhelSwabi, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

[Signature]
DEPONENT

"A"

6-

تاریخ انصراف اور معاشی سرکاری

1984 - 1 - 7

1990 - 7 - 28

1991 - 4 - 2

1992 - 1 - 1

1995 - 12 - 21

1995 - 12 - 21

1995 - 12 - 21

1997 - 3 - 8

1998 - 5 - 26

2002 - 6 - 3

2006 - 7 - 25

2006 - 7 - 27

2008 - 1 - 30

2009 - 8 - 13

2009 - 8 - 13

2009 - 8 - 13

2009 - 8 - 13

2009 - 8 - 13

نام سرکاری

عبد القادر

تجسوس

نور محمد خان

عبدالرحمن

عبدالرحمن

عبدالرحمن

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ATTESTED

نمبر شمار	نام پٹواری	تاریخ اندراج رجسٹر امیدواران
1	عبدالغفار	07/01/1984
2	تجمیل خان	28/07/1990
3	نور جمال خان	02/04/1991
4	صفدر خان	01/01/1992
5	عابد حسین تاریخ رپورٹ امتحان برابر ہے	21/12/1995
6	ظہیر الدین	21/12/1995
7	حیدر حبیب	21/12/1995
8	صلاح الدین	08/03/1997
9	امجد علی خان	26/05/1998
10	موہین علی 26/11/1996 امتحان	03/06/2002
11	منتظر علی	25/07/2006
12	عصر محمد	27/07/2006
13	سلطان ناصر	30/01/2008
14	عبداللہ خان	13/08/2008
15	انجم افغانی	13/08/2009
16	شمس الزمان	13/08/2009
17	عبداللہ شاہ	تاریخ تعیناتی کا اندراج موجود ہے
18	زاہد اللہ	//
19	عبدالحمید	2010

ATTESTED

STATEMENT SHOWING THE RESULT OF PATWAR SCHOOL EXAMINATION IN RESPECT OF THOSE CANDIDATES OF HANGU DISTRICTS WHO HAVE COMPLETED PATWAR TRAINING COURSE AT CHITRAL GRANTED EXEMPTION.

S.NO.	NAME OF CANDIDATE & DISTRICT	R.NO	PAP: I	PAP: II	PAP: III	PAP: IV	PAP: V	PAP: VI	PAP: VII	PAP: VIII	PAP: IX	REMARKS
1	Ubaid ullah Khan S/O Rafiullah Khan, Hangu	230	27	21	36	40	35	55	50	27	21	
2	Anjum Khan s/o Abdul Hanan, Hangu	391	27	28	39	40	40	50	50	28	20	312
3	Shams-uz-Zaman s/o Zar Moen, Hangu	390	33	27	49	43	40	50	50	25	21	322
												338

Atul

[Signature]

[Signature]

[Signature]
SUPERINTENDENT
LAND RECORDS, NWFP,
PESHAWAR

[Signature]
DIRECTOR,
LAND RECORDS, NWFP

7-
"B"

ATTESTED

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE HANGUOFFICE ORDER

No. _____ /DOF/DPC/Hangu. In pursuance of the decision of Departmental Selection Committee meeting held on 18/08/2009 under the chairmanship of the undersigned, the following candidates are hereby selected and appointed as Patwari (BPS-5) on regular basis against the vacant posts of Patwaris with immediate effect under the terms & condition of Provincial Government appointment/promotion rules.

1. Abdul Jamal Nasir
2. Obaidullah Khan
3. Anjum Khanan

District Officer (Revenue & Estate)
Hangu

No. 1100-05 /DOR/DPC/Hangu dt. 1-9-2009
Copy forwarded to:

1. The District Coordination Officer Hangu
2. The Secretary Board of Revenue NWFP Peshawar.
3. The Director Land Record NWFP Peshawar
4. The District Accounts Officer Hangu.
5. The District Kanongo, Hangu
6. Officials concerned.

hml
District Officer (Revenue & Estate)
Hangu

hml

~~Page 3~~

-9- (22)

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE HANGU

OFFICE ORDER

No. _____ /DOR/DPC/Hangu. In pursuance of the decision of Departmental Selection Committee meeting held on 28/08/2009 under the chairmanship of the undersigned, the following candidate is hereby selected and appointed as Patwari (BPS-5) on regular basis against the vacant post of Patwari with immediate effect under the terms & condition of Provincial Government appointment/promotion rules.

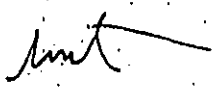
1. Shams-u-Zaman s/o Zarmeen

District Officer (Revenue & Estate)
Hangu

No. 1107-12 /DOR/DPC/Hangu DT 01-9-2009

Copy forwarded to:

1. The District Coordination Officer Hangu
2. The Secretary Boards of Revenue N.W.F.P Peshawar.
3. The Director Land Record N.W.F.P Peshawar.
4. The District Accounts Officer Hangu.
5. The District Kanongo, Hangu
6. Officials Concerned.


District Officer (Revenue & Estate)
Hangu

ATTESTED

"D" -10-

Page 4

TENTATIVE SENIORITY LIST OF PATWARIES AS STOOD ON 31/12/2019 OF DISTRICT HANGU

S.No	Name of Patwari	Date of birth	Qualification	Date of 1st entry into Govt. Service	Date of Appointment as Patwari
1	Mr. Abdul Ghaffar	27/03/1961	Matric	07/01/1984	07/01/1991
2	Mr. Samaulah	18/03/1970	Matric	01/01/1995	01/01/1995
3	Mr. Mohsin Iqbal	04/11/1970	Matric	01/01/1995	01/01/1995
4	Mr. Tajamal Khan	01/09/1971	FA	25/03/1997	25/03/1997
5	Mr. Noor Jamal Khan	13/03/1968	FA	17/02/1998	17/02/1998
6	Mr. Munawar Khan	20/12/1972	FA	19/10/1998	19/10/1998
7	Mr. Abid Hussain	02/02/1975	FA	07/08/2001	07/08/2001
8	Mr. Muhammad Zaheer-ud Din	24/01/1972	FA	01/07/2004	01/07/2004
9	Mr. Amjad Ali Khan	05/05/1978	MA	23/04/2005	23/04/2005
10	Mr. Momin Ali	15/02/1971	BSc.	07/07/2004	07/07/2004
11	Mr. Haider Habib	05/03/1976	FA	30/12/2002	30/12/2002
12	Mr. Mantazir Ali	12/03/1985	FA	06/07/2007	06/07/2007
13	Mr. Asim Muhammad	01/03/1980	FA	06/07/2007	06/07/2007
14	Mr. Salah ud Din Khan	01/04/1972	FA	30/05/2008	30/05/2008
15	Mr. Abdul Jamal Nasir	21/01/1989	BA	01/09/2009	01/09/2009
16	Mr. Obaidullah Khan	06/01/1987	BA	01/09/2009	01/09/2009
17	Mr. Anjum Khanan	02/04/1985	FSc	01/09/2009	01/09/2009
18	Mr. Shams u Zaman	08/08/1986	FSc	01/09/2009	01/09/2009
19	Mr. Abdullah Shah	12/03/1984	BA	19/10/2009	19/10/2009
20	Mr. Zahidullah Khan	07/01/1984	FA	24/10/2010	24/10/2010
21	Mr. Abdul Wahab	27/05/1992	FSc	30/12/2010	30/12/2010
22	Mr. Hazrat Ali Jan	14/04/1982	FA	04/11/2010	04/11/2010
23	Mr. Noorullah Khan	11/11/1992	FA	15/10/2010	15/10/2010
24	Mr. Mazhar Iqbal	10/04/1985	FSc	30/12/2011	30/12/2011

Add: Assistant Commissioner-Revenue

Hangu

Endst No: 324/AAC(R/H)

Date: 24/6/2020

Copy forwarded for information to:-

1. The Deputy Commissioner, Hangu for information please.
2. District Kanungo Hangu with the direction to circulate it amongst the Patwaries for submitting objection if any within 30 days.

Add: Assistant Commissioner-Revenue

Hangu

ATTESTED

BETTER COPY OF THE PAGE NO. 10

**TENTATIVE SENIORITY LIST OF PATWARIES AS STOOD ON 31/12/2019
OF DISTRICT HANGU**

S. No.	Name of Patwari	Date of birth	Qualification	Date of 1 st entry into Govt. Service	Date of appointment as Patwari
1	Mr. AbduylGhaffar	27/03/1961	Matric	07/01/1984	07/01/1984
2	Mr. Sanaullah	18/03/1970	Matric	01/01/1995	01/01/1995
3	Mr. MohsinIqbal	04/11/1970	Matric	01/01/1995	01/01/1995
4	Mr. Tajamal Khan	01/09/1971	FA	25/03/1997	25/03/1997
5	Mr. Noor Jamal Khan	13/03/1968	FA	17/02/1998	17/02/1998
6	Mr. Munawar Khan	20/12/1972	FA	19/10/1998	19/10/1998
7	Mr. AbidHussain	02/02/1975	FA	07/08/2001	07/08/2001
8	Mr. Muhammad ZaheerUd Din	24/01/1972	FA	01/07/2004	01/07/2004
9	Mr. Amjad Ali Khan	05/05/1978	MA	23/04/2005	23/04/2005
10	Mr. Momin Ali	15/02/1971	BSc	07/07/2004	07/07/2004
11	Mr. HaiderHabib	05/03/1976	FA	30/12/2002	30/12/2002
12	Mr. Muntazir Ali	12/03/1985	FA	06/07/2007	06/07/2007
13	Mr. Asur Muhammad	01/03/1980	FA	06/07/2007	06/07/2007
14	Mr. Salah Ud Din Khan	01/04/1972	FA	30/05/2008	30/05/2008
15	Mr. Abdul Jamal nasir	21/01/1989	BA	01/09/2009	01/09/2009
16	Mr. Obaidullah Khan	06/01/1987	BA	01/09/2009	01/09/2009
17	Mr. AnjumKhanan	02/04/1985	FSc	01/09/2009	01/09/2009
18	Mr. Shams U Zaman	08/08/1986	FSc	01/09/2009	01/09/2009
19	Mr. Abdullah Shah	12/03/1984	BA	19/10/2009	19/10/2009
20	Mr. Zahidullah Khan	07/01/1984	FA	24/10/2010	24/10/2010
21	Mr. Abdul Wahab	27/05/1992	FSc	30/12/2010	30/12/2010
22	Mr. Hazrat Ali Jan	14/04/1982	FA	04/11/2010	04/11/2010
23	Mr. Noorullah Khan	11/11/1992	FA	15/10/2010	15/10/2010
24	Mr. MazharIqbal	10/04/1985	FSc	30/12/2011	30/12/2011

Add: Assistant Commissioner Revenue
Hangu

Endst No: 324/AAC(R)/H

Dated 24/06/2020

Copy forwarded for information to:

1. The Deputy Commissioner, Hangu for information please.
2. District KanungoHangu with the direction to circulate it amongst the Patwaries for submitting objection if any within 30 days.

Add: Assistant Commissioner Revenue
Hangu

ATT/ESTER

FINAL SENIORITY LIST OF PATWARIS (BPS-09) OFFICE OF THE DEPUTY COMMISSIONER HANGUAS
STOOND ON 31.12.2019/26-08-2020.

S#	Name of Official	Qualification	D.O.B	Date of Appointment	Kanungo Exams Passed/ Remarks
1	Abdul Ghaffar	Matric	27.03.1961	07.01.1984	Kanungo Exam Fail
2	Sana Ullah	Matric	18.03.1970	01.01.1995	Passed
3	Mohsin Iqbal	Matric	04.11.1970	01.01.1995	Passed
4	Tajammul Khan	FA	01.09.1971	25.03.1997	Passed
5	Noor Jamal Khan	FA	13.03.1968	17.02.1998	Passed
6	Munawar Khan	FA	20.12.1972	19.10.1998	Passed
7	Abid Hussain	FA	02.02.1975	07.08.2001	Passed
8	Muhammad Zaheer Ud Din	FA	24.01.1972	01.07.2004	Passed
9	Haider Habib	FA	05.03.1976	30.12.2002	Passed
10	Momin Ali	BSc	15.02.1971	07.07.2004	Passed
11	Amjid Ali Khan	MA	05.05.1978	23.04.2005	Passed
12	Asar Muhammad	FA	01.03.1980	06.07.2007	Passed
13	Muntazir Ali	FA	12.03.1985	06.07.2007	Passed
14	Salah Ud Din	FA	01.04.1972	30.05.2008	Passed
15	Anjum Khanan	FSc	02.04.1985	01.09.2009	Passed
16	Shams U Zaman	FSc	08.08.1986	01.09.2009	Passed
17	Obaid Ullah Khan	BA	06.01.1987	01.09.2009	Passed
18	Abdul Jamal Nasir	BA	21.01.1989	01.09.2009	Passed
19	Abdullah Shah	BA	12.03.1984	19.10.2009	Passed
20	Noor Ullah Khan	FA	11.11.1992	15.10.2010	Fail

DELETED

"E"

-11-

BETTER COPY OF THE PAGE NO. 10

**FINAL SENIORITY LIST OF PATWARIES (BPS-09) OFFICE OF THE DEPUTY COMMISSIONER HANGU AS STOOD ON
31.12.2019/ 26/08/2020**

S#	Name of Official	Qualification	D.O.B	Date of Appointment	Kanongo Exams passed /Remarks
1	Abduyl Ghaffar	Matric	27/03/1961	07/01/1984	Kanungo Exam Fail
2	Sanaullah	Matric	18/03/1970	01/01/1995	Passed
3	Mohsin Iqbal	Matric	04/11/1970	01/01/1995	Passed
4	Tajamal Khan	FA	01/09/1971	25/03/1997	Passed
5	Noor Jamal Khan	FA	13/03/1968	17/02/1998	Passed
6	Munawar Khan	FA	20/12/1972	19/10/1998	Passed
7	Abid Hussain	FA	02/02/1975	07/08/2001	Passed
8	Muhammad Zaheer Ud Din	FA	24/01/1972	01/07/2004	Passed
9	Haider Habib	FA	05/03/1976	30/12/2002	Passed
10	Momin Ali	BSc	15/02/1971	07/07/2004	Passed
11	Amjad Ali Khan	MA	05/05/1978	23/04/2005	Passed
12	Asar Muhammad	FA	01/03/1980	06/07/2007	Passed
13	Muntazir Ali	FA	12/03/1985	06/07/2007	Passed
14	Salah Ud Din	FA	01/04/1972	30/05/2008	Passed
15	Anjum Khanan	FSc	02/04/1985	01/09/2009	Passed
16	Shams U Zaman	FSc	08/08/1986	01/09/2009	Passed
17	Obaid Ullah Khan	BA	06/01/1987	01/09/2009	Passed
18	Abdul Jamal Nasir	BA	21/01/1989	01/09/2009	Passed
19	Abdullah Shah	FA	12/03/1984	19/10/2009	Passed
20	Noor Ullah Khan	FA	11/11/1992	15/10/2010	Fail

ATTESTED

21	Zahid Ullah	FA	07.01.1984	24.10.2010	Passed
22	Abdul Wahab	FSc	27.05.1992	30.12.2010	Passed
23	Mazhar Iqbal	FSS	10.04.1985	30.12.2011	Fail
24	Kaleem Asghar	BA	03.11.1996	28.07.2020	First on merit basis
25	Naveed Alam	FA	12.04.1996	28.07.2020	2 nd on merit
26	Umar Farooq	FSc	04.04.1993	28.07.2020	3 rd on merit
27	Asad Ullah	FA	03.02.1991	28.07.2020	4 th on merit

No. 2733 /Estab/DC (H) Dated Hangu the 26/8 /2020

Copy forwarded for information and record to:

1. The Secretary Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa.
2. The Commissioner, Kohat Division, Kohat.
3. The Additional Deputy Commissioner, Hangu.
4. The Assistant Commissioner Hangu.
5. The Additional Assistant Commissioner (Revenue), Hangu.
6. The Assistant (Revenue) O/O DC Hangu.
7. The District Kanungo, Hangu.
8. The Officials concerned for information.

Deputy Commissioner
Hangu

BETTER COPY OF THE PAGE NO. 12

21	Zahid Ullah	FA	07/01/1984	24/10/2010	Passed
22	Abdul Wahab	FSc	27/05/1992	30/12/2010	Passed
23	Mazhar Iqbal	FSc	10/04/1985	30/12/2011	Fail
24	Kaleem Asghar	BA	03/11/1996	28/07/2020	First on merit basis
25	Naveed Alam	FA	12/04/1996	28/07/2020	2 nd on merit
26	Umar Farooq	FSc	04/04/1993	28/07/2020	3 rd on merit
27	Asad Ullah	FA	03/02/1991	28/07/2020	4 th on merit

No. 2733/Estab/DC(II) Dated Hangu the 26/08/2020

Copy forwarded for information and record to:

1. The Security Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa.
2. The Commissioner, Kohat Division, Kohat.
3. The Additional Deputy Commissioner, Hangu
4. The Assistant Commissioner, Hangu
5. The Additional Assistant Commissioner (Revenue), Hangu.
6. The Assistant (Revenue) O/O, DC Hangu.
7. The District Kanungo, Hangu.
8. The Officials concerned for information.

Deputy Commissioner
Hangu

ATTESTED

"F" -13-

BEFORE THE LEARNED COMMISSIONER KOHAT
DIVISION KOHAT

Obaid Ullah Khan Patwari Hangu Tehsil District Hangu
..... Appellant

VERSUS

1. Anjum Khanan Patwari Hangu Tehsil District Hangu
2. Shams ul Zaman Patwari Hangu Tehsil District Hangu
3. Deputy Commissioner Hangu
4. Assistant Commissioner Hangu
5. Additional Assistant Commissioner Revenue District Hangu

..... Respondents

Reader
30/11/2020

DEPARTMENTAL APPEAL AGAINST
THE IMPUGNED ORDER VIDE ORDER
NO. 3395/ESTB./DC(H) DATED 19-10-
2020, WHEREBY THE RESPONDENT
NO. 3 HAS PLACED RESPONDENTS
NO. 1&2 IN FINAL SENIORITY LIST
AT SERIAL NO. 15 AND 16 WHILE
APPELLANT IS PLACED AT SERIAL
NO. 17 IN SENIORITY LIST
CONTRARY TO SERVICE RULES

ATTACHED

DESPITE THAT THE APPELLANT IS SENIOR TO RESPONDENTS NO. 1 & 2.

PRAYER:

On acceptance of this appeal, the impugned order referred to above i.e. order dated 19-10-2020 may please be set aside while the tentative seniority list as stood on 31-12-2019 passed by respondent No. 5 is correct and be maintained, while final seniority list vide endorsement No. 2733 dated 26-08-2020 issued by respondent No. 3 including order dated 19-10-2020 may please be set aside being illegal, contrary to the prescribed service rules, criteria of seniority and against the facts and circumstances of the case. Therefore, the appellant may please be placed at Serial No. 15 being senior Partwari in Hangu District according to his service record. Any relief deemed appropriate may please be extended in favour of appellant to secure ends of justice.

Sheweth:

FACTS / GROUNDS:

1. Facts giving rise to the present appellant are that the appellant joined service as Patwari and his appointment order issued vide endst. No. 1100-05 dated 01-09-2009 by the then District Officer Revenue & Estate Hangu (copy enclosed)
2. That vide order No. 2082-85 DK (H) dated 26-12-2012, the appellant was confirmed / regularized as Patwari. (Copy enclosed)

ATTESTED

3. That the appellant has been performing his duty as Patwari efficiently and to the entire satisfaction of his superiors.
4. That the respondents No. 5 issued tentative seniority list which is correct while final seniority list vide No. 2733/Estab Dated 26-08-2020 the appellant is placed at Serial No. 17 while respondents No. 1 & 2 placed at Serial No. 15 & 16, while in final seniority list the appellant is placed at serial No. 17 and respondent No. 1 & 2 placed at serial No. 15 & 16 which is illegal, against the prescribed service rules and the relevant record of the appellant, therefore, the impugned orders passed by the respondent above are liable to be set aside as not sustainable in the eyes of law.
5. That vide service record, the appellant was appointed on 01-09-2009 in DPC meeting held on 18-09-2009 and afterwards his services were regularized / confirmed which is evident from the record.
6. That the respondents mentioned above while preparing final seniority list have committed illegality / irregularity and did not bother to concentrate upon the tentative seniority list maintained on 31-02-2019 and order issued dated 24-06-2020. In this scenario, it is clearly established that the appellant is senior to respondent No. 1 & 2 therefore, calling for interference of this hon'ble court.
7. That the service record maintained in the office of Assistant Office Kanoogo and District Kanoongo are worth perusal. The detail of appellant and respondents No. 1 & 2 along with others are

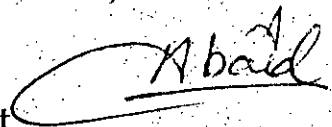
ATTESTED

mentioned in service record, but the respondent No.3 has contrary to service record passed illegal order and flagrantly violated the service rules and relevant criteria of seniority, which is un-tenable. It is added that the respondent No.5 has not incorporated any cogent reason in the order passed by him.

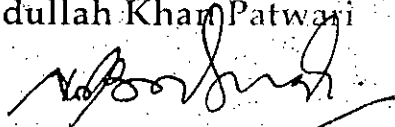
8. That the appeal is within time. Further points will be raised during the course of arguments.

Keeping in view of above, it is humbly prayed that the appeal may please be accepted, set aside the impugned order referred to above passed by respondent No.3 and necessary directions may please be issued to the concerned respondent to prepare revised seniority list, so that the appellant may not suffer and given his due seniority in service to secure ends of justice.

Dated 19-11-2020

Appellant 
Obaidullah Khan Patwari

Through:


Noor Badshah Bangash
Advocate Kohat


ATTESTED

"G" -17-

BEFORE THE LEARNED COMMISSIONER KOHAT DIVISION,
KOHAT

Appeal

Obaid Ullah Khan (Patwari) Tehsil and District Hangu
.....Appellant

VERSUS

Deputy Commissioner, Hangu (Respondent No.03)
..... Respondents

PARA WISE COMMENTS ON BEHALF OF DEPUTY COMMISSIONER HANGU AS RESPONDENT NO.03

PRELIMINARY OBJECTIONS:

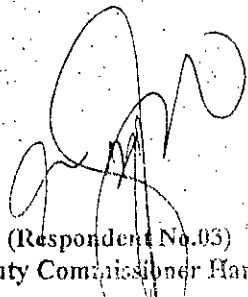
- (i) That the Appellant has miss interpreted, miss-represented and concealed the whole truth and has not come to court with clean hands.
- (ii) That the Appeal is not maintainable in its present form.
- (iii) That the Appeal is liable to be dismissed.

FACTS / GROUNDS:

1. Correct.
2. The Appellant, Respondents No.01 & 02 from the first date of entry in government service, were appointed on regular basis against the vacant posts of Patwaris vide office order No. 1100-05/DOR/DPC/Hangu dated 01.09.2009 and order of even dated No. 1107-12/DOR/DPC/Hangu (Annex-A & B). Hence issuance another confirmation order has no legal base.
3. No Comments
4. Correct. The tentative seniority was issued by the office of Additional Assistant Commissioner (Revenue), Hangu vide memo No.324/AACR(H) dated 24.06.2020 (Annex-C) wherein, ambiguities / flaws in the tentative seniority were removed and final seniority issued by the Competent Authority is in accordance with the prescribed rules / policy. It is worth to mention that the date of appointment of the Appellant, Respondent No.01 & 02 is same and no written test for appointment of these Patwaris was conducted. Hence according to the rules, if the date of regular appointment of two or more Civil Servants in the lower post is same, the Civil Servant older in age shall be treated senior (Annex-D). Accordingly the Appellant has been placed at right place in the seniority (Annex-E).
5. Correct to the extent that the Appellant Respondents No.01 & 02 were appointed on 01.09.2009, but it is also a fact that the Appellant Respondents No.01 & 02 from the very initial, were appointed on regular basis vide para-02 above (Annex-F & G)
6. Incorrect. The final seniority has been issued by the Competent Authority and it is in accordance with the prescribed rules and the Appellant has been placed at right place in seniority duly enshrined by the rules (Annex-H).
7. Incorrect. Service record of the Appellant and Respondent No.01 & 02 maintained in the office has been thoroughly considered / perused and the final seniority issued by the Competent Authority is in accordance with the rules / policy prescribed.
8. No Comments.

In view of the above facts the instant Appeal may be rejected on merit.

ATTACHED


(Respondent No.03)
Deputy Commissioner Hangu

"H"

*
-18-

IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

Appeal No 14/2021 dated 30-11-2020

Obaidullah Khan Patwari.....Appellant

Versus

1. Anjum Khuman
2. Shamsul Zaman
3. Deputy Commissioner, Hangu etc.....Respondents

APPEAL AGAINST THE SENIORITY LIST ISSUED VIDE ENDST
NO2733/ESTB/DC (H) DATE 26-08-2020

The instant appeal was filed by the appellant namely Obaidullah Khan patwari, District Hangu against the impugned seniority list issued on 26-08-2020 by Deputy Commissioner Hangu

Brief of the case is that the appellant and the respondents No 01 and 02 passed patwar exam in 2009 and their names were entered in Patwar Candidates Register on 13-08-2009. Later on, the appellant and the respondents No 01 and 02 were appointed as patwaris with order of merit as given below vide order dated 01-09-2009.

1. Obaidullah Khan (app)
2. Anum Khan (respdt)
3. Shams ul Zaman (respdt)

Based on the order of merit, a joint seniority list of the all the patwaris of District Hangu, was issued tentatively by AAC(R), Hangu vide Endst No 324/AAC(R) dated: 24-06-2020. Later on the tentative seniority list was revised and final seniority list was issued by Deputy Commissioner, Hangu vide ENDST NO2733/ESTB/DC (H) DATE 26-08-2020 wherein the seniority position of the appellant was reverted and was shown junior to the private respondents. Aggrieved with the final seniority list, the appellant filed the instant appeal. Accordingly, summon was issued to Deputy Commissioner Hangu for deputing a representative along with para wise comments and original record.

Appellant along with counsel present. Respondents No.01 and 02, and Rep of Deputy Commissioner, Hangu also present. Para wise comments along with original record perused. The counsel for appellant quoted section 17(i) of Khyber Pakhtunkhwa Appointment, Promotion, Transfer Rules 1989 and contented that in case of initial recruitment, the seniority of civil servants is to be determined in accordance with the order of merit assigned by the Departmental Selection Committee. The rep of Deputy Commissioner Hangu, in rebuttal, contented that the seniority of civil servants appointed on same date is to be determined on the basis of age i.e. whoever is older is to be considered senior vide section 04 of Khyber Pakhtunkhwa Appointment, Promotion, Transfer Rules 1989. But the counsel for appellant contended that this section does not fit the instant case as it pertains to promotion

This court heard both the learned counsels and came to the conclusion that the appellant is definitely senior to the private respondents on the basis of merit assigned by the Departmental Selection Committee, which is in accordance with the prescribed rules quoted above. Hence the appeal is accepted and the impugned seniority list dated 26-08-2020 is set aside.

Announced
07-09-2021


COMMISSIONER
KOHAT DIVISION KOHAT

ATTESTED

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الحکومت ضلع - ڈیپٹی کمشنر صاحب
سیالکوٹ

-19-

دینو احمد صاحب کو علاقائی طور پر رجسٹر
سیالکوٹی ڈیپارٹمنٹ ضلع سیالکوٹ

صف - ۱

ڈیپارٹمنٹ سے کہ میں صاحب کو عنوان مندرجہ بالا
تعمیرات ریجسٹر سیالکوٹی ڈیپارٹمنٹ درجہ اول
سیالکوٹی ڈیپارٹمنٹ فراہم کیا جائے

(الحکومت)

سیالکوٹی ڈیپارٹمنٹ

15/9/2021

D.C.	16/9/21
8816: 48874 7405 15/9/2021	

محمد رفیق

سیالکوٹی ڈیپارٹمنٹ ضلع فرشتہ

ATTESTED



58
-20-
Deputy Commissioner Hangu
Tel: 0925-621175-623968 Fax: 0925-620050,
Email: dc.hangu@gmail.com
No: 1030 /Estab/ DC(H)
Dated: Hangu the 21/09/2021

To

Mr. Shams Uj Zaman,
Patwari, Halqa Khrasha,
District Hangu.

SUBJECT: APPLICATION.

Memo:

Reference to your application dated: 15.09.2021 on the subject noted above and to enclose herewith a copy of Order announced dated: 07.09.2021 in the Court of Commissioner, Kohat Division in Appeal No. 15/2021 dated: 30.11.2020 titled as Abdul Jamal Nasir, Patwari (Appellant) Versus Obaidullah Khan Patwari, Anjum Khanan, Shamsul Zaman & Deputy Commissioner, Hangu (Respondants), as desired.


Deputy Commissioner
Hangu

ATTESTED

16-217-1920
7/11/2018

11K11 -21-

کتابخانه
پنجاب
لاہور

پنجاب
کتاب خانہ
لاہور

for

حصہ 2

پیوار پاس کرنے والے اشخاص کی فہرست

3.6 - پیوار پاس کرنے والے اشخاص کی فہرست

- (1) ہر سب ڈویژن کے لیے پیوار پاس کرنے والے اشخاص کی فہرست ڈویژنل کلکٹر ٹریوٹنک اسٹیٹ نام P-1 جو ضلع G میں دی گئی ہے، اس نظریے کے تحت پیوار پاس رکھے گا تاکہ سب ڈویژن میں عالی امینوں کو پوزیشن کے لیے اہلیت رکھنے والے افراد کے ہتھیار کے بارے میں فوری اطلاع مہیا ہو سکے۔ تمام پیوار پاس کی تقرری سختی سے سرزین رولز اور ریکورڈ منٹ یا ایسی کے تحت متعلقہ وقت پر ہوگی۔
- (2) پیوار پاس کے لیے کم از کم تعلیمی قابلیت میٹرک ریکورڈنگ سکول سرٹیفکیٹ سے صرف ان افراد کے نام ہی درج کیے جائیں گے جو متعلقہ سب ڈویژن کے ٹیک ٹینی سے رہائشی ہوں گے۔
- (3) اہلیت رکھنے والے افراد کے نام فہرست میں شامل کر دیے جائیں گے۔ جو وہی اور جس وقت پیوار پاس کے امتحان کا نتیجہ وصول ہوگا اور کسی اہل شخص کے نام کو درج کرنے سے انکار نہیں کیا جائے گا۔
- (4) مذکورہ بالا فہرست کی تصدیق اور متعلقہ کلکٹر سال میں ایک بار دفعہ کرنے کا تاکہ ان افراد کے نام نکال سکے جو موت، تبدیلی جگہ یا کسی اور وجہ پر الازمت کر لینے کی وجہ سے ہتیا نہیں ہیں۔
- (5) پیوار پاس افراد کی جامعہ فہرست، جن کا تعلق پاکستان کے علاقے سے ہو، متعلقہ قانونی افسر کے ساتھ تاکہ وہ تنظیم کی ضروریات کو پورا کر سکے۔

3.7 - درخواست دہندہ کی قابلیت

بروئے سلب درستی 3/39 لینڈ ریکارڈ میٹریل مورخہ 18 اکتوبر 1989ء خارج سر

ATTESTED

محمد الیاس



-23- 'L'

GOVERNMENT OF KHYBER PAKHTUNKHWA
(BOARD OF REVENUE)
REVENUE AND ESTATE DEPARTMENT.

No. LR-I/102/Enlistment/ 16217-16281
Peshawar dated the 14/11/2019.

To,

✓ All the Deputy Commissioners,
District Collectors in Khyber Pakhtunkhwa. *Liso*

Subject: ENLISTMENT OF QUALIFIED PATWAR CANDIDATES.

It has been reported that in some districts, the requisite enlistment has not been done.

A meeting on the subject issue was also held on 13.11.2019 with District Kanungo, Nowshera. In order to redress the grievances of the applicants, it is requested that being competent authority, the names of all Patwar Passed/Qualified Candidates of your respective Districts may be enlisted in the Patwar Candidates Register on merit (marks obtained in Patwar School Examination) as envisaged under Para 3.6 of the Land Records Manual under intimation to this office. The qualified candidates of your respective districts may also be informed, if deemed appropriate, for submission of their testimonials please.

MJR
Director Land Records,
Board of Revenue.

Endst. No. & date even.

Copy forwarded to the:-

- 1) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 2) All District Kanungos in Khyber Pakhtunkhwa for necessary action please.

MJR
Director Land Records,
Board of Revenue.

D.C.	<i>AM</i>
A.D.C.	<i>ADK</i>
Br.	<i>Estad Br</i>
Copy No.	<i>9030</i>
<i>20-11-2019</i>	

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GOVERNMENT OF KHYBER PAKHTUNKHWA
(BOARD OF REVENUE)

REVENUE AND ESTATE DEPARTMENT

No. LR-I/102/Enlistment/16217-16281

Peshawar dated the 14/11/2019

To,

All the Deputy Commissioner,
District Collectors in Khyber Pakhtunkhwa.

Subject: **ENLISTMENT OF QUALIFIED PATWAR CANDIDATES**

It has been reported that in some districts, the requisite enlistment has not been done.

A meeting on the subject issue was also held on 13/11/2019 with District Kanungo, Nowshera. In order to redress the grievances of the applicants, it is requested that being competent authority, the names of all Patwar Passed/Qualified Candidates of your respective Districts may be enlisted in the Patwar Candidates Register on merit (marks obtained in Patwar School Examination) as envisaged under Para 3.6 of the Land Records Manual under intimation to this office. The qualified candidates of your respective districts may also be informed, if deemed appropriate, for submission of their testimonials please.

Director Land Records,
Board of Revenue

Endst: No. & date even.

Copy forwarded to the:-

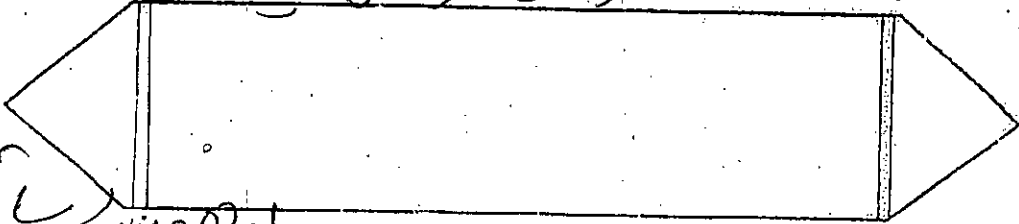
- 1) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 2) All District Kanungos in Khyber Pakhtunkhwa for necessary action please.

Director Land Records,
Board of Revenue

ATTESTED

24

بعدالت سروس ٹریننگ فور



اج 2022ء پنجاب (س 10)

سمن الرضال بنام کمشنر سروس

- مورخہ
- مقدمہ
- دعویٰ
- یوم

باعث تحریر آنگہ

مقدمہ بند رج عوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی اوکل کاروائی متعلقہ آجین مقام سروس کے لیے صاحب سید + ASC رالہ منظر الیوٹس

مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کر کے تقرر ثالثتہ فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور باہر ورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساتھ پر اذنیہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہاں التوائے مقدمہ کے سبب سے رہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
Sonia

المرقوم 13 ماہ الیول 2022

العہد واہ العہد

سروس کے لئے منظور ہے۔

Attested & Accepted
Sonia

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Appeal No. 7714/2021

Shams Ul Zaman.....Appellant

VERSUS

Commissioner and others.....Respondents

INDEX

S#	Description of Documents	Annexure	Pages
1	Parawise Comments	-	1, 2
2	Affidavit	-	3
3	Copy of Patwar Candidates Register and Patwar School Examination result	A, B, C	4, 5 & 6
4	Copies of appointment orders and seniority lists issued on 2010, 2014 and 2015	D, E, F, G, H, I, J	7 to 13
5	Tentative Seniority dated 24.06.2020 (as stood on 31.12.2019) Final Seniority dated 26.08.2020 (as stood on 31.12.2019)	K, L, M	14 to 17
6	Impugned Order	N	18
7	Letter of BOR, Minutes of DSC meetings held on 28.08.2009 and dated 18.08.2009	O, P, Q, R, S	19 to 23
8	Copy of Para 3.6 of the Land Records Manual and letter of DLR dated 14.11.2019	T, U, V	24 to 26

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 7714/2021

Shams Ul Zaman.....Appellant

VERSUS

Commissioner and others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF DEPUTY COMMISSIONER HANGU (RESPONDENT NO.02) AND SENIOR MEMBER BOARD OF REVENUE (RESPONDENT NO. 03)

Respectfully Shewith:

Joint para wise comments on behalf of Deputy Commissioner Hangu (respondent No. 02) and Senior Member Board of Revenue (respondent No. 03) are as under:-

PRELIMINARY OBJECTIONS:

- i. That the appellant has got no locus standi.
- ii. That the appellant has no cause of action.
- iii. That the appeal is not maintainable in its present form.
- iv. That the appellant has not come to the court with clean hands.
- v. That the appeal is time barred and liable to be dismissed.

FACTS:

1. Correct. That the names of the Appellant and the Respondent No. 04 were included in Patwar candidate register on 13.08.2009 having secured 338 marks and 312 marks respectively in the Patwar School Examination in the year 2009 (Annex-A, B, C).
2. Correct to the extent that the Appellant and Respondent No. 04 were appointed on regular basis on 01.09.2009 but the seniorities issued, somehow, are not available in the office record. While the seniority for the year of 2010, 2014 and 2015 does not mention the appellant on record (Annex-D, E, F, G, H, I, J).
3. Correct to the extent that the tentative seniority dated 24.06.2020 (as on 31.12.2019) issued by the office of Additional Assistant Commissioner (Revenue), Hangu vide memo No.324/AACR(H) dated 24.06.2020 was neither objected by the appellant nor by the respondent No. 04 but, the Competent Authority (i.e Deputy Commissioner Hangu) maintaining the said seniority in order of date of appointment of the Patwaris issued final seniority on 26.08.2020 (as on 31.12.2019) vide No. 2733/Estab/DC (H) dated 26.08.2020 and the seniority issued by the AAC (Revenue) Hangu was superseded vide No. 3395/Seniority/Estab/DC (H) dated 19.10.2020 (Annex K, L, M).
4. Correct.
5. Incorrect.

(Handwritten mark)

order has been passed by the Respondents is according to law /

Grounds
A. The IV.

to the extent that the appellant has secured more marks than the respondent No. 04 in the Patwar examination held in 2009 but the appellant name is entered 02 steps below the respondent No. 4 in the Patwar Candidates Register maintained in the office of Defunct District Officer Revenue & Estate / Collector Hangu vide Para-1 above.

To the extent that no written test (a condition precedent to appointment of District Officer) vide Board of Revenue Khyber Pakhtunkhwa letter No.5470.87/ADMN:/21.02.2002) was conducted for appointment of the appellant and respondent No. 04 but as per minutes of the Departmental Selection Committee meetings, the appellant and respondent No. 04 were appointed on the basis of seniority position as per Patwar Candidates Register maintained in the office of Defunct District Officer (R&E) / Collector Hangu. The DSC meetings for recruitment of the appellant and respondent No. 04 were held on 28.08.2009 and on 18.08.2009 respectively however, recruitment orders of the appellant and respondent No. 04 were issued on the same date i.e. 01.09.2009 vide No. 1107-12/DOR/DPC/Hangu and No. 1100-05/DOR/DPC/Hangu respectively (Annex-O, P, Q, R, S)

E. Correct (Annex T, U, V).

F. Correct that Rule 17 of the Appointment, Promotion and Transfer Rules 1989 envisages that seniority in case of appointment by initial recruitment will be maintained in the order of merit but no written tests for appointment of the appellant and respondent No. 04 were conducted, hence the appellant was placed senior to the respondent No. 04 on the basis of being older in age as appointment orders were issued on the same date i.e. 01.09.2009.

G. Pertains to record.

H. Pertains to record.

I. Pertains to record.

J. Pertains to record.

K. Pertains to record.

L. Pertains to record.

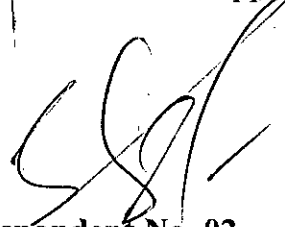
M. Pertains to record.

N. Pertains to record.

It is therefore, requested that on acceptance of instant para wise comments appeal of the appellant may kindly be dismissed.



Respondent No. 03
Senior Member Board of Revenue
Khyber Pakhtunkhwa
Peshawar



Respondent No. 02
Deputy Commissioner Hangu

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Appeal No. 7714/2021

Shams Ul Zaman.....Appellant

VERSUS

Commissioner and others.....Respondents

AFFIDAVIT

I Muhammad Zahid, Assistant Litigation o/o the Deputy Commissioner Hangu do hereby solemnly affirm and declare that the contents of the accompanying Joint Parawise Comments on behalf of the Deputy Commissioner Hangu being Respondent No. 02 & Senior Member Board of Revenue, Khyber Pakhtunkhwa as Respondent No. 03 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

Deponent:



Muhammad Zahid Assistant Litigation
Office of the Deputy Commissioner
Hangu
(CNIC# 14101-0788749-1)
(Mobile No. 03329670770)

Identified by:

**Advocate General
Service Tribunal
Khyber Pakhtunkhwa, Peshawar.**

تاریخ انصراف کے لئے

نام

7-1-1984

عبدالغفار

28-7-1990

یحییٰ خان

2-4-1991

نور محمد خان

1-1-1992

صوفیان

21-12-1995 تاریخ زینت عثمان پورہ

عابد حسین

21-12-1995

ظہیر الدین

21-12-1995

عبدالغیب

8-3-1997

صلاح الدین

26-5-1998

احمد علی خان

3-6-2002

موسین علی

تاریخ زینت عثمان پورہ 25-7-2006

فیضان علی

27-7-2006

عصر محمد

30-1-2008

عبدالرحمن خان

تاریخ زینت عثمان پورہ 13-8-2009

عبدالقدوس

13-8-2009

احمد رضا

13-8-2009

حسن الزمان

تاریخ تصفیہ کارڈز موجود ہے۔ انڈیا کے نام پر

عبدالرشید شاہ

4-10-2010

زاید اللہ

عبدالکویب

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نمبر شمار	نام پٹواری	رزلٹ تاریخ	حاصل کردہ نمبر	تاریخ اندراج رجسٹر امیدواران
1	عبدالغفار			07.01.1984
2	تجمل خان			28.07.1990
3	نور جمال خان			02.04.1991
4	منور خان			01.01.1992
5	عابد حسین	تاریخ رزلٹ امتحان برابر ہے		21.12.1995
6	ظہیر الدین	ایضاً		21.12.1995
7	حیدر حبیب	ایضاً		21.12.1995
8	صلاح الدین			08.03.1997
9	امجد علی خان			26.05.1998
10	مومین علی			03.06.2002
11	منتظر علی	تاریخ رزلٹ امتحان برابر ہے	400	25.07.2006
12	عصر محمد	ایضاً	399	27.07.2006
13	عبدالجمال ناصر			30.01.2008
14	عبید اللہ خان	تاریخ رزلٹ امتحان برابر ہے	312	13.08.2009
15	انجم خٹان	ایضاً	322	13.08.2009
16	شمس الزمان	ایضاً	338	13.08.2009
17	عبداللہ شاہ			تاریخ تعینات کا اندراج موجود ہے۔ اندراج نام درج نہ ہے۔
18	زابد اللہ			ایضاً
19	عبدالوہاب			04.10.2010

عبدالحق خان در وضع ارفغان
کنند رئیس - قبض در قبض شد
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06/06/1987
B.A

182-210/LR-II/28-chemical
02-7-2009
نام استاد ایشان
پیشتر پیمان حاصل
اندر جم نام مشور پیمان کرده بنام 312

1100-05/DoR/DP
روزه 1/1
پیمان پیمان پیمان
1144-49/DoR
روزه 2/8
پیمان پیمان پیمان

انجم خان در عبدالحق خان
کنند رئیس - قبض در قبض شد

02/04/1985
FSC

نام استاد ایشان
322

1100-05/DoR/DP
روزه 2/1
پیمان پیمان پیمان
1144-49/DoR
روزه 2/8
پیمان پیمان پیمان

ششمین در خان در در زمین کنند
شناور در در وضع در وضع
قبض در قبض شد

08/08/1986
FSC

نام استاد ایشان
338

1107-12/DoR/DP
روزه 2/1
پیمان پیمان پیمان
1144-49/DoR
روزه 2/8
پیمان پیمان پیمان

عبدالحق شاه در وقت شاه
کنند پیمان پیمان پیمان

12/03/1984
B.A

روز 292
نام استاد ایشان
پیمان پیمان پیمان

159-56/DoR
روزه 2/4
پیمان پیمان پیمان

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<p>عبد اللہ خان ولد رفیع اللہ خان سکندھنگو تخصیل و ضلع ہنگو نوٹ:- بحوالہ حکم ڈی۔ او۔ آر ہنگو بروئے چھٹی انگریزی نمبر 2082-85/100DK(H) مورخہ 26.12.2012 مستقلی کے احکامات صادر ہوئے۔</p>	<p>16.01.1987</p>	<p>BA پاس</p>	<p>بروئے نوٹیفیکیشن نمبر 182-210LR-II/128-Chitral مورخہ 02.07.2009 بمقام پشاور امتحان پٹوار پاس کیا حاصل کردہ نمبرات 312</p>	<p>بحکم DOR صاحب ہنگو مورخہ 13.08.2009 کو اندراج نام منظور ہوا۔</p>	<p>۱۔ بحوالہ حکمنامہ 1100-05/DOR/DPC-H مورخہ 01.09.2009 عبد اللہ خان امیدوار پٹوار کو پٹواری لیا گیا۔ ۲۔ بحوالہ حکمنامہ 1144-49/DOR/-H مورخہ 08.09.2009 بر حلقہ بانڈہ جات تعییناتی کا حکم ہوا۔</p>
<p>انجم خٹان ولد عبد الخٹان سکندھنگو تخصیل و ضلع ہنگو</p>	<p>02.04.1985</p>	<p>FSc پاس</p>	<p>بشہدر حاصل کردہ نمبر 322</p>	<p>بشہدر</p>	<p>۱۔ بحوالہ حکمنامہ 1100-05/DOR/DPC-H مورخہ 01.09.2009 انجم خٹان امیدوار پٹوار کو پٹواری لگا گیا۔ ۲۔ بحوالہ حکمنامہ 1144-49/DOR/-H مورخہ 08.09.2009 بر حلقہ کوئی تعیناتی کا حکم ہوا۔</p>
<p>شمس زمان ولد زرعین سکندھنگو موضع درستہ تخصیل و ضلع ہنگو</p>	<p>08.08.1986</p>	<p>FSc پاس</p>	<p>بشہدر حاصل کردہ نمبر 338</p>	<p>بشہدر</p>	<p>۱۔ بحوالہ حکمنامہ 1107-12/DOR/DPC-Hangu مورخہ 01.09.2009 پٹواری لیا جا کر بحوالہ حکمنامہ نمبر 1144-49/DOR-H مورخہ 08.09.2009 کو پٹوار پٹواری حلقہ خرشہ تعیینات ہوا۔</p>

STATEMENT SHOWING THE RESULT OF PATWAR SCHOOL EXAMINATION IN RESPECT OF THOSE CANDIDATES OF HANGU DISTRICTS WHO HAVE COMPLETED PATWAR TRAINING COURSE AT CHITRAL GRANTED EXEMPTION.

S.NO.	NAME OF CANDIDATE & DISTRICT	R.NO	PAP: I	PAP: II	PAP: III	PAP: IV	PAP: V	PAP: VI	PAP: VII	PAP: VIII	PAP: IX	REMARKS
1	Ubaid ullah Khan S/O Rafiullah Khan, Hangu	230	27	21	36	40	35	55	50	27	21	312
2	Anjum Khan s/o Abdul Hanan, Hangu	391	27	28	39	40	40	50	50	28	20	322
3	Shams-uz-Zaman s/o Zar Moen, Hangu	390	33	27	49	43	40	50	50	25	21	338

Annexure - C -

Page - 6

Attested

Guar

SUPERINTENDENT
LAND RECORDS, NWFP
PESHAWAR

Amir
DIRECTOR,
LAND RECORDS, NWFP

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TAK

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Page. 7

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE HANGU

OFFICE ORDER

No. _____ /DOR/DPC/Hangu. In pursuance of the decision of Departmental Selection Committee meeting held on 18/08/2009 under the chairmanship of the undersigned, the following candidates are hereby selected and appointed as Patwari (BPS-5) on regular basis against the vacant posts of Patwaris with immediate effect under the terms & condition of Provincial Government appointment/promotion rules.

1. Abdul Jamal Nasir
2. Obaidullah Khan
3. Anjum Khanan

District Officer (Revenue & Estate)
Hangu

No. 1100-05 /DOR/DPC/Hangu dt. 1-9-2009

Copy forwarded to:

1. The District Coordination Officer Hagu
2. The Secretary Board of Revenue NWFP Peshawar.
3. The Director Land Record NWFP Peshawar
4. The District Accounts Officer Hangu
5. The District Kanongo, Hangu
6. Officials concerned.


District Officer (Revenue & Estate)
Hangu

Ammedate - E (18)

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE HANGU

OFFICE ORDER

No. _____ /DOR/DPC/Hangu. In pursuance of the decision of Departmental Selection Committee meeting held on 28/08/2009 under the chairmanship of the undersigned, the following candidate is hereby selected and appointed as Patwari (BPS-5) on regular basis against the vacant post of Patwari with immediate effect under the terms & condition of Provincial Government appointment/promotion rules

1. Shams-u-Zaman s/o Zarmaeen

District Officer (Revenue & Estate)
Hangu

No. 1107-12 /DOR/DPC/Hangu 01-9-2009

Copy forwarded to:

1. The District Coordination Officer Hangu
2. The Secretary Boards of Revenue N.W.F.P Peshawar.
3. The Director Land Record N.W.F.P Peshawar.
4. The District Accounts Officer Hangu.
5. The District Kanongo, Hangu
6. Officials Concerned.


District Officer (Revenue & Estate)
Hangu

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1	01-12-1952	01-01-1971	23-6-1974	11-8-1984
2	27-3-1981	07-01-1984	30-9-1989	10-7-1989
3	01-01-1971	24-11-1979	08-8-1990	21-12-1995
4	10-10-1967	13-8-1991	01-9-1994	01-7-1997
5	01-01-1980	01-01-1995	01-7-1997	30-3-2009
6	18-3-1970	06-8-1995	30-3-2009	30-3-2009
7	04-11-1970	17-02-1998	30-3-2009	30-3-2009
8	01-9-1971	30-12-2002	30-3-2009	30-3-2009
9	15-3-1968	07-02-2003	30-3-2009	30-3-2009
10	20-12-1972	07-7-2004	30-3-2009	30-3-2009
11	02-02-1985	09-7-2004	30-3-2009	30-3-2009
12	24-01-1972	06-6-2008	30-3-2009	30-3-2009
13	15-02-1971	06-7-2007	30-3-2009	30-3-2009
14	05-5-1973	06-10-2010	30-3-2009	30-3-2009
15	05-3-1976	06-10-2010	30-3-2009	30-3-2009
16	01-01-1972	06-10-2010	30-3-2009	30-3-2009
17	12-3-1985	06-10-2010	30-3-2009	30-3-2009
18	01-3-1980	06-10-2010	30-3-2009	30-3-2009
19	01-3-1980	06-10-2010	30-3-2009	30-3-2009

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نمبر شمار	نام پٹواری	تاریخ پیدائش	تعلیمی قابلیت	تاریخ اولین تقرری بحیثیت پٹواری	تاریخ مستقلی بحیثیت پٹواری	کیفیت
1	اعوان علی	01.12.1952	مڈل	23.06.1974	11.08.1984	امتحان قانونگوئی پاس نہ ہے
2	عبدالغفار	27.03.1961	میٹرک	07.01.1984	10.07.1989	امتحان قانونگوئی پر نمبر ۵۳ میں نفل ہے
3	عبدالسیح	01.01.1971	بی۔ اے	30.09.1989	21.12.1995	سکیل TRA-۷ ہنگو ہے امتحان قانونگوئی پاس ہے
4	نور الامین	24.11.1969	میٹرک	08.08.1990	21.12.1995	امتحان قانونگوئی پاس ہے
5	عبدالرحمن	10.10.1967	بی۔ اے	13.08.1991	21.12.1995	امتحان قانونگوئی پاس ہے
6	سید امتیاز علی شاہ	01.10.1960	میٹرک	01.09.1994	01.07.1997	امتحان قانونگوئی پاس نہ ہے
7	ثناء اللہ	18.03.1970	میٹرک	01.01.1995	01.07.1997	ایضاً
8	محسن اقبال	04.11.1970	میٹرک	01.01.1995	30.03.2009	ایضاً
9	تجمل خان	01.09.1971	ایف۔ اے	06.08.1995	30.03.2009	ایضاً
10	نور جمال خان	13.03.1968	ایف۔ اے	17.02.1998	30.03.2009	ایضاً
11	منور خان	20.12.1972	ایف۔ اے	30.12.2002	30.03.2009	ایضاً
12	عابد حسین	02.02.1975	ایف۔ اے	07.02.2003	30.03.2009	ایضاً
13	محمد ظہیر الدین	24.01.1972	ایف۔ اے	07.07.2004	30.03.2009	ایضاً
14	مومین علی	15.02.1971	بی۔ ایس۔ سی	07.07.2004	30.03.2009	ایضاً
15	امجد علی خان	05.05.1978	بی۔ اے	23.04.2005	30.03.2009	محکم ہائی کورٹ تعینات پٹواری ہے، امتحان پٹواری پاس نہ ہے۔ امتحان قانونگوئی پاس کیا ہے
16	حیدر حبیب	05.03.1976	ایف۔ اے	30.12.2002	06.10.2010	امتحان قانونگوئی پاس نہ ہے
17	صلاح الدین خان	01.01.1972	ایف۔ اے	06.06.2008	06.10.2010	امتحان قانونگوئی پاس نہ ہے
18	منتظر علی	12.03.1985	ایف۔ اے	06.07.2007	06.10.2010	ایضاً
19	عصر محمد	01.03.1980	ایف۔ اے	06.07.2007	06.10.2010	ایضاً
/	/	/	/	/	/	/
/	/	/	/	/	/	/

کیسٹ

اولین کنفرس
کیسٹ نمبر

تیسری
کیسٹ

تاریخ
پیدائش

نام
شہزادان

05-9-2009

ایف - 1 سے

21-01-1989

1. شہزادہ جمال ناصر

08-9-2009

U-1 سے

06-01-1987

2. شہزادہ خان

08-9-2009

ایف - ایس سی

0-2-4-1985

3. انجم خان

08-9-2009

ایف - ایس سی

08-8-1986

4. شمس الزمان

04-2-2010

U-1 سے

12-3-1984

5. شہزادہ سہیل
سکندر شاہ

04-2-2010

ایف - 1 سے

07-01-1984

6. شہزادہ
صلاح چارند

04-2-2010

U-1 سے

18-4-1984


7. شہزادہ
صہب شاہ

30-9-2010

U-1 سے

01-7-1985

8. شہزادہ
علی شاہ


08/12/2010

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11
12

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فہرست امیدواران پٹواریان ضلع ہنگو

نمبر شمار	نام امیدوار پٹواری	تاریخ پیدائش	تعلیمی قابلیت	اولین تقرری بحیثیت پٹواری	کیفیت
1	عبدالجمال ناصر	21.01.1989	ایف۔اے	05.09.2009	
2	عبید اللہ خان	06.01.1987	بی۔اے	08.09.2009	
3	انجم خٹان	02.04.1985	ایف ایس سی	08.09.2009	
4	شمس الزمان	08.08.1986	ایف ایس سی	08.09.2009	
5	عبید اللہ شاہ سکنہ پشاور	12.03.1984	بی۔اے	04.02.2010	
6	زابد اللہ ضلع چارسدہ	07.01.1984	ایف۔اے	04.02.2010	
7	ریاض احمد ضلع پشاور	18.04.1984	بی۔اے	04.02.2010	
8	محمد مجتبیٰ عالم ضلع پشاور	01.07.1985	بی۔اے	30.09.2010	

DK.H

18.12.2010

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Annexure - B

OFFICE OF THE DEPUTY COMMISSIONER, HANGU
SENIORITY LIST OF PATWARI IN HANGU DISTRICT STOOD ON 31/12/2014

No	Name of Official	Academic qualification.	Date of Birth	Date of Ist Entry into Govt:	Date of Regular appointment as Patwari	Remarks
1	Abdul Gbaffar	Metric	27/03/1961	07/01/1984	10/07/1989	Kanungo Exam fail (Forgo the Seniority)
2	Noor ul-Amin	F.A	24/11/1969	08/08/1990	21/12/1995	Kanungo Exam Pass.
3	Abdur Rehman	B.A.	10/10/1967	24/08/1998	21/12/1995	Kanungo Exam Pass.
4	S.Imtiaz Ali Shah	Metric	01/10/1960	01/09/1984	01/07/1997	Not appear in Kanungo Examination
5	Sanaullah Khan	Metric	18/03/1970	01/01/1995	01/07/1997	Not appear in Kanungo Examination
6	Mohsin Iqbal.	Metric	04/11/1970	01/01/1995	30/03/2009	Not appear in Kanungo Examination
7	Tajamal Khan.	F.A	01/09/1997	06/08/1995	30/03/2009	Not appear in Kanungo Examination
8	Noor Jamal Khan.	F.A	13/03/1968	17/02/1998	30/03/2009	Not appear in Kanungo Examination
9	Munawar Khan.	F.A	20/12/1972	30/12/2002	30/03/2009	Not appear in Kanungo Examination
10	Abid Hussain.	F.A	02/02/1975	02/02/2003	30/03/2009	Not appear in Kanungo Examination
11	Muhammad Zaheer ud Din.	F.A	24/01/1972	07/07/2004	30/03/2009	Not appear in Kanungo Examination
12	Momin Ali.	B.Sc.	15/02/1971	07/07/2004	30/03/2009	Not appear in Kanungo Examination

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(B)

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S.No	Name of Official	Academic qualification.	Date of Birth	Date of Ist Entry into Govt:	Date of Regular appointment as Patwari	Remarks
13	Amjad Ali Khan.	M.A	05/05/1976	23/04/2005	30/03/2009	Patwar Exam is not passed but Kanungo Examination is passed.
14	Haider Habib.	F.A	05/03/1976	30/12/2002	06/10/2010	Not appear in Kanungo Examination
15	Muntazir Ali.	F.A	12/03/1985	06/07/2007	06/10/2010	Not appear in Kanungo Examination
16	Asar Muhammad.	F.A	01/03/1980	06/07/2007	06/10/2010	Not appear in Kanungo Examination
17	Salah ud Din.	F.A	01/04/1972	06/06/2008	06/10/2010	Not appear in Kanungo Examination
18	Abdul Jamal Nasir.	F.A	21/01/1989	08/09/2009	26/12/2012	Not appear in Kanungo Examination
19	Obaidullah Khan.	B.A	06/01/1987	08/09/2009	26/12/2012	Not appear in Kanungo Examination

Amjad
District Kanungo, Hangu
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**TENTATIVE SENIORITY LIST OF PATWARIS AS STOOD ON 31.12.2019 OF
DISTRICT HANGU**

S#	Name of Patwari	Date of Birth	Qualification	Date of 1 st entry into Govt. Service	Date of Appointment
1.	Abdul Ghaffar	27.03.1961	Matric	07.01.1984	07.01.1984
2.	Sana Ullah	18.03.1970	Matric	01.01.1995	01.01.1995
3.	Mohsin Iqbal	04.11.1970	Matric	01.01.1995	01.01.1995
4.	Tajamul Khan	01.09.1971	FA	25.03.1997	25.03.1997
5.	Noor Jamal Khan	13.03.1968	FA	17.02.1998	17.02.1998
6.	Munawar Khan	20.12.1972	FA	19.10.1998	19.10.1998
7.	Abid Hussain	02.02.1975	FA	07.08.2001	07.08.2001
8.	Muhammad Zaheer Ud Din	24.01.1972	FA	01.07.2004	01.07.2004
9.	Amjid Ali Khan	05.05.1978	MA	23.04.2005	23.04.2005
10.	Momin Ali	15.02.1971	BSc	07.07.2004	07.07.2004
11.	Haider Habib	05.03.1976	FA	30.12.2002	30.12.2002
12.	Muntazir Ali	12.03.1985	FA	06.07.2007	06.07.2007
13.	Asar Muhammad	01.03.1980	FA	06.07.2007	06.07.2007
14.	Salah Ud Din Khan	01.04.1972	FA	30.05.2008	30.05.2008
15.	Abdul Jamal Nasir	21.01.1989	BA	01.09.2009	01.09.2009
16.	Obaid Ullah Khan	06.01.1987	BA	01.09.2009	01.09.2009
17.	Anjum Khanan	02.04.1985	FSc	01.09.2009	01.09.2009
18.	Shams Ul Zaman	08.08.1986	FSc	01.09.2009	01.09.2009
19.	Abdullah Shah	12.03.1984	BA	19.10.2009	19.10.2009
20.	Zahid Ullah Khan	07.01.1984	FA	24.10.2010	24.10.2010
21.	Abdul Wahab	27.05.1992	FSc	30.12.2010	30.12.2010
22.	Hazrat Ali Jan	14.04.1982	FA	04.11.2010	04.11.2010
23.	Noor Ullah Khan	11.11.1992	FA	15.10.2010	15.10.2010
24.	Mazhar Iqbal	10.04.1985	FSc	30.12.2011	30.12.2011

Addl: Assistant Commissioner Revenue
Hangu

Endst No. 324/AAC(R)/H

Dated 24.06.2020

Copy forwarded for information to:

1. The Deputy Commissioner, Hangu for information, please.
2. The District Kanungo, Hangu with the directions to circulate it amongst the Patwaris for submitting objection, if any, within 30 days.

Addl: Assistant Commissioner Revenue
Hangu

FINAL SENIORITY LIST OF PATWARIS (BPS-09) OFFICE OF THE DEPUTY COMMISSIONER HANGU AS

STOOND ON 31.12.2019/26-08-2020

S#	Name of Official	Qualification	D.O.B	Date of Appointment	Kanongo Exams Passed/ Remarks
1	Abdul Ghaffar	Matric	27.03.1961	07.01.1984	Kanungo Exam Fail
2	Sana Ullah	Matric	18.03.1970	01.01.1995	Passed
3	Mohsin Iqbal	Matric	04.11.1970	01.01.1995	Passed
4	Tajamul Khan	FA	01.09.1971	25.03.1997	Passed
5	Noor Jamal Khan	FA	13.03.1968	17.02.1998	Passed
6	Munawar Khan	FA	20.12.1972	19.10.1998	Passed
7	Abid Hussain	FA	02.02.1975	07.08.2001	Passed
8	Muhammad Zaheer Ud Din	FA	24.01.1972	01.07.2004	Passed
9	Haider Habib	FA	05.03.1976	30.12.2002	Passed
10	Momin Ali	BSc	15.02.1971	07.07.2004	Passed
11	Amjid Ali Khan	MA	05.05.1978	23.04.2005	Passed
12	Asar Muhammad	FA	01.03.1980	06.07.2007	Passed
13	Muntazir Ali	FA	12.03.1985	06.07.2007	Passed
14	Salah Ud Din	FA	01.04.1972	30.05.2008	Passed
15	Anjum Khanan	FSc	02.04.1985	01.09.2009	Passed
16	Shams U Zaman	FSc	08.08.1986	01.09.2009	Passed
17	Obaid Ullah Khan	BA	06.01.1987	01.09.2009	Passed
18	Abdul Jamal Nasir	BA	21.01.1989	01.09.2009	Passed
19	Abdullah Shah	BA	12.03.1984	19.10.2009	Passed
20	Noor Ullah Khan	FA	11.11.1992	15.10.2010	Fail

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21	Zahid Ullah	FA	07.01.1984	24.10.2010	Passed
22	Abdul Wahab	FSc	27.05.1992	30.12.2010	Passed
23	Mazhar Iqbal	FSs	10.04.1985	30.12.2011	Fail
24	Kaleem Asghar	BA	03.11.1996	28.07.2020	First on merit basis
25	Naveed Alam	FA	12.04.1996	28.07.2020	2 nd on merit
26	Umar Farooq	FSc	04.04.1993	28.07.2020	3 rd on merit
27	Asad Ullah	FA	03.02.1991	28.07.2020	4 th on merit

No. 2733 /Estab/DC (H) Dated Hangu the, 26/8 /2020
Copy forwarded for information and record to:

1. The Secretary Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa.
2. The Commissioner, Kohat Division, Kohat.
3. The Additional Deputy Commissioner, Hangu.
4. The Assistant Commissioner Hangu.
5. The Additional Assistant Commissioner (Revenue), Hangu.
6. The Assistant (Revenue) O/O DC Hangu.
7. The District Kanungo, Hangu.
8. The Officials concerned for information.


Deputy Commissioner
Hangu

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Amr...
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M

Deputy Commissioner Hangu

Tel: 0925 / 621175 - 621466 - 622366 - 623968

Fax: 0925 / 620050, Email:

No. 3395 / Seniority / Estab/DC(H)

Dated: 19/10/2020

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CIRCULAR :

Having been discussed / examined legal aspects of seniority of Patwaris (BPS-09), it is circulated for information of the all concerned that seniority of Patwaris (BPS-09) as maintained / issued under memo No. 2733/Estab/DC(H) dated 26.08.2020, is in accordance with the law / rules prescribed and the old seniority having anomalies stands superseded. However, discrepancies in new seniority list (if any) shall be removed as per rules.

Deputy Commissioner
Hangu

Endst: No. & Even dated

Copy to:

1. The Additional Deputy Commissioner, Hangu.
2. The Director Land Record, Boar of Revenue Khyber Pakhtunkhwa Peshawar.
3. The Assistant Commissioner, Hangu.
4. The Additional Assistant Commissioner (Revenue), Hangu.
5. PS to Secretary, Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar.
6. PS to Commissioner Kohat Division, Kohat.
7. The Tehsildar Hangu & Thall.
8. All Patwaris.

Deputy Commissioner
Hangu

o/k

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Amaludub N. Page-18
IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

Appeal No 14/2021 dated 30-11-2020

Obaidullah Khan Patwari.....Appellant

Versus

1. Anjum Khanna
2. Shamsul Zaman
3. Deputy Commissioner, Hangu etc.....Respondents

APPEAL AGAINST THE SENIORITY LIST ISSUED VIDE ENDST
NO2733/ESTB/DC (H) DATE 26-08-2020

The instant appeal was filed by the appellant namely Obaidullah Khan Patwari, District Hangu against the impugned seniority list issued on 26-08-2020 by Deputy Commissioner Hangu

Brief of the case is that the appellant and the respondents No 01 and 02 passed patwar exam in 2009 and their names were entered in Patwar Candidates Register on 13-08-2009. Later on, the appellant and the respondents No 01 and 02 were appointed as patwaris with order of merit as given below vide order dated 01-09-2009.

1. Obaidullah Khan (app)
2. Anum Khan (respdt)
3. Shams ul Zaman (respdt)

Based on the order of merit, a joint seniority list of the all the patwaris of District Hangu, was issued tentatively by AAC(R), Hangu vide Endst No 324/AAC(R) dated: 24-06-2020. Later on the tentative seniority list was revised and final seniority list was issued by Deputy Commissioner, Hangu vide ENDST NO2733/ESTB/DC (H) DATE 26-08-2020 wherein the seniority position of the appellant was reverted and was shown junior to the private respondents. Aggrieved with the final seniority list, the appellant filed the instant appeal. Accordingly, summon was issued to Deputy Commissioner Hangu for deputing a representative along with para wise comments and original record.

Appellant along with counsel present. Respondents No.01 and 02, and Rep of Deputy Commissioner, Hangu also present. Para wise comments along with original record perused. The counsel for appellant quoted section 17(i) of Khyber Pakhtunkhwa Appointment, Promotion, Transfer Rules 1989 and contented that in case of initial recruitment, the seniority of civil servants is to be determined in accordance with the order of merit assigned by the Departmental Selection Committee. The rep of Deputy Commissioner Hangu, in rebuttal, contented that the seniority of civil servants appointed on same date is to be determined on the basis of age i.e. whoever is older is to be considered senior vide section 04 of Khyber Pakhtunkhwa Appointment, Promotion, Transfer Rules 1989. But the counsel for appellant contented that this section does not fit the instant case as it pertains to promotion.

This court heard both the learned counsels and came to the conclusion that the appellant is definitely senior to the private respondents on the basis of merit assigned by the Departmental Selection Committee, which is in accordance with the prescribed rules quoted above. Hence the appeal is accepted and the impugned seniority list dated 26-08-2020 is set aside.

Announced
07-09-2021


COMMISSIONER
KOHAT DIVISION KOHAT

Annexure B

GOVERNMENT OF N.W.F.P.
MINISTRY OF REVENUE
NO. 270-87/1001/1/10
Dated the 21/2/2002

The District Officers (R&E)
Collectors
Peshawar, Charsadda, Nowshera,
Swabi, Kohat, Hanan, Loralai,
Bannu, D.I. Khan, Tank, Haripur,
Abbottabad, Manshera, Bannu,
Kohistan, Puner, Malakand and Shangha.

SUBJECT
MEMO

PATWARIS.

Reference letter No. BOVII/FP/1-4/2001-2002/NO. dated
2.2002 from the Finance Department, N.W.F.P. addressed to this
Department and copy thereof forwarded to you and others on the subject.
The posts shall be filled in through an open and
transparent test instead of sticking to your old registers of the
Patwar Candidates, with dubious record/entries.

The following guidelines be kept in view while filling
vacant posts of Patwaris:-

- (a) You must be having updated registers of
Patwar Candidates with you, who can be asked
to appear in the test.
- (b) The minimum educational qualification for these
Patwar Candidates who should be allowed to
appear in the test is F.A or equivalent
qualification.
- (c) The age limit is upto 30 years.
- (d) The concerned District Officer (R&E)/Collector
will personally repeat personally get written
test paper in his own hand, would not type
and get it photostat personally, one hour
before the start of examination paper time, and
would also personally conduct the examination
and check and mark the paper himself.
Regarding subject of the written test paper,
you can get points/clarification from the
undersigned (Patwar/Specimen) of old paper
is enclosed for your guidance.

*He
Miss. in record
on 4/3/2002
20/7/3*

SECRETARY
BOARD OF REVENUE

BETTER COPY OF PAGE 19

GOVERNMENT OF N.W.F.P.
REVENUE DEPARTMENT.
No. 5470-87/ADMN:VII/B.KCL
Pesh: dated the 21.02.2002

To

The District Officers (R&E)/
Collectors,
Peshawar, Charsadda, Nowshera,
Swabi, Kohat, Hangu, Karak,
Bannu, D.I,Khan, Tank, Haripur,
Abbottabad, Mansehra, Batagram,
Kohistan, Burer, Malakand and Shangla.

SUBJECT: **PATWARIS.**

MEMO:

Reference letter No. BOV.II/FD/1-4/2001-2002/KO, dated 12.02.2002 from the Finance Department, N.W.F.P. addressed to this Department and copy thereof endorsed to you and others, on the subject.

2. The posts shall be filled in through an open and transparent test instead of sticking to years old Registers of the Patwar Candidates, with dubious record / entries.

3. The following guidelines be kept in view while filling vacant posts of Patwaris:-

- a) You must be having up-to-date Registers of Patwar Candidates with you, who can be asked to appear in the test.
- b) The minimum educational qualification for those Patwar Candidates who should be allowed to appear in the test is F.A or equivalent qualification.
- c) The age limit is 18 to 30 years.
- d) The concerned District Officer (R&E) / Collector will personally, repeat personally set written test paper in his own hand, would not type it and get it Photostat personally, one hour before the test of examination paper time and would also personally conduct the examination and check and mark the paper himself.
- e) Regarding subject of the written test paper you can get points / clarification from undersigned (pattern / specimen) of old paper is enclosed for your guidance.

Secretary
Board of Revenue N.W.F.P

MINUTES OF THE DEPARTMENTAL SELECTION/
PROMOTION COMMITTEE MEETING REGARDING
PROMOTION OF PATWARIS (BS-05) TO THE POST OF
KANUNGO (BS-09) AND APPOINTMENT OF PATWARIS
HELD ON 28/08/2009 IN THE OFFICE OF DISTRICT
OFFICER (R&F) HANGU.

A meeting of Departmental Promotion/Selection Committee meeting regarding promotion of Patwaris (BS-05) to the post of Kanungo (BS-09), Tehsil Revenue Accountant (BS-07) and appointment of Patwaris (BS-05) was held on 18/08/2009 in the office of District Officer (R&F) Collector Hangu.

The following attended:

1. Muhammad Maqbool. In Chair.
D.O(R&F) Hangu.
2. Nazar Gul, Member:
ACO Hangu.
3. Muhammad Hamayun, Member:
Superintendent (Admin)
Representative of B.O.R.
4. Mussaddiq Hussain, Member:
Tehsildar Hangu.

There are 07 sanctioned posts of Kanungo (BS-09) in District Hangu and presently one post of Kanungo lying vacant due to the death of one Mr. Anwar Ali Kanungo (BS-09) on 22/08/2009 and one Post of TRA is also vacant due to promotion of one Mr. Khanan TRA to the post of Kanungo on 18/08/2009. The said vacant posts are required to be filled in amongst senior most Patwaris who have passed Kanungo examination and having 5 years service as such.

The Committee examined the Seniority List of Patwaris ended upto 31/12/2008. The patwaris at S.No.1 & 2 have forgone the promotion as Kanungo (BS-09). Thereafter, the committee examined the Service record in respect of the following Patwaris and unanimously recommended them for promotion to the post of Kanungo (BS-09) and Tehsil Revenue Accountant (BS-07) on Regular Basis with immediate effect.



MINUTES OF THE DEPARTMENTAL SELECTION / PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF PATWARIS (BS-05) TO THE POST OF KANUNGO (BS-09) AND APPOINTMENT OF PATWARIS HELD ON 28.08.2009 IN THE OFFICE OF DISTRICT OFFICER (R&E) HANGU.

A meeting of Departmental Promotion / Selection Committee meeting regarding promotion of Patwaris (BS-05) to the post of Kanungo (BS-09), Tehsil Revenue Accountant (BS-07) and appointment of Patwaris (BS-05) was held on 18.08.2009 in the office of District Officer (R&E) Collector Hangu.

The following attended:

- | | |
|----------------------------------------------------------------------------|----------|
| 1. Muhammad Maqbool,
D.O (R&E) Hangu. | In Chair |
| 2. Nazar Gul,
ACO Hangu. | Member |
| 3. Muhammad Hamayun,
Superintendent (Admn),
Representative of B.O.R. | Member |
| 4. Mussaddiq Hussain,
Tehsildar Hangu. | Member |

There are 07 sanctioned posts of Kanungo (B-09) in District Hangu and presently one post of Kanungo lying vacant due to the death of one Mr. Anwar Ali Kanungo (BS-09) on 22.08.2009 and one post of TRA is also vacant due to promotion of one Mr. Khanan TRA to the post of Kanungo on 18.08.2009. The said vacant posts are required to be filled in amongst senior most Patwaris who have passed Kanungo examination and having 5 years service as such.

The Committee examined the Seniority List of Patwaris ended upto 31.12.2008. The patwaris at S.No.1 & 2 have forgone the promotion as Kanungo (BS-09). Thereafter, the committee examined the Service record in respect of the following Patwaris and unanimously recommended them for promotion to the post of Kanungo (BS-09) and Tehsil Revenue Accountant (BS-07) on Regular Basis with immediate effect.

1. Mr. Faiz Ur Rehman. (Kanungo BS-09)
2. Mr. Abdus Sami. (TRA BS-07)

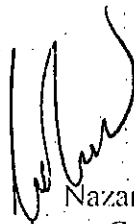
Consequent upon the promotion of the above Patwaris (BS-05) to the post of Kanungo (BS-09) and TRA (BS-07) Two (02) posts of Patwaris become vacant in Hangu District which are required to be filled in amongst Senior most Patwar Candidate Register maintained in the office of District Officer (R&E)/Collector Hangu. The committee examined upto date Candidate Patwar Register and unanimously recommended the following senior most patwar candidate for appointment as Patwari on Regular Basis with immediate effect.

1. Mr. Shams Zaman S/O Zar Maeen.

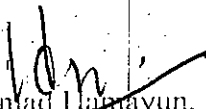
The meeting was ended with the vote of thanks by the Chairman.



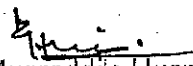
Muhammad Maqbool.
D.O(R&E) Hangu.
(In Chair).



Nazar Gul,
Assistant Coordination Officer
Hangu (Member).



Muhammad Hanayun.
Superintendent (Admn)
Representative of B.O.R.
Member



Mussaddiq Hussain
Tehsildar Hangu.
Member.

Better copy of the report

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1. Mr. Faiz Ur Rehman (Kanungo BS-09).
2. Mr. abdu Sami (TRA BS-07).

Consequent upon the promotion of the above Patwaris (BS-05) to the post of Kanungo (BS-09) and TRA (BS-07) Two (02) posts of Patwaris become vacant in Hangu District which are required to be filled in amongst Senior most Patwar Candidate Register maintained in the office of District Officer (R&E) / Collector Hangu. The committee examined upto date Candidate Patwar Register and unanimously recommended the following senior most patwar candidate for appointment as Patwari on Regular Basis with immediate effect.

1. Mr. Shams Zaman s/o Zar Maeen.

The meeting was ended with the vote of thanks by the Chairman.

Muhammad Maqbool
D.O (R&E) Hangu.
(In Chair)

Nazar Gul
Assistant Coordination Officer
Hangu (Member)

Muhammad Humayun
Superintendent (Admn)
Representative of B.O.R.
Member

Musaddiq Hussain
Tehsildar Hangu
Member

MINUTES OF THE DEPARTMENTAL SELECTION/ PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF PATWARIS (BS-05) TO THE POST OF KANUNGO (BS-09) AND APPOINTMENT OF PATWARIS HELD ON 18/08/2009 IN THE OFFICE OF DISTRICT OFFICER (R&E) HANGU.

A meeting of Departmental Promotion/Selection Committee meeting regarding promotion of Patwaris (BS-05) to the post of Kanungo (BS-09) and appointment of Patwaris (BS-05) was held on 18/08/2009 in the office of District Officer (R&E) Collector Hangu.

The following attended:

Muhammad Maqbool, In Chair.
D.O (R&E) Hangu.

Nazar Gul, Member.
ACO Hangu.

Muhammad Khuram, Member.
Superintendent (Admin)
Representative of B.O.R.

Missadib, Husain, Member.
Tehsil Hangu.

There are 07 sanctioned posts of Kanungo (B-09) in District Hangu and presently 3 posts are vacant which are newly created by the Government NWFP the sanction of the posts vide this Board sanction order No.16900/DOR/Hangu dated 03/06/2009. The said vacant posts are required to be filled in amongst senior most Patwaris who have passed Kanungo examination and having 5 years service as such.

The Committee examined the Seniority List of Patwaris ended on 31/12/2008. The patwaris at Sl. No. 1 & 2 have forgone the promotion as Kanungo (BS-09). Thereafter, the committee examined the Service record in favour of the following Patwaris and unanimously recommended them for promotion to the post of Kanungo (BS-09) on Regular Basis with immediate effect.

1. Mr. Abdul Khayyan
2. Mr. Muhammad Tariq
3. Mr. Muhammad Bashir

MINUTES OF THE DEPARTMENTAL SELECTION / PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF PATWARIS (BS-05) TO THE POST OF KANUNGO (BS-09) AND APPOINTMENT OF PATWARIS HELD ON 18.08.2009 IN THE OFFICE OF DISTRICT OFFICER (R&E) HANGU.

A meeting of Departmental Promotion / Selection Committee meeting regarding promotion of Patwaris (BS-05) to the post of Kanungo (BS-09) and appointment of Patwaris (BS-05) was held on 18.08.2009 in the office of District Officer (R&E) Collector Hangu.

The following attended:

- | | |
|---------------------------------------------------------------------------|----------|
| 1. Muhammad Maqbool,
D.O (R&E) Hangu. | In Chair |
| 2. Nazar Gul,
ACO Hangu. | Member |
| 3. Muhammad Hamayun,
Superintendent (Admn)
Representative of B.O.R. | Member |
| 4. Mussaddiq Hussain,
Tehsildar Hangu. | Member |

There are 07 sanctioned posts of Kanungo (B-09) in District Hangu and presently 03 posts are vacant which are newly created by the Finance Department NWFP, the sanction of the posts vide this Board of Revenue order No. 16900/DOR/Hangu dated 08.06.2009. The said vacant posts are required to be filled in amongst senior most Patwaris who have passed Kanungo examination and having 5 years service as such.

The Committee examined the Seniority List of Patwaris ended upto 31.12.2008. The patwaris at S.No.1 & 2 have forgone the promotion as Kanungo (BS-09). Thereafter, the committee examined the Service record in respect of the following Patwaris and unanimously recommended them for promotion to the post of Kanungo (BS-09) on Regular Basis with immediate effect.

1. Mr. Abdul Khanan.
2. Mr. Muhammad Tariq.
3. Muhammad Bashir.

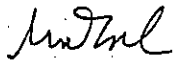
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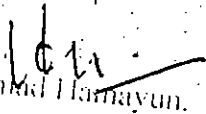
Consequent upon the promotion of the above Patwaris (BS-05) to the posts of Kanungo (BS-09) Three (03) posts of Patwaris become vacant in Hangu District which are required to be filled in amongst Senior most Patwar Candidate Register maintained in the office of District Officer (R.&T) Collector Hangu. The committee examined upto date Candidate Patwar Register and unanimously recommended the following senior most patwar candidate for appointment as Patwari on Regular Basis with immediate effect.

1. Mr. Abdul Jamal Nasir S/O Musaddiq Hussain.
2. Mr. Obidullah Khan S/O Rafiullah Khan.
3. Mr. Anjum Khanan S/O Abdul Khanan.

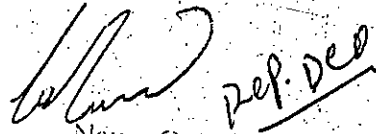
The meeting was ended with the vote of thanks by the Chairman.



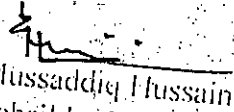
Muhammad Maqbool,
D.O. (R.&T) Hangu.
(In Chair).



Muhammad Hamayun,
Superintendent (Admin)
Representative of B.O.R.
Member



Nazar Gul,
Assistant Coordination Officer
Hangu (Member).



Musaddiq Hussain,
Tehsildar Hangu.
Member.

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Consequent upon the promotion of the above Patwaris (BS-05) to the post of Kanungo (BS-09) Three (03) posts of Patwaris become vacant in Hangu District which are required to be filled in amongst Senior most Patwar Candidate Register maintained in the office of District Officer (R&E) / Collector Hangu. The committee examined upto date Candidate Patwar Register and unanimously recommended the following senior most patwar candidate for appointment as Patwari on Regular Basis with immediate effect.

1. Mr. Abdul Jamal Nasir s/o Musaddiq Hussain.
2. Mr. Obidullah Khan s/o Rafiullah Khan.
3. Mr. Anjum Khanan s/o Abdul Khanan.

The meeting was ended with the vote of thanks by the Chairman.

Muhammad Maqbool
D.O (R&E) Hangu.
(In Chair)

Nazar Gul
Assistant Coordination Officer
Hangu (Member)

Muhammad Humayun
Superintendent (Admn)
Representative of B.O.R.
Member

Musaddiq Hussain
Tehsildar Hangu
Member

دستور العمل کاغذات زیبے

2018

متصویرنگ ہاؤس

۲، گچھری روڈ، ٹینا گینڈا (نارنگی والا پورہ) فون: 7355418

حصہ 2

پٹوار پاس کرنے والے اشخاص کی فہرست

3.6 - پٹوار پاس کرنے والے اشخاص کی فہرست

(1) ہر سب ڈویژن کے لیے پٹوار پاس کرنے والے اشخاص کی فہرست ڈویژنل کلکٹر اور ایڈیکل اسسٹنٹ ٹائم P-1 جو ضمیمہ 'ج' میں دی گئی ہے، اس نظریت کے تحت اپنے پاس رکھے گا تاکہ سب ڈویژن میں حالیہ اسامیوں کو پُر کرنے کے لیے اہلیت رکھنے والے افراد کے متعلق جاننے کے بارے میں فوری اطلاع دیتا ہو سکے۔ تمام پٹواروں کی تقریری سٹی سے سرورس رولز اور ریکورڈمنٹ پالیسی کے تحت متعلقہ وقت پر ہوگی۔

(2) پٹواری کے لیے کم از کم تعلیم قابلیت ہریکڑ سیکنڈری سکول سرٹیفکیٹ سے ہے۔ صرف اُن افراد کے نام ہی درج کیے جائیں گے جو متعلقہ سب ڈویژن کے ایک یٹنی سے رہائشی ہوں گے۔

(3) اہلیت رکھنے والے افراد کے نام فہرست میں شامل کر دیے جائیں گے۔ جو سٹی اور جس وقت پٹوار کے اسمان کا نتیجہ وصول ہوگا اور کسی اہل شخص کے نام کو درج کرنے سے انکار نہیں کیا جائے گا۔

(4) مذکورہ بالا فہرست کی تصدیق اور متعلقہ کلکٹر سال میں ایک دفعہ کرنے کا تاکہ اُن افراد کے نام نکال کے جو موت، تبدیلی جگہ یا کسی اور جگہ پر ملازمت کر لینے کی وجہ سے رہائشی نہیں ہیں۔

(5) پٹوار پاس المراد کی علیحدہ فہرست، جن کا تعلق پولستان کے علاقے سے جو متعلقہ قانونی افسر کے گا تاکہ وہ تنظیم کی ضروریات کو پُر کر سکے۔

3.7 - درخواست دہندہ کی قابلیت

بروئے سلیپ دستی 3/39 لینڈ ریکارڈ مینوئل مورخہ 18 اکتوبر 1989 خارج شد۔

3.8 - افراد

بروئے سلیپ

3.9 - رجسٹر

بروئے سلیپ

حصہ 3

3.10

ہیں، جہاں تک

(غ) برت

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تعمیر



Annexure - V
Page - 26

GOVERNMENT OF KHYBER PAKHTUNKHWA
(BOARD OF REVENUE)
REVENUE AND ESTATE DEPARTMENT.

No.LR-I/102/Enlistment/ 16217-16281
Peshawar dated the 14/11/2019.

To,

✓ All the Deputy Commissioners,
District Collectors in Khyber Pakhtunkhwa. *dia*

Subject: ENLISTMENT OF QUALIFIED PATWAR CANDIDATES.

It has been reported that in some districts, the requisite enlistment has not been done.

A meeting on the subject issue was also held on 13.11.2019 with District Kanungo, Nowshera. In order to redress the grievances of the applicants, it is requested that being competent authority, the names of all Patwar Passed/Qualified Candidates of your respective Districts may be enlisted in the Patwar Candidates Register on merit (marks obtained in Patwar School Examination) as envisaged under Para 3.6 of the Land Records Manual under intimation to this office. The qualified candidates of your respective districts may also be informed, if deemed appropriate, for submission of their testimonials please.

MIR
Director Land Records,
Board of Revenue.

Endst: No. & date even.

Copy forwarded to the :-

- 1) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 2) All District Kanungos in Khyber Pakhtunkhwa for necessary action please.

MIR
Director Land Records,
Board of Revenue.

D.C.	<i>AM</i>
A.D.C	<i>AM</i>
Br.	<i>Estad Br 11</i>
Copy No	<i>9030</i>
	<i>20-11-2019</i>

7714

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S.No.	Contents	Page/ Annexure
1.	Para-wise comments	Page No.1
2.	Seniority Rules	Annexure – B
3.	Commissioner Kohat Division order	Annexure - A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service appeal No 7714/2021

Shamsul ZamanAppellant

vs

1. Divisional Commissioner Kohat Division, Kohat.
2. Deputy Commissioner Hangu.
3. Senior Member Board of Revenue.
4. Obaidullah Patwari District Hangu.....Respondents

**Respectfully Scheweth,
Preliminary Objections:-**

- i. that the appellant has got no cause of action to file this appeal.
- ii. that the appellant has not come to this honorable tribunal with clean hands.
- iii. that the instant appeal is barred by law.
- iv. that the appellant is stopped by his own conduct.

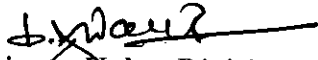
The parawise comments on behalf of Respondents No.01 and 03 are as under:-

1. No Comments.
2. No Comments.
3. Relates to Deputy Commissioner, Hangu.
4. Correct; the seniority list was set aside by Respondent No.01 vide order dated 07-09-2021 vide Annex-A
5. Incorrect; the impugned order dated 07-09-2021 is strictly based on rule No.17(a) of Appointment, Promotion and Transfer Rules, 1989 vide Annex-B.

Grounds:-

- (A) Incorrect; the impugned order dated 07-09-2021 has been issued in accordance with rule No.17 (a) of Appointment, Promotion and Transfer Rules, 1989 vide Annex-B
- (B) As para (A)
- (C) Incorrect; the seniority is to be determined on the basis of order of merit assigned by Departmental Selection Committee vide rule No.17(a) of Appointment, Promotion and Transfer Rules, 1989 vide Annex-B, and not on the basis of marks obtained in patwar exam.
- (D) As para (C)
- (E) As para (C)
- (F) Correct; the seniority is to be determined on the basis of order of merit assigned by the Departmental Selection Committee and not on the basis of marks obtained in patwar exam as per rule No.17(a) of Appointment, Promotion and Transfer Rules, 1989 vide Annex-B.
- (G) Incorrect; the the seniority is to be determined on the basis of order of merit and not on the basis of age. So far as age factor is concerned vide sub rule 04 of rule 17, Appointment, Promotion and Transfer Rules, 1989 at Annex-B, it is applied only when two or more than two civil servants (having same date of appointment/promotion of different cadres previously) are promoted to the same cadre.
- (H) Incorrect; the impugned order dated 07-09-2021 is speaking order.
- (I) Incorrect; this court order dated 07-09-2021 is based on law and hence there does not arise question of financial loss to the appellant.
- (J) No comments.
- (K) As para (A).
- (L) As para (A)
- (M) As para A
- (N) No comments.

It is therefore prayed that the instant appeal being devoid of merit may be dismissed.


Commissioner Kohat Division, Kohat
Respondent No.1



B

PART-VI
SENIORITY

17. **Seniority :-** (1) the seniority inter se of civil servants ⁴⁷(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ⁴⁸[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

⁴⁹(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

⁵⁰(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the

⁴⁷ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

⁴⁸ The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 10-02-1996.

⁴⁹ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

⁵⁰ Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11-2009.

IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

Appeal No 14/2021 dated 30-11-2020

Obaidullah Khan Patwari.....Appellant

Versus

1. Anjum Khanan
2. Shamsul Zaman
3. Deputy Commissioner, Hangu etc.....Respondents

APPEAL AGAINST THE SENIORITY LIST ISSUED VIDE ENDST NO2733/ESTB/DC (H) DATE 26-08-2020

The instant appeal was filed by the appellant namely Obaidullah Khan patwari. District Hangu against the impugned seniority list issued on 26-08-2020 by Deputy Commissioner Hangu

Brief of the case is that the appellant and the respondents No 01 and 02 passed patwar exam in 2009 and their names were entered in Patwar Candidates Register on 13-08-2009. Later on, the appellant and the respondents No 01 and 02 were appointed as patwaris with order of merit as given below vide order dated 01-09-2009:

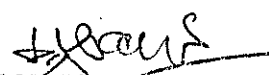
1. Obaidullah Khan.(app)
2. Anum Khan (respdt)
3. Shams ul Zaman (respdt)

Based on the order of merit, a joint seniority list of the all the patwaris of District Hangu. was issued tentatively by AAC(R). Hangu vide Endst No 324/AAC(R) dated: 24-06-2020. Later on the tentative seniority list was revised and final seniority list was issued by Deputy Commissioner, Hangu vide ENDST NO2733/ESTB/DC (H) DATE 26-08-2020 wherein the seniority position of the appellant was reverted and was shown junior to the private respondents. Aggrieved with the final seniority list. the appellant filed the instant appeal. Accordingly, summon was issued to Deputy Commissioner Hangu for deputing a representative along with para wise comments and original record.

Appellant along with counsel present. Respondents No.01 and 02, and Rep of Deputy Commissioner, Hangu also present. Para wise comments along with original record perused. The counsel for appellant quoted section 17(i) of Khyber Pakhtunkhwa Appointment, Promotion, Transfer Rules 1989 and contented that in case of initial recruitment, the seniority of civil servants is to be determined in accordance with the order of merit assigned by the Departmental Selection Committee. The rep of Deputy Commissioner Hangu, in rebuttal, contented that the seniority of civil servants appointed on same date is be determined on the basis of age i.e. whoever is older is to be considered senior vide section 04 of Khyber Pakhtunkhwa Appointment, Promotion, Transfer Rules 1989. But the counsel for appellant contended that this section does not fit the instant case as it pertains to promotion

This court heard both the learned counsels and came to the conclusion that the appellant is definitely senior to the private respondents on the basis of merit assigned by the Departmental Selection Committee, which is in accordance with the prescribed rules quoted above. Hence the appeal is accepted and the impugned seniority list dated 26-08-2020 is set aside.

Announced
07-09-2021


COMMISSIONER
KOHAT DIVISION KOHAT

Appeal no 7714/2021

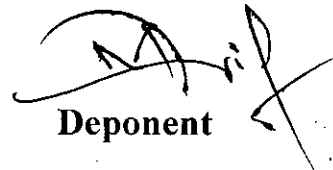
Shamsul Zaman.....Petitioner

Versus

Divisional Commissioner Kohat Division Kohat etc.....Respondents

AFFIDAVIT

I, Muhammad Arif, Assistant authorized by respondent No.1 do hereby solemnly affirm and declare on oath that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Deponent



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08/1

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7714/2021.

Shams uz Zaman Patwari.

Versus

1. Commissioner Kohat Division Kohat.
2. Deputy Commissioner Kohat Division Kohat.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Obaidullah Khan, Patwari patwar Halqa Hangu.

Sheweth,

Preliminary Objections:

- i. That the appellant has no locus standi and cause of action to bring the present appeal before this Honourable Tribunal.
- ii. That the appellant has not come to this court with clean hands and concealed the real facts.
- iii. That the appeal is time barred.
- iv. That the appellant has estopped by his own conduct.
- v. That the appeal is not maintainable being incompetent, vague and ambiguous
- vi. That the appeal is bad in law.

On Facts:

1. Needs no reply pertains to record.
2. First portion of this Para pertains to record while second portion of the para is incorrect.
3. Incorrect. Since the Respondent No.4 position was clear with regard to first tentative seniority list, while objection raised on final seniority list

and later on went on appeal before respondent No.1, which was accepted.

4. Correct. The impugned order i.e. final seniority list passed by DC Hangu (Respondent No.2) was set aside by respondent NO.1 vide order dt:07-9-2021.
5. Incorrect. The impugned order of respondent No.2 was set aside per prescribed service law.

Grounds:

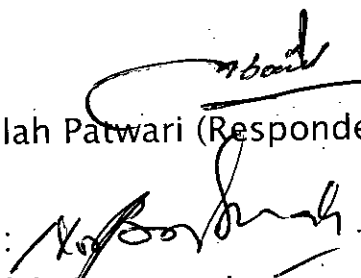
- A. Incorrect. The impugned order is based on logic views, legal and within the parameter of service law.
- B. Incorrect. The mandatory provision of law have has correctly been applied and no illegalities / irregularities committed by respondent No.1
- C. Absolutely incorrect. Appointment, promotion and Transfer Rules 1989 vide Rule No. 17(a) are very much clear. Seniority determined on merit. The plea taken is based on presumption.
- D. Incorrect and as per Para C.
- E. Incorrect. Seniority is determined on merit and not on basis of marks obtained in Patwar Examination.
- F. Incorrect. The seniority of the appellant was determined on basis of order of merit and within parameter of service law.
- G. Incorrect. The appellant has drawn wrong conclusion of age factor, it applies only when two or more than two civil servant having same date of appointment / promotion of different cadre previously are promoted the same cadre.

- H. Incorrect. Seniority is fixed on basis of merit and order of respondent No.1 is speaking order.
- I. Incorrect. No loss caused to appellant in term of seniority / promotion etc. valid order passed by respondent No.1 while setting aside impugned order made by respondent No.2.
- J. Incorrect. Each and every case has own facts. Mentioning disregard of law and rules on the subject matter is based on presumption having no validity at all.
- K. Incorrect. Question of whims and wishes by someone does not arise. Respondent No.1 has rightly set aside so-called orders of respondent No.2, which was absolutely wrong. Illegal, unlawful and also against the facts and circumstances of the case.
- L. Absolutely incorrect. Court order is based on correct appreciation of law.
- M. Incorrect. No such violations of law, rules and against natural justice are made.
- N. Needs no reply, pertains to record.

Keeping in view of above, is prayed that the appeal may please be dismissed, which is devoid of merit.

Dated: 23-07-2022.

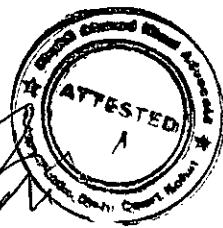
Obaid Ullah Patwari (Respondent NO.4)


Through: 
Noor Badshah Bangash
Advocate Kohat.

Affidavit:

I Obaid Ullah Khan Patwari Distt: Hangu do hereby solemnly affirm and declare on oath that the contents of parawise replies of instant appeal are correct to the best of my knowledge and belief and nothing concealed from this Honourable Tribunal.

Deponent





BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7714/2021.

Shams uz Zaman Patwari
Versus

1. Commissioner Kohat Division Kohat.
2. Deputy Commissioner Kohat Division Kohat.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Obaidullah Khan, Patwari patwar Halqa Hangu.

Replication with regard to stay, status quo application.

Sheweth,

1. Needs no reply.
2. Incorrect.
3. Incorrect. No success in the instant application being itself contradictory.
4. Incorrect. No balance of convenience lies in favour of appellant / petitioner. The application being itself contradictory. Points will be raised during Course of arguments.

Keeping in view of the contents of the application the respondent is wonder how the petitioner has incorporated promotion i.e. instructors of physical education, while case pertains to seniority of patwari which reflects that imprudent manner adopted, therefore, the application is not maintainable and is liable to dismissed on this score alone.

Obaid Ullah Patwari (Respondent NO.4)

Dated: 23-07-2022.

Through:

Noor Badshah Bangash
Advocate Kohat.

Affidavit:



I Obaid Ullah Khan Patwari Distt. Hangu do hereby solemnly affirm and declare on oath that the contents of parawise replies of instant stay application is correct to the best of my knowledge and belief and nothing concealed from this Honourable Tribunal.

Deponent

۲۰۲۲ء منبانب

Respect

عبداللہ زمان
عبدالجمال ناصر
طہواری
طہواری
ملع حسنکو

شمس الزمان
طہواری
ملع حسنکو

مورخہ

مقدمہ

دعوی

جرم زیر دفعہ

باعث تحریر آنکہ

svc appeal

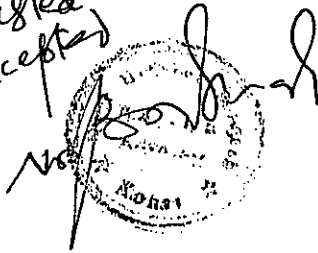
مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موقوف کو مقدمہ کی کل کاروائی کا ٹیل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ بصورت ڈگری کرانے اجراء اور وصول چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرف یا اپیل کی برآمدگی اور منسوخی اور دائر کرنے اپیل نگرانی و نشر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور یہ صورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داختم منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا اختیار حاصل ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ یا حد سے باہر کو وکیل صاحب پابند نہ ہوں گے، کہ پیروی مقدمہ مذکورہ کریں۔ لہذا نکالت نہ لکھ دیا تاکہ سند رہے۔

03-06-2022 المرقوم

العبد العبد

کے لئے منظور ہے۔

Attested
a accepted



(Obaidullah Khan)
Patwan- Respect

بمقام المور

(Abdul Jamal Nasir)
Respect