

01.09.2015

Clerk of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk of counsel for the appellant requested for adjournment. To come up for rejoinder and arguments on 4-02-2016


Member


Member

18.01.2016

Appellant with counsel and Mr. Mukhtiar Ali, Superintendent alongwith Addl: A.G for respondents present. Learned counsel for the appellant submitted an application for withdrawal of the appeal as the grievances of the appellant have been redressed by the respondent-department. Signature of the appellant also secured on the margin of the order sheet. As such the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
18.01.2016


MEMBER

Ziaullah
CNIC 1702-6886343-3

17.2.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents and counsel for private respondents No. 5 & 11 present. Counsel for the appellant requested for time to be granted for submission of written to application of private respondents No. 5 & 11. To come up for reply/arguments on application on 24.3.2015.


MEMBER

24.03.2015

Counsel for the appellant, Mr. Mukhtiar Ali, Supdt: for respondent No.2 alongwith Addl: A.G for official respondents and counsel for private respondents No. 5 and 11 present. Requested for adjournment. Last opportunity granted for submission of written reply of private respondents No.5 & 11 and reply to application by the appellant. To come up for written reply on behalf of private respondents No.5 & 11 as well as reply to application and arguments thereon before S.B on 22.5.2015.


Chairman

22.05.2015

None present for appellant. Mr. Mukhtiar Ali, Supdt. for respondent No. 2 Addl: A.G for official respondents No. 1 to 4 present. Neither private respondents No. 5 and 11 are in attendance nor submitted written reply despite last chance, hence proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 1.9.2015.


Member

8.12.2014

Appellant in person, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents and junior to private respondents No. 5 & 11 present. The Tribunal is incomplete. To come up for the same on 2.1.2015.



READER

2.1.2015

Junior to counsel for the appellant and Mr. Ziaullah, GP with Mukhtiar Ali, Supdt. for the official respondents and clerk to counsel for private respondents No. 5 & 11 present. The Tribunal is incomplete. To come up for the same on 04.02.2015.



READER

4.2.2015

Clerk of counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mir Qasam, Assistant Secretary for the official respondents and clerk of counsel for private respondents No. 5 & 11 present. Counsel for the appellant requested for time to file reply to application submitted on 5.11.2014 on behalf of private respondents No. 5 & 11. Case to come up for reply/arguments on 17.2.2015.



MEMBER

20.10.2014

Appellant in person, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present who already filed written reply. Private respondents No. 5 & 11 in person present and requested for further time and assured submission of their written reply on the next date positively. Appellant submitted before the court that private respondents No. 5 & 11 have been given last chances in three consecutive dates of hearing but they failed to file their written reply and liable for strike of their defence. He also stressed for restraining the respondents from further promotions of Naib Tehsildars.

Perusal of record would reveal that there is no application on behalf of the appellant for interim relief, therefore, the respondents cannot be restrained from making departmental promotions at this stage. So far as the defence of respondents No. 5 & 11 is concerned, in the interest of justice and on assurance of respondents No. 5 & 11, another chance is given to them for submission of written reply on 05.11.2014. In case they failed to file written reply on the date fixed, no other chance will be given to them and they will be placed ex-parte.


MEMBER

5.11.2014.

Appellant in person, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents and private respondents No. 5 & 11 with their counsel present. Counsel for private respondent No. 5 & 11 submitted application for rejection of appeal. Copy handed over to appellant for reply/arguments on 8.12.2014.


MEMBER

1609/13

29.08.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for official respondents No. 1 to 4 present who already filed written reply. Clerk to counsel for private respondents No. 5 & 11 present and requested for further time. Another last chance is given to them for submission of written reply on 26.09.2014.


MEMBER

26.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for official respondents present who already filed written reply. Private respondents No. 5 and 11 present with their counsel and requested for further time to file written reply. Request is accepted. To come up for written reply of private respondents No. 5 & 11 on 20.10.2014 but this will be the last opportunity for them.


MEMBER



19.5.2014

Counsel for the appellant and AAG with Mukhtiar Ali, Supdt, Sultan Shah, Assistant and Muhammad Irshad, Supdt. for respondents No. 1 to 4 present and requested for time. None is available on behalf of private respondents. Fresh notices be issued to them. To come up for written reply on 18.6.2014.

MEMBER

MEMBER

18.06.2014

Appellant in person, AAG with Mir Qasam, Assistant Secretary for official respondents No. 1 to 3 present and reply filed. Copy handed over to appellant. Mr. Sajid Amin, Advocate/counsel for private respondents No. 5 and 11 present and Wakalatnama placed on file. He requested for further time. None is available on behalf of other private respondents; nor their written reply received, despite proper service, hence placed ex-parte. To come up for written reply of private respondents No. 5 and 11 on 11.7.2014.

MEMBER

MEMBER

11.7.2014.

Appellant in person, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondents No. 1 to 3 and Clerk to counsel for respondents No. 5 and 11 present. Written reply of official respondents No. 1 to 3 already filed but request made on behalf of private respondents No. 5 & 11 for adjournment to file written reply. Request is accepted but this will be the last opportunity for them. To come up for written reply of respondents No. 5 and 11 on 29.8.2014.

MEMBER

MEMBER

1609/2013

25.3.2014.

Appellant No.1 alongwith counsel for the appellants and AAG with Mir Qasam Assistant Secretary for respondents No. 1 & 2 and Muhammad Irshad, Supdt. for respondent No.4 present. Arguments on the point of joint service appeal, heard and case file perused.

Though the instant appeal has been remanded by the august Supreme Court of Pakistan vide order dated 30.10.2013 wherein it was held "while treating the Writ Petition filed by the private respondents as service appeal, the matter is remitted to the Provincial Service Tribunal for decision in accordance with law, after considering all the factual and legal pleas raised before it." As per requirement of law governing service matters, each of the present appellants is required to file separate service appeal. Therefore, the appellants are directed to file separate service appeals before this Tribunal on proper format alongwith spare sets on the next date. Case is adjourned to 18.4.2014.

MEMBER

18.4.2014

Appellant Zahid Kamal with counsel and Mr. Muhammad Jan, GP with Muhammad Irshad, Supdt. for the respondent No. 4 present. Counsel for the appellant submitted separate service appeal on proper format. Copy handed over to the learned GP and representative of respondent No.4. Notice be issued to other official as well as private respondents through registered post. To come up for written reply on 19.5.2014.

MEMBER

MEMBER

13.2.2014

Appellant No. 1 (Zahid Kamal) in person and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondent No. 1 present. None is available on behalf of other official respondents, fresh notices be issued to them. Notices to private respondents have not been issued, which may be issued to them positively. To come up for reply/arguments on application as well as further proceedings on 3.3.2014.

MEMBER

MEMBER

3.3.2014

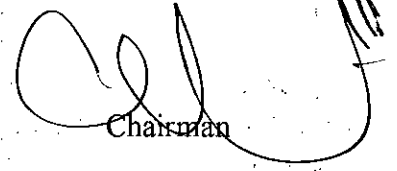
Appellant No.1 (Zahid Kamal) with counsel and Mr. Muhammad Adeel Butt, AAG with Mir Qasam, Assistant Secretary for the official respondent No.1 present. None is available on behalf of other respondents. The instant joint service appeal of 9 appellants has been remanded by the august Supreme Court of Pakistan by converting the Writ Petition into service appeal. Counsel for the appellant as well as learned AAG will assist on the points of joint service appeal as well as format of appeal, on the next date i.e. 25.3.2014.

MEMBER

MEMBER

13.12.2013

Case files (W.P No. 3023/2011 titled Zahid Kamal etc.-vs-Govt. of KPK etc. and W.P No.96/2012 titled Amir Abdullah Khan-vs-Govt. of KPK etc.) received on remand from the august Supreme Court of Pakistan vide order/judgment dated 30.10.2013, whereby, while setting aside impugned judgment of the Peshawar High Court, Peshawar dated 12.3.2013, the august Supreme Court of Pakistan has treated the writ petitions filed by the private respondents as service appeal and remitted the matter to this Tribunal 'for decision in accordance with law, after considering all the factual and legal please raised before it'. Both the cases are entrusted to learned bench-II for disposal in accordance with judgment/order and directions of the august Supreme Court of Pakistan.


Chairman

16.12.2013.

Case file received from learned Bench-I and order sheet dated 13.12.2013 perused. Notices be issued to the parties for appearance and further proceedings on 13.2.2014.


MEMBER


MEMBER

20.1.2014

Counsel for the appellant present and requested for requisition of file for to-day. File has been requisitioned.

Counsel for the appellant submitted an application for suspending the operation of impugned notification to the extent of entry of Political Moharrir and also respondents may be prevented from making promotion to the post of N.T. Notice of application be issued to the respondents for reply/arguments on 13.2.2014.


MEMBER


MEMBER

Most Immediate.

PESHAWAR HIGH COURT, PESHAWAR.

No. 17508 /Judl: Dated Peshawar the 10 /12/2013.

From,

The Additional Registrar Judl;
Peshawar High Court,
Peshawar.

1096
19-12-13

To,

✓ The Registrar,
Provincial Service Tribunal,
Peshawar.

Subject:

Civil Appeal Nos. 1416 to 1419 of 2013.

Out of

Civil Petition Nos. 652,225-P,227-P & 962 of 2013.

- 1- Hazrat Khan and another. (App. in C.A.1416/2013).
- 2- Government of K.P.K through Chief Secretary, Peshawar and others. (App. in C.A.1417-1418/2013).
- 3- Bahadar Khan and others. (App. in C.A.1419/2013).

Versus.

- 1- Zahid Kamal and others. (Res. in C.As. 1416-1417/2013).
- 2- Amir Abdullah and others. (Res. in C.A.1418/2013).
- 3- Government of KPK, through Chief Secretary, Peshawar and others. (Res. in C.A. 1419/2013).

Needful be done.
L.S. No. 3
12/12/13

(On appeal from the Judgment and order of the this Court dated 12.03.2013, in W.P.Nos.3023/2011 & 96/2012).

Sir,

Reference letter No.C.A.1416-1419/2013 dated 29.11.2013 received from the Registrar Supreme Court of Pakistan Islamabad copy enclosed.

I am directed to forward herewith copy of reference letter & Apex Court order dated 30.10.2013 passed in the above noted case along with grounds & enclosures of Writ Petitions No. 3023/2011, "Zahid Kamal etc Vs Govt of KPK etc" and W.P. No. 96/2012, "Amir Abdullah Khan Vs Govt of KPK etc" in original for information and compliance please.

Enclosed.

As above.

(ADDITIONAL REGISTRAR (J))

10/12/2013.

Endts: No. _____ /Judl: Dated Peshawar the _____ /12/2013.

Copy forwarded to the Registrar, Supreme Court of Pakistan Islamabad for information with reference to his letter referred above.

(ADDITIONAL REGISTRAR (J))

706

571

273
4/12/13

Ph: 9220581.
Fax: 9220406.

REGISTERED
Nos. C.A.1416-1419/2013-SCJ,
Supreme Court of Pakistan.

4

Islamabad, 28/11/2013.

From:

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Registrar,
Peshawar High Court,
Peshawar.

✓
Go ARIP

REGISTRY	NO. 20304
DATE	3/12/13
FOR ACTION	[Signature]
BY	[Signature]

Subject:- Civil Appeal Nos. 1416 to 1419 of 2013.

Out of

Civil Petition Nos. 652, 225-P, 227-P & 962 of 2013.

1. Hazrat Khan and another. (App.in C.A.1416/2013).
2. Government of K.P.K through Chief Secretary, Peshawar and others. (App. in C.As.1417-1418/2013).
3. Bahadar Khan and others. (App.in C.A.1419/2013).

VERSUS

1. Zahid Kamal and others. (Res. in C.As.1416-1417/2013).
2. Amir Abdullah and others. (Res. in C.A.1418/2013).
3. Government of K.P.K through Chief Secretary, Peshawar and others. (Res. in C.A.1419/2013).

On appeal from the Judgment and Order of the Peshawar High Court, Peshawar dated 12.03.2013, in W.P. Nos. 3023/2011 & 96/2012.

Dear Sir,

I am directed to forward herewith a certified copy of the Order of this Court dated 30.10.2013, converting into appeal the above cited civil petitions, allowing and remanding the same, **in the terms stated therein**, for immediate necessary action.

I am also to invite your attention to the directions of this Court contained in the enclosed Order.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:

Yours faithfully

(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

*Recd & copy filed in Regt
30/12/13*

K 704/13

685/13

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE EJAZ AFZAL KHAN

CIVIL PETITIONS NO.652, 225-P, 227-P AND 962 OF 2013

(Against the judgment dated 12.3.2013 of the Peshawar High Court,
Peshawar passed in Writ Petitions No.3023/2011 and 96/2012)

- | | | |
|----|------------------------------|-----------------------|
| 1. | Hazrat Khan and another | ... in C.P.652/2013 |
| 2. | Government of KPK and others | ... in C.P.225-P/2013 |
| 3. | Government of KPK and others | ... in C.P.227-P/2013 |
| 4. | Bahadar Khan and others | ... in C.P.962/2013 |
| | | ...Petitioners |

VERSUS

- | | | |
|----|------------------------------|------------------------|
| 1. | Zahid Kamal and others | ... in C.P.652/2013 |
| 2. | Zahid Kamal and others | ... in C.P.225-P/2013 |
| 3. | Amir Abdullah and others | ... in C.P.227-P/2013 |
| 4. | Government of KPK and others | ... in C.P.962/2013 |
| | | ... Respondents |

For the petitioners: Mr. Ijaz Anwar, ASC
(in C.P.652/2013) Mr. M. S. Khattak, AOR

For the petitioners: Mr. Zahid Yousaf, Addl.A.G. KPK
(in C.Ps.225-P & 227-P/2013)

For the petitioners: Mr. Amjad Ali, ASC
(in C.P.962/2013)

For respondents 1-9: Mr. Afnan Karim Kundi, ASC
(in C.P.652/2013)

For respondents 1-9: Mr. Amjad Ali, ASC
(in C.P.225-P/2013) 7
For the respondents
(in C.P.227-P/2013)

For the respondents: Not represented
(in C.P.962/2013)

Date of hearing: 30.10.2013

ATTESTED


Superintendent
Supreme Court of Pakistan
Islamabad

ORDER

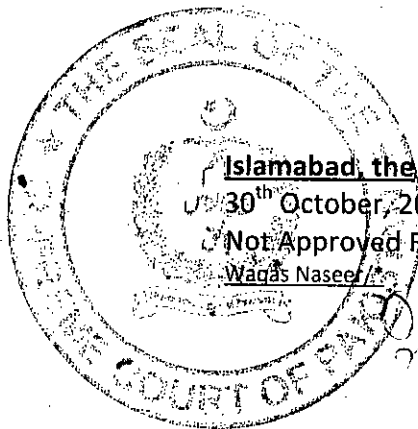
MIAN SAQIB NISAR, J.- While the order granting leave in these cases was being dictated, learned counsel for the respondents suggests that they would have no objection if the impugned judgment of the learned High Court is set aside and the writ petition filed by the private respondents be treated as service appeal, the matter be sent to the Provincial Service Tribunal for the purposes of considering the grievance agitated by the private respondents in the writ petition. Learned counsel for the petitioners have no objection to that effect.

2. In the light of the above, the impugned judgment is set aside and while treating the writ petition filed by the private respondents as service appeal, the matter is remitted to the Provincial Service Tribunal for decision in accordance with law, after considering all the factual and legal pleas raised before it. These petitions are converted into appeals and allowed in the terms noted above.

Mian Saqib Nisar &
Mian Ejaz Afzal Khan &

Certified to be True Copy

[Signature]
29/10/13
Superintendent
Supreme Court of Pakistan
Islamabad



2-11-13

IN THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1609/2013.

ZAHID KAMAL

(APPELLANT)

VS

THE GOVT. OF KPK & OTHERS

(RESPONDENTS)

INDEX

S.No	Description of documents	Dated	Annexure	pages
1.	Service Appeal with Affidavit			1-6
2.	Memo of Addresses of Parties			7
3.	Seniority List		A	
4.	Notification	27-11-2001	B	
5.	notification	31-10-2002	C	
6.	notification	26-12-2008	D	
7.	Impugned notification	30-3-2011	E	
8.	Letter	19-7-2011	F	
9.	Impugned Letter	29-9-2011	G	
10.	Stamp Paper			
11.	Wakalat Nama			

Appellant

Through


Khushdil Khan
Advocate Peshawar

Dated:

Mr. Zahid Kamal Assistant, o/o the Commissioner
Peshawar Division Peshawar.

(Appellant)

VS

1. The Govt. of KPK through Chief Secretary,
Civil Secretariat, Peshawar.
2. The SMBR, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment &
Administration Department, Civil Secretariat, Peshawar.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department,
Civil Secretariat, Peshawar.
5. Hazrat Khan.
6. Imad Khan.
7. Jan Alam.
8. Samin Khan.
9. Chandi Khan.
10. Ihsanuddin.
11. Shehreyar Khan.
12. Gohar Ali.
13. Badruz Zaman.
14. Muhammad Sher All Junior/Senior Clerks, O/o the Political Agent,
Mohmand Agency.
15. Iqbal Hussain.
16. Mufti Muntaz Jan.
17. Ghazi Khan.
18. Mina Dar.
19. Bismillah Khan.
20. Ali Raza.
21. Muhammad Ibrar.
22. Shah Jehan.
23. Inayatullah.
24. Faridullah Khan.
25. Muhammad Saeed.
26. Zareen Khan.
27. Turkistan.
28. Salim Javed All Junior/Senior Clerks, o/o the Political Agent, Khyber
Agency.

(Respondents)

**APPEAL UNDER SECTION 04 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974.**

Respectfully Sheweth,

Facts giving rise to the present appeal is as under:-

1. That the appellant is the employee of the Revenue & Estate
Department and serving as Assistant (BPS-14) with effect from his
respective dates of appointment in the present Cadre and at present
the appellant is one of the senior most Assistant vide seniority list
(Annex-A) notified on 07.02.2011.

Ex-Parte
18-6-14

Ex-Parte
vide order
sheet dated
18-6-14

2. That as per the Notification dated 27.11.2001 (Annex-B) issued by the Revenue & Estate Department, the post of Naib Tehsildars were to be filled in as under:-

2

- a) 50% by initial recruitment of which 10% shall be reserved for ex-servicemen through Public Service Commission based on the result of competitive examination conducted by it in accordance with the syllabus.
- b) 38% by promotion on the basis of seniority-cum-fitness from amongst kanungo in the Division with at least five years service as such.
- c) 12 % by selection on merit from amongst Assistants and Stenographers working in the office of Board of Revenue, District Collectors and Director Land Records who have five year service as such.

3. That the rules *ibid*, were then amended vide Notification dated 31.10.2002 (Annex-C) wherein *inter-alia* amendment was brought about in the relevant column of Naib Tehsildars to the following effect:-

- Three years instead of five years.
- 12% by selection on merit from amongst the Assistants and Senior Scale Stenographers of the Board of Revenue, Director Land Record and the office Political Agent. And Assistants and Junior Scale Stenographers in the office of District Officers (R&E)/Collector with three years service as such.

4. That subsequently in the year 2008 further amendments were introduced in the said rules vide Notification dated 26.12.2008 (Annex-D) with regard to the recruitment of Naib Tehsildar to the following effect:-

- a) 50% by initial recruitment, through NWFP Public Service Commission based on the result of Competitive examination conducted by it in accordance with the syllabus; and
- b) 30% by promotion on the basis of seniority-cum-fitness from amongst the graduate Kanungos with at least five years as such, who have passed departmental examination of Naib Tehsildar. The condition of graduation will be applicable after five years from the date of issuance of this notification.
- c) 20% by promotion on the basis of joint seniority-cum-fitness from amongst Junior Scale Stenographers and Assistants in the office of Political Agent, Frontier Region, Assistant/Junior Scale Stenographers of ex-Deputy Commissioner/Commissioners offices presently working in the office of DCO/ACO/EDO (F&P) and DOR who are graduate with five years service as such.

5. That finally the impugned Notification dated 30.03.2011 (Annex-E) was issued by the Department wherein the method of recruitment to the post of Naib Tehsildar was once again changed viz:

- (3)
- i. 30% from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental examination of Naib Tehsildars: and
 - ii. 20% from amongst the graduate Assistants of the o/o Commissioners/Additional Commissioners/DCO, DO (R&E)/Collector and EDO (F&P), Political Moharrirs of the offices of the Political Agents and APAs with at least five years service as such.
6. That in the last impugned Notification for the first time Political Moharrirs have been inserted whereas no sanctioned post of Political Moharrir is in existence in Khyber Agency as well as in Mohmand Agency as is evident from the letter dated 19.07.2011 (Annex-F) issued by the Commissioner Peshawar Division Peshawar and addressed to the Assistant Secretary (Estt) Board of Revenue. Although the posts of Junior Clerks (BPS-07) and Senior Clerks(BPS-9) are available in both the Agencies but the rules ibid do not cater for the same.
 7. That vide letter dated 19.09.2011 (Annex-G) respondent No. 2 has called for the ACRs along with synopsis of ACRs of respondents No. 5-28 a total 24 Junior Clerks(BPS-07)/ Senior Clerks (BPS-9) described as Political Moharrirs while appellant being Assistant (BPS-14) has been shown at the bottom of the list.
 8. That appellant aggrieved of the acts and actions of respondents, the impugned Notification No. 12389/ADMN/1/296/Amendment dated the Peshawar 30.03.2011 and the impugned letter dated 29.09.2011 of the respondent No. 2 having no other adequate and efficacious remedy, file this service appeal inter-alia on the following grounds.

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification and letter which are unjust, unfair and hence not sustainable in the eye of law.
- B. That there exists no sanctioned post of Political Moharrir in the Offices of Political Agents, Khyber and Mohmand Agencies therefore, the very inclusion of the Political Moharrirs in the impugned Notification and the letter is without lawful justification and as such not sustainable in the eye of law.
- C. That combination of the Junior/Senior Clerk (BPS-7&9) alongwith Assistants (BPS-14) for the purposed of promotion to the next higher grade is highly discriminatory inas much as both the categories have got different and unmatched service lines, therefore, the impugned Notification being unconstitutional, arbitrary, and malafide is not tenable under the law.
- D. That equals cannot be treated differently and under the same principle unequals can also be not treated equally, following the same principle the impugned Notification is viilative of Articles, 4, 25 of the Constitution of Islamic Republic of Pakistan and hence the same is liable to be struck down.

(9)

E. That under Service Rules a Junior Clerk (BPS-7) is promoted to the post of Senior Clerk(BPS-9) and a Senior Clerk(BPS-9) is further promoted to post of Assistant (BPS-14), therefore, keeping both Senior/Junior Clerks and Assistants on the same pedestal for promoting to the posts of Naib Tehsildar is totally irreconcilable, unwarranted, improper, unjust and therefore not maintainable under any canons of law justice, fair play and good conscience.

F. That it is quite surprising to note that Assistants (BPS-14) in the offices of Political Agents have been neglected though previously they were included in the Rules and at their cost Junior/Senior Clerks in the Offices of Political Agents have been included in the impugned Notification which is a classical example of misusue and colourable exercise of powers by those at the helm of affairs.

G. That previously as many as 46 Junior/Senior Clerks in Mohmand and Khyber Agencies have been promoted to the posts of Naib Tehsildars during the period 2001-2010 initially in own pay scales and then regularized without observing the codal formalities inspite of the fact that the Rules then in vogue did not provide for them in the promotion quota and now through the impugned letter 24 more Junior/Senior Clerks are going to be promoted to the posts of Naib Tehsildars due to non-existence of the sanctioned posts of Political Moharrirs.

For the aforesaid reasons it is therefore, humbly prayed that on acceptance of instant appeal, this Hon'ble Court may graciously be pleased declare the impugned Notification No. 12389/admn:1-1/296/ amendment dated 30.03.2011 to the extent of inclusion of Political Moharrirs in the Service Rules for promotion to the post of Naib Tehsildars and the impugned letter dated 29.09.2011 caling for the ACRs/Synopsis of Junior/Senior Clerks for the purpose for promotion to the post of Naib Tehsildars (BPS-14) as ultra vires of the constitution, illegal, arbitrary and hence ineffective upon the rights of appellant and this august Court may further be pleased to strike down the same and to direct Respondents to act in the matter in accordance with law and suitably amend the impugned Notification ibid by deleting Political Moharrirs therefrom.


Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to the appellant.

Interim Relief

By way of interim relief this august Court may graciously be pleased to suspend the impugned Notification dated 30.03.2011 and letter dated 29.09.2011 and to restrain the respondents from promoting Junior/Senior Clerks to the posts of Naib Tehsildars till the final disposal of the instant appeal.

Appellant

Through


Khushdil Khan
Advocate Peshawar

Dated:

CERTIFICATE

Certified on instruction that the appellant has not previously moved this Hon'ble Court under section 04 of Khyber Pakhtunkhwa Service Tribunal Act 1974.


Khushdil Khan
Advocate Peshawar

LIST OF BOOKS

- i. Rules under section 04 of Khyber Pakhtunkhwa Service Tribunal Act 1974.

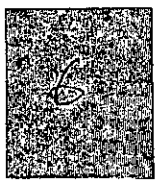
NOTE

- i. Three spare copies of the service appeal are enclosed in a separate file cover.
- ii. Memo of addresses is also attached.


Khushdil Khan
Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service appeal No. 1609/2013



Mr. Zahid Kamal

Appellant

Versus

The Govt. of Khyber Pakhtunkhwa & others

Respondents

AFFIDAVIT

I, Zahid Kamal, Assistant, office of the Commissioner Peshawar District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the service appeal is true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Service Tribunal.


Deponent

Identified

Khushdil Khan
Advocate Peshawar

IN THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

7

Service Appeal No. 1609/2013.

Mr. Zahid Kamal Assistant, o/o the Commissioner
Peshawar Division Peshawar.

(Appellant)

VS

1. The Govt. of KPK & Others

(Respondents)

ADDRESSES OF PARTIES

Mr. Zahid Kamal.

VS

1. The Govt. of KPK through Chief Secretary,
Civil Secretariat, Peshawar.
2. The SMBR, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment &
Administration Department, Civil Secretariat, Peshawar.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department,
Civil Secretariat, Peshawar.
5. Hazrat Khan.
6. Imad Khan.
7. Jan Alam.
8. Samin Khan.
9. Chandi Khan.
10. Ihsanuddin.
11. Shehreyar Khan.
12. Gohar Ali.
13. Badruz Zaman.
14. Muhammad Sher All Junior/Senior Clerks, O/o the Political Agent,
Mohmand Agency.
15. Iqbal Hussain.
16. Mufti Muntaz Jan.
17. Ghazi Khan.
18. Mina Dar.
19. Bismillah Khan.
20. Ali Raza.
21. Muhammad Ibrar.
22. Shah Jehan.
23. Inayatullah.
24. Faridullah Khan.
25. Muhammad Saeed.
26. Zareen Khan.
27. Turkistan.
28. Salim Javed All Junior/Senior Clerks, o/o the Political Agent, Khyber
Agency.

Appellant

Through

Khushdil Khan
Advocate Peshawar

Dated:

IN THE PESHAWAR HIGH COURT PESHAWAR

Service Appeal No. 1609/2013

17

WRIT PETITION No. 3023/2011

Zahid Kamal and others

The Govt. of KPK and others

Versus

.....Petitioners

.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Writ Petition with Affidavit			1-10
2.	Memo of Addresses of Parties			11-12
3.	Seniority List		A	13-16
4.	Notification	27.11.2001	B	17-21
5.	Notification	31.10.2002	C	22-23
6.	Notification	26.12.2008	D	24-27
7.	Impugned Notification	30.03.2011	E	28-30
8.	Letter	19.07.2011	F	0-31
9.	Impugned Letter	29.09.2011	G	0-32
13.	Stamp Paper			
14.	Wakalat Nama			

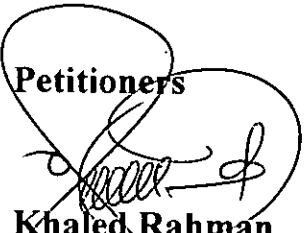
9365
FILED TODAY

Deputy Registrar

26 OCT 2011

Through

Petitioners


Khaled Rahman
Advocate, Peshawar
9-B Haroon Mansion,
Khyber Bazar, Peshawar.
Cell#: 0345-9337312

Dated: 25 / 10/2011

1

IN THE PESHAWAR HIGH COURT PESHAWAR

Service Appeal No. 1609/2013 18

WRIT PETITION No. 3023/2011

1. Mr. Zahid Kamal.
2. Mr. Khursheed Ahmad.
3. Mr. Khalid Hameed.
4. Mr. Qaisar Khan.
5. Mr. Asad Humair.
6. Mr. Noor-ul-Aziz.
7. Mr. Inam Ullah.
8. Mr. Abdul Rahman.
9. Mr. Imran Khan.

16/204/13

Assistants, office of the Commissioner
Peshawar Division, Peshawar.....Petitioners.

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Chief Secretary,
Civil Secretariat, Peshawar.
2. The Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment & Administration Department,
Civil Secretariat, Peshawar.
4. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Finance Department,
Civil Secretariat, Peshawar.
5. Hazrat Khan
6. Imdad Khan
7. Jan Alam
8. Samin Khan.
9. Chandi Khan
10. Ihsanuddin.
11. Shehreyar Khan

*vide order sheet
dated 18-6-14
Private
Respondents
are placed Ex-parte
except in circle*

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26 OCT 2011

12. Gohar Ali.
13. Badruzzaman.
14. Muhammad Sher

Junior/Senior Clerks, Office of The Political Agent
Mohmand Agency.

15. Iqbal Hussein
16. Mufti Muntaz Jan
17. Ghazi Khan
18. Mina Dar.
19. Bismillah Khan.
20. Ali Raza.
21. Muhammad Ibrar.
22. Shah Jehan.
23. Inayatullah.
24. Faridullah Khan.
25. Muhammad Saeed.
26. Zareen Khan.
27. Turkistan.
28. Salim Javed.

Junior/Senior Clerks,
Office of the Political Agent
Khyber Agency.....Respondents

**WRIT PETITION UNDER ARTICLE, 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC
OF PAKISTAN, 1973.**

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That all the petitioners are the employees of the Revenue & Estate Department and serving as Assistants (BPS-14) with effect from their respective dates of appointment in the present Cadre and at present Petitioner No.1 is one of the

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Deputy Registrar

26 OCT 2011

senior most Assistants vide Seniority List
(Annex:-A) notified on 07.02.2011.

20

2. That as per the Notification dated 27.11.2001 (Annex:-B) issued by the Revenue & Estate Department, the posts of Naib Tehsildars were to be filled in as under:-

- (a) *50% by initial recruitment of which 10% shall be reserved for ex-servicemen through Public Service Commission based on the result of competitive examination conducted by it in accordance with the Syllabus.*
- (b) *38% by promotion on the basis of seniority-cum-fitness from amongst Kanungos in the Division with at least five years service as such.*
- (c) *12% by selection on merit from amongst Assistants and Stenographers working in the office of the Board of Revenue, District Collectors and Director Land Records who have five year service as such.*

3. That the rules *ibid*, were then amended vide Notification dated 31.10.2002 (Annex:-C) wherein inter-alia amendment was brought about in the relevant column of Naib Tehsildars to the following effect:-

- "(b) Three years instead of five years.*
- (c) *12% by selection on merit from amongst the Assistants and Senior Scale Stenographers of the Board of Revenue, Director Land Record and the offices of Political Agent and Assistants and Junior Scale Stenographers in the offices of District Officers (R&E)/Collector with three years service as such."*

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26 OCT 2011

4. That subsequently in the year 2008 further amendments were introduced in the said rules vide Notification dated 26.12.2008 (Annex:-D) with

regard to the recruitment of Naib Tehsildar to the following effect:-

- 21
- "(a) 50% by initial recruitment, through NWFP Public Service Commission based on the result of competitive examination conducted by it in accordance with the Syllabus; and
- (b) 30% by promotion on the basis of seniority-cum-fitness from amongst the graduate Kanungos with at least five years service as such, who have passed departmental examination of Naib Tehsildar. The condition of graduation will be applicable after five years from the date of issuance of this Notification.
- (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Junior Scale Stenographers and Assistants in the office of Political Agent and Assistant Political Agent, Frontier Region, Assistant/Junior Scale Stenographers of ex-Deputy Commissioner/Commissioners offices presently working in the offices of DCO/ACO/EDO (F&P) and DOR who are graduate with five years service as such."

5. That finally the impugned Notification dated 30.03.2011 (*Annex:-E*) was issued by the Department wherein the method of recruitment to the post of Naib Tehsildar was once again changed viz:

- "(a) Fifty percent, by initial recruitment; and
- (b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.
- (i) Thirty percent, from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildar; and
- (ii) Twenty percent, from amongst the graduate Assistants of the offices of Commissioners, Additional Commissioners, District

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Deputy Registrar

26 OCT 2011

22

Coordination Officers, District Officers (R&E)/Collector, and Executive District Officers (F&P), Political Moharrirs of the Offices of Political Agents and Assistant Political Agents with at least five years service as such.

6. That in the last impugned Notification for the first time Political Moharrirs have been inserted whereas no sanctioned post of Political Moharrir is in existence in Khyber Agency as well as in Mohmand Agency as is evident from the letter dated 19.07.2011 (*Annex:-F*) issued by the Commissioner Peshawar Division and addressed to the Assistant Secretary (Estt:), Board of Revenue. Although the posts of Junior Clerks (BPS-7) and Senior Clerks (BPS-9) are available in both the Agencies but the rules *ibid* do not cater for the same.
7. That vide letter dated 29.09.2011 (*Annex:-G*) Respondent No.2 has called for the ACRs alongwith Synopsis of ACRs of Respondents NO.5-28 a total 24 Junior Clerks (BPS-7)/Senior Clerks (BPS-9) described as Political Moharrirs while Petitioner No.1 being Assistant (BPS-14) has been shown at the bottom of the list.
8. That petitioners, being aggrieved of the acts and actions of Respondents, the impugned Notification NO.12389/admn:/1/296/1mendment Dated the Peshawar 30.03.2011 and the impugned letter Dated 29.09.2011 of Respondent No.2, having no other adequate and efficacious remedy, file this

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Deputy Registrar
26 OCT 2011

constitutional petition inter-alia on the following grounds:-

27
23

Grounds:

- A. That Respondents have not treated petitioner in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification and letter which are unjust, unfair and hence not sustainable in the eye of law.
- B. That there exists no sanctioned post of Political Moharrir in the Offices of Political Agents, Khyber and Mohmand Agencies therefore the very inclusion of the Political Moharrirs in the impugned Notification and the letter is without lawful justification and as such not sustainable in the eye of law.
- C. That combination of the Junior/Senior Clerk (BPS-7&9) alongwith the Assistants (BPS-14) for the purposes of promotion to the next higher grade is highly discriminatory inas much as both the categories have got different and unmatched service lines, therefore, the impugned Notification being unconstitutional, arbitrary, and malafide is not tenable under the law.
- D. That equals cannot be treated differently and under the same principle unequals can also be not treated equally, following the same principle the impugned Notification is violative of Articles 4, 25 of the Constitution of Islamic Republic of Pakistan and hence the same is liable to be struck down.

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26 OCT 2011

- 24
- E. That under Service Rules a Junior Clerk (BPS-7) is promoted to the post Senior Clerk (BPS-9) and a Senior Clerk (BPS-9) is further promoted to post of Assistant (BPS-14), therefore, keeping both Senior/Junior Clerks and Assistants on the same pedestal for promoting to the posts of Naib Tehsildar is totally irreconcilable, unwarranted, improper, unjust and therefore not maintainable under any canons of law justice, fair-play and good conscience.
- F. That it is quite surprising to note that Assistants (BPS-14) in the offices of Political Agents have been neglected though previously they were included in the Rules and at their cost Junior/Senior Clerks in the Offices of Political Agents have been included in the impugned Notification which is a classical example of misuse and colourable exercise of powers by those at the helm of affairs.
- G. That previously as many as 46 Junior/Senior Clerks in Mohmand and Khyber Agencies have been promoted to the posts of Naib Tehsildars during the period 2001-2010 initially in own pay scales and then regularized without observing the codal formalities inspite of the fact that the Rules then in vogue did not provide for them in the promotion quota and now through the impugned letter 24 more Junior/Senior Clerks are going to be promoted to the posts of Naib Tehsildars due to non-existence of the sanctioned posts of Political Moharrirs.

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26 OCT 2011

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously be pleased declare the

impugned Notification NO.12389/admn:1-1/296/ amendment dated 30.03.2011 to the extent of inclusion of political Moharrirs in the Service Rules for promotion to the post of Naib Tehsildars and the impugned letter dated 29.09.2011 calling for the ACRs/Synopsis of Junior/Senior Clerks for the purpose of promotion to the post of Naib Tehsildars (BPS-14) as ultra vires of the constitution, illegal, arbitrary and hence ineffective upon the rights of petitioners and this august Court may further be pleased to strike down the same and to direct the Respondents to act in the matter in accordance with law and suitably amend the impugned Notification ibid by deleting Political Moharrirs therefrom.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioners.

Interim Relief

By way of interim relief this august Court may graciously be pleased to suspend the impugned Notification dated 30.03.2011 and letter Dated 29.09.2011 and to restrain the Respondents from promoting Junior/Senior Clerks to the posts of Naib Tehsildars till the final disposal of the instant writ Petition.

Through

Petitioners

Khaled Rahman
Khaled Rahman
Advocate, Peshawar.

Dated: 25 / 10/ 2011

FILED TODAY
Deputy Registrar
26 OCT 2011

CERTIFICATE

Certified on instruction that petitioners have not previously moved this Hon'ble Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 regarding present matter.

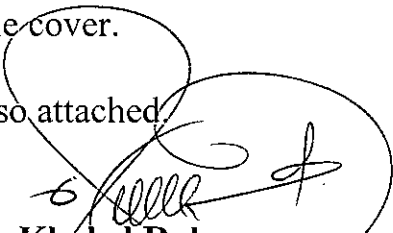

Khaled Rahman
 Advocate, Peshawar.

List of Books

1. The Constitution of the Islamic Republic of Pakistan, 1973.
2. Services Law.

Note

1. Three spare copies of the Writ Petition are enclosed in a separate file cover.
2. Memo of addresses is also attached.


Khaled Rahman
 Advocate, Peshawar

FILED TODAY
 Deputy Registrar
 26 OCT 2011

IN THE PESHAWAR HIGH COURT PESHAWAR.

27

WRIT PETITION No. 3023/2011

Mr. Zahid Kamal and othersPetitioners.

Versus

The Govt. of Khyber Pakhtunkhwa
and others.....Respondents.

Affidavit


I, Zahid Kamal, Assistant, office of the
Commissioner, Peshawar Division, Peshawar, do hereby
solemnly affirm and declare on oath that the contents of
this writ petition are true and correct to the best of my
knowledge, and nothing has been concealed from this
Hon'ble Court.

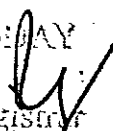


Deponent

Identified by


Khaled Rahman
Advocate, Peshawar

No. 3491.....
Certified that the above was verified on solemn
affirmation before me in office, this.....26.10.
day of.....O.C.T...... 2001 by.....Zahid Kamal office
s/o.....Assistant.....to.....Commissioner.....Peshawar
who was identified by.....Khaled Rahman Ad
Who is personally known to me:

Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar

26 OCT 2011

IN THE PESHAWAR HIGH COURT PESHAWAR.

WRIT PETITION No. 3023/2011

Mr. Zahid Kamal and othersPetitioners.

Versus

The Govt. of Khyber Pakhtunkhwa
and others.....Respondents.Addresses of Parties.

1. Mr. Zahid Kamal.
2. Mr. Khursheed Ahmad.
3. Mr. Khalid Hameed.
4. Mr. Qaisar Khan.
5. Mr. Asad Humair.
6. Mr. Noor-ul-Aziz.
7. Mr. Inam Ullah.
8. Mr. Abdul Rahman.
9. Mr. Imran Khan.

Assistants, office of the Commissioner
Peshawar Division, Peshawar.....Petitioners.

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Chief Secretary,
Civil Secretariat, Peshawar.
2. The Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment & Administration Department,
Civil Secretariat, Peshawar.
4. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Finance Department,
Civil Secretariat, Peshawar.

Deputy Registrar
26 OCT 2011

29

5. Hazrat Khan
6. Imdad Khan
7. Jan Alam
8. Samin Khan.
9. Chandi Khan
10. Ihsanuddin.
11. Shehreyar Khan
12. Gohar Ali.
13. Badruzzaman.
14. Muhammad Sher

Junior/Senior Clerks, Office of The Political Agent
Mohmand Agency.

15. Iqbal Hussein
16. Mufti Muntaz Jan
17. Ghazi Khan
18. Mina Dar.
19. Bismillah Khan.
20. Ali Raza.
21. Muhammad Ibrar.
22. Shah Jehan.
23. Inayatullah.
24. Faridullah Khan.
25. Muhammad Saeed.
26. Zareen Khan.
27. Turkistan.
28. Salim Javed.

Junior/Senior Clerks,
Office of the Political Agent
Khyber Agency.....Respondents

Through

Petitioners

Khaled Rahman
Advocate, Peshawar.

Dated: 25 / 10/ 2011

FILED TODAY
Deputy Registrar
26 OCT 2011

12

30

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

C M No. 909-P2012

In

W P No. 3023 of 2011

Zahid Kamal etc.....Petitioners

Versus

Govt. of KPK etc.....Respondents

I N D E X

S.No	Description of documents	Annexure	Pages
1	Grounds of application with affidavit		1-2
2	Copy of judgment dated 12.12.012 with better Copy	A/1	3-10
3	Wakalat Nama		11

Applicant

Through

Dated: - 20.10.2012

OK
BABAR KHAN YOUSAFZAI

Advocate, High Court,
Peshawar.

Office: - TF-24, Deans Trade Canter,
Peshawar Cantt

Cell # 03219040499

FILED TODAY
Deputy Registrar
23 OCT 2012

31

IN THE PESHAWAR HIGH COURT, PESHAWAR.

In Re: CM No. 909-P/2012

In WP NO. 3023/2011

Zahid Kamal etc.....Versus.....Govt. of K.P.K. etc.

APPLICATION FOR IMPLEADMENT OF
APPLICANT SHAD ALI KHAN, NAIB
TEHSILDAR, SWABI SCARP, MARDAN, AS
RESPONDENT IN THE ABOVE SAID WRIT
PETITION, BEING NECESSARY PARTY.

Respectfully Sheweth:

1. That the above titled Writ Petition is pending adjudication before this Hon'ble Court and now fixed for hearing on 24.10.2012.
2. That the applicant has filed Service Appeal before the Service Tribunal which was partially allowed with the direction to the Senior Member Board of Revenue/respondent NO.2 to consider his case on the basis of record, seniority-cum-fitness and to place his case before the DPC for consideration and proper order within a period of two months. (Copy of the order is attached)
3. That after receiving the order of this Hon'ble Tribunal, when the applicant approached and submitted an application to the respondent for its implementation, who stated that the petitioners therein through the above said Writ Petition, has obtained stay order to the extent of Naib Tehsildars only vide order dated 2.2.2012.

FILED TO
Deputy Registrar
23 OCT, 2012

4. That respondent No.2 has already constituted D.P.C. wherein the name of applicant has been mentioned but due to the interim order dated 2.2.2012, he could not comply with the order of Service Tribunal.

It is, therefore, humbly prayed that on acceptance of this Application, the applicant may kindly be impleaded as respondent in the above said Writ Petition, being necessary party.

Applicant,

Through

[Signature]
(Babar Khan Yousafzai)
Advocate, Peshawar.

Dated: 20.10.2012

AFFIDAVIT

I, Shad Ali Khan, Naib Tehsildar, Swabi Scarp, Mardan, do hereby solemnly affirm and declare on oath that the contents of the above said **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed or withheld from this Hon'ble Court.

[Signature]
Deponent

CNIC no 16101-1275861-3

Identified by:

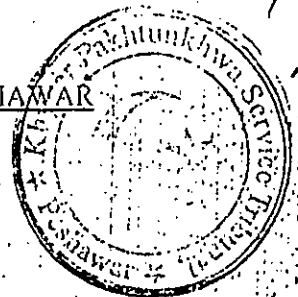
[Signature]
(Babar Khan Yousafzai)
Advocate, Peshawar.

No. 3828
Certified that the above was verified on 50th affirmation before me in office, this 20th day of Oct. 2012 by Shad Ali Khan Naib Tehsildar Swabi Scarp Mardan who was identified by Babar Khan Yousafzai Advocate Peshawar
Who is personally known to me:
<i>[Signature]</i> Oath Commissioner Peshawar High Court, Peshawar. 20/10/2012

FILED TODAY
Deputy Registrar
23 OCT 2012

16/ II ind. eff. 3

Amr - A/1



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 3026/2010

Date of institution -23.11.2010

Date of decision -12.12.2011

Shah Ali Naib Tehsildar, Circle Topi, Tehsil and District Swabi (Appellant)

VERSUS

1. The Senior Member Board of Revenue N.W.F.P Peshawar.
2. The Secretary to Government of NWFP, Revenue and Estate Department, Peshawar.
3. The Secretary to Government of NWFP, Establishment Department.
4. The Accountant General, NWFP, Peshawar.
5. Umer Said, Tehsildar, presently working as Tehsildar Dargai Malakand Division.....(Respondents)

[Handwritten signature]

ATTACHED

Appeal under Section 4 of the Service Tribunals Act 1974 for the declaration to the effect that the impugned order dated 10.6.2010 may kindly be set, void abinitio without jurisdiction and without any lawful authority. The respondents may be directed to promote the appellant as Naib Tehsildar on regular basis as he has already qualified/eligible to be promoted.

Mr. Khan Akbar Khan, Advocate For Appellant
Mr. Tahir Iqbal Khattak, A.G.P For Respondents 1&4.

SYED MANZOOR ALI SHAH MEMBER
MR. KHALID HUSSAIN MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH MEMBER: This appeal has been filed by the appellant against the order dated 10.6.2010 for the declaration to the effect that the impugned order may be set ^{aside} being void abinitio, without jurisdiction and without any lawful authority and the respondents be directed to promote the appellant as Naib Tehsildar on regular basis as he is qualified/eligible to be promoted.

Brief facts giving rise to present appeal are the appellant is an employee of Revenue Department and there is no charge/adverse remarks against him. Initially the appellant was posted as Assistant in the office of District Officer Revenue and Estate Mardan. The appellant was lateron transferred and posted as Naib Tehsildar Swabi Mardan on his own pay and scale (BPS-14) by Board of Revenue vide order dated

[Handwritten signature]
A. H. Steel

18/21 5
35
appellant as Naib Tehsildar/ Tehsildar on Regular basis, as he is academically and
Kally qualified.

Arguments heard and record perused.

4. The learned A.G.P argued that passing of departmental examination does not automatically lead to promotion. According to Tehsildari/Naib Tehsildari Service Rules 2008 twenty percent quota is reserved for promotion, on the basis of joint seniority cum fitness from amongst Junior Scale Stenographers and Assistants of the offices of Political Agents and Assistant political Agent Frontier Region, Assistants / Junior Scale Stenographers of Ex-Deputy Commissioner / Commissioners offices presently working in the offices of DCO/ ACO/ EDOP (F&P) and DOR, who are Graduate with five years Service as such are eligible for promotion. The assertions have no effect on the appeal in hand. The appellant is basically Assistant of the office of District Officer (R&E) / Controller, Mardan and posted as Naib Tehsildar in his (Own Pay and Scale) therefore, he cannot avail the benefits of appointment on (Acting Charge Basis) as there are other officials senior to him. His regular promotion to the post of the Naib Tehsildar will be considered through Departmental Selection and Promotion Committee strictly in accordance with Rules. Furthermore, the post of Naib Tehsildar on which the appellant was posted in (own Pay and Scales)-falls within the quota of initial recruitment. The appellant is basically Assistant of the office of District officer (R&E)/Collector, Mardan. Under the Rules his promotion will be made as Naib Tehsildar strictly in accordance with rules/policy. Therefore, no fundamental right of appellant has been infringed. So as the promotion of third person is concerned no junior official has been promoted. In fact Respondent No. 1 rejected the departmental appeal of the appellant having no merit, on 10.6.2010 before passing of order dated 8.9.2010 by the Peshawar High Court. The appellant was fully aware of the rejection order dated 10.6.2010 passed by Respondent No. 1.

5. The representative of SMBR produced a copy of letter dated 13.6.2009 and stated that Respondent No. 5 has been promoted on the Chief Minister directives to give one step promotion for officials/officers who were available during Swat operation.

Attested

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12/5

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36

From the perusal of the order it is evident that the respondent was not promoted in view of the Chief Minister directives referred to above and the representative of respondent has given mis-statement in his behalf as the name of private respondent is not mentioned in the list of those who were promoted on the directive of Chief Minister. Counsel for the appellant produced a copy of order of SMBR dated 7.1.2010 vide which the private respondent was promoted on the basis of application submitted by him (Umar Said). Counsel for the appellant stated that the appellant was senior to the private respondent as is evident from the joint seniority list issued on 6.7.2004. The appellant has already been promoted as Naib Tehsildar on acting charge basis prior to the private respondent as such he is senior to him.

7. In view of the above, the Tribunal intends to agree with the arguments put forth by the counsel for the appellant that the appellant is senior to the private respondent and the promotion of the respondent was made on administrative basis and no DPC was held which is not valid in the eyes of law. The case is, therefore, remanded to the SMBR to consider the case of appellant on the basis of record, seniority-cum-fitness and to place the case before the DPC for consideration and proper order within a period of 2 months. The SMBR may also consider the grievance of appellant regarding release of his salary. No order as to costs. File be consigned to the record.

ANNOUNCED.
12.11.2011.

(Signature)
(KHALID HUSSAIN)
MEMBER.

(Signature)
(SYED MANZOOR ALI SHAH)
MEMBER.

Application 4-1-2012
 No. 1600
 Date of 10
 Date of 7
 Date of 12
 Date of 4-1-2012
 Date of 4-1-2012

Certified to be a true copy
(Signature)
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

(Signature)
Attest

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.3026/2010

Date of institution 23.11.2010

Date of decision 12.12.2011

Shad Ali Naib Tehsildar, Circle Topi, Tehsil & District Swabi.....Appellant

VERSUS

1. The Senior Member Board of Revenue NWFP Peshawar
2. The Secretary to Government of NWFP, Revenue and Estate Department Peshawar
3. The Secretary to Government NWFP, Establishment Department
4. The Accountant General, NWFP Peshawar
5. Umer Said, Tehsildar, Presently working as Tehsildar Dargai Malakand Division.....Respondents

Application under section 4 of the service tribunal Act 1974 for the declaration to the effect that the impugned order dated 10.06.2010 may kindly be set, set, void abinitio without jurisdiction and without any lawful authority. The respondents may be directed to promote the appellant as Naib Tehsildar on regular basis as he has already qualified /eligible to be promoted.

Mr. Khan Akbar Khan AdvocateFor Appellant

Mr. Tahir Iqbal Khattak A.G.P.....For Respondents 1 & 4

SYED MANZOOR ALI SHAH
MR. KHALID HUSSAIN

MEMBER
MEMBER

JUDGMENT

Syed Manzoor Ali Shah Member: This appeal has been filed by the appellant against the order dated 10.06.2010 for the declaration to the effect that the impugned order may be set aside being void abinitio, without jurisdiction and without any lawful authority and the respondents be directed to promote the appellant as Naib Tehsildar on regular basis as he is qualified /eligible to be promoted.

2. Brief facts given rise to present appeal are the appellant is an employee of Revenue Department and there is no charge/adverse remarks against him initially the appellant was posted as Assistant in the office of District Officer Revenue and Estate Mardan. The appellant was later on transferred and posted as Naib Tehsildar Swabi, Mardan in his own pay and scale (BPS-14) by Board of Revenue vide order dated

Attest
Attestee

18.1.2006 during his posting as District Accountant, the commissioner Mardan issued a Notification dated 05.11.2009 posted the appellant temporarily to look after the office of Tehsildar. The appellant participated in the examination held for the post of Naib Tehsildar and was declared passed in the examination held for the post of Naib Tehsildar vide notification dated 01.01.2008 issued by the office of Director Land record in which the appellant alongwith 37 other Candidates passed by granting them grace marks. The appellant having Roll No.15 conducted by Public Service commission held from 17.04.2008 to 30.04.2008 in which vide Notification of Establishment Department dated 20.06.2008 declaring the appellant to be a pass candidate in examination. The appellant worked on higher post as Naib Tehsildar /Tehsildar for the last 4 years but still he is waiting to be confirmed as Naib Tehsildar /Tehsildar. According to promotion principle where a person on such higher post on acting charge basis only because of allowing regular promotion to such post was being delayed by competent authority in which he was subsequently fit for such promotion. Civil Servant was entitled not only to salary attaching to such post but also consequential benefits from that very date from which he had put on the said post of officiating or acting charge basis. The appellant filed a representation before Respondent No.1 which was decided in negative by respondent No.1 on 10.06.2010 while representation of one other candidate namely Umer said was conformed. By giving promotion to third person a fundamental right guaranteed by the Constitution of Islamic Republic of Pakistan 1973 was violated and the appellant approached to the Hon'ble Peshawar High Court for the redressal of his grievance. The Honorable High Court vide his order dated 08.09.2010 directed respondent No.1 to dispose of the sic of representation within fortnight in reply to the directed by the august court. Respondent No.1 submitted has already been dismissed vide order dated 10.06.2010 till 25.10.2010 the appellant had no knowledge regarding the said decision/order. He prayed that the impugned order dated 10.06.2010 communicated 25.10.2010 may be set aside and the respondents the directed to promote/confirm the

Attest

Appellant as Naib Tehsildar/Tehsildar on Regular basis, as he is academically and legally qualified.

3. Arguments heard and record perused.

4. The learned A.G.P argued that passing of departmental examination does not automatically lead to promotion. According to Tehsildar / Naib Tehsildar Service Rules 2008 twenty percent quota is reserved for promotion, on the basis of joint seniority cum fitness from amongst junior Scale stenographers and Assistants of the offices of political agents and Assistant political Agent Frontier Region, Assistant /Junior Scale stenographers of Ex-Deputy Commissioner /Commissioners offices presently working in the offices of DCO/ACO/EDOP (F&P) and DOR, who are Graduate with five year service as such are eligible for promotion. The assertions have no effect on the appeal in hand. The appellant is basically Assistant of the office of District Officer (R&E) / Controller, Mardan and posted as Naib Tehsildar in his (own pay and basis) as there are other officials senior to him. His regular promotion to the post of the Naib Tehsildar will be considered through Departmental selection and promotion committee strictly in accordance with rules furthermore, the post of Naib Tehsildar on which the appellant was posted in (own pay and scales) falls within the quota of initial recruitment. The appellant is basically assistant of the office of District officer (R&E) Collector, Mardan Under the rules his promotion will be made as Naib Tehsildar strictly in accordance with rules/policy. Therefore, no fundamental right of appellant has been infringed. So far as the promotion of third person is concerned no junior official has been promoted in fact respondent No.1 rejected the departmental appeal of the appellant having no merit, on 10.06.2010 before passing of order dated 08.09.2010 by the Peshawar High Court the appellant was fully, aware of the rejection order dated 10.06.2010 passed by respondent No.1

5. The representative of SMBR produced a copy of letter dated 13.06.2009 and stated that respondent No.5 has been promoted on the Chief Minister Directives to give one step promotion for officials/officers who were available during swat operation.

Attested

6. From the perusal of the order it is evidence that the respondent was not promoted in view of the Chief Minister directives referred to above and the representative of respondents has given mis-statement in his behalf as the name of private respondent is not mentioned in the list of those who were promoted on the directive of Chief Minister counsel for the appellant produced a copy of order of SMBR dated 07.01.2010 vide which the private respondent was promoted on the basis of application submitted by him (Umar said) counsel for the appellant stated that the appellant was senior to the private respondent as is evident from the joint seniority list issued on 06.07.2004. the appellant has already been promoted as Naib Tehsildar on acting charge basis prior to the private respondent as such he is senior to him.

7. In view of the above, the Tribunal intends to agree with the arguments put forth by the counsel for the appellant that the appellant is senior to the private respondent and the promotion of the respondent was made on administrative basis and on DPC was held which is not valid in the eyes of law. The case is, therefore, remanded to the SMBR to consider the case of appellant on the basis of record, seniority-cum-fitness and to place the case before the DPC for consideration and proper order within a period of 2 months. The SMBR may also consider the grievance of appellant regarding release of his salary no order as to costs. File be consigned to the record.

Announced
12.12.2011

Sd/-
KHALID HUSSAIN
MEMBER

Sd/-
SYED MANZOOR ALI SHAH
MEMBER

Attest

11

WAKALATNAMA

In the Court of Peshawar High Court, Peshawar

WP No 3023 of 2012

Zahid Kamal etc.

(Petitioner)
(Plaintiff)
(Appellant)
(Complainant)
(Decree-Holder)

VERSUS

Court, of U.P.B. etc.

(Respondent)
(Defendant)
(Opponent)
(Accused)

I/We Shad Ali Khan (Judgement-Debtor)

the above noted Applicant do hereby appoint and constitute **Babar Khan Yousafzai** Advocate as our/my Counsel in subject proceedings and authorize him to appear, plead etc compromise, withdraw or refer the matter for arbitration for me/us without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at our/my expense and receive all sums and amounts payable to us/me and to all such acts which he may deem necessary for protecting our/my interests in the matter. He is also authorized to file Appeal, Revision, Review, Application for Restoration or Application for setting-aside exparte decree proceedings on our/my behalf

Dated 20-10-2012

[Signature]
(Client)

[Signature]
(BABAR KHAN YOUSAFZAI)
Advocate

High Court, Peshawar
TF-24, Deans Trade Canter,
Peshawar Cantt
Ph No 091-5284140
091-5284147

FILED TODAY
Deputy Registrar
23 OCT 2012

42

IN THE PESHAWAR HIGH COURT PESHAWAR.

C.M. NO. 111 - P /2012

IN

W.P No:3023/2011

Mr. Zahid Kamal etcPetitioners

Versus

Govt: of Khyber Pakhtunkhwa, etcRespondents

**APPLICATION FOR VACATION OF INTERIM
RELIEF ORDER PASSED BY THIS HON'BLE
COURT IN THE ABOVE TITLED WRIT
PETITION.**

Respectfully Sheweth:-

1. That the above titled writ petition is pending for adjudication before this Hon'ble court.
2. That this Hon'ble Court has granted interim relief to the petitioners and vide order dated 02/02/2012 modified the order of interim relief that it shall be to the extent of Naib Tehsildars only.
3. That continuation of the status quo/interim relief is causing inconvenience to the applicants/respondents No.1 to 4.
4. That the ingredients necessary for the grant of status quo/interim relief are not available to the writ petitioners rather the applicants/respondents No.1 to 4 are sanguine to the disposal of the case in their favour.

It is, therefore, humbly prayed that on acceptance of this application interim relief/status quo granted in favour of petitioners may graciously be vacated in the interest of justice.

2168
FILED TODAY

Deputy Registrar

09 FEB 2012

Abdul Khilaf
Notary Public,
Khyber Pakhtunkhwa,
Peshawar.

IN THE PESHAWAR HIGH COURT, PESHAWAR

113

C.M.NO. 111-P /2012

IN

W.P No.3023/2011

Mr. Zahid Kamal etc

.....Petitioners

Versus

Government of Khyber Pakhtunkhwa & Others

.....Respondents

AFFIDAVIT

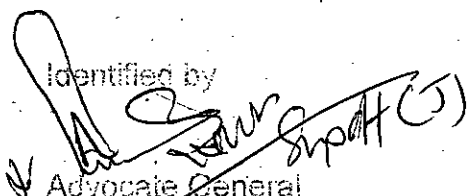
I, Saadullah, Assistant(Lit) Board of Revenue Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the application for vacation of interim relief are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

DEPONENT




D.N.I.C No 15101 4401861 3

Identified by



Advocate General,
Khyber Pakhtunkhwa,
Peshawar.

No. 1841
Certified that the above was verified on solemnly affirmation before me in office, this 24 day of February, 200 by Saadullah Assistant s/o Board of Revenue who was identified by A. G. Khan who is personally known to me.

Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar
09 FEB 2012

hu

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

In Re:

Cm 20-P/2012

W.P.No.3023/2011

Zahid Kamal & others..... Applicants/Petitioners


Versus

Government of Khyber Pakhtunkhwa & others..... Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Memo of Application		1-2
2.	Affidavit		3
3.	Copy of order of this Honourable Court dated 02.02.2012	"AA"	4-6

Applicants/ Petitioners
Through


Amin-ur-Rehman
Advocate, Peshawar
Office: Suite D-3, Bhattani Plaza
3-A Park Road, University
Town, Peshawar
Cell #: 0321-9022964

Dated: 03.02.2012

FILED TODAY

Deputy Registrar

07 FEB 2012

45

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

In Re:

Cm 20P/2012

W.P.No.3023/2011

Zahid Kamal & others..... Applicants/Petitioners

Versus

Government of Khyber Pakhtunkhwa & others..... Respondents

<=> ⇄ ⇄ <=> ⇄ ⇄ <=> ⇄ ⇄ <=>

**APPLICATION FOR MODIFICATION OF PRAY IN
COMPLIANCE OF ORDER DATED 02.02.2012 OF
THIS HONOURABLE COURT.**

<=> ⇄ ⇄ <=> ⇄ ⇄ <=> ⇄ ⇄ <=>

Respectfully Sheweth:

1. That the titled Writ Petition is pending adjudication in this Honourable Court and on last date of hearing i.e. 02.02.2012, applicants/ petitioners were allowed to modify the pray of the titled petition, hence this application. (Copy of order dated 02.02.2012 is attached as annexure "AA").

2. That the main pray of the petition is;

"For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this Writ Petition, this Honourable Court may graciously be pleased declare the impugned Notification No.12389/admn:1-1/296/ amendment dated 30.03.2011 to the extent of inclusion of Political Moharrirs in the Service Rules of promotion to the post of Naib Tehsildars and the impugned letter dated 29.09.2011 calling for the ACRs/ Synopsis of Junior/ Senior Clerks for the purpose of promotion to the post of Naib Tehsildars (BPS-14) as

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Deputy Registrar

07 FEB 2012

ultra vires of the constitution, illegal, arbitrary and hence ineffective upon the rights of petitioners and this august Court may further be pleased to strike down the same and to direct the respondents to act in the matter in accordance with law and suitably amend the impugned Notification ibid by deleting Political Moharrirs therefrom."

Which may please be modified and be read as,

"It is, therefore, most humbly prayed that on acceptance of this Writ Petition, notification dated 30.03.2011 may please be interpreted and implemented strictly in accordance with law and respondents may be restrained from selection and considering Junior Clerks (BPS-07) and Senior Clerks (BPS-09) for promotion to Naib Tehsildars (BPS-14) against the 20% quota specified for Assistants (BPS-14) and Political Moharrirs (dot posts), so as to secure the ends of justice."

*Applicants/ Petitioners
Through*

*Amin-ur-Rehman
Advocate, Peshawar*

Dated: 03.02.2012

FILED TODAY

Deputy Registrar

07 FEB 2012

47

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

In Re:

W.P.No.3023/2011

Zahid Kamal & others..... Applicants/Petitioners

Versus

Government of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, Zahid Kamal S/O Hamesh Gul, Assistant, Office of the Commissioner Peshawar Division the Mall Peshawar Cantt, do hereby solemnly affirm declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this Honourable Court.

DEPONENT
CNIC #: 17102-6866343-3

Identified By:

Amin-ur-Rehman
Advocate, Peshawar

No: 6755.....
Certified that the above was verified on solemnly affirmation before me in office, this 6th day of Feb 200 by Zahid Kamal s/o Hamesh Gul who was identified by Amin-ur-Rehman who is personally known to me.
Amin-ur-Rehman
Oath Commissioner
Peshawar High Court, Peshawar

FILED TODAY

Deputy Registrar

07 FEB 2012

IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. 3023 2011



1. Mr. Zahid Kamal.
2. Mr. Khursheed Ahmad.
3. Mr. Khalid Hameed.
4. Mr. Qaisar Khan.
5. Mr. Asad Humair.
6. Mr. Noor-ul-Aziz.
7. Mr. Inam Ullah.
8. Mr. Abdul Rahman.
9. Mr. Imran Khan.

Assistants, office of the Commissioner
Peshawar Division, Peshawar.....Petitioners.

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Chief Secretary,
Civil Secretariat, Peshawar.
2. The Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment & Administration Department,
Civil Secretariat, Peshawar.
4. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Finance Department,
Civil Secretariat, Peshawar.
5. Hazrat Khan
6. Imdad Khan
7. Jan Alam
8. Samin Khan.
9. Chandi Khan.
10. Ihsanuddin.
11. Shehreyar Khan

FILED TODAY

Deputy Reg.

26 OCT 2011

ATTESTED
May
EXAMINER
Peshawar High Court

12. Gohar Ali.
13. Badruzzaman.
14. Muhammad Sher

Junior/Senior Clerks, Office of The Political Agent
Mohmand Agency.

15. Iqbal Hussein
16. Mufti Muntaz Jan
17. Ghazi Khan
18. Mina Dar.
19. Bismillah Khan.
20. Ali Raza.
21. Muhammad Ibrar.
22. Shah Jehan.
23. Inayatullah.
24. Faridullah Khan.
25. Muhammad Saeed.
26. Zareen Khan.
27. Turkistan.
28. Salim Javed.

Junior/Senior Clerks,
Office of the Political Agent
Khyber Agency.....Respondents

**WRIT PETITION UNDER ARTICLE, 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC
OF PAKISTAN, 1973.**

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That all the petitioners are the employees of the Revenue & Estate Department and serving as Assistants (BPS-14) with effect from their respective dates of appointment in the present Cadre and at present Petitioner No.1 is one of the

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Deputy Registrar

26 OCT 2011

ATTESTED

May
[Signature]

650

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
1	2
2.2.2012	<p><u>WP NO.3023/2011.</u> Present: Mr. Aminur Rehman, Advocate for the petitioner. Mr. Zahid Yousaf, AAG for the respondent.</p> <p>Contends that the respondents in violation of Article 4 of the Constitution have not treated the petitioners in accordance with Law and wrongly issued the impugned Notification. Point raised needs consideration.</p> <p>Admit. Notice and record.</p> <p><u>Interim Relief.</u></p> <p>The order under the Interim Relief dated 1.12.2011 is modified to the extent that it shall be to the extent of Naib Tehsildars only.</p>

gmic
37

Edl Attaullah Khan
Edl Waqar Ahmad Sethi
Judges

CERTIFIED TO BE TRUE COPY
[Signature]
Examiner 06/2/2012
Peshawar High Court Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

10089

Date of Presentation of Application 06/2/2012

No of Pages 37

Copying fee 6

Urgent Fee

Total 6

Date of Preparation of Copy 06/2/2012

Date Given For Delivery 06/2/2012

Date of Delivery of Copy 06/2/2012

Received By *[Signature]*

51

IN THE PESHAWAR HIGH COURT PESHAWAR.

C.M. NO. 205-P /2012

IN

W.P No.3023/2011

Mr. Zahid Kamal etcPetitioners

Versus

Govt: of Khyber Pakhtunkhwa, etcRespondents

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:-

1. That the above titled writ petition is pending for adjudication before this Hon'ble court in which previous dated was fixed on 02/02/2012.
2. That this Hon'ble Court has granted interim relief/status quo to the petitioners.
3. That the next date in the above titled writ petition has not been fixed so far and the status quo granted to the petitioners are causing inconvenience to the applicants/respondents No.1 to 4.
4. That if the above titled case is not fixed for early hearing the applicants/respondents No.1 to 4 will suffer an irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application the above captioned case may graciously be fixed for hearing on an early date.

2146
FILED TODAY

Deputy Registrar

08 FEB 2012

Abdul Wahid
Advocate General,
Khyber Pakhtunkhwa,
Peshawar.

IN THE PESHAWAR HIGH COURT, PESHAWAR

52

M.NO. 205-P /2012

IN

W.P No.3023/2011

Mr. Zahid Kamal etc

.....Petitioners

Versus

Government of Khyber Pakhtunkhwa & Others

.....Respondents

AFFIDAVIT

I, Saadullah, Assistant(Lit) Borad of Revenue Khyber Pakhtunkhwa, Peshwar, do hereby solemnly affirm and declare on oath that the contents of the application for early hearing are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

DEPONENT

C.N.I.C No.16101-4401861-3

Identified by

Advocate General
Khyber Pakhtunkhwa,
Peshawar.

No. 6840.....

Certified that the above was verified on solemnly affirmation before me in office, this 8th day of February 200 by Saadullah Assistant s/o Board of Revenue Peshawar who was identified by A. Saadullah who is personally known to me:

Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY

Deputy Registrar

08 FEB 2012

5

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M.No.1090/2011

IN

W.P.No.3023/2011

Zahid Kamal & others. Applicants

Versus

Government of Khyber Pakhtunkhwa & others. Respondents

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:

1. That the titled Writ Petition alongwith interim relief is pending adjudication in this Honourable Court since 25.10.2011 wherein date 16.11.2011 was fixed on the basis of urgent form but has been deleted, reasons best known to the office.
2. That the case has now been fixed on 12.01.2012 for onward proceedings, which needs to be accelerated, because any decision of Departmental Promotion Committee for Naib Tehsildars under the existing impugned rules will adversely affect the applicants and the main Writ Petition will become infructuous.
3. That valuable rights of the applicants are involved and early decision of the case will minimize their agonies.
4. That short law point is involved into the matter, hence proprietary demands for acceleration of the date fixed in the main writ petition.


20433
FILED TODAY

Deputy Registrar

19 NOV 2011

It is, therefore, most humbly prayed that on acceptance of this application, the date fixed in the titled Writ Petition may please be accelerated to an early date as convenient to this Honourable Court.

Applicants
Through


Amin-ur-Rehman
Advocate, Peshawar

Dated: 19.11.2011

FILED TODAY
City Registrar
19 NOV 2011

35

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M.No. 1090 /2011

IN

W.P.No. 3023/2011

Zahid Kamal & others..... Applicants

Versus

Government of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, Zahid Kamal S/O Hamesh Gul, Assistant, Office of the Commissioner Peshawar Division the Mall Peshawar Cantt, do hereby solemnly affirm declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this Honourable Court.

Identified By:



Amin-ur-Rehman
Advocate, Peshawar



DEPONENT
CNIC #: 17102-6866343-3

No. 9105
Certified that the above was verified on solemnly affirmation before me in office, this 19th day of November, 2011 by Zahid Kamal s/o Hamesh Gul who was identified by Amin-ur-Rehman who is personally known to me. sd/-
Oath Commissioner
Peshawar High Court, Peshawar

FILED TODAY
Deputy Registrar
19 NOV 2011



2011
Amex - A (13)
56

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

OFFICE ORDER:

Dated: 07.02.2011

No. 1019-29/6/4(AA) Vol-I: In pursuance of Section 8(1) of the NWFP Civil Servants Act 1973, the final Seniority list of Assistants working in Peshawar Division as it stood on 01.02.2011 is hereby circulated for the information of all the concerned.

-sd-

Commissioner Peshawar Division

No. 1019-29/6/4(AA) Vol-I

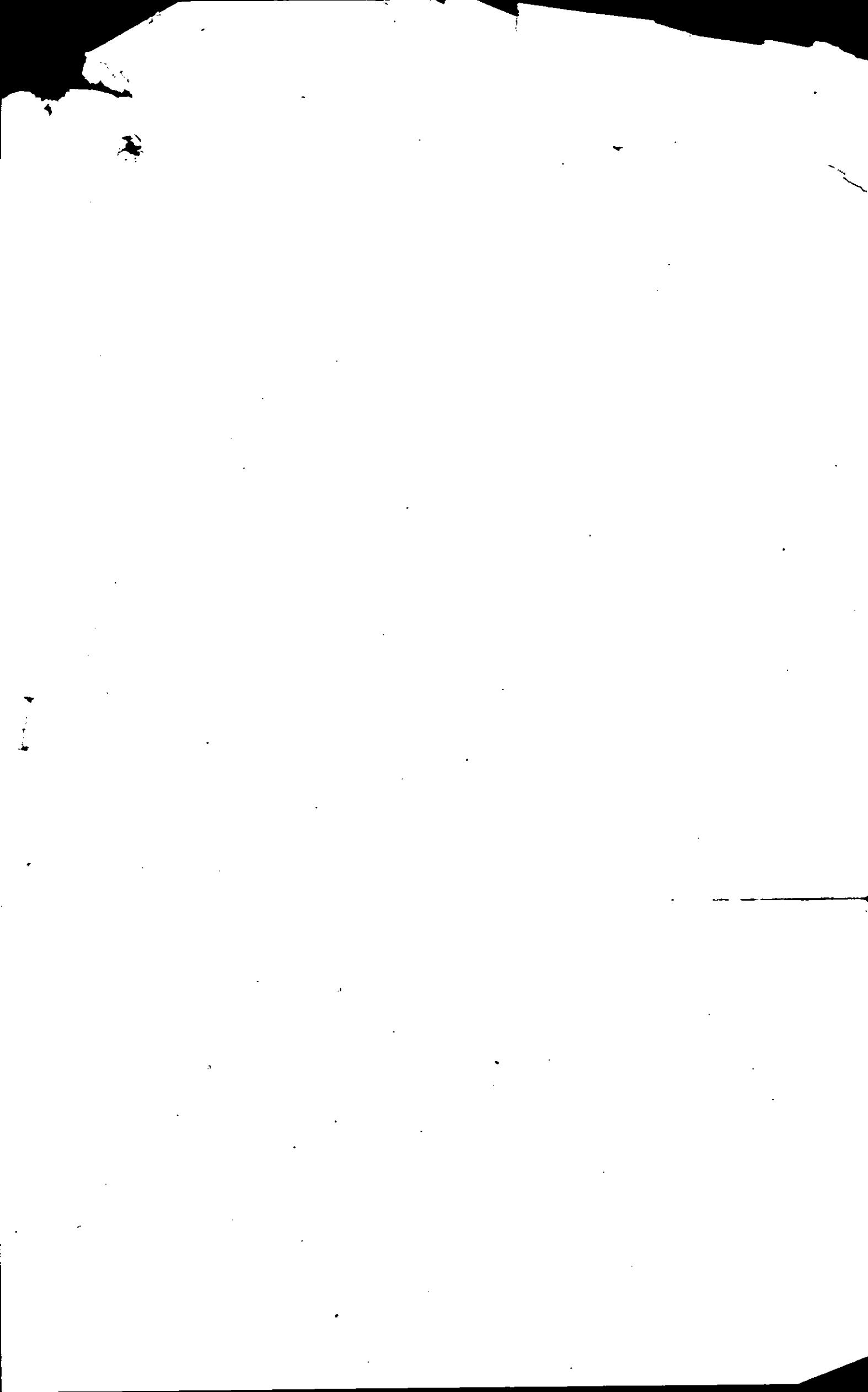
Dated: 07.02.2011

Copy with a copy of the Seniority list is forwarded to:-

1. District Coordination Officers, Peshawar, Charsadda & Nowshera.
2. Political Agents, Khyber & Mohmand Agencies.
3. Additional Commissioner Peshawar Division.
4. Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
6. PS to ACS FATA, FATA Secretariat, Warsak Road Peshawar.
7. PS to Secretary Admn: & Coordination, FATA Secretariat, Warsak Road, Peshawar.
8. Officials Concerned.

ATTESTED

**Assistant to Commissioner (R/GA)
For Commissioner Peshawar Division**



246
14

SENIORITY LIST OF ASSISTANTS BPS-14 IN PESHAWAR DIVISION AS IT STOOD ON 01.02.2011

S.#	Name of Official	Domicile / Date of Birth	Qualification	Date of First entry into Govt: Service	Date of Promotor / Appointment against the present post	Method of Recruitment	Present Place of Posting
1.	Mr. Arshad Kamal	Peshawar / 01.04.1967	M.A	27.08.1989	27.08.1989	Direct	DCO Peshawar
2.	Mr. Zahid Kamal	Charsadda / 18.05.1964	B.A	01.03.1990	01.03.1990	Direct	Commissioner Peshawar Office
3.	Mr. Usman Ali	Charsadda / 15.04.1962	M.sc (Stat)	22.07.1990	22.07.1990	Direct	DCO Charsadda
4.	Mr. Muhammad Azam	Peshawar / 08.05.1952	B.A LLB	16.11.1970	11.12.1990	Promotion	DCO Peshawar
5.	Mr. Yaha Jan	Charsadda / 02.05.1953	Matric	23.08.1974	07.04.1994	Promotion	DCO Charsadda
6.	Mr. Nisar Ahmad	Charsadda / 01.07.1951	Matric	10.12.1974	01.01.1995	Promotion	DCO Charsadda
7.	Mr. Shahid Ali	Nowshera / 12.11.1970	B.A	15.08.1994	01.07.1996	Promotion	DCO Nowshera
8.	Mr. Sabiullah	Charsadda / 20.03.1951	B.A	10.01.1974	01.01.1998	Promotion	DOR Charsadda
9.	Mr. Khurshaid Ahmad	Peshawar / 05.10.1958	B.A	15.05.1977	20.03.2000	Promotion	Commissioner Peshawar Office
10.	Mr. Zahid-ur-Rehman	Charsadda / 17.04.1975	M.A	29.03.2001	29.03.2001	Direct	EDO F&P Deptt Charsadda
11.	Mr. Aslam Khan	Peshawar / 01.01.1955	Matric	17.01.1978	29.05.2001	Promotion	EDO(F&P) Peshawar
12.	Mr. Muhammad Sadiq	Peshawar / 09.01.1960	M.A	09.04.1984	12.07.2003	Direct	EDO(F&P) Peshawar
13.	Mr. Muzammil Shah	Nowshera / 01.12.1957	Matric	18.08.1990	16.07.2003	Promotion	DOR&E Nowshera
14.	Mr. Zar Badshah	Khyber Agency / 15.01.1952	Matric	16.07.1970	23.02.2004	Promotion	Landi Kotal Tehsil
15.	Mr. Muhammad Idrees	Peshawar / 19.07.1952	M.A LLB	20.07.1974	11.09.2004	Promotion	EDO(F&P) Peshawar
16.	Mr. Muhammad Anwar Khattak	Nowshera / 01.04.1951	M.A	18.02.1974	01.10.2005	Promotion	(F&P) Deptt: Nowshera

ATTESTED

187

59

17.	Mr. Taj Badshah	Nowshera /01.05.1951	B.A	15.07.1974	01.10.2005	Promotion	(F&P) Deptt: Nowshera
18.	Mr. Qazi Ijaz	Nowshera /07.02.1953	Matric	01.10.1976	01.10.2005	Promotion	(F&P) Deptt: Nowshera
19.	Mr. Sajjad Ali Shah	Nowshera /04.04.1956	B.A	04.03.1977	01.10.2005	Promotion	DCO Nowshera
20.	Mr. Amal khan	Nowshera /08.02.1955	M.A	01.01.1981	01.10.2005	Promotion	DCO Nowshera
21.	Mr. Javed Ashraf	Nowshera /01.04.1958	Metric	01.02.1981	01.10.2005	Promotion	(F&P) Deptt: Nowshera
22.	Mr. Shah Nawaz	Nowshera /20.09.1958	M.A	03.09.1985	01.10.2005	Promotion	(F&P) Deptt: Nowshera
23.	Mr. Yar Muhammad	Mohmand Agency /08.01.1956	Matric	16.08.1974	10.06.2006	Promotion	PA Mohmand Office
24.	Mr. Fateh Muhammad	Peshawar /10.04.1953	Matric	12.08.1974	04.10.2006	Promotion	EDO(F&P) Peshawar
25.	Mr. Muhammad Ishfaq	Peshawar /24.05.1959	B.A	25.01.1981	04.10.2006	Promotion	EDO(F&P) Peshawar
26.	Mr. Rahid Gul	Khyber Agency /02.11.1957	Matric	01.12.1975	19.01.2007	Promotion	PA Khyber Office
27.	Mr. Noor-ul-Amin	Charsadda /15.06.1955	Matric	13.04.1977	10.04.2007	Promotion	EDO F&P Deptt Charsadda
28.	Mr. Fazal Elahi	Peshawar /08.12.1957	F.A	01.04.1977	01.08.2007	Promotion	EDO(F&P) Peshawar
29.	Mr. Pir Muhammad Azam	Peshawar /01.10.1959	Matric	01.01.1981	01.08.2007	Promotion	DOR Peshawar
30.	Mr. Attahullah	Charsadda / 31.01.1958	Matric	01.01.1981	31.08.2007	Promotion	DCO Charsadda
31.	Mr. Abusufyan	Charsadda / 15.06.1960	B.A	24.01.1981	11.10.2007	Promotion	DCO Charsadda
32.	Mr. Inayatullah Khan	Peshawar / 04.02.1952	B.A	08.04.1976	24.04.2008	Promotion	Bara Tehsil Khyber Agency
33.	Mr. Iqbal Hussain	Peshawar / 13.04.1954	Matric	16.05.1978	24.04.2008	Promotion	Jamrud Tehsil Khyber Agency
34.	Mr. Obaidullah	Peshawar /18.10.1962	Matric	01.01.1981	19.05.2008	Promotion	DOR Peshawar
35.	Mr. Fayaz Ali	Peshawar / 08.07.1982	M.Sc (Comp Sc)	01.09.2008	01.09.2008	Direct	APA FR Peshawar
36.	Mr. Zardad Khan	Peshawar / 22.03.1984	M.Com	01.09.2008	01.09.2008	Direct	DCO Peshawar

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37.	Mr. Irfanullah Shams	Charsadda / 16.01.1979	B.A	15.11.2008	15.11.2008	Direct	EDO F&P Deptt Charsadda
38.	Mr. Khalid Hameed	Peshawar / 01.02.1981	M.A	02.01.2009	05.01.2009	Direct	Commissioner Peshawar Office
39.	Mr. Qaiser Khan	Peshawar / 15.04.1982	B.A(LLB)	02.01.2009	05.01.2009	Direct	Commissioner Peshawar Office
40.	Mr. Asad Humair	Peshawar / 02.09.1985	B.A	02.01.2009	05.01.2009	Direct	Commissioner Peshawar Office
41.	Mr. Noor-ul-Aziz	Peshawar / 30.06.1989	B.A	02.01.2009	06.01.2009	Direct	Commissioner Peshawar Office
42.	Mr. Inamullah	Peshawar / 21.11.1976	B.A	02.01.2009	09.01.2009	Direct	Commissioner Peshawar Office
43.	Mr. Masood Khan	Peshawar / 28.04.1980	B.A, LLB	27.01.2009	27.01.2009	Direct	DCO Peshawar
44.	Mr. Zafeerullah	Peshawar / 01.09.1965	M.A	01.04.1984	09.03.2009	Promotion	EDO(F&P) Peshawar
45.	Mr. Mukarram Khan	Charsadda / 23.08.1955	Matric	03.09.1978	30.04.2009	Promotion	LandiKotal Tehsil Khyber Agency
46.	Mr. Javed Khan Khalil	Peshawar / 04.05.1956	F.A	03.09.1978	30.04.2009	Promotion	Jamrud Tehsil Khyber Agency
47.	Mr. Abdur Rehman	Peshawar / 18.12.1982	B.A	04.07.2009	04.07.2009	Direct	Commissioner Peshawar Office
48.	Mr. Imran Khan	Peshawar / 07.05.1983	B.Sc	04.07.2009	21.07.2009	Direct	Commissioner Peshawar Office
49.	Mr. Zahir Gul	Mohmand Agency/ 08.01.1956	Matric	01.02.1980	14.12.2009	Promotion	PA Mohmand Office
50.	Mr. Shah Mahmood	Mohmand Agency / 31.12.1959	Matric	01.02.1980	14.12.2009	Promotion	PA Mohmand Office
51.	Mr. Abdul Hanan	Peshawar / 20.10.1956	B.A	01.01.1981	14.05.2010	Promotion	DOR Peshawar
52.	Mr. Kabeer Khan	Peshawar / 01.01.1960	B.A	09.02.1981	14.05.2010	Promotion	DCO Peshawar

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE, REVENUE & ESTATE DEPARTMENT.

NOTIFICATION

DATED, PESHAWAR, THE 27th NOVEMBER, 2001

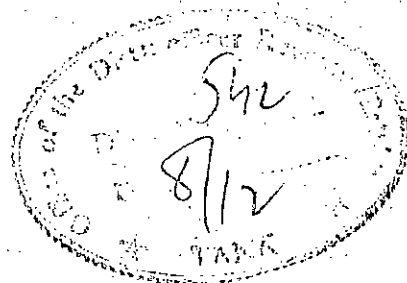
No. 27946 / Ad-I- In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the North- West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, read with the Cabinet Division Notification No. SRO 475(1)/2001, dated the 28th June, 2001, and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the Method of recruitment, qualifications and other conditions specified in column 3 to 6 of the Appendix to this notification, which shall be applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said Appendix.

SECRETARY TO GOVERNMENT
OF THE NORTH-WEST FRONTIER PROVINCE
REVENUE DEPARTMENT.

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**GOVERNMENT OF NORTH-WEST FRONTIER
PROVINCE REVENUE & ESTATE DEPARTMENT.**

NOTIFICATION

Dated, Peshawar the 27th November 2001

No. 27944 Ad-I. In pursuance of the provisions contained in Sub Rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, read with the Cabinet Division Notification No. SRO 475 (1)/ 2001, dated the 28th June, 2001, and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the Method of recruitment, qualifications and other conditions specified in column 3 to 6 of the Appendix to this notification, which shall be applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the Appendix.

Secretary to Government
Of the north west frontier province
Revenue Department.

ATTESTED

NO. 27945-51 / Ad-I,

Dated: 27-11-2001.

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A copy is forwarded for information and necessary action to:-

1. The Secretary's to Govt: of NWFP:-
 - (i) E&A Department.
 - (ii) Finance Department.
 - (iii) Law-Parliamentary Affairs Department.
2. The Secretary's NWFP, Public Service Commission.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Accountant General, NWFP Peshawar.
5. The All D.O (R/E) Collector, NWFP.
6. The Private Secretary to Minister for Revenue, NWFP.
7. The Controller, Govt: Printing Press, NWFP, Peshawar with the request that the notification may be published in the official gazette and to supply fifty printed copies to the undersigned.

DEPUTY SECRETARY TO GOVT: OF
THE NWFP, REVENUE DEPARTMENT.

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APPENDIX
SCHEDULE

Sl. No.	Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for appointment by promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
1	2	3	4	5	6	7

1/ Tehsildar

Graduation from a recognised University.

Passing of Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.

21 to 28 Years.

20% by initial recruitment:-
(b) 50% by promotion on the basis of seniority-cum-fitness from amongst Gaib Tehsildars; and
(c) the remaining 30% vacancies shall be filled in by selection on merit from amongst;

(i) Assistant and Senior Scale Stenographers working in the offices of Board of Revenue and District Collectors who are graduates and have at least three years service as such;

(ii) District Kanungos with at least three years service as such; and

(iii) Head Clerks (Revenue) in the District Collector's offices with at least three years service as such;

Joint seniority list of personnel of subordinate service for the purpose of promotion against 30% quota of the post of Tehsildars shall be caused with reference to their respective date of eligibility.

NOTIFICATION NO. 23428/Admn:I dated 31-10-2002.

1) in the entries in column 6 against serial No.1, in clause (c)

(a) for the existing entries of sub-clauses (i) and (ii), the following shall be substituted namely;

(i) Assistants & Senior Scale Stenographers in the offices of Board of Revenue, Director Land records & Political Agents, & Assistants and Junior Scale Stenographers of the offices of District Officers, (R&E)/Collectors, who are graduate & have at least five years service as such, and

(ii) District Kanungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years

(b) clause (iii) shall be deleted.

NOTE: The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period.

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S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
1	2	3	4	5	6	7
1/	Tehsildar	Graduation from a recognized University	Passing Tehsildari Departmental Examination and Successful completion of training as may be prescribed by the Government.	12 to 28 years.	(a).20% by initial recruitment b. 50% by promotion on the basis of seniority –cum- Fitness from amongst Naib Tehsildars; and c. the remaining 30% vacancies shall be filled in by selection on merit from amongst i. Assistants and seniority scale stenographers working in the office of Board of Revenue and District Collectors who are graduates and have at least three years service as such; and iii. Head Clerks (Revenue) in the District Collector's offices with at least three years service as such;	Joint Seniority list of personnel of Subordinate service for the purpose of promotion against 30% quota of the post of Tehsildars shall be caused with reference to their respective date of eligibility. NOTE The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period"
Notification No. 2348/Admn, I dated 31.10.2002.						
1) in the entries in column 6 against serial No.1, in clause (c) (a) for the existing entries of sub clauses (i) and (ii), the following shall be substituted namely; (i) Assistants & Senior Scale Stenographers in the offices of Board of Revenue, Director land records & Political Agents, & Assistants and Junior Scale Stenographers of the offices of District Officers, (R7E)/ Collectors, who are graduate & have at least give years service as such, and. (ii) District Kanungos, District Revenue Accounts and Head Clerks (Revenue), with at least five years (b) clause (iii) shall be deleted.						

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Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
2	3	4	5	6	7
2/ Naib Tehsildar	Graduation from a recognized University.	Passing of Naib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	21 to 28 Years.	(a) 50% by initial recruitment, of which 10% shall be reserved for ex-service man, through public service Commission based on the result of a competitive examination conducted by it in accordance with the syllabus.	

NOTIFICATION NO.23428/Admn:I dated 31-10-2002.

- (2) in the entries in column 6 against serial No.2.
 - (a) in clause(b), for the words"five years", the words "three years" shall be substituted.
 - (b) for clause (c), the following shall be substituted namely
 - (c) 12% by selection on merit from amongst Assistants and Senior Scale Stenographers of Board of Revenue, Director Land Records and the offices of the Political Agents and Assistants and Junior Scale Stenographers in the offices of District Officer(Revenue & Estate)/ Collectors with three years service as such;
 - (c) the following Note shall be added in column 6 below the existing entries as amended above, namely;

- (b) 30% by promotion on the basis of seniority cum-fitness from amongst Kanungos in the Division with at least five years service as such;
- (c) 12% by selection on merit from amongst Assistants and Stenographers working in the offices of Board of Revenue, District Collectors and Director Land Records who have five years service as such;

NOTE:
 "The official so appointed as Naib Tehsildar shall undergo a training course in the Revenue School have to pass the prescribed examination within the probationary period"

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S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
1	2	3	4	5	6	7
2/	Naib Tehsildar	Graduation from a recognized University	Passing Naib Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.	21 to 28 years	50% by initial recruitment, of which 10% shall be reserved for Ex service man, through Public man, through Public Service commission based on the result of a competitive examination conducted by it in accordance with the syllabus. b. 30% by promotion on the basis of seniority on cum fitness from amongst Kanungos in the Division with at least five years service as such c. 12% selection on merit from amongst Assistants and stenographers working in the office of board of (sic, District Collectors and Director Land records who have five years service as such	NOTE The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period"
<p>Notification No. 23428/Admn, I dated 31.10.2002. in the entries in column 6 against serial No.2</p> <p>(a) in clause (b) for the words give years, the words three years shall be substituted.</p> <p>(b) For clause (C), the following shall be substituted namely</p> <p>(c) 12% by selection on merit from amongst Assistants and senior Scale Stenographers of Board of Revenue, Director Land records and the offices of the Political Agents and Assistants and Junior Scale Stenographers in the offices of District Officer (Revenue & Estate)/ Collectors with three years service as such.</p> <p>(c) the following Note shall be added in column 6 below the existing entries as amended above, namely;</p>						

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S. No.	Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
1	2	3	4	5	6	7
3/	District Kanungo (Sadar Kanungo).	-	Passing of Naib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Kanungos with three years service as such.	
4/	Kanungo.	-	Passing of Kanungo Departmental Examination and successful completion of such training as may be prescribed by Government.	-	By promotion, on the basis of seniority-cum-fitness, from amongst the patwaris in the District with five years service as such.	Tehsil Revenue Accountant and Tehsil Bani. Bani.
5/	Patwari.	F.A or equivalent qualification, who have passed the pwar examination.	-	18 to 30 Years	By initial recruitment.	
6/	Tehsil Revenue Accountant/ Wasil Baqi Nawis/Addl: Wasil Baqi Nawis.	F.A or equivalent qualification from a recognised Board.	-	-	By transfer from amongst the holder of the post of patwaris who have under gone 12 weeks training in a Tehsil for the post of Wasil Baqi Nawis and have passed Patwari Examination.	

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S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
1	2	3	4	5	6	7
3	District Kanungo Sadar Kanungo	-	Passing Naib Tehsildari Departmental Examination and Successful completion of training as may be prescribed by the Government.	-	By promotion, on the basis of seniority-cum-fitness; from amongst the Kanungos with three years service as such	
4	Kanungo		Passing Kanungo Departmental Examination and Successful completion of training as may be prescribed by the Government.	-	By promotion, on the basis of seniority-cum-fitness, from amongst the patwaris in the District with five years service as such	Tehsil Revenue Accountant and Wasil Baqi now
5	Patwari	F.A or equivalent qualification who has passed the Pawar examination		18- 30 years	By initial recruitment	
	Tehsil Revenue Accountant/ Wasil Baqi Nawis/ Addl Wasil Baqi Nawis	F.A or Equivalent qualification from a recognized Board.			By transfer from amongst the holder of the post of Patwairs who have under gone 12 weeks training in a tehsil for the post of Wasil Baqi Nawis and have passed Patwari Examination	

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GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE,
REVENUE DEPARTMENT

NOTIFICATION

Peshawar dated the ³¹~~03~~10.2002

No. 23428/Admn I/135. In exercise of the powers conferred by Sub rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. 27944/AD-I dated the 27th November, 2001, the following amendments shall be made namely:

Amendments

1. In the Schedule appended to the said Notification, for the word "SCHEDULE", the word "APPENDIX" shall be substituted.
2. In the Appendix so substituted:--

- (1) In the entries in column 6 against serial No.1, in clause (C ,
 - a. for the existing entries at sub clauses (I) and (ii), the following shall be substituted, namely
 - i. Assistant and Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate)/ Collectors, who are graduate and have at least five years service as such, and
 - ii. District Kanungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such",
And
 - b. clause (iii) shall be deleted.
 - c. The following Note shall be added in column 6 below the existing entries as amended above, namely.

Note--- The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period."

- (2) In the entries in column 6 against serial No.2,
 - a. In clause (b), for the words five years, the words three years, shall be substituted.
 - b. For clause (sic

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,
REVENUE DEPARTMENT.

NOTIFICATION

Peshawar dated the 31/10/2002.

No. 23420/Admn:I/135. In exercise of the powers conferred by sub rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. 27944/Ad-I dated the 27th November, 2001, the following amendments shall be made namely:

Amendments.

1. In the Schedule appended to the said Notification, for the word "SCHEDULE", the word "APPENDIX" shall be substituted.

2. In the Appendix so substituted, --

(1) in the entries in column 6 against serial No. 1, in clause (c),-

(a) for the existing entries at sub-clauses (i) and (ii), the following shall be substituted, namely:

(i) Assistant and Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate) Collectors, who are graduate and have at least five years service as such; and

(ii) District Kamungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such", and

(b) clause (iii) shall be deleted.

(c) The following Note shall be added in column: 6 below the existing entries as amended above, namely:

"Note --- The official so appointed as Tehsildar shall undergo a training course in the Revenue School. shall have to pass the prescribed examination within the probationary period."

(2) in the entries in column 6 against serial No. 2,

(a) in clause (b), for the words "five years", the words "three years" shall be substituted.

(b) for clause (c) the following shall be substituted: ---

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(c) 12% by selection on merit from amongst Assistants and Senior Scale Stenographers of Board of Revenue, Director Land Records and the Offices of the Political Agents and Assistants and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate)/ Collector, with three years service as such";

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(c) the following Note shall be added in column 6 below the existing entries as amended above, namely:

"Note ---The official so appointed as Naib Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period".

- (3) in the entry in column 6 against serial No. 4, after the word "Patwaris" the comma and the words", Tehsil Revenue Accountant and Wasil Baqi Nawis" shall be inserted;
- (4) in the entry in column 3 against serial No. 5, the following shall be added after the word "qualification".

“, who have passed the Patwar Training Course”.

Sd/-
SECRETARY TO GOVERNMENT,
THE NORTH-WEST FRONTIER PROVINCE,
REVENUE DEPARTMENT.

Endst: No. 23429-60 /Admn:1/135 dated the /10/2002.

A copy is forwarded for information and necessary action to the: -

- 1. Secretary to Government of NWFP, Establishment Department.
- 2. Secretary to Government of NWFP, Finance Department.
- 3. Secretary to Government of NWFP, Law Department.
- 4. Secretary NWFP Public Service Commission.
- 5. Registrar, Peshawar High Court, Peshawar.
- 6. Accountant General, NWFP.
- 7. All the District Officers (Revenue & Estate)/ Collectors in NWFP/PA's in NWFP.
- 8. PS to Minister for Revenue, NWFP.
- 9. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

P. Durrani
DEPUTY SECRETARY TO GOVT. OF NWFP,
REVENUE DEPARTMENT.

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1	2	3	4	5	6	7
S. No	Nomenclature of the post.	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age Limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21- 30 years For initial recruitment	(a) Twenty percent by initial recruitment and (b) sixty percent by promotion, on the basis of Seniority – cum – fitness From amongst the Graduate Naib Tehsildar with at least five years Service as such. The condition of graduation will be applicable after five years from the date of issuance of this Notification, and (C) Twenty percent by Promotion, on the basis of Joint Seniority- cum- fitness from amongst the Graduate Assistants/ Seniority Scale Stenographers of Board of Revenue NWFP Director Land Record NWFP Revenue appellate Court/ Sub Registrar with at least five years Service as such.

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GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

(Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

Peshawar dated the 26/12/2008.

No. 32/02 /Admn:1/135/SSRC.

In pursuance of the provisions contained in sub - rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO: 457 (1) / 2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

1	2	3	4	5	6	7
S.No	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21 - 30 years For initial recruitment.	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of Seniority - cum - fitness from amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Twenty percent by Promotion, on the basis of Joint Seniority -cum - fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub - Registrar with at least Five Years Service as such.

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1	2	3	4	5	6	7
2	Naib Tehsildar BPS 14	Administrative Secretary (SMBR)	Second Class Graduation from any University recognized by the Higher Education Commission	Second Class Graduation from any University recognized by the Higher Education Commission	21 – 30 years For Initial recruitment	(a) Fifty percent by initial recruitment through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it accordance with syllabus, and (b) Thirty percent by promotion, on the basis of Seniority –cum – fitness from amongst Graduate Kanungos with at least Five years Service As such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification. © Twenty percent by promotion, on the basis of joint Seniority – cum- fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant/ Junior Scale Stenographer of Ex Deputy Commissioner/ Commissioners offices presently working in the offices of DCO/ ACO /EDO (F&P) and DOR, who are Graduate with five years service as such.
3.	District Kanungo (Saddar Kanungo) BPS 14					By transfer from amongst Naib Tehsildar
4.	Head Clerk (Revenue) BPS 14					By transfer from amongst Naib Tehsildar
5.	District Revenue Accountant BPS 14					By transfer from amongst Naib Tehsildar

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2 Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	1 25 Second class Graduation from any University recognized by the Higher Education Commission	5 Second class Graduation from any University recognized by the Higher Education Commission	6 21-30 years For initial recruitment	7 25 (a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (b) Thirty percent by promotion, on the basis of Seniority - cum - fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification. (c) Twenty percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex - Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDO (F&P) and DOR, who are Graduate with five Years Service as such. By transfer from amongst Naib Tehsildar
3. District Kanungo (Saddar Kanungo) (BPS 14)					
4. Head Clerk (Revenue) (BPS 14)					By transfer from amongst Naib Tehsildar
5. District Revenue Accountant (BPS 14)					By transfer from amongst Naib Tehsildar

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1	2	3	4	5	6	7
6.	Kanungo BPS -09	District Officer (R&E) Collector				By promotion on the basis of joint Seniority cum fitness. On District level from amongst the Patwaris/ Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five years Service as such.
7.	Senior Tehsil Revenue Accountant (BPS07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis/ Additional Wasil Baqi Nawis (BPs- 05					
8.	Patwari BPS- 05	District Officer (R & E collector	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By Intial Recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Sd/-
Secretary to Government of NWFP
Revenue and Estate Department

ATTESTED

6.	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector.	26			By promotion, on the basis of joint Seniority cum - fitness, on District level from amongst the Patwaris / Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such.
7.	Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis / Additional Wasil Baqi Nawis (BPS - 05)					By transfer from amongst Patwaris
8.	Patwari (BPS - 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Copy forwarded for information and necessary action :

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department
4. Secretary NWFP Public Service Commission
5. Secretary to Governor NWFP.
6. Registrar Peshawar High Court Peshawar
7. Advocate General, NWFP
8. Accountant General NWFP Peshawar
9. Private Secretary to Chief Secretary NWFP
10. All District Coordination Officer, in NWFP
11. All District Officer (Revenue & Estate) /Collector, in NWFP
12. Director Land Record NWFP
13. The Controller, Government Printing Press, NWFP Peshawar with the request that the notification may be published in the official gazette and to supply one hundred printed copies to the undersigned

7/10/61
FILE

Deputy Secretary
Government of NWFP
Revenue & Estate Department

APPROVED

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79

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
(REVENUE & ESTATE DEPARTMENT)

Peshawar dated the 30/03/2011

NOTIFICATION

No. 12389/Admn:I/I/296/Amendment. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Admn:I/135/SSRC, dated 26.12.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix:-

(1) against S.No. 1, in column No. 7, for the existing entries, at clauses (b) and (c), the following shall be substituted, namely;

“(b) By promotion on the basis of seniority-cum-fitness in the following manner:

(i) sixty percent from amongst the Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Clerk (Revenue) with at least five year service as such.

Note:- The seniority of existing District Kanungos, District Revenue Accountants and Head Clerks (Revenue) will be merged with Naib Tehsildars and further promotion to these cadres will not be made henceforth; and

(ii) twenty percent from amongst graduate Assistant, Senior Scale Stenographer of Board of Revenue, Director Land Record, Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners, Political Agents and Sub-Registrar with at least five years service as such.

Note: The officials in sub-clause (ii), so promoted, shall undergo Settlement / Revenue Training and pass “Kanungo Certificate Examination.”;

RECEIVED

38

Number: I/I/296/Amendment

Copies forwarded for information and necessary action to the :-

81

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All District Officers (R&E)/Collectors, in Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

Tubal
1/12/96

**DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT**

ATTESTED

(31)
**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

F 82

No. 6/4 (AA)/vol-II/ 5850

Dated: 19.07.2011

To

The Assistant Secretary (Estt:),
Govt. of Khyber Pakhtunkhwa,
Board of Revenue & Estate Department.

Subject: **JOINT SENIORITY LIST OF ASSISTANT AND POLITICAL
MOHARRIRS.**

Memo:

Reference your office letter No. Estt:-V/(seniority list)/17835 dated 04.06.2011 on the subject cited above.

Political Agent, Khyber has furnished list of Graduate Ministerial staff of his office vide letter No. 6654/Acctt: dated 01.06.2011 which is enclosed. The Political Agent has further informed over telephone that no sanctioned post of Political Moharrar exists in Khyber Agency.

Similarly Political Agent, Mohmand vide letter No. 2614/Acctt: dated 13.07.2011 (copy enclosed) has also informed that no sanctioned post of Political Moharrir exists with them. The seniority lists of Graduate Senior Clerks & Junior Clerks as provided by Political Agent Mohmand vide letter No. 4526/Acctt: dated 18.06.2011 is enclosed.

Apart from the above seniority list of the Assistant in Peshawar Division are circulated vide this office No. 1019-29/6/4(AA)Vol-I dated 07.02.2011 is also sent herewith.

o/c

[Signature]

**ASSISTANT TO COMMISSIONER(R/GA)
FOR COMMISSIONER PESHAWAR DIVISION**

ATTESTED

FAX

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G

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Est: V/Seniority list 24966.

Peshawar dated the 29/09/2011

To
The Commissioner,
Peshawar Division Peshawar.

Subject: Provision of ACRs and Synopsis of ACRs.

I am directed to refer to the subject noted above and to request you to furnish original ACRs alongwith synopsis of ACRs for the entire service in respect of the following officials within two days positively:-

S.No	Name of officials	Office	Remarks
1	Hazrat Khan	Political Agent Mohmand Office	Promoted as Naib Tehsildar through Administrative Order
2	Iqbal Hussain	Political Agent Khyber Office	Political Moharrir
3	Imdad Khan	Political Agent Mohmand Office	Political Moharrir
4	Jan Alam	Political Agent Mohmand Office	Political Moharrir
5	Samir Khan	Political Agent Mohmand Office	Political Moharrir
6	Mufti Mumtaz Jan	Political Agent Khyber Office	Political Moharrir
7	Ghazi Khan	Political Agent Khyber Office	Political Moharrir
8	Mecna Dar	Political Agent Khyber Office	Political Moharrir
9	Chandi Khan	Political Agent Mohmand Office	Political Moharrir
10	Ihasnuddin	Political Agent Mohmand Office	Political Moharrir
11	Sheryar Khan	Political Agent Mohmand Office	Political Moharrir
12	Gohar Ali	Political Agent Mohmand Office	Political Moharrir
13	Badruz Zaman	Political Agent Mohmand Office	Political Moharrir
14	Bismillah Khan	Political Agent Khyber Office	Political Moharrir
15	Ali Raza	Political Agent Khyber Office	Political Moharrir
16	Muhammad Ibrar	Political Agent Khyber Office	Political Moharrir
17	Shah Jahan	Political Agent Khyber Office	Political Moharrir
18	Inayatullah Khan	Political Agent Khyber Office	Political Moharrir
19	Faridullah Khan	Political Agent Khyber Office	Political Moharrir
20	Muhammad Saeed	Political Agent Khyber Office	Political Moharrir
21	Zarin Khan	Political Agent Khyber Office	Political Moharrir
22	Turkistan	Political Agent Khyber Office	Political Moharrir
23	Saleem Javed	Political Agent Khyber Office	Political Moharrir
24	Arshad Kamal	DCO Office Peshawar	Assistant
25	Muhammad Sher	Political Agent Mohmand Office	Political Moharrir
26	Zahid Kamal	Commissioner Office Peshawar	Assistant

A certificate to the effect that there is no judicial / Departmental inquiry or anticorruption cases are not pending against the officials may also be given.

No. Est: V/Seniority list

D. No 13838

Assistant Secretary

Copy forwarded to:-

1. Political Agent Mohmand
2. Political Agent Khyber Agency

For similar necessary action

ACCEPTED

Assistant Secretary (Adm)

84

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P NO. 3023 of 2011.

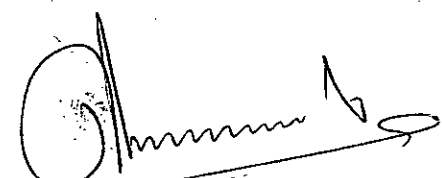
Zahid Kamal Assistant Office of Commissioner Peshawar Division.....Petitioner

VERSUSE

Government of Khyber Pakhtunkhwa through Chief Secretary, SMBR and 25 others

INDEX

S.No	Description of Documents	Annexure	Page No.
1	Parawise Comments	-	1-3
2	Affidavit	-	4
3.	Notification (With Better Copy) No. 23428/Admn-I/1135 dated 3.10.2002.	-	5 to 13
4.	Notification (With Better Copy) No. 32102/Admn-I/135/SSRC dated 26.12.2008	-	14 to 17
5.	Notification (With Better Copy) No. 12390/12429 dated 30.03.2011.	-	18 to 20


 Assistant Secretary (Lit-I)
 Board of Revenue NWFP

21955

FILED TODAY
 Deputy Registrar
 19 DEC 2011

22427
 RE-FILED TODAY
 Deputy Registrar
 27 DEC 2011

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85

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

W.P. No. 3023 of 2011

Zahid Kamal and 8 others, Assistants Office of Commissioner Peshawar Division

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, SMBR and 25 others

Parawise comments on behalf of Respondents 1 to 4 may be perused as follows:

Preliminary Objections

1. The Constitutional jurisdiction of this Honourable Court cannot be invoked in service matters.
2. The petition is barred by laches; the present petition has been instituted to defeat the provisions of service laws related to limitation, and Limitation Act.
3. The petitioners have concealed material facts from the Court, therefore the writ petition merits dismissal.
4. The petitioners have no locus standi to file the present petition.

On Facts

1. Incorrect. The petitioners are employees of office of Commissioner Peshawar which is an Attached office of the Revenue & Estate Department. The recruitment of Assistants of Attached offices is made by the office itself and not by the Public Service Commission.
2. Partially correct. The Notification enforcing Rules for Revenue & Estate Department in 2001 did not repeal the West Pakistan Tehsildari and Naib Tehsildari Service Rules 1962. **Furthermore, the Notification of 2001 does not contain any provision for promotion of Assistants of Office of Commissioner to the post of Naib Tehsildar. Provision regarding promotion of Political Moharirs to the post of Naib Tehsildar was omitted as the Provincial Government after Devolution followed the Punjab Rules notified on 18-06-1990, on the premise that tribal areas were no more under control of Revenue & Estate Department after creation of separate FATA Secretariat.**
3. Correct. **The amendment of 2002 also did not create any provision for promotion of Assistants of Office of Commissioner to the post of Naib Tehsildar.**
4. Correct. **The amendment of 2008 also did not create any provision for promotion of Assistants of Office of Commissioner to the post of Naib Tehsildar.**
5. Correct. **The amendment was necessitated for two reasons. Firstly with the creation of Office of Commissioner, Assistants employed in Offices of**

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19 DEC 2011

Commissioner and Additional Commissioner were made eligible for promotion to post of Naib Tehsildars.

Secondly, during turmoil in tribal areas it was noticed that the Tehsildars and Naib Tehsildars being recruited/promoted after 2001 did not have the requisite experience to deal with tribal matters. The policies of the Government are implemented and law & order at grassroots is maintained through the Political Moharirs who deal directly with the tribal populace. Due to their experience gained in handling complex situations they were made eligible for promotion to post of Naib Tehsildar which is the government's 2nd interface with tribals, therefore Political Moharirs were again made eligible for promotion to post of Naib Tehsildar.

The petitioners cannot take benefit of a portion of the amendment and at the same time oppose another portion which creates competition for them. Furthermore, the petitioners cannot claim promotion against posts that are not on the strength of Revenue & Estate Department i.e. FATA due to which Political Moharirs' eligibility was restored.

- 6. Incorrect. The post of Political Moharir was included in the panel of post holders eligible for post of Naib Tehsildar since the promulgation of Tehsildari/Naib Tehsildari Rules 1962, and was unlawfully omitted in 2001. The mistake rectified with insertion of amendment in March 2011. Political Moharirs are in fact Junior Clerks who have experience of field in tribal areas.
- 7. As the eligibility is on joint seniority as indicated in 'subject' of the Annexure, therefore the petitioner has been placed at the correct position.
- 8. In case the petitioner is aggrieved of any act of the respondents which affect his terms and conditions of service, the jurisdiction of this Court is specifically barred under Article 212 of the Constitution of Islamic Republic of Pakistan.



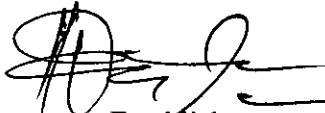
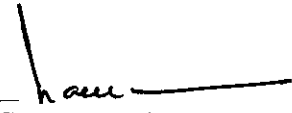
Grounds

- A. Incorrect. Provisions of Article 4 of Constitution are applicable to private individuals. The petitioners being government servants are governed by service laws. The impugned acts are in accordance with law and policy of the government.
- B. Incorrect. Junior Clerks having field experience in tribal affairs are designated as Political Moharirs. The petitioners are trying to create confusion unnecessarily.
- C. Incorrect. The question here is not of parity, but of requisite experience to man a post. Detail reply already given in paragraph 5 above. Senior Clerks are not designated as Political Moharirs.
- D. As already explained Articles 4 and 25 of Constitution are not attracted to government servants who are regulated through service laws.

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19 DEC 2011

- E. The logic forwarded by petitioners is misconceived and speaks of ignorance of requirements of posts in tribal areas. **During testing times in tribal areas Political Moharirs were given charge of post of Naib Tehsildars in OPS as Naib Tehsildars recruited from ministerial quota due to inexperience of tribal societies and influences miserably failed and refused to join postings I tribal areas and used extraneous pressures to avoid such transfers.**
- F. As above. Assistants of Office of Political Agent do not have requisite experience to handle tribal situations. Furthermore none of the affected Assistants has objected to the rectification of mistake by respondents.
- G. Correct. The irregularity had been noticed; notices were served upon the unlawfully promoted officials. The proceedings will be finalized in due course.

As the issues raised in the petition pertain to service matters, the honourable Court lacks jurisdiction to entertain the present petition. The petitioners may be directed to approach the appropriate forum, and petition in hand be dismissed with costs.

			
<u>Chief Secretary</u> Respondent #1	<u>Senior Member BOR</u> Respondent #2	<u>Secretary Establishment</u> Respondent #3	<u>Secretary Finance</u> Respondent #4
Chief Secretary Govt: of Khyber Pakhtunkhwa		Secretary to Government of Khyber Pakhtunkhwa Establishment Department	SECRETARY Govt: of Khyber Pakhtunkhwa Finance Dept:

FILED TODAY
Deputy Registrar
19 DEC 2011

GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE,
REVENUE DEPARTMENT

NOTIFICATION

Peshawar dated the ³¹ 03/10/2002

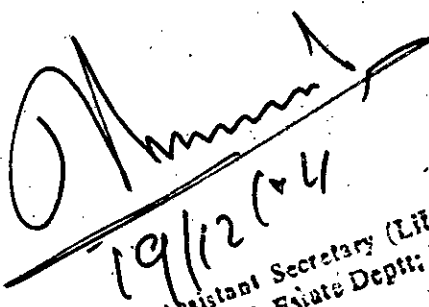
No. 23428/Admn I/135. In exercise of the powers conferred by Sub rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. 27944/AD-I dated the 27th November, 2001, the following amendments shall be made namely:

Amendments

1. In the Schedule appended to the said Notification, for the word "SCHEDULE", the word "APPENDIX" shall be substituted.
2. In the Appendix so substituted:--
 - (1) In the entries in column 6 against serial No.1, in clause (C),
 - a. for the existing entries at sub clauses (i) and (ii), the following shall be substituted, namely
 - i. Assistant and Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate)/ Collectors, who are graduate and have at least five years service as such, and
 - ii. District Kanungos, District Revenue Accountants and Head Clerks (Revenue); with at least five years service as such",
And
 - b. clause (iii) shall be deleted.
 - c. The following Note shall be added in column 6 below the existing entries as amended above, namely.

Note--- The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period."

- (2) In the entries in column 6 against serial No.2,
 - a. In clause (b), for the words five years, the words three years, shall be substituted.
 - b. For clause (sic


19/12/04
Assistant Secretary (Lit. I)
Revenue & Estate Deptt. NWFP

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,
REVENUE DEPARTMENT.

NOTIFICATION

Peshawar dated the 31/10/2001.

No. 22420/Adm:1/135. In exercise of the powers conferred by sub rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. 1944/Ad-I dated the 27th November, 2001, the following amendments shall be made, namely:

Amendments.

1. In the Schedule appended to the said Notification, for the word "SCHEDULE", the word "APPENDIX" shall be substituted.

2. In the Appendix so substituted, —

(a) in the entries in column 6 against serial No. 1, in clause (b), —

(i) for the existing entries at sub-clauses (i) and (ii), the following shall be substituted, namely:

(i) Assistant and Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate) Collectors, who are graduate and have at least five year service as such; and

(ii) District Kamungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such; and

(b) clause (ii) shall be deleted.

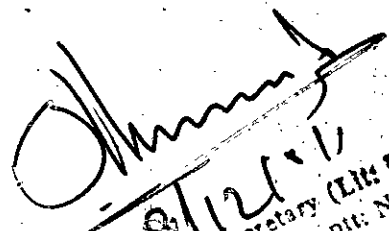
The following Note shall be added in column 6 below the existing entries as amended above, namely:

Note — The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period.

(c) in the entries in column 6 against serial No. 2,

(a) in clause (a), for the words "five years", the words "three years" shall be substituted.

(b) for clause (b) the following shall be substituted, —


Assistant Secretary (L.R. D)
Revenue & Estate Deptt: NWFP

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(c) 129(a) selection on merit from amongst Assistants and Senior Scale Stenographers of Board of Revenue, Director Land Records and the Offices of the Political Agents and Assistants and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate) Collector, with three years service as such";

(c) the following Note shall be added in column 6 below the existing entries as amended above, namely:

"Note --The official so appointed as Naib Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period".

(3) in the entry in column 6 against serial No. 4, after the word "Patwaris" the comma and the words", Tehsil Revenue Accountant and Wasil Baqi Nawis" shall be inserted;

(4) in the entry in column 3 against serial No. 5, the following shall be added after the word "qualification".

“, who have passed the Patwar Training Course”.

SO/-
SECRETARY TO GOVERNMENT,
THE NORTH-WEST FRONTIER PROVINCE,
REVENUE DEPARTMENT.

Ends: slr 23/29-60 /Admin: 135 dated the /10/2002.

A copy is forwarded for information and necessary action to the:-

1. Secretary to Government of NWFP, Establishment Department.
2. Secretary to Government of NWFP, Finance Department.
3. Secretary to Government of NWFP, Law Department.
4. Secretary NWFP Public Service Commission.
5. Registrar, Peshawar High Court, Peshawar.
6. Assistant General, NWFP.
7. All the District Officers (Revenue & Estate) Collectors in NWFP/P.A. in NWFP.
8. PS to Minister for Revenue, NWFP.
9. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

[Signature]
DEPUTY SECRETARY TO GOVT. OF NWFP,
REVENUE DEPARTMENT.

[Signature]
Assistant Secretary (E&E: D)
Revenue & Estate Deptt. NWFP

Sub Registrar with Revenue appellate Co. Revenue