


06.02.2019

Clerk to counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Muhammad Arif, Supdt for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the Bar. Granted. To come up for arguments on 27.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

27.03.2019

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Arif, Superintendent for the respondents present. Appellant seeks adjournment on the ground that his counsel is busy in the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned. To come up for arguments on 09.04.2019 before D.B.


  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

09.04.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Arif Superintendent for the respondents present. Case called for several time but no one appeared on behalf of the appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs, File be consigned to the record room.


  
(Hussain Shah)  
Member


  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
09.04.2019

11.12.2018

Counsel for the appellant present. Mr. M. Arif, Supdt alongwith Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.12.2018 before D.B.

  
Member

  
Member

28.12.18

*Batch is incomplete. Therefore the case is adjourned for the same on 29-1-2019.*

  
Reddy


29.01.2019

Appellant present. Clerk of counsel for the appellant present and seeks adjournment. Learned Deputy District Attorney present and stated that the identical nature cases have already been rejected by this Tribunal. Representative Javid Assistant present.

In the present service appeal the appellant is aggrieved against his repatriation to his parent department.

It is settled proposition that a civil servant has no right to question the order of his repatriation to the parent department. Identical nature Service Appeals have either been rejected or the orders of status-quo have been vacated.

In the present service appeal the order was issued for maintaining status quo till the next date fixed as 22.11.2018. Hence in the circumstances of the case the ad-interim relief in the form of status-quo is no more in the field and shall be deemed as vacated. Adjourn. To come up for arguments on 06.02.2019 before D.B.

  
Member ;

  
Member

15.10.2018

Appellant in person present. Mr. Asghar Ali, ACR alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Representative of the respondents sought some time to submit the same. Case to come up for written reply/comments on 31.10.2018 before S.B. In the meanwhile status-quo to the extent of appellant be maintained till the date fixed.

(Ahmad Hassan)  
Member

31-10-18

*Due to Retirement of Honorable  
Chairman the Tribunal is non  
functional therefore the case is  
adjourned to come up for the*

*\* Same on 22-11-2018*

*Reader*

22.11.2018

Appellant present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Arif, Superintendent for the respondents present.

Parawise comments on behalf of respondents No. 1, 2 and 3 have been submitted today. The representative of the respondents states at the bar that respondent No. 4 also relies on the same. To come up for arguments on 11.12.2018 before the D.B. The appellant may submit rejoinder, if so advised, ~~within~~ three days before the date of hearing. The order dated 25.09.2018 granting status quo to the extent of the appellant shall remain operative till next date.

Chairman

A-No. 1159/2018  
Karim Gul vs Govt

25.09.2018

Counsel for the appellant Karim Gul present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was posted at Timergara as Tehsildar (CCB) and was transferred from there to Reader Member (I) Board of Revenue vide order dated 14.05.2018. It was further contended that the appellant was again transferred from the post of Reader to Member (I) Board of Revenue and was repatriated to his parent office vide order dated 09.07.2018 just after two months before completion of his normal tenure. It was further contended that the appellant preferred departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the appellant was also discriminated therefore, the impugned order dated 09.07.2018 is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 15.10.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of impugned order. Notice of the same be issued to the respondents. In the meanwhile status-quo to the extent of appellant be maintained till the date fixed.

Appellant Deposited  
Security & Process Fee

MA



(Muhammad Amin Khan Kundi)  
Member

Form-A

### FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1159/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	2	3
1-	17/09/2018  19-9-2018	The appeal of Mr. Karim Gul presented today by Mr. Javed Iqbal Gulbella Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.   REGISTRAR 17/9/18
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-9-2018</u>   MEMBER

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

In Re S.A 1159 /2018

Karim Gul Tehsildar Reader to MBR-I

**VERSUS**

Chief Secretary Khyber Pakhtunkhwa Peshawar and  
Others

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Dated: 07/09/2018

*Appellant*

Through

*J.I.*  
**JAVED IQBAL GULBELA**

**&**

*S.G.*  
**SAGHIR IQBAL GULBELA**

Advocate High Court  
Peshawar.

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

①

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

In Re S.A. 1159 /2018

Khyber Pakhtunkhwa  
Services Tribunal

Diary No. 1446

Karim Gul Tehsildar Reader to MBR-I.

Dated 17-9-2018

-----(*Appellant*)

**VERSUS**

1. Chief Secretary Khyber Pakhtunkhwa Peshawar R/o Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Board of revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
3. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
4. Commissioner Mardan Division Mardan.

-----(*Respondents*).

**SERVICE APPEAL U/S 04 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED  
NOTIFICATION NO. 27057 DATED 09/07/2018  
OF THE OFFICE OF THE SENIOR MEMBER  
BOARD OF REVENUE, KHYBER  
PAKHTUNKHWA PESHAWAR WHEREBY  
THE APPELLANT WAS REPATRIATED TO  
HIS PARENT OFFICE AND IMPUGNED  
ORDER DATED 11-09-2018 WHEREBY  
DEPARTMENTAL APPEAL WAS DISMISSED**

Filed to-day

Registrar

17/9/18

**Respectfully Sheweth**

1. That the Appellant is performing his duties as Tehsildar on Current Charge Basis. (CCB) in Reader to MBR-I.

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2. That the Appellant is being subject to persistent acts of discrimination on continuous basis and turned to be into shuttle cocks as without observing the normal tenures of posting and transfer, the Appellant is transferred and posted again and again.
3. That this was the background that yet another, herein impugned Notification No. Estt.:I/P/T/27057 dated 09/07/2018, and notification dated 30/08/2018 were illegally issued whereby the Appellant were repatriated to his parent office in an illegal, discriminatory, void, and unwarranted manner. (Copies of the impugned office order dated 09/07/2018 is annexed as annexure "A")
4. That before passing on to the grounds of the instant Petition, it is pertinent to mention that the Appellant is holding the substantive pay scale of Assistants (BPS-16), but having the ability and potential, otherwise eligible as well, have been transferred and posted as Tehsildar on Current Charge Basis (CCB), wherein his rights is protected and governed by Rule-9 of the Transfer, Promotion and Appointment Rules 1989.



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of the Transfer, Promotion and Appointment Rules 1989.

5. That besides the above the normal tenure of any transfer and posting order in 3 years while in the last one year, more than 04 times the transfer orders of the Appellant were issued which is against the fundamental rights and highly discriminatory in nature.
6. That feeling aggrieved the appellant preferred departmental appeal, which has been dismissed on 11/09/2018. (Copy of the departmental appeal and order are annexed as annexure "B & D")
7. That the Appellant was repatriated to his parent office while the favoritities and blue eyed were simply transferred and posted to other field duties at the same time in sheer discrimination.
8. That feeling aggrieved and having no other expeditious remedy available, the Appellant approached this Hon'ble Tribunal for recognition, enforcement and acknowledgment of their fundamental rights upon the following grounds inter alia:-

## **GROUND:**

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- A. That the Appellant is a naturally born bonafide citizens of the Islamic Republic of Pakistan and is rully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land and discrimination alongwith unfettered exercise of discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by superior Courts of the land.
- B. That persistent orders of transfer and posting of any Civil Servant/Government servant is always hazardous and injurious to the Potential and capabilities of the such civil servant /Government servant and has always been depreciated and discouraged by the Superior Courts, being always held as violation to fundamental rights and not solely to the service rights.
- C. That the impugned transfer and posting orders is highly discriminatory ones and at the same time the repatriating of the Appellant to his parent department without any rem and reason and without observing

the law on subject <sup>(5)</sup> while all the blue eyed ones were posted and transferred to their favourite places of posting and were left in field is highly discriminatory and void and amount to falling of the bolt from the blue upon the Appellant.

D. That such reshuffling on such higher scale and that too whom infested with malicious intentions, at this moment when the General Elections is to be highly held in nigh future give rise to many questions as the removed of officials at the helm of powers having influential characters which can be availed by candidates of election campaign and for whose appeasement this reshuffling at this crucial moment of this higher scale has been carried is unwarranted and void.

E. That without going in to minute details it would be suffice to mention here that persons who is holding same positions of responsibility on Current Charge Basis to other field offices instead of repatriating all the officials working on CCB to the parent department and thus only the Appellant were subject to unfettered discrimination and even only on this score both the impugned office orders is void and illegal.

F. That the normal tenure of transfer and posting can only be allowed to be left in rare and exceptional cases and that to in a defined public interest. But here the Appellant have repeatedly been transferred, transferred and transferred for no reasons, which is certainly not a good omen.

G. That posting and transferring any Civil Servant/Government Servant on Current Charge Basis is a defined mechanism of service laws and a procedure is detailed in Esta Code while the accrued rights, accrued thereupon, is fully protected under the same code whose details is provided under rule 9 of Transfer, Promotion and Appointment Rules of 1989. But here the situation is volte-face and the Appellant is repatriated to parent department without any justification and the same tantamount to violation of not only service laws but as well as fundamental law.

H. That no one can be condemned unheard, nor anyone can be condemned for no wrong.

I. That from every angle and perspective the impugned transfer and posting orders is illegal, discriminatory, void, unwarranted, vexatious, unlawful and is liable to be cancelled and set aside.

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- J. That even the appellant authority dismissed the departmental appeal and that too without any speaking order and cogent reasons.
- K. That any other ground no raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned notification NO. Estt-I/P/T/27057 dated 09/07/2018 and impugned order dated 11/09/2018 of the office of Senior Member Board of Revenue may graciously be cancelled and set aside and if the same is not feasible in the circumstances then the same impugned Notification and office order may graciously be modified to the extent of the Appellant and his names be struck off/ deleted from the list of transferred Tehsildar and be left at their places of serving/posting and even if the same is not feasible then the Appellant be posted and transferred in the same capacity of Tehsildar on Current Charge Basis likewise others of the same impugned transfer and posting orders/Notification.*

(P)


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

Dated: 07/09/2018



Appellant

Through



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

NOTE:-

The appellant had initially filed writ petition before the August High Court Peshawar as but that was withdrawn to file the instant appeal before this Hon'ble Tribunals.

Advocate.



BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

In Re S.A \_\_\_\_\_/2018

Karim Gul Tehsildar Reader to MBR-I

VERSUS


Chief Secretary Khyber Pakhtunkhwa Peshawar and  
Others

AFFIDAVIT

I, Karim Gul Tehsildar Reader to MBR-I, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

  
DEPONENT

Identified By :

  
Javed Iqbal Gulbela  
Advocate High Court  
Peshawar.



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

In Re C.M No# \_\_\_\_\_ / 2018

In Re S.A \_\_\_\_\_ /2018

Karim Gul Tehsildar Reader to MBR-I

**VERSUS**

Chief Secretary Khyber Pakhtunkhwa Peshawar and  
Others

**APPLICATION FOR SUSPENSION OF  
THE IMPUGNED NOTIFICATION NO.  
27057 DATED 09/07/2018 OF THE OFFICE  
OF THE SENIOR MEMBER BOARD OF  
REVENUE, KHYBER PAKHTUNKHWA  
PESHAWAR WHEREBY THE APPELLANT  
WAS REPATRIATED TO HIS PARENT  
OFFICE AND IMPUGNED ORDER DATED  
11-09-2018 WHEREBY DEPARTMENTAL  
APPEAL WAS DISMISSED.**

**RESPECTFULLY SHEWETH,**

1. That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That prima facie case exist in favour of the Petitioner.
3. That if the impugned notification as mentioned above is not suspended the Petitioner will suffer irreparable loss.
4. That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.



(10)

5. That in the given circumstances the suspension of operation of the impugned notifications are indispensable.

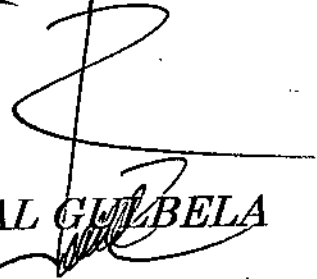
It is, therefore, most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for as mentioned above may kindly be suspended till the final disposal of the accompanying appeal.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

Dated: 07/09/2018

  
Appellant

Through

  
**JAVED IQBAL GULBELA**  
&  
**SAGHIR IQBAL GULBELA**  
Advocates High Court  
Peshawar

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

In Re S.A \_\_\_\_\_/2018

Karim Gul Tehsildar Reader to MBR-I

**VERSUS**

Chief Secretary Khyber Pakhtunkhwa Peshawar and  
Others

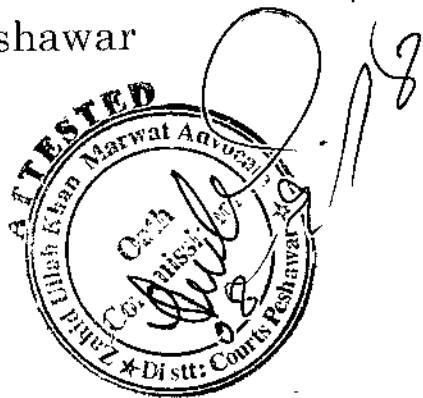
**AFFIDAVIT**

I, Karim Gul Tehsildar Reader to MBR-I, do hereby solemnly affirm and declare that the contents of the Instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

**DEPONENT**

*Identified By:*

**JAVED IQBAL GULBELA**  
Advocate High Court Peshawar



13

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

In Re S.A \_\_\_\_\_/2018

Karim Gul Tehsildar Reader to MBR-I

**VERSUS**

Chief Secretary Khyber Pakhtunkhwa Peshawar and  
Others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Karim Gul Tehsildar Reader to MBR-I


**RESPONDENTS:**

1. Chief Secretary Khyber Pakhtunkhwa Peshawar R/o Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Board of revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
3. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
4. Commissioner Peshawar Division Peshawar.

Dated: 07/09/2018

*Appellant*

Through

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

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 09/07/2018

NOTIFICATION

Ann-A

No. Est. J.P. (27) 57 In pursuance to the concurrence of the Election Commission of Pakistan conveyed through letter No. E-2(18)/2018-Cord., dated 05.07.2018, the Competent Authority is pleased to order the posting / transfer amongst the following Tehsildars with immediate effect and in public interest:-

S.No	Name of Tehsildar	From	To
1.	Mr. Irshad Ali	Inspector Stamps Peshawar	Tehsildar Charsadda
2.	Mr. Muhammad Iqbal	Tehsildar Charsadda	Inspector Stamps Peshawar
3.	Mr. Miraj Muhammad	Tehsildar Shabqadar	Tehsildar Pabbi.
4.	Mr. Aftab Ahmad	Awaiting for posting in Commissioner Office Peshawar	Tehsildar Tangi
5.	Mr. Younas Khan	Awaiting posting in Commissioner Office Peshawar	Tehsildar Chamarkand
6.	Mr. Imran Zaman	Upon completion of training	Reader to SMBR
7.	Mr. Karim Gul	Reader to MBR-I	Repatriated to his parent office
8.	Mr. Nimatullah	Upon completion of training	Reader to MBR-I
9.	Mr. Asad Umair	RO PESCO (CCB) Peshawar Circle	Repatriated to his parent office
10.	Mr. AbdurRaman	RO PESCO (CCB) Khyber Circle	Repatriated to his parent office
11.	Mr. Sahib Zada	Awaiting posting in BOR.	RO PESCO Khyber Circle
12.	Mr. Azmat Ali	Tehsildar (CCB) Reconciliation Peshawar	Repatriated to his parent office
13.	Mr. Khalid Mansoor	Upon completion of training	Tehsildar Reconciliation Peshawar
14.	Mr. Muhammad Dawood, (DK)	NT Land Acquisition Collector Charsadda	Settlement Tehsildar (OPS) Nowshera
15.	Mr. Sultan Hadir	Tehsildar Tangi	Tehsildar Balambat
16.	Mr. Muhammad Shafiq	Tehsildar Takhat Bhai	Tehsildar Mardan against vacant post
17.	Mr. Dil Nawaz	Awaiting for posting	Tehsildar Takhat Bhai
18.	Mr. Abdul Qayum	Inspector Stamps Mardan	Tehsildar Lahor
19.	Mr. Nawab Gul	Tehsildar (CCB) Lahor	Political Naib Tehsildar-II Upper Kurram
20.	Mr. Said Rehman	Tehsildar Topi	Tehsildar Katlang
21.	Mr. Mustafa Shah Assistant	Tehsildar (CCB) Rustum	Repatriated to his parent office
22.	Mr. Salfur-Rehman Assistant	Tehsildar (CCB) Swabi	Repatriated to his parent office
23.	Mr. Waheed Ullah	Tehsildar Katlang	Tehsildar Swabi

Advocate  
Mort: 0345-940551  
JAWAHAR

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24.	Mr. Muhammad Hasrat	Upon completion of training	Tehsildar / Inspector Stamp Mandan.
25.	Mr. Sher Dil	Tehsildar (CCB) Alpuri	Tehsildar Battagram against the vacant post.
26.	Mr. Amjad Inam	Tehsildar (CCB) Manselira	Repatriated to his parent office
27.	Mr. Arshad Membrud	Upon completion of training	Tehsildar Manselira
28.	Mr. Ifikharud-Din	Tehsildar Lower Tanwal	TOSD Board of Revenue
29.	Mr. Qamar Zia Malik	Tehsildar Baffa Pakhal	Tehsildar Khanpur.
30.	Mr. Javed	Tehsildar Havilaln	Tehsildar Lower Tanwal
31.	Mr. Afsar Khan	Tehsildar Khanpur	Tehsildar Allai, Battagram
32.	Mr. Saadat Hussain Assistant	Tehsildar (CCB) Allai Battagram	Repatriated to his parent office
33.	Mr. Ijaz Jadoon	Awaiting posting	Tehsildar (OPS) Abbottabad.
34.	Mr. Faraz Ahmad Qurishi	Tehsildar Oghi	Tehsildar Lora
35.	Mr. Raja Tawswar	Upon completion of training	Tehsildar Judba Torghar
36.	Mr. Muhammad Rehman, Assistant	Tehsildar (CCB) Chakesar Shangla	Repatriated to his parent office
37.	Syed Asif Iqbal	Tehsildar Dir Upper	Inspector Stamps Swat.
38.	Mr. Rehman Ullah Assistant	Tehsildar WariDir Upper	Repatriated to his parent office
39.	Mr. Umar Khitab	Tehsildar Mandanr	Tehsildar Matta Swat
40.	Mr. Ishtiq Ahmad	Tehsildar Matta Swat	Tehsildar Babuzai against the vacant post
41.	Mr. Munawar Shah	Tehsildar Khadukhel	Tehsildar Khwazakhela
42.	Mr. Afzal Khan	Tehsildar Khwazakehla	Tehsildar Mandanr
43.	Mr. Nimatullah	Tehsildar Kabal	Tehsildar WariDir Upper
44.	Mr. Muhammad Jawad	Tehsildar Barikot	Tehsildar Chakesar Shangla
45.	Mr. Abdul Qayum	Tehsildar (CCB) Behrain	Tehsildar Barawal (OPS) Dir Upper against the vacant post
46.	Mr. Shah Maswaz	Tehsildar Chitral	Tehsildar Batkhela
47.	Mr. Noor-ud-din	Tehsildar (CCB) Mulko Chitral	Repatriated to his parent office
48.	Mr. Shakir Ullah	Tehsildar Khall	Tehsildar Chitral
49.	Mr. Bakhtiar Ahmad	Awaiting posting	Tehsildar Alpuri
50.	Mr. Said Manan Assistant	Tehsildar (CCB) Balambat	Repatriated to his parent office
51.	Mr. Muhammad Ghufan Kanungo	Tehsildar (CCB) LalQilla	Repatriated to his parent office
52.	Mr. Muhammad Ilyas	Tehsildar Adenzi	Tehsildar Khadukhel
53.	Mr. Shah Jehan Assistant	Tehsildar (CCB) Batkhela	Repatriated to his parent office
54.	Mr. Sher Ali	Inspector Stamps Swat	Tehsildar Kabal
55.	Mr. Azam Khattak	Tehsildar Jehangera	Tehsildar Mulko Chitral
56.	Mr. Amir Nawaz	Awaiting posting in co	Tehsildar LalQila

Handwritten signature and scribbles on the left margin.

**JAVED IQBAL** G-1 Bela  
 Daudzai Law Chamber  
 Advocate High Court Peshawar  
 Mob: 0345-9495301

57.	Mr. Ishaq Ali	Upon completion of training	Tehsildar Domail against the vacant post
58.	Mr. Ghani Rehman Assistant	Tehsildar (CCB) Chamarkand Bajaur	Repatriated to his parent office
59.	Mr. Shahab Ud Din	PT Lower Orakzal	PT FR Kohat
60.	Mr. Muhammad Rizaz	PT FR Kohat	PT Lower Orakzal
61.	Mr. Shafqat Ihsan Assistant	Tehsildar (CCB) Thail	Repatriated to his parent office
62.	Mr. Rashid Ali	Tehsildar Karak	Tehsildar Hangu
63.	Mr. Abdul Karim Assistant	Tehsildar (CCB) Hangu	Repatriated to his parent office
64.	Mr. Aminullah	Tehsildar Domail	Tehsildar SeraiNaurang
65.	Mr. Shafqatullah Assistant	Tehsildar (CCB) SeraiNaurang	Repatriated to his parent office
66.	Mr. Hakim Ali	Sub Registrar (CCB) DI Khan	Repatriated to his parent office
67.	Mr. Sajid Saleem	NT Tank	Sub Registrar DI Khan
68.	Mr. Mofeed Alam	PT (CCB) Datta Khel	Repatriated to his parent office
69.	Mr. Muhammad Zaman	Upon completion of training	Tehsildar Kohat
70.	Mr. Muhammad Nawaz	Upon completion of training	Tehsildar Gumbat
71.	Mr. Muhammad Ayaz	Upon completion of training	Tehsildar Balakot
72.	Mr. Rahamdullah	RO PECO WAPDA Bannu	Political Tehsildar Dosalli.
73.	Mr. Shakil Assistant	PT (CCB) Mirali	Repatriated to his parent office

By Order Of  
Senior Member

No. Esit: 1/57/95/2017/27058-77

Copy forwarded to the:-

1. Election Commission of Pakistan with reference to his letter No. F.2(18)/2018-Cord., dated 05.07.2018.
2. Additional Chief Secretary FATA, Fata Secretariat, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. Commissioners of the respective Divisions.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Deputy Commissioners of the respective Districts including Tribal Districts.
7. Director Information Khyber Pakhtunkhwa, Peshawar.
8. District Accounts Officers of the respective Districts.
9. Officers / Officials concerned.
10. Personal Files.

~~Assistant Secretary (Esit)~~  
**SAVED IQBAL Gul Bela**  
 Daudzai Law Firm  
 Advocate High Court Peshawar  
 Mob: 0315-9495601

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Ann-B

A

Before the Worthy Chief Secretary, Khyber Pakhtunkhwa Peshawar

Karim Gul Tehsildar(BPS-16)(CCB) Reader to MBR-I, BOR/KPK Peshawar  
Presently serving as reader to Worthy Commissioner Mardan Division  
Mardan.

Appellant

Versus

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Niamatullah Reader to MBR-I, BOR, Khyber Pakhtunkhwa Peshawar.

Respondent.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER OF  
RESPONDENT DATED 09/07/2018, WHEREBY THE  
APPELLANT WAS REPATRIATED TO THE OFFICE OF  
COMMISSIONER MARDAN, WHICH IS ILLEGAL AGAINST  
LAW AND FACTS.

Respectfully Sheweth,

Respectfully it is stated that the appellant was appointed as junior clerk (BPS-5) in the Deputy Commissioner's Office Mardan on 29/08/1988 wherein the appellant served on different posts such as:-

1. That appellant was posted as Assistant/Reader to Commissioner (BPS-16) Since 2007
2. That due to the shortage of Tehsildar and appellant being senior most and most expert in the revenue matters, appellant was appointed/adjusted as a Tehsildar Palas, Kohistan vide order dated 08/09/2017 (copy of order is attached as Annex A).
3. That appellant has taken over charge and performed his duties with entire satisfaction of his superiors. (Copy of charge report is attached as Annex B).
4. That due to the best performance and better knowledge of revenue matters and Revenue law, appellant was again transferred from the post of Tehsildar Palas, Kohistan to Tehsildar Timargara, Dir Lower as per the request /disposal of Commissioner Malakand by Worthy SMBR, KPK, Peshawar vide order dated 05/03/2018. (copy of order is attached as Annex C).
5. That appellant has taken over charge and performed his duty with entire satisfaction of his superiors (copy of order is attached as Annex D).
6. That after completion of 2 months and due to having best performance and better knowledge of court work, appellant was again transferred from the post of Tehsildar Timargrah Dir Lower to the post of Tehsildar/Reader to MBR-i vide order dated 14/05/2018 of worthy SMBR. (copy of order is attached as Annex E).
7. That the appellant was repatriated to Commissioner Office Mardan Vide the Impugned order dated 09/07/2018 by Worthy SMBR, KPK, Peshawar during imposition of ban imposed by election commission of Pakistan vide order dated 28/04/2018 which is illegal, against law and facts on the following grounds.

Contd.....P/2

20 (18) (2)

GROUND

- A. That appellant has joint respondent department/ revenue department as a junior clerk on 29/08/1988 and completed his qualifying service i.e. 29 years and 11 months and no any complaint has been received against appellant till today.
- B. While appellant posted as Tehsildar Palas, Kohistan, the appellant had faced with so much hurdles because Kohistan is situated on a long distance from the local station of the appellant i.e. Mardan. The appellant used to travel/drive for more than 7 hours from the local station to the Kohistan for duty. Similarly, Temargara, Tehsil is also much more away from the local station of the appellant wherein also the appellant performed his duty for two months.
- C. That due to the long traveling from Mardan to District Kohistan about 8 hours travelling in the hard area, appellant was suffered from serious disease, appellant has lost their health on the completion of about more than 50 years age.
- D. That order of respondent dated 09/07/2018 is illegal, against law, facts and void abinitio and without lawful authority.
- E. That the impugned order of the respondent is passed during imposition of ban, which is imposed by the Chief Election Commission of Pakistan through letter dated 04/04/2018.
- F. That tenure of the appellant has not been completed, because appellant was transferred to the post of Reader to MBR-I, BOR, KPK Peshawar on 14/05/2018.
- G. That appellant has been transferred forth times within eight months and as per the reported judgment of Apex Supreme Court of Pakistan (P.L.J 1995, SC 629) like this transfer repatriation Apex Supreme Court of Pakistan has declared frequent transfer, which is depreciated like this practice of the department.
- H. That appellant being senior most assistant as well as having best knowledge regarding revenue matter and revenue law, appellant also completed his qualify service i.e. 25 years as Assistant (BPS-16), appellant was adjusted as a Tehsildar (BPS-16) for running of the continue job of Tehsildar in the hard area i.e. District Kohistan and after completion of his task, appellant is repatriated to the parent department which is illegal against law and facts and liable to be set aside.
- I. That impugned repatriation order has been passed on the political influences and mala fide intention as well as in the contraction of BOR order dated 09/07/2018 which is illegal and against the law and facts and liable to be set aside. (Copy of the order is attached Annex F).
- J. That competent authority has not been used his independent mind for passing impugned repatriation order because the impugned order has been passed on the proposed letter dated 05/07/2018 for adjustment/reshuffling of Tehsildar/Naib Tehsildar in the Division level, while impugned order has been passed for repatriation of appellant which is contradictory of letter of Chief Election commission Of Pakistan as there were no directions regarding repatriation of the appellant in the said letter. Moreover, the appellant is serving as reader of BOR MBR I and not in the field as a Rev: Tehsildar in Rev: Tehsil.

Contd.....P/3  
Gul Bala  
Peshawar  
0345-9406601



19

19

K. That as per the notification of Worthy SMBR, KPK, Peshawar, revenue staff should not be transferred to that very post from where he was already transferred, hence, repatriation of the appellant is violation of notification of Worthy SMBR, KPK, Peshawar, therefore, the impugned repatriation order is liable to be set aside.

It is therefore, humbly prayed that on acceptance of this appeal, the impugned order of respondent dated 09/07/2018 may please be set aside and appellant may please be allowed to continue his service at his original post i.e. Tehsildar/Reader to MBR-I, BOR, KPK, Peshawar. Any other relief deemed fit may also be graciously awarded.

Appellant

Karim Gul

Through counsel

Yaqoob Khan

advocate Peshawar High court  
Peshawar

Dated 21/7/2018

ZAVED IQBAL Gill Bala  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0315-9405501

Handwritten: *Wahid*, *Ann-c*, *Ann-c*

OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
MIRAL SHIKHRI STAD

Dated: 06/06/2018

Handwritten notes and signatures on the right margin.

On the recommendation of the Deputy  
Commissioner Upper Dir Revenue Board, Assistant of this office is hereby  
directed against the main part of Tehsil Lakhan, Dir Upper to  
be cancelled.

By Order  
COMMISSIONER MALAKAND DIVISION

For information of the  
Deputy Commissioner Upper Dir Revenue Board, Peshawar, for  
information, please  
the Deputy Commissioner Dir Upper with reference to his Memo. No.  
1709/DC/Exp/02(P/T Officer), dated 30-07-2018, for information &  
necessary action, please.  
The District Accounts Officer, Dir Upper  
the officer concerned, for compliance.  
Under File

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

Handwritten notes and signatures on the left margin.

SAVED IQBAL Gul Beld  
Daudpur Law Chamber  
Advocate High Court Peshawar  
MOB: 0345-9405501

**BETTER COPY**  
**OFFICE OF THE**  
**COMMISSIONER MALAKAND DIVISION**  
**SAIDU SHARIF SWAI**

25

PH 0946 09740458  
Email: secretarytoimdc@gmail.com

Dated 08/08/2018

**ORDER**

No 4432/2/19/Estt. On the recommendation of the Deputy Commissioner  
Dii Upper, Mr. Rahman Ullah, Assistant of his office is hereby transferred and  
posted against the vacant post of Tehsildar Tarjam, Dii Upper in his own pay  
scale in the larger public interest.

By Order  
COMMISSIONER MALAKAND DIVISION

No 4433 3/2/19/Estt

- Copy forwarded to
1. The Secretary Board of Revenue, Nhyber Pakhtunkhwa Peshawar for information, please
  2. The Deputy Commissioner Dii Upper with reference to his Memo No 17693/DC/Estt/02(P/T Officer), dated 30/07/2018 for information & necessary action, please
  3. The District Accounts Officer, Dii Upper
  4. The officer concerned for compliance
  5. Office Order file

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

**JAVED IQBAL Gul Bela**  
Daudzar, Peshawar  
Advocate High Court Peshawar  
Mob: 9945-9405501

RECEIVED  
MALAKAND DIVISION  
08/08/2018

COMMISSIONER GENERAL OF INVESTIGATION  
SAUDU SEARTE

19469240087  
Email: secretarytoindia@gmail.com

Date: 15/06/2018

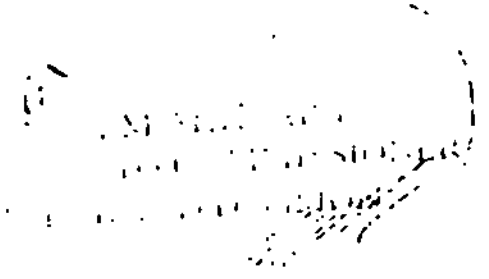
21

**OFFICE ORDER**

The following posts transfer among the Tehsildars is ordered with immediate effect in the larger public interest:-

Name & Designation	From	To
[Name]	Tehsil [Name]	Tehsildar (C) Gul Bahar, Chinal against the vacant post
[Name]	Tehsil [Name]	Tehsildar (C) [Name] Chinal vice versa

Authorised Signatory  
[Name]



EXCEPTIONAL  
[Signature]

**JAVED IQBAL Gul Bahar**  
Daudpur Law Colony  
Advocate High Court - Shikhar  
Mo: 0345-9405501

[Signature]

[Signature]











**BETTER COPY**  
**OFFICE OF THE**  
**COMMISSIONER MALAKAND DIVISION**  
**SAIDU SHARIF SWAI**

Dated 13/06/2018

P# 0940 57 10087

Email: [secretarytocommissioner@malakand.gov.pk](mailto:secretarytocommissioner@malakand.gov.pk)

**OFFICE ORDER**

No. 4514/2/19/Estt. The following posting/ transfer among the Tehsildar hereby ordered with immediate effect in the large public interest

S#	Name & Designation	From	To
1	Mr. Tariq Ahmad, Tehsildar (CCB)	Tehsildar Mastuj, Chitral	Tehsildar (CCB) Mulkhow, Chitral against the vacant post. Tehsildar (CCB) Mastuj, Chitral vice S. No. 1
2	Mr. Nooruddin, Assistant	Assistant DC, office Chitral	

By Order  
COMMISSIONER MALAKAND DIVISION

No. 4515 19/2/19/Estt.  
Copy forwarded to:

1. The Secretary board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners. Chitral
3. The District Accounts Officer. Chitral
4. The officers concerned for compliance.
5. Office Order File

(NALLIM AKHTAR)  
SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

  
JAVEED AL QURBELA  
Deudza  
Advocate High Court Peshawar  
Mob: 031-5-9405501



Tel: 0946.9240458

Email: secretary@mca.mal.gov.my

OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION

Date: 12/18/2011

**OFFICE ORDER**

No. 4499 /2/18/ESII. The following Tensildars within Malakand Division are appointed with immediate effect:

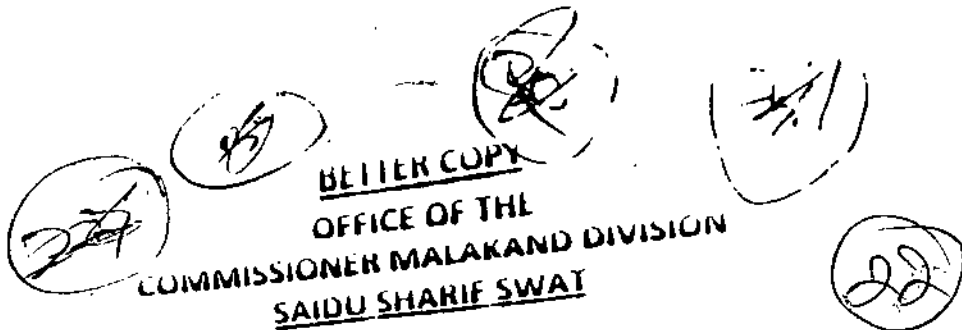
Name & Designation		Remarks
Mr. Ahmad Tensildar (CCB)	Mr. Ghadezal Buner Tensildar	Mr. Ghadezal Buner, Swat, filling the vacant post.
	Waiting for posting.	for Naib Tensildar Ghadezal Buner bn CCB, vice S No 1

By Order  
COMMISSIONER

No. 4499 /2/18/ESII

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

JAVED ICFAI  
Date: 12/18/2011  
Address: ...  
03-9460501

  
**BETTER COPY**  
**OFFICE OF THE**  
**COMMISSIONER MALAKAND DIVISION**  
**SAIDU SHARIF SWAT**

Date: 13/08/2018

P# 0946 0010455  
 Email: secretary@comdms.gov.pk  
**OFFICE ORDER**

No 4499/2/18/Estt The following posting/ transfer among the Naib Tehsildars within Malakand Division is hereby order with immediate effect in the large public interest

Sl#	Name & Designation	From	To
1	Mr. Abrar Ahmad, Naib Tehsildar (CCB)	Naib Tehsildar Ghadezai, Buner.	Naib Tehsildar, Barikot, Swat against the vacant post.
2	Mr. Sadaqat Ali Senior Clerk	Waiting for posting	Naib Tehildar Chadezai Buner on CCB, vice S.No.1

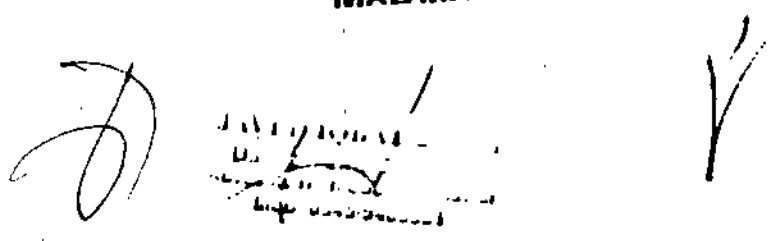
By Order  
**COMMISSIONER MALAKAND DIVISION**

No. 4500 05/2/18/Estt.  
 Copy forwarded to:

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners. Swat & Buner
3. The District Comptroller Officer, Swat
4. The District Accounts Officer, Buner
5. The officers concerned for compliance.
6. Office Order File

**JAVED IQBAL Gil Bela**  
 Deudzai Lay Chaher  
 Advocate High Court Peshawar  
 Mob: 03159405501

**SECRETARY TO COMMISSIONER**  
**MALAKAND DIVISION**





TELEPHONE NO. 924042

OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SADULSHAH, SWAT

The Tehsildar, Lagina, Dist Upper is directed to take over the work of the Tehsildar, Lagina, Dist Upper in addition to his own duties, till further orders.

By Order  
COMMISSIONER MALAKAND DIVISION

5449-56 2014-15  
Copy forwarded to:-

- 1. The Secretary (Branch of Revenue, Major Peshawar, Peshawar)
- 2. The Deputy Commissioner, Swat & Dir Upper
- 3. The District Commissioner of Accounts, Swat
- 4. The District Accounts Officer, Dir Upper
- 5. The District Engineer, Swat
- 6. Office Order File

(NAEEN AKHTAR)  
SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

Handwritten signatures and initials, including 'E.A.' and 'D.D.' with a large 'X' over them.

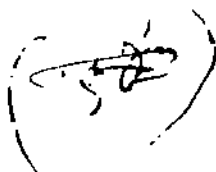
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ate High Court hawar  
No 0345-9495501

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BETTER COPY



OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SAIDU SHARIF SWAI



Dated 09/08/2018

P# 0946 9740458

Email: [secretarytoceid@malakand.com](mailto:secretarytoceid@malakand.com)

ORDER

No 4448/2/19/Estt

Mr. Abdul Qasim, Tehsildar (CCB) Barawal District Dir Upper is hereby transferred and posted against the vacant post of Tehsildar, Bankot, District Swat with immediate effect in the larger public interest.

The Tehsildar Qasim, Dir Upper is directed to look after the work of Tehsildar, Barawal in addition to his own duties, till further orders.

By Order

COMMISSIONER MALAKAND DIVISION

No 4449 50/2/19/Estt

Copy forwarded to

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners, Swat & Dir Upper
3. The District Comptroller of Accounts, Swat
4. The District Accounts Officer, Dir Upper
5. The officers concerned for compliance.
6. Office Order File

(INSTITUTIONAL)  
SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

Handwritten text, possibly a name or title, partially obscured.

JAVED IQBA  
Daudza Law Chamber  
Advocate Peshawar  
Mof. 1345-105501  
Gul Bela  
Peshawar

Government of Khyber Pakhtunkhwa  
**OFFICE OF  
 COMMISSIONER  
 HANNA DIVISION**

2017-2018  
 1-2-2018

24

**SECRET**

For posting of officers among the Tehsildars of the Division in the public interest in the public interest of the Government of Khyber Pakhtunkhwa.

Sr. No.	Name of Tehsildar	From	To
1	Mr. Muhammad Iqbal Tehsildar (BPS-15/PS-1)	Swat Waiting for posting	Bara Tehsildar
2	Mr. Abdul R. Khan Tehsildar (BPS-15/PS-1)	Swat Bara	Bara Tehsildar
3	Mr. Amirullah Tehsildar (BPS-15/PS-1)	Swat Waiting for posting	Bara Tehsildar
4	Mr. Muhammad Tehsildar (BPS-15/PS-1)	Swat Tehsildar	Bara Tehsildar

Commissioner  
 Hanna Division

1. Copy to file  
 2. Forwarded to the

- 1. Section Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar
- 2. Deputy Commissioner, Hanna
- 3. District Accounts Officer, Hanna
- 4. PS to Commissioner, Hanna Division
- 5. All concerned Tehsildars Swat Tehsildars for compliance

*[Signature]*  
 Secretary to Commissioner  
 Hanna Division

**JAVED FORAL Gul Bala**  
 Daudzai Law Chambers  
 Advocate High Court Peshawar  
 Mob: 0347-8405801

*[Signature]*  
 Date: 01/02/18  
 P. O. Daudzai

*[Signature]*

*[Signature]*

(307) BETTER COPY (307)

Government of Khyber Pakhtunkhwa  
 OFFICE OF  
 COMMISSIONER  
 BANNU DIVISION

No 3009-14/A&I/Estt  
 Date: 18-2018

24

OFFICE ORDER

Following posting/ transfers amongst the Tehsildars/Naib Tehsildars of this Division are hereby ordered in the public interest with immediate effect

Sr. No	Name of Tehsildar	From	To
1	Mr. Muhammad Latif, Naib Tehsildar (BPS 15 OPS)	Awaiting posting	for Naib Tehsildar Bannu
2	Mr. Abdul Rehman Shah, Naib Tehsildar (BPS 15)	Naib Tehsildar Bannu	Naib Tehsildar Bakka Khel
3	Mr. Anayatullah, Naib Tehsildar (BPS 15)	Waiting posting	for Tehsildar Bakka Khel (OPS)
4	Mr. Muhammad Akram, Tehsildar (BPS 1st)	Tehsildar Bakka Khel	Inspector Stamps, Commissioner Office, Bannu Division

sd/  
 Commissioner  
 Bannu Division

Serial no & date:

Copy forwarded to the

- 1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- Deputy Commissioner, Bannu.
- District Accounts Officer, Bannu.
- PS to Commissioner, Bannu Division
- All concerned Tehsildars/ Naib Tehsildars for compliance.

JAVED TOB L Gul Raza  
 Deudzi Law Ch  
 Advocate  
 No: 0345-0405501

Secretary to Commissioner  
 Bannu Division

*[Faint handwritten notes and signatures]*



OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SAIDU SHARIF SWAT

Tel# 0946-9240458  
SecretarytoCMD@gmail.com

Dated 13/03/2018

**ORDER:**

No. 4733 /2/19/Estt. In pursuance to the Board of Revenue Khyber Pakhtunkhwa notification bearing No.Estt/PF/172/Vol-VIII/13/office Complaint, dated 05-03-2018, Mr. Karim Gul, Tehsildar (CCB) is hereby posted as Tehsildar (CCB) Timergara, Dir Lower against the vacant post in the best public interest.

*By Order*  
COMMISSIONER MALAKAND DIVISION

No. 4734-38 /2/19/Estt.

Copy forwarded to:-

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar with reference to above for information, please.
2. The Deputy Commissioner Dir Lower.
3. The District Accounts Officer, Dir Lower.
4. The officer concerned.
5. Office Order File.

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

SAID IBRAHIM Gul Belg  
Deudzai Law Office  
Advocate H. Peshawar  
No. 345-9405504



By FAX

28

OFFICE OF THE  
COMMISSIONER MALAKAND  
SAIDU SHARIF SWAT

Tel# 0946-9240458  
Email: secretarytcmd@gmail.com

No. 2208 /2/18/Estt;  
Dated 21/11/2017

To:

The Secretary, Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- POSTING OF NAIB TEHSILDAR.  
Sir,

I am directed to refer to the subject noted above and to convey that the services of Mr. Karim Gul, Naib Tehsildar Pattan District Kohistan may be placed at the disposal of this office for further posting in the Division in the best public interest please

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION  
Ph# 0946-9240458

No. 2211 /2/18/Estt;

Copy forwarded to PS to Commissioner Malakand Division, for information, please.

*[Handwritten signature]*

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

*21/11/17*

SECRETARY TO COMMISSIONER  
MALAKAND DIVISION  
Gul Belp  
Peshawar  
Mob: 0946-9465501

27



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT.

Dated Peshawar the 08 September, 2017.

ORDER:

No.Estt://K.Gul/\_\_\_\_\_ The Competent Authority is pleased to post Mr. Karim Gul, Assistant, office of the Commissioner Mardan Division, Mardan as Tehsildar (CCB), Palas District Kohistan, against the vacant post with immediate effect in public interest.

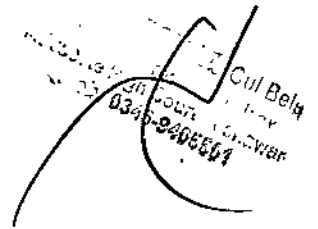
By order of  
Senior Member

Endst: No.Estt://K.Gul/ 19009-21

Copy forwarded to the :-

1. Commissioner of the respective Divisions.
2. Deputy Commissioner of the respective districts.
3. District Accounts Officer of the respective districts.
4. Officials concerned.
5. Personal File.

  
Assistant Secretary (Estt.)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

20

Peshawar dated the 14/05/2018

DEFINITION.

No. of P.T. Waheed Ullah / The Competent Authority is pleased to order the following posting / transfer among the Tehsil-dars with immediate effect and in public

S.No.	Name of Tehsil-dar	From	To
1	Muhammad Waheed Ullah	Tehsil-dar / Member-1, Board of Revenue.	Services placed at the disposal of Commissioner Mardan Division for further posting in Division.
2	Karam Gul	Tehsil-dar (CCB).	Reader to Member-1, (CCB) Board of Revenue.

By order of  
Sen or Member

No. of P.T. Waheed Ullah 22074-80

Copy forwarded to the:-

1. Assistant General Khyber Pakhtunkhwa Peshawar
2. Commissioner of the respective Divisions.
3. Deputy Commissioner of the respective District.
4. District Accounts Officer of the respective District.
5. Bill Assistant Board of Revenue.
6. P.S to Senior Member Board of Revenue.
7. Officer / official concerned.

Stamp: KARAM GUL  
Assistant Secretary (Estt)  
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 05/03/2018

29

NOTIFICATION.

No.Estt:/PF/172/Vol-VIII/13/Office Complaint/\_\_\_\_\_. The Competent Authority is pleased to place the services of Mr. Karim Gul Tehsildar (CCB) Pallas at the disposal of Commissioner Malakand Division for further posting in the Division.

By order of  
Senior Member

No.Estt:/PF/172/Vol-VIII/13/Office Complaint/ 12929-36

Copy forwarded to the:-

1. Commissioner Malakand Division Saidu Sharif Swat with reference to his letter No.2209/2/18/Estt, dated 21.11.2017
2. Commissioner Hazara Division Abbottabad.
3. Deputy Commissioner Kohistan Lower and Kolai Pallas Kohistan.
4. District Accounts Officer Kohistan.
5. PS to Senior Member, Board of Revenue.
6. Officer concerned.
7. Personal File.

  
Assistant Secretary (Estt.)



## Commendation Certificate.

30

It is certified that Mr. Karim Gul, Reader to Tehsildar Mardan is working under the control of the undersigned. He is very intelligent, hard working and painstaking official. He knows the revenue work well and prompt in his duty. His experience of revenue works is commendable. He is an asset for the revenue department.

Dated: 15 / 2 / 2008



Aziz-ur-Rehman Khan,  
Tehsildar Mardan.

JAVED IQBAL Gul Bela  
Deedza  
Advocate High Court, Lahore  
Mob: 05-9405501



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

No 228 /PSC(M)

Dated 16/05/2014

To,

(31)

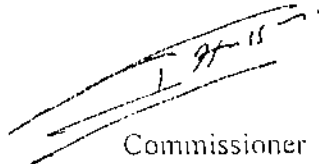
The Senior Member  
Board of Revenue Khyber Pakhtunkhwa  
Peshawar.

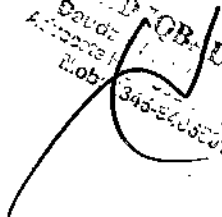
Subject:- APPLICATION FOR PROMOTION/INDUCTION AS  
TEHSILDAR / NAIB TEHSILDAR

Please enclosed find herewith a self explanatory application in respect of  
Mr.Karim Gul Reader to the undersigned.

In this connection it is relevant to mention here that the applicant is  
performing his duties as Reader to the undersigned with Additional duties of Reader to  
Additional Commissioner Mardan Division, Mardan. He is fully conversant with the  
revenue work / laws and has the capability of shouldering any responsibility having the  
requisite qualification and experience required for the post of Revenue Officer.

Therefore, the undersigned recommend him to be elevated to the post of  
Tehsildar / Naib Tehsildar. I hope that my recommendations will be honoured  
accordingly.

  
Commissioner  
Mardan Division Mardan

  
JAVED GUL BATA  
Gul Bata  
Assistant Commissioner  
Mardan  
Peshawar  
343-840307

To

The Hon'ble Senior Member Board of Revenue  
Govt of Khyber Pakhtunkhwa, Peshawar.

THROUGH PROPER CHANNEL

Subject: APPLICATION FOR PROMOTION/INDUCTION  
AS TEHSILDAR / NAIB TEHSILDAR

Hon'ble Sir,

Respectfully it is stated that the applicant was appointed as Junior Clerk (BPS-5) in the Deputy Commissioner's Office, Mardan on 29/08/1988 wherein the applicant served on different posts such as:-

1. Moharrir in the General Record Room for more than 3 years.
  2. Moharrir to EAC-IV, Mardan for 1 and half year.
  3. Moharrir/Copying Clerk in Copying Branch for 4 years.
  4. Reader to *Tehsildar Mardan for 5 years*
  5. Dispatcher in the English Office.
- The applicant has BA qualification.

Consequent upon devolution Power Plan, the applicant was declared as surplus and thereafter was adjusted as Moharrir in the court of Presiding Officer Revenue Appellate Court Mardan on 15/10/2004. Subsequently, the post of Reader fall vacant therein and hence, the applicant was shouldered upon the responsibilities of Reader of the said court in the year 2007 wherein he performed his duties to the utmost satisfaction of his superiors. In the year 2010, the post of Senior Clerk fall vacant and hence, the applicant was promoted to the post of Senior Clerk (BPS-09). However keeping in view, revenue experience and performance, the applicant was allowed to continue his responsibilities as Reader to **Additional Commissioner Mardan Division** Mardan vide office order No. 2908-14/EA/ACR dated 28-10-2010. Thus, the applicant performed the duties of Reader from 2007 till todate.

On 05-7-2013, the applicant was promoted as Assistant BPS-14. Moreover, due to transfer of Mr. Qasim Shah Naib Tehsildar/Reader to Commissioner Mardan, the post of Reader to Commissioner Mardan fall vacant. Thus, vide order No. 2453/ACR/EA/2-1, dated 20/01/2014 of the Worthy Commissioner Mardan Division, Mardan, the applicant was posted as Reader (on acting charge basis) to **Commissioner Mardan Division, Mardan** and is still serving on the same post with additional duties of Reader to **Additional Commissioner Mardan Division**.

In the court of **Commissioner Mardan Division Mardan** as well as in the **Revenue Appellate Court/Additional Commissioner Mardan Division, Mardan** and **Tehsildar Mardan**, the applicant gained much more experience of revenue work and revenue law.

As such the applicant has sufficient knowledge, technical know-how regarding the post applied for. Which deserve him to be promoted/inducted to the said post so that the 25 years experience could yield the fruit.

Keeping in view the above facts, my unblemished clean and practical experience of more than 25 years/service record, the applicant requests your good self to promote/induct the applicant as Tehsildar / Naib Tehsildar.

Your's obediently

Karim Gul, Assistant  
Reader to Commissioner  
Mardan Division, Mardan.

Law Chamber  
Peshawar  
10-15-2014



(33)

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT,  
Facebook ID: [www.facebook.com/bor.kpk92](http://www.facebook.com/bor.kpk92)  
Twitter ID: [@RevenueBoardkp](https://twitter.com/RevenueBoardkp)  
Fax No: [091.9213989](tel:091.9213989)

No.Estt:1/PF/Karim Gul/ 32025

Peshawar dated the 11 /09/2018

10

Mr. Karim Gul,  
Assistant, Office of the Commissioner Mardan.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER OF RESPONDENT DATED 09.07.2018, WHEREBY THE APPELLANT WAS REPATRIATED TO THE OFFICE OF COMMISSIONER MARDAN. WHICH IS ILLEGAL AGAINST LAW AND FACTS.

Your Departmental appeal dated 21.07.2018 has been examined and rejected by appellate authority.

**ATTESTED**

Assistant Secretary (Estt)

# وکالت نامہ

بعدالت: صد۔ سرس ٹریڈنگ

کسٹمر کل ب نام صیف سٹریٹ

منجانب کسٹمر دعویٰ سید سید

تاریخ 9.9.2024

باعت تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی اور جوابدہی کے لئے

بمقام کسٹمر کل ب نام صیف سٹریٹ ایڈووکیٹ ہائی کورٹ کو بدین شرط وکیل مقرر کیا ہے۔

کہ میں ہر پیشی کا خود یا بزرگوار بزرگوار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے

کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر

مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی

صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و

تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹالشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور

بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتنا ہی یا ترقی یا گرفتاری قبل از گرفتاری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا

اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل

ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت

میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔ مضمون مختار نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔




مورخہ 9.9.2024

سید سید

Accept  
89

Handwritten signature

Handwritten signature

49319	  
ایڈوکیٹ: M. Adnan Shau	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: 2380	
رابطہ نمبر: 0331-0334321	

بعدالت جناب: سرپرست پیسہ وکیل، پشاور

منجانب: ا. پیدائش	دعویٰ:
کریم گل بنام سید سید محمد علی	علت نمبر:
	موضوع:
	جرم:
	تھانہ:

**باعت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے محمد علی بنام سید سید محمد علی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

Accepted  
A. S. Khan

المرقوم: 25/9/18

المواہ شد العبد \_\_\_\_\_  
مقام: پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹو کاپی تاقابل قبول ہوگی

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

Karim Gul Tehsildar / Reader to MBR-I (CCB).

**VERSUS**

Senior Member Board of Revenue and others.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3.**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the Appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is time barred.
5. That the appeal is not maintainable in its present form.

**ON FACTS.**

1. No comments. Pertains to record.
2. Incorrect. The appellant is basically Assistant of the office of Commissioner Mardan who was posted as Tehsildar due to non-availability of regular Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Tehsildars were placed on Revenue/Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant has been repatriated to his original post and office. Posting of an official on Current Charge Basis does not create right of out of turn promotion, however his case will be placed before the Departmental Promotion Committee for promotion as Tehsildar as and when vacancies occur in his share on his own turn after fulfillment the required conditions. The question of observance of posting tenure does not arise.
3. Correct to the extent of repatriation to his parent office as he is basically Office Assistant.
4. Incorrect. The appellant is Assistant which is a separate cadre. Beside, he is the junior most and his case will be placed before the Departmental Promotion Committee for promotion as Tehsildar on his own turn.
5. Incorrect. The appellant is basically Assistant who was temporarily posted as Tehsildar (CCB) due to non-availability of regular Tehsildars. On completion of training of regular Tehsildar, the appellant alongwith others repatriated to their parent offices. The question of completion of 03 years tenure does not arise.

6. Correct to the extent that his departmental appeal was filed by the appellate authority.
7. Incorrect. All the Assistants / Senior Clerks who were posted as Tehsildars / Naib Tehsildars (CCB) have been repatriated to their parent offices including 17 officials who have recently been repatriated to their parent offices on 17.08.2018 (Annexure-A).
8. Incorrect. Appeal of the appellant is not entertainable.

**GROUND.**

- G. No comments.
- H. Incorrect. As stated in para-2 & 3 of the facts.
- I. Incorrect. No discrimination has been done with the appellant.
- J. Incorrect. Reshuffling was made with the prior approval of Election Commission of Pakistan.
- K. As in para-02 of the facts.
- L. Incorrect. As stated in para-2 of the facts, the appellant is basically Assistant, therefore on availability of regular Tehsildar the appellant was repatriated to his original post
- G. Incorrect. The appellant was posted as Tehsildar (CCB) and then repatriated to his parent office in the light of provision exist in Khyber Pakhtunkhwa Government servant (Appointment, Promotion and Transfer ) Rules, 1989. No violation of any rules committed.
- H. Incorrect. No punitive action under (Efficiency and Discipline) Rules have been taken against the appellant. He was only repatriated to his parent office, therefore the question of condemned unheard does not arise.
- I. Incorrect. No discrimination has been done with the appellant. Order dated 17.08.2018 is legal, fair, according to law and issued with the prior approval of the Competent Authority.
- J. Correct. Departmental appeal has been dismissed by the Competent Authority.
- K. The respondent also seek permission to submit additional grounds at the time of arguments.

It is requested that the appeal may be dismissed.



(Respondent No. 1, 2 & 3)



Service Appeal No. 1159/2018

Karim Gul Tehsildar (CCB) .....Appellant.

**VERSUS**

Senior Member Board of Revenue and others.....Respondents

**COMMENTS ON APPLICATION FOR INTERIM RELIEF ARE AS UNDER:-**

1. No comments.
2. Incorrect. The appellant is basically Assistant of the office of Commissioner Mardan who was posted as Tehsildar (CCB) due to non-availability of regular Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Tehsildars were placed on Revenue/Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant alongwith other (CCB) Tehsildars have been repatriated to their original post and offices. Posting of an official on Current Charge Basis can not create right of out of turn promotion, however their case will be placed before the Departmental Promotion Committee for promotion as Tehsildars as and when vacancies occur in their share on their own turn after fulfillment required conditions.
3. Incorrect. As stated above the appellant is Assistant (BS-16) and repatriated to his original post, therefore the question of irreparable loss does not arise.
4. Incorrect. Balance of convince is in favour of respondent.
5. Incorrect. As stated in para-2 and 3 above.

Keeping in view of the above application for suspension of order is not maintainable may be dismissed with costs.



Respondent No. 1, 2 & 3



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

DATED PESHAWAR, THE OCTOBER 30, 2017

NOTIFICATION

NO. SO(E-I)/E&AD/1-1/2017, The competent authority is pleased to approve the following powers/functions of the Divisional Commissioners in Khyber Pakhtunkhwa -

- i Monitoring and supervision of Revenue Administration
- ii Posting/transfer and service matters/DPC etc of Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Vernacular Clerk (HVC) in their respective Divisions
- iii Transfer of Tehsildars within their respective Divisional jurisdiction

2 The Board of Revenue shall exercise the powers to approve inter-divisional transfers of Tehsildars/Naib Tehsildars after extending courtesy of consultation to the respective Divisional Commissioners

3 Consequent upon above, the Notifications bearing No. SO(O&M)/E&AD/2-30/2007 dated 12.10.2009, 21.9.2010 and 29.7.2013 are hereby withdrawn

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of oven No. and date.

Copy forwarded to the -

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary (FATA), FATA Secretariat.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. All Political Agents in FATA.
12. All District Accounts Officers in Khyber Pakhtunkhwa.
13. Director, Information, Khyber Pakhtunkhwa.
14. PSO to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary, Establishment/PS to Secretary, SO(E-I)/SO(E-V)/SO(O&M)/E&AD (Reg)/PA, AS(HRD)/AS(E)/DS(E)/SO(E-I)/SO(E-V)/SO(O&M)/E&AD
16. PS to Secretary, Administration/PS to Secretary, SO(E-I)/SO(E-V)/SO(O&M)/E&AD  
Cypher/Dy. Director, Information and Director, Provincial Administration  
Department, Peshawar
17. Manager, Govt. Printing Press, Peshawar.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
PESHAWAR

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 14/05/2018

DEFINITION.

No. 1031/11 Waheed Ullah/\_\_\_\_\_ The Competent Authority is pleased to order  
the following posting / transfer amongst Tehsildars with immediate effect and in public

S No.	Name of Tehsildar	From	To
	Mr. Waheed Ullah Tehsildar	Tehsildar Member-1, Revenue.	Reader to Board of Services placed at the disposal of Commissioner Mardan Division for further posting in the Division.
	Karim Gul Tehsildar	Tehsildar (CCB)	Timergara Reader to Member-1, (CCB) Board of Revenue.

By order of  
Senior Member

1. S.O. Waheed Ullah 22074-80

Copy forwarded to the:-

1. Deputant General Khyber Pakhtunkhwa Peshawar
2. Commissioner of the respective Divisions.
3. Deputy Commissioner of the respective District
4. District Accounts Officer of the respective District.
5. Bill Assistant Board of Revenue.
6. P.S. to Senior Member Board of Revenue.
7. Officer / official concerned.

Assistant Secretary (Hstf)

No F 16(1)/2018-Elec-II  
ELECTION COMMISSION OF PAKISTAN  
\*\*\*\*\*



"Secretariat"  
Constitution Avenue, G-5/2,  
Islamabad, the 4<sup>th</sup> July, 2018.

Mr. Arshad Majeed,  
Secretary Establishment,  
Establishment Department,  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat,  
Peshawar.

Subject: Reshuffling of Tehsildars and Naib Tehsildars in Khyber Pakhtunkhwa.

Dear Sir,

I am directed to refer to your letter No.SO(E-I)E&AD/11-25/2018, dated the 28<sup>th</sup> June, 2018 on the subject noted above and to convey that the competent authority has granted permission for postings/transfers proposal in respect of 75-Tehsildars and 70-Naib Tehsildars as requested, subject to fulfillment of all codal formalities.

Yours sincerely,

A

O/c (Atif Rahim)  
Dy. Director (Elections)  
051-9204342

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24/7/18