

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"
<p>Notification No. 2348/Admn, I dated 31.10.2002.</p> <p>1) in the entries in column 6 against serial No.1, in clause (c)</p> <p>(a) for the existing entries of sub clauses (i) and (ii), the following shall be substituted namely;</p> <p>(i) Assistants &amp; Senior Scale Stenographers in the offices of Board of Revenue, Director land records &amp; Political Agents, &amp; Assistants and Junior Scale Stenographers of the offices of District Officers, (R7E)/ Collectors, who are graduate &amp; have at least give years service as such, and.</p> <p>(ii) District Kanungos, District Revenue Accounts and Head Clerks (Revenue), with at least five years</p> <p>clause (iii) shall be deleted.</p>						

19/12/04 (Lit: 1)  
Revenue Deptt: NW/1 (b)

APPENDIX  
SCHEDULE

1. Nomenclature of the post.	2. Qualification for Appointment by initial recruitment.	3. Qualification for appointment by promotion.	4. Age limit for initial recruitment.	5. Method of recruitment.	6. Remarks.
2	3	4	5	6	7
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 (a) Years. (b) (c)	20% by initial recruitment:- 50% by promotion on the basis of seniority-cum-fitness from amongst <u>paid</u> Tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from amongst; (i) Assistant and Senior 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; (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.

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

clause (iii) shall be deleted.

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

*[Handwritten signature and date]*  
24/11/01  
137 (LR: D)  
7876 NWFL

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 Tehsildari 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"
Notification No. 23428/Admn, I dated 31.10.2002. in the entries in column 6 against serial No.2						
(a) in clause (b) for the words give 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;						

  
 Assistant Secretary (Lit. I)  
 Revenue & Estate Deptt: NWPL

course  
 sub  
 the

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/	Naiib Jeshildar	Graduation from a recognized university.	Passing of Naiib Jeshildari Departmental Examination and such training as may be prescribed by the Government.	24 to 28 Years.	(a) 50% by initial recruitment, of which 10% shall be reserved for ex-service men, through Public Service Commission based on the result of a competitive examination conducted by it in accordance with the bye-laws.	

NOTIFICATION NO. 23428/ADMINI dated 31-10-2002.

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

(a) in clause(b), for the words "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:

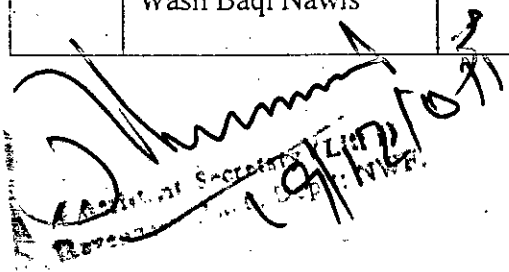
(b) 1% by promotion on the basis of seniority cum-rankings in the Division with at least five years service as such.

(c) 12% by selection on merit from amongst Assistants and Senior Scale stenographers in the offices of District Officer (Revenue & Estate) Collectors with three years service as such.

Note: The official so appointed as naiib Jeshildar shall undergo a training course in the Revenue School to be prescribed by the Government in the following manner:

*[Handwritten signature and stamp]*  
 Director, Revenue Department

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	


  
 19/12/10

(21)

13

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.
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1/	2	3	4	5		
3/	District Kanungo (Sadar Kanungo)	-	Passing of Yaib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	-	By promotion on the basis of Seniority-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-fitness, from amongst the Kanungos in the District with five years service as such.	Total number of appointments to be made by Government.
----	----------	---	--	---	--	--

5/	payment	F.A. or equivalent qualification who have passed the paper examination.	-	18 to 30 years	By initial recruitment.	
6/	Tehsil Revenue Accountant/ Khasil Evti Tehsil Evti Tehsil Evti Tehsil Evti	F.A. or equivalent qualification from a recognized Board.	-	-	By promotion from amongst the holders of the post of Tehsil Evti Kanungo for 12 weeks training in Khasil Evti Tehsil Evti Tehsil Evti Tehsil Evti	

*(Signature)*  
 Assistant Secretary (Lit. II)  
 Revenue & Estate Dept. NWFP

**NOTIFICATION**

**GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT**

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

Peshawar dated the 26/12/2008.

No. 52/08 /Admin-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 28<sup>th</sup> 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
	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.

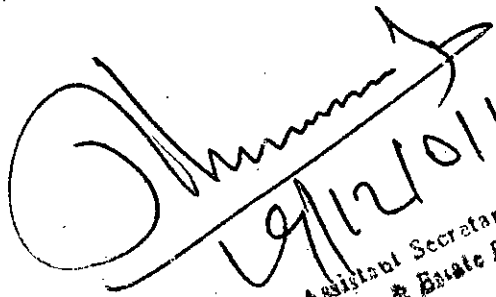
*[Signature]*  
 Administrative Secretary (SMBR)  
 Revenue & Estate Dept. NWFP

2	3	4	5	6	7
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	<p>(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and</p> <p>(b) 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.</p> <p>(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 Agents and Assistant Political Agent Frontier Region. Assistants/ Junior Scale Stenographer of Ex - Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDQ (F&amp;P) and DOR, who are Graduate with five Years Service as such.</p>
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

*[Handwritten Signature]*  
 19/12/11  
 Assistant Secretary (LII: 1)  
 Revenue & Estate Deptt: NWFP



	2	3	4	5	6	7
	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /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.
	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.

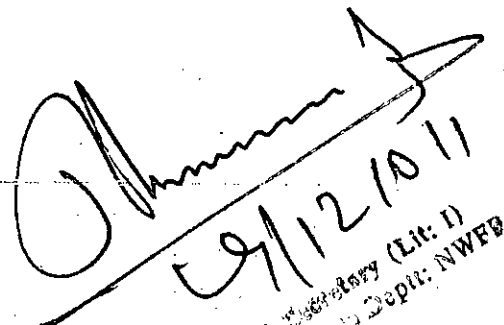
  
19/12/011  
Assistant Secretary (Lit: I)  
Revenue & Estate Deptt: NWFP

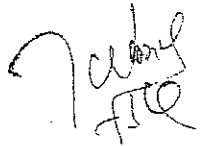
  
Secretary to Government of NWFP  
Revenue and Estate Department

17  
101

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

  
29/12/10/11  
Assistant Secretary (Lit: 1)  
Revenue & Estate Dept: NWFP

  
Deputy Secretary  
Government of NWFP  
Revenue & Estate Department

Amendments Rules 2011

NOTIFICATION

No. 12289/Admn./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./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 Kannugos, District Revenue Accountants and Head Clerk (Revenue) with at least five year service as such.

- (ii) The seniority of existing District Kannugos, 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, 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 "Kannugo Certificate Examination".

Assistant Secretary (Lit: I)  
Revenue & Estate Dept: NWFP  
11/11/11

SECRETARY

*W. M. M. M.*

Note: Age and qualification for initial recruitment of Nab Tehsildars, remain intact passing of Departmental Examination and prescribed training as per rules 52, 53, 54 and 55 of the West Pakistan Tehsildar and Nab Tehsildar Departmental Examination and Training Rules, 1969 shall remain intact;

Assistant Secretary (Liaison)  
Revenue & Estate Deptt. (L-11)

*9/12/011*  
*[Signature]*

(ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, District Coordination Officers, District Officers, (R&E)/Collectors, and Executive District Officers (F&P), Political Agents and Assistant office of Political Agents (FR), with at least five years service as such.

(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 Nab Tehsildar; and

(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.

(3) against S.No. 2, in column No. 7, for the existing entries, the following shall be substituted, namely;

1	2	3	4	5	6	7
Reader to	Senior	Member /	Members	Board of	Revenue	
By transfer from	amongst	Tehsildars and,				

(2) after serial No. 1, as so amended, the following new entries shall be inserted in the respective columns, namely;

*19*  
*103*

Deputy Secretary (L&E)  
Revenue & Estate Deptt: NWB

*[Handwritten signature]*  
19/12/2011

DEPUTY SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

*[Handwritten signature]*

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.

Copy forwarded for information and necessary action to the :-

No. 12390 - /Admin: I/I/296/Amendment

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20

IN THE PESHAWAR HIGH COURT, PESHAWAR  
**OBJECTION SLIP**

*Zahid Kamil* VERSUS *Govt of Peshawar*

1. This petition has been presented by *M. Asif Yaseen* 105
  2. Signature of council/petition wanted on \_\_\_\_\_
  3. Enactment under which the petition wanted is not mentioned correct.
  4. Approved file cover is not used.
  5. Affidavit is not duly attested/appended.
  6. Petition/annexure are not properly paged according to index *ok*
  7. Certified copies of annexure are \_\_\_\_\_ filed.
  8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
  9. Copies of annexure *file no 10, 16* are not legible/attested. *as well as in s for*
  10. There should be separate application for each prayer/case.
  11. Copy of application is not delivered to A.G.
  12. The appeal, revision, application is time barred.
  13. Value of the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
  14. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
  15. Memo of parties name not filed.
  16. No. of referred cases is not given/correct.
  17. Petition received by post is not entertainable except through Jail.
  18. Petition containing overwriting is not entertained. Fair petition be filed.
  19. Appeal/Revision is not competent.
  20. List of books have not been mentioned at the end of the petition.
  21. Case does not relate to \_\_\_\_\_
  22. Petition should be drafted by a person competent to do so.
  23. \_\_\_\_\_ spare copies be filed.
  24. In what jail the petitioner is confined.
  25. Revision/Appeal may be filed on the prescribed form.
  26. Copies of annexure \_\_\_\_\_ are not translated.
  27. Court fee stamps are not been affixed.
  28. Power of Attorney is not attested by the jail authority.
  29. Certified copies of impugned orders/decree sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
- District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.  
Index has not been filed. *But index*

*G*  
**READER**  
*4/6/2012*

Returned with objections at Sr. Nos. *6; 9-31* for removal to be submitted on or before \_\_\_\_\_

*M. Asif Yaseen*  
**Additional Register**  
**Peshawar High Court, Peshawar**

Submitted after compliance

Jan 21

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

106

Writ Petition No. 3023 /2011

Zahid Kamal etc: V/S Govt. Of KPK etc.

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Reply	-----	01-02
2.	Affidavit	----	03
3.	Copy of Order dt.10.09.2009	R-1	04
4.	Copy of Order Order dt.3.9.09	R-2	05-06
5.	Copy of letter dt.3.10.2009	R-3	07
6.	Copy of letter dt.11.01.10	R-4	08
7.	Copy of Certificate	R-5	09
8.	Copy of Order dated 22.7.09	R-6	10-11
9.	Copy of Order dated 7.5.09	R-7	12

RE-FILED TODAY

Deputy Registrar

29 JUN 2012

Respondent No.5 & 11

THROUGH:

*M. Asif Yousafzai*

( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

0333-8103240

FILED TODAY

Deputy Registrar

04 JUN 2012



107

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

W.P NO. 3023/2011.

Zahid Kamal etc.

VS

Govt: of KPK etc.

**REPLY ON BEHALF OF RESPONDENTS NO. 5, & 11.**

**(HAZRAT KHAN & SHAHRYAR KHAN.)**

**R.SHEWETH.**

**PRELIMINARY OBJECTIONS:**

- 1- That the petitioners have no cause of action.
- 2- That the petitioners have no locus standi.
- 3- That this august Court has no jurisdiction as the matter is related to terms & conditions of service.
- 4- That for challenging amendments in service rules, the proper forum is Service Tribunal.
- 5- That the w.p is bad for non-joinder and mis-joinder of parties.
- 6- That none of the order of the replying respondents has been challenged by the petitioners in time and those orders have got finality.
- 7- That the replying respondents are no more political moharrir as they stood promoted and regularized in the year 2007 & 2009.
- 8- That the present writ petition is infructuous.

**FACTS:**

- 1- Not related to replying respondents.
- 2- Not related to replying respondents. However, it is added that prior to these rules, the rules of 1962 were in field and the Govt: has ample powers to amend or modify the rules. The petitioners if aggrieved from the said

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Deputy Registrar

04 JUN 2012

amendments, then they ought to file appeal before Service Tribunal which is the proper forum for such matters.

- 3- Not related to replying respondents. More over as explained in para-2 above.
- 4- Not related to the replying respondents. More over as explained in para-2 above.
- 5- Not related to replying respondents. More over as explained in para-2 above.
- 6- Incorrect and misconceived. The posts of political moharrir were available in the rules of 1962, more over political moharrir are basically junior clerks being ministerial staff but when they work in the offices at settle side they called junior clerks and when they work in the Agencies/FATA areas then they are known as political moharrir. More over the present Rules are further modified, therefore, the present writ petition is become infructuous.
- 7- Incorrect hence denied. The replying respondents have already stood promoted in the year 2007 & 2009 and also been regularized as Naib Tehsildars, therefore, they are no more clerks and impleaded unnecessarily. Copies of orders are attached as R-1, R-2,
- 8- That the present writ petition is infructuous one and also the matter related to terms & conditions for which the proper forum is Service Tribunal and even in case of challenging the vires of rules, the proper forum is Service Tribunal and not this august Court.

**GROUND:**

- A- Incorrect hence denied. The Govt: has the power to modify or amend rules and in that case the proper forum is Service Tribunal and not this august Court.
- B- Incorrect and misconceived. More over as explained in para-6 above.
- C- Incorrect. The said right was given in the rules of 1962 which prevailed over for decades of years, therefore, the contention of the petitioners is

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Deputy Registrar

04 JUN 2012

109

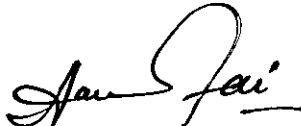
incorrect. More over this august Court has no jurisdiction under Article-212 of the Constitution.

- D- Incorrect and misconceived, therefore denied.
- E- Incorrect and misconceived. Every establishment has its own rules. eg, in the Education Deptt: an Asstt: cannot be promoted to N.T post but could be promoted to Superintendent. Similarly a N.T cannot be promoted to Superintendent but can be to Tehsildar post.
- F- Incorrect and misconceived. Therefore denied.
- G- Incorrect and misconceived. The promoted officials promotion case was under consideration since long under the rules of 1962 but finalized later on. More over those orders have never been challenged by the petitioner in time and even subsequently. More over as explained in para-6 aobe.

It is therefore most humbly prayed that the writ petition may be dismissed with costs throughout.

RESPONDENTS NO. 5 & 11.

THROUGH;

  
M.ASIF YOUSAFZAI  
ADVOCATE.

FILED TODAY  
Deputy Registrar  
04 JUN 2012

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

Writ Petition No. 3023 /2011

Zahid Kamal etc: V/S Govt. Of KPK etc.

**AFFIDAVIT**

I, Muhammad Asif Yousafzai, Advocate, Peshawar High Court, Peshawar on the instructions and on behalf of the Respondent No.5 and 11, do hereby solemnly affirm and declare that the contents of this Reply on behalf of Respondents No.5 and 11t are true and correct to the best of my knowledge and belief.

DEPONENT

*M. Asif Yousafzai*

M. ASIF YOUSAFZAI  
ADVOCATE, HIGH COURT,  
PESHAWAR.

No: 12119

Certified that the above was verified on solemnly affirmation before me in office, this 4th day of June 20012 by Muhammad Asif who was identified by Asif who is personally known to me:

*[Signature]*  
4/6/2012  
Oath Commissioner  
Peshawar High Court, Peshawar.

FILED TODAY  
Deputy Registrar  
04 JUN 2012



R-1 (8) 111

**GOVERNMENT OF NWFP  
REVENUE & ESTATE DEPARTMENT**

Dated Peshawar the 10 /09/2009

**ORDER.**

No \_\_\_\_\_ /Admn:V/PF(H). In pursuance of Judgment of Senior Member Board of Revenue NWFP dated 03.09.2009 passed in Appeal No. 96/2009 filed by Mr. Hazrat Khan presently working as Political Naib Tehsildar Parng Ghar Mohmand Agency on Adhec basis (BPS - 14) is hereby regularized with immediate effect.

By Order of,  
Senior Member  
Board of Revenue NWFP

No 23485-93 /Admn:V/PF(H)

Copy to:-

1. Additional Chief Secretary FATA Civil Secretariat Warsk Road Peshawar
2. Commissioner Peshawar Division Peshawar
3. Accountant General NWFP
4. Political Agent Mohmand Agency
5. Agency Accounts Officer Mohmand Agency
6. Reader to Senior Member Board of Revenue NWFP
7. Official concerned.
8. Personal File.
9. Office Order File.

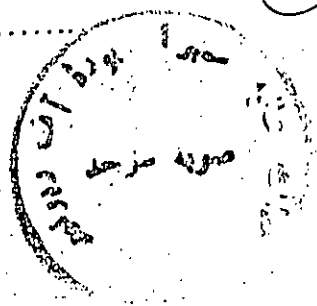
Assistant Secretary (Estt)  
Board of Revenue NWFP

**ATTESTED**

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

R-8  
9

112



Appeal No. 96/09  
Date of Institution 10.08.2009  
Dated of Decision 03.09.2009

MR. HAZRAT KHAN NAIB TEHSILDAR (ADHOC)  
PRANG GHAR MOHMAND AGENCY

ORDER

This is an Appeal filed by Mr. Hazrat Khan, Naib Tehsildar (Adhoc) wherein he has stated that he was appointed on 08.10.1976 as Political Moharrir and has served in various Tehsils of all Agencies as Political Tehsildar (Own Pay & Scale) and on Adhoc Basis since 04.03.2009. In this respect he has gained sufficient experience, he has therefore prayed that his services may now be regularized as Naib Tehsildar.

Appellant with counsel present and record of the case also gone through.

Counsel of the Appellant pleaded that the appellant served as Political Moharrir for about 33 years in the office of Political Agent, Mohmand Agency and was posted as political Naib Tehsildar (Own Pay & Scale) since long. In light of his contribution in the present crises and war against terror, as token of award he was appointed / promoted as Political Naib Tehsildar on Adhoc basis on 04.03.2009 by the Board of Revenue NWFP. The Counsel further argued that the Appellant is already holding the post of Naib Tehsildar and his regular appointment will not effect any one nor dispossess away other officials from the post of Naib Tehsildar as he has already been accommodated / adjusted against the post of Political Naib Tehsildar on Adhoc Basis.

Record of the case shows that according to West Pakistan Tehsildari / Naib Tehsildari Rules, 1962, Political Moharrirs were also eligible to be promoted

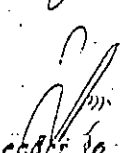
**ATTESTED**

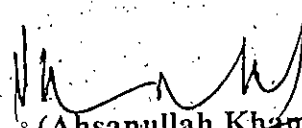
as Naib Tehsildar, but after devolution, Rules were amended in the year - 2002 and this category was too excluded / deleted from the list of eligible persons who were earlier eligible for appointment to the post of Naib Tehsildars. Time and again Political Moharrirs were agitating for amendment in the Rules for inclusion of their category in the list of eligible persons. In this respect Standing Service Rules Committee meeting was held on 27.04.2009 wherein the Members of the committee unanimously agreed in principal to also include the Political Moharrirs of the office of Political Agents / Assistant Political Agents for promotion to the post of Naib Tehsildars. In this respect Notification is issued shortly.

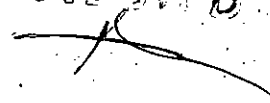
In view of the above, the instant Appeal is hereby accepted, and the Appellant is selected / promoted to the post of Naib Tehsildar on regular basis with immediate effect.

Announced

03.09.2009

*attested*  
*09-09-09*  
  
Reader to  
Senior Member  
Board of Revenue NWFP.

  
(Ahsanullah Khan)  
Senior Member  
Board of Revenue NWFP.

ATTESTED  


Naib Tehsildar, but after devolution, Rules were amended in the year – 2002 and this category was too excluded/deleted from the list of eligible persons who were earlier eligible for appointment to the post of Naib Tehsildar. Time and again Political Moharrirs were agitating for amendment in the Rules for inclusion of their category in the list of eligible persons. In this respect Standing Service Rules Committee meeting was held on 27.04.2009 wherein the Members of the Committee unanimously agreed in principal to also include the Political Moharrirs to the office of Political Agent/Assistant Political Agents for promotion to the post of Naib Tehsildar. In this respect Notification is issued shortly.

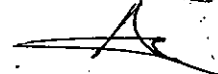
In view of the above, the instant Appeal is hereby accepted, and the Appellant is selected/promoted to the post of Naib Tehsildar on regular basis with immediate effect.

**Announcement**

03.09.2009

( Ahsanullah Khan )  
Senior Member  
Board of Revenue NWFP.

**ATTESTED**







(11) R-3 115  
GOVERNMENT OF NWFP.  
REVENUE & ESTATE DEPARTMENT

No \_\_\_\_\_ /Admn:V/PF(S)  
Dated Peshawar the 3 /10/2009

To

Mr. Shehryar Khan,  
Political Naib Tehsildar  
Pandyali Mohmand Agency.

SUBJECT: TRAINING.

You are hereby directed to undergo six months Settlement / Revenue Training in Chitral & Peshawar. The training scheduled is enclosed for your guidance.

Assistant Secretary (Estt.)  
Board of Revenue NWFP.

No. 25189-98 /Admn:V/PF(S).

Copy to the:-

1. Accountant General, NWFP.
2. Secretary (Law & Order) FATA Secretariat, Warsak Road Peshawar.
3. Commissioner, Peshawar Division, Peshawar.
4. Political Agent Mohmand Agency Ghallani.
5. Settlement Officer, Chitral.
6. Agency Accounts Officer, Mohmand at Ghallani.
7. District Accounts Officer, Chitral.
8. Budget & Accounts Officer Board of Revenue NWFP with the request to take up the case with Finance Department for creation of training reserve post for six months in respect of the official concerned in the Board of Revenue NWFP.
9. Official concerned.
10. Office Order File.

Assistant Secretary (Estt.)  
Board of Revenue NWFP.

CERTIFICATE REGARDING SETTLEMENT TRAINING.

12

R-7 116

No. 62 /SO/UT.

Dated Chitral the 10<sup>th</sup> January, 2010.

Certified that the Mr. Shereyar Khan under training Naib Tehsildar, has successfully completed three (03) months Settlement training in the ongoing Settlement Operation Chitral with effect from 10/10/2009 to 10/01/2010.

During training period no boarding and lodging facilities were provided.



(MUHAMMAD ALI SHAH)  
Extra Assistant Settlement Officer,  
Chitral

No. /SO/UT.

Copy forwarded to:-

1. PS to Senior Member Board of Revenue NWFP, Peshawar.
2. Accountant General NWFP, Peshawar.
3. Director Land Records NWFP, Peshawar.
4. Secretary Board of Revenue NWFP, Peshawar.
5. Official concerned.

Extra Assistant Settlement Officer,  
Chitral



R-S (13) 117

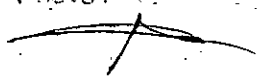
**DIRECTORATE OF LAND RECORDS, NWFP, PESHAWAR**

No. 715 /LR-I/DENT/2009-2010, PESHAWAR DATED THE, 17 / 03 / 2010

**TO WHOM IT MAY CONCERN**

Certified that Mr. Sheheryar Khan, Naib Tehsildar, appeared in the Departmental Examination of Naib Tehsildar held in the month of January, 2010 in the Examination Hall Government Higher Secondary School No.3 Khyber Bazar Peshawar City and declared passed in all papers under Roll. No.197 vide Notification endost: No.1825-69/LR-I/DENT/2009-2010, dated, 20/02/2010.

SUPERINTENDENT,  
OFFICE OF THE DIRECTOR  
LAND RECORDS, NWFP  
**SUPERINTENDENT**  
**LAND RECORDS, NWFP**  
PESHAWAR

RECEIVED  


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

R-76  
14 118

Appeal No. 64/09

Date of Institution 14-07-2009

Dated of Decision 22-07-2009

MR. SHEHR YAR KHAN NAIB TEHSILDAR (ADHOC)  
MOHMAND AGENCY

ORDER

This is an Appeal filed by Mr. Shehr Yar Khan, Naib Tehsildar (Adhoc) wherein he has stated that he was appointed on 13.09.1983 as Political Moharrir and has served in various Tehsils of all Tribal Agencies as Political Naib Tehsildar (Own Pay & Scale) and on Adhoc Basis since 23.02.2009. In this respect he has gained sufficient experience, and has therefore prayed that his services as Naib Tehsildar may now be regularized.

Appellant with counsel present and record of the case also gone through.

Counsel of the Appellant pleaded that the appellant served as Political Moharrir for about 29 years in the office of Political Agent, Bajur Agency and was posted as political Naib Tehsildar (Own Pay & Scale) on 30.05.2003. In light of his contribution in the present crises and war against terror, as token of award he was appointed / promoted as Political Naib Tehsildar on Adhoc basis on 23.02.2009 by the Board of Revenue NWFP. The Counsel further argued that the Appellant is already holding the post of Naib Tehsildar and his regular appointment will not effect any one nor dispossess away other officials from the post of Naib Tehsildar as he has already been accommodated / adjusted against the post of Political Naib Tehsildar on Adhoc Basis.

*Handwritten signature*  
Order: 22/7/09  
Board of Revenue, NWFP

Record of the case shows that according to west Pakistan Tehsildari / Tehsildari Rules, 1962, Political Moharrirs were also eligible to be promoted

Digitally signed by  
22-Jul-09 07:15

**ATTESTED**

*Handwritten signature*

15

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As Naib Tehsildar, but after devolution, Rules were amended in the year - 2002 and this category was too excluded / deleted from the list of eligible persons who were earlier eligible for appointment to the post of Naib Tehsildar. Time and again Political Moharrir was agitating for amendment in the Rules for inclusion their category in the list of eligible persons. In this respect Standing Rules Committee meeting was held on 27.04.2009 wherein the Members of the committee unanimously agreed in principal to also include the Political Moharrir of the offices of Political Agents / Assistant Political Agents for promotion to the post of Naib Tehsildar. In this respect Notification is being issued shortly.

In view of the above, the instant Appeal is hereby accepted, and Appellant is selected / promoted to the post of Naib Tehsildar on regular basis with immediate effect.

Announced

22.07.2009

*atama*  
*Suleman*  
 Recd: 28/7/09  
 Senior Member  
 Board of Revenue, NWFP

*(Signature)*  
 (Ahsanullah Khan)  
 Senior Member  
 Board of Revenue NWFP

**ATTESTED**

*(Signature)*

7/2/09

(16)

R-17 120

Appeal No. 57/2009.

Date of Institution 20.04.2009

Dated of Decision 0705.2009

MR. SHAKEEL AHMAD POLITICAL NAIB TEHSILDAR (ADHOC)  
UPPER ORAKZAI AGENCY.

ORDER

This is an Appeal filed by Mr. Shakeel Ahmad Naib Tehsildar (Adhoc) wherein he has stated that he was appointed as Political Moharrir in Political Agent Mohmand's office on 13.09.1992 and has served at office as well as in field and has gained sufficient experience, in this respect.

Appellant with counsel present and record of the case also gone through.

Counsel of the Appellant pleaded that the appellant served as Political Moharrir since 13.09.1992 till 18.12.2009, in Mohmand Agency to the entire satisfaction of his superiors. In light of his devotion and contribution in the present crises and war against terror, as token of award he was appointed / promoted as Naib Tehsildar on Adhoc basis on 18.02.2009 by the Board of Revenue NWFP.

In support the Counsel also pleaded that Additional Chief Secretary, RAFA also posted him as Political Tehsildar Upper Orakzai Agency (Own Pay & Scale) on 27.02.2009. The Counsel further argued that the Appellant is already holding the post of Naib Tehsildar and his regular appointment will not effect any one nor dispossess away other officials from the post of Naib Tehsildar as he has already been accommodated / posted against the post of Political Naib Tehsildar on Adhoc Basis.

ATTESTED



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

Appeal No. 57/2009.

Date of Institution : 20.04.2009.

Dated of Decision : 07.05.2009.

MR. SHAKEEL AHMAD POLITICAL NAIB TEHSILDAR  
(ADHOC) UPPER ORAKZAI AGENCY

ORDER

This is an Appeal filed by Mr. Shakeel Ahmad, Naib Tehsildar (Adhoc) wherein he has stated that he was appointed as Political Moharrir in Political Agent Mohamand's office on 13.09.1992 and has served at office as well as in field has gained sufficient experience, in this respect.s

Appellant with counsel present and record of the case also gone through.

Counsel of the Appellant pleaded that the appellant served as Political Moharrir since 13.09.1992 till 18.12.2009 in Mohmand Agency to the entire satisfaction of his superior. In light of his devotion and contribution in the present crises and war against terror, as token of award he was appointed/promoted as Naib Tehsildar on Adhoc basis on 18.02.2009 by the Board of Revenue NWFP.

In support, the Counsel also pleaded that Additional Chief Secretary FATA also posted him as Political Tehsildar Upper Orakzai Agency (Own Pay & Scale on 25.5.2004 . The Counsel also argued that the appellant is already holding the post of Naib Tehsildar and his regular appointment will not effect any one nor dispossess away other officials from the post of Naib Tehsildar as he has already been accommodated .

ATTESTED



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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT

W.P. No. 3023 of 2011

JUDGMENT

Date of hearing 12-3-013

Appellant/Petitioner (s) (Zahid Kamel) by Mr. Khalid Aminur-Rahman Advocate

Respondent (s) (Govt KPK through Chief Secy) by Mr. Obaid & Haji M. Zahid Shah Advocate for Private Respondents.

DOST MUHAMMAD KHAN, CJ. By this

single judgment, we propose to dispose of Writ Petitions Nos.3023/2011 and 96 of 2012, wherein the grievance of the petitioners is that Vide Notification No.12389 dated 30.3.2011 added entry to para-3 clause (b) sub-clause (ii) with regard to the entry of 'Political Moharrir' is against law on the subject and has been inserted therein without lawful authority which encroaches upon the vested rights of the petitioners.

2. When the learned Additional Advocate General was apprised of the legal position, he too, was fair and frank in assisting the Court and stated that indeed this entry "Political Moharrir" was not justified and needs to be deleted. Accordingly, this writ and the



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connected writ petition are admitted and allowed and the added entry in para-3, clause (b) and sub-clause (ii) shall be deemed to have been deleted and shall never be considered as part of the Notification.

Dated:12.3.2013

~~\_\_\_\_\_~~  
CHIEF JUSTICE.

  
J U D G E

Office  
16/3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Misc: Application No. \_\_\_\_\_/2013

IN

Service Appeal No. \_\_\_\_\_/2013

Zahid Kamal and others.....Applicants/Appellants

Versus

Govt. of Khyber Pakhtunkhwa,  
through Chief Secretary,  
Civil Secretariat, Peshawar and others.....Respondents

**INDEX**

S.No.	Description of Documents	Date	Annexure	Pages
1.	Misc: Application with Affidavit			1-4
2.	Copies of order sheets	28.11.2011, 01.12.2011, 24.01.2012, 02.02.2012, 17.02.2012, 08.03.2012, 28.03.2012, 07.06.2012, 06.09.2012, 24.10.2012, 28.11.2012, 20.02.2013.	A	5-16
3.	Copy of Judgment of Peshawar High Court Peshawar	12.03.2013	B	17-18
4.	Attested copies of order of the Hon'ble Supreme Court of Pakistan passed in civil petition No. 652, 225-P, 227-P and 962 of 2013.	30.10.2013	C	19-20
5.	Copy of letter thereby detail of sanctioned strength of employees furnished by Assistant Political Agent FR Peshawar.	12.05.2011	D	21-22
6.	Copy of letter thereby detail of sanctioned posts furnished by Political Agent Khyber Agency.	28.05.2013	E	23-24
7.	Copy of letter thereby detail of sanctioned posts furnished by Political Agent Momand Agency	30.05.2013	F	0-25

S.No.	Description of Documents	Date	Annexure	Pages
8.	Copy of letter	19.07.2011	G	0-26
9.	Wakalat Nama			

Through Applicants/Appellants

**Khush Dil Khan**  
Advocate,  
Supreme Court of Pakistan

9-B, Haroon Mansion,  
Kyber Pakkhtunkhwa, Peshawar  
Tel:# 091-2213445

Dated: 24 / 12/2013

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Misc: Application No. \_\_\_\_\_/2013

IN

Service Appeal No. \_\_\_\_\_/2013

1060  
26/12/13

Zahid Kamal and others .....Applicants/Appellants

Versus

Govt. of Khyber Pakhtunkhwa,  
through Chief Secretary,  
Civil Secretariat, Peshawar and others.....Respondents

---

**Application for suspending the operation of impugned entry of Political Moharrirs in sub clause (ii) of clause (b) of paragraph 3 of the notification dated 30.03.2011 and letter dated 29.09.2011 thereby the cases of respondents No.5 to 28 were under process for the promotion to the posts of Naib Tehsildar, in continuation of orders dated 01.12.2011 and 02.02.2012 passed by the Hon'ble High Court Peshawar in Writ Petition No. 3023/2011.**

---

Respectfully Sheweth,

1. That earlier the applicants/appellants had filed a Writ Petition No. 3023/2011 in the Peshawar High Court Peshawar therein they had challenged the entry of Political Moharrir in sub clause (ii) of clause (b) of paragraph 3 of the impugned notification dated 30.03.2011 and letter dated 29.09.2011. In addition, they also preyed for interim relief which was granted by the Hon'ble Peshawar High Court Peshawar vide dated 01.12.2011 and 02.02.2012. Copy of the all order sheets are attached as (*Annex:-A*).

2. That the above Petition No. 3023/2011 was allowed on 12.03.2013 and the impugned aforesaid entry of Political Moharrir was deleted. Copy of the Judgment is attached as (*Annex:-B*). The official and private respondents challenged the same Judgment before the Hon'ble Supreme Court of Pakistan vide civil petitions Nos. 652 and 225-P/2013. Consequently the Hon'ble Supreme Court of Pakistan has passed an order dated 30.10.2013 thereby the impugned judgment dated 12.03.2013 of the Peshawar High Court Peshawar was set aside with direction that the Writ Petition filed by the private Respondents be treated as service appeal and remitted to this Hon'ble Tribunal for decision in accordance with law. Copy of the order dated 30.10.2013 of the Hon'ble Supreme Court of Pakistan as (*Annex:-C*).
3. That in the impugned notification the political moharrirs were illegally added in the quota of promotion specified for the assistants of offices of commissioners, additional commissioners, deputy commissioners and subsequent letter dated 29.09.2011 for asking ACRs with synopsis of the Respondents 5 to 28. It is pertinent to mention that the posts of political moharrirs are not sanctioned posts and not existed on the budge book. Basically they were appointed against the posts of junior clerks which is a different cadre from others having its own procedure of promotion. In this respect letters dated, 12.05.2011; 28.05.2013 and 30.05.2013, are referred for perusal of this Hon'ble Tribunal. Similarly latter dated 19.07.2011 issued under the signature of assistant to commissioner (R/GA) of Peshawar Division therein candidly mentioned that no sanction post of political

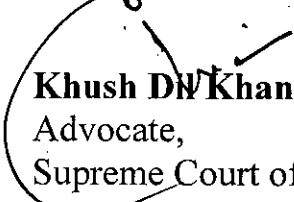
moharrir existing in the offices of political agents Khyber and Momand Agencies. Copies of letters dated 12.05.2011 (*Annex:-D*), 28.05.2013 (*Annex:-E*), 30.05.2013 (*Annex:-F*) and 19.07.2011 (*Annex:-G*).

4. That the process of promotion of political moharrir to the post of Naib Tehsildar was since prevented/stopped by the Hon'ble Peshawar High Court Peshawar but now the Respondent department has again initiated the process of promotion in connivance with Respondent No.5 to 8 and if the process was not stopped and Respondent department was prevented from such illegal promotion of Respondent No.5 to 28 then the applicants/appellants would be suffered and sustained irreparable loss. Moreover the applicants/appellants have good prima facie case and all the ingredients lay in favour of them.

It is therefore, humbly prayed that on acceptance of this application, the operation of impugned notification to the extend of entry of political moharrir may kindly be suspended and Respondent department may also be prevented from the promotion of Respondents No.5 to 28 to the posts of Naib Tehsildar till the final disposal of the service appeal.

Through

  
Applicants/Appellants

  
Khush Din Khan  
Advocate,  
Supreme Court of Pakistan

Dated: 24 / 12/ 2013

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Misc: Application No. \_\_\_\_\_/2013

IN

Service Appeal No. \_\_\_\_\_/2013

Zahid Kamal and others .....Applicants/Appellants

Versus

Govt. of Khyber Pakhtunkhwa,  
through Chief Secretary,  
Civil Secretariat, Peshawar and others.....Respondents

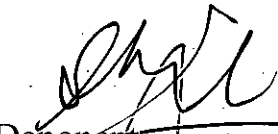
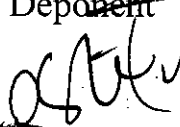
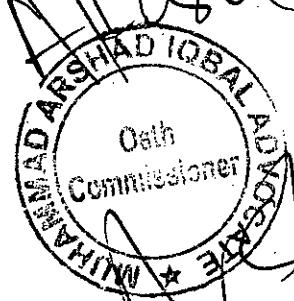
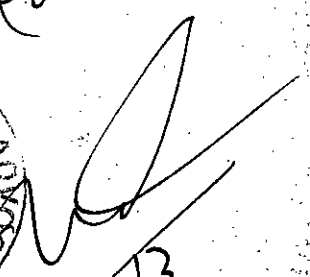
**Affidavit**

I, Zahid Kamal Khan, Assistant/Reader to  
Commissioner Peshawar do hereby solemnly affirm and  
declare on oath that the contents of this application are  
true and correct to the best of my knowledge, and nothing  
has been concealed from this Hon'ble Tribunal.

Identified by

  
Khush Dil Khan,  
Advocate, Peshawar


Deponent

  
  
  
  
26-12-13

Annex-A  
126 P-5

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'  
FORM OF ORDER SHEET

Date of order 1	Order or other proceedings with signature of Judge. 2
28.11.2011	<p><u>CM No.1090/2011 in WP 3023/2011.</u></p> <p>Present: Petitioner No.1 in person. *****</p> <p>States that the DPC meeting would be held in the first week of December, 2011 that is why he has sought interim relief. Adjourned to 1.12.2011.</p> <p style="text-align: right;"> CHIEF JUSTICE</p>

File  
28/11




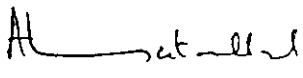
# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

127

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	01.12.2011	<p><u>Writ Petition No.3023/2011</u></p> <p>Present: M/s Khaled Rehman and Aminur Rehman, Advocates, for the petitioners.</p> <p>*****</p> <p>Call for the comments of the respondents so as to reach this Court within two weeks. Adjourned to a date in office.</p> <p><u>Interim Relief.</u></p> <p>Notice to the other side for a short date in office. In the meantime, operation of the impugned notification and letter shall remain suspended.</p> <p style="text-align: right;">   <b>JUDGE</b>    <b>JUDGE</b> </p>

*ance*  
*W*  
*11/12*

P-7  
128

# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

Court of.....


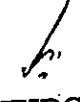
Case No.....of.....

Date of Order Proceedings	Order or other Proceedings with Signature of Judge.
2	3
24.1.2012	<p><u>W.P. No.3023 /2011</u></p> <p>Present: M/s Khalid Rehman and Amin ur Rehman, advocates for the petitioners.</p> <p>Mr.Naveed Akhtar, AAG, for the official respondents.</p> <p>*****</p> <p>As the court time is over, this case cannot be heard today. Adjourned to 2:2.2012.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

*[Handwritten notes]*

(SHAH)

P-8  
1248

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> <p style="text-align: right;">   JUDGE.     JUDGE. </p>

Office  
M  
3/2

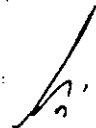
P-9

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
17.02.2012	<p data-bbox="555 598 1300 649"><u>C.M.No.205-P/2012 (E.H.) in W.P.No.3023/2011</u></p> <p data-bbox="555 700 1364 751">Present: Mr. Obaid Raziq, AAG for the applicant.</p> <p data-bbox="555 879 1556 1184">Learned AAG contended that vide order dated 02.02.2012 status quo has been granted against the Government/ applicant and the higher posts are lying vacant due to which the department work is suffering.</p> <p data-bbox="555 1223 1556 1439">In view of the above, this C.M. is allowed and the main writ petition alongwith C.M.No.111-P/2012 is accelerated to 08.03.2012.</p> <p data-bbox="1220 1439 1380 1617">   <u>JUDGE</u> </p>

off  
17/2/12

FORM "A"  
FORM OF ORDER SHEET

Court of -----

Case No.-----

Serial No. of order or proceedings	Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
1.	2.	3.
	08.03.2012	<p><u>WP No. 3023/2011.</u></p> <p><u>Present:</u> M/S Amin-ur-Rehman and Khaled Rehman, Advocates for petitioners.</p> <p>Mr. M. Zahid Yousaf Qureshi, AAG, alongwith respondent No:2 in person for respondents.</p> <p>*****</p> <p>Due to paucity of time, the case is adjourned to 28.3.2012.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

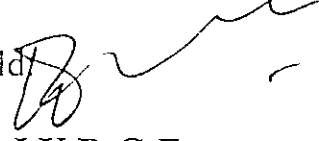

*[Handwritten signature]*  
9/3

# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	28.03.2012	<p><u>Writ Petition No.3023/2011 with Interim Relief.</u></p> <p>Present: M/s Aminur Rehman and Khaled Rehman, Advocates, for the petitioners.</p> <p>Mr. Obaid Razzaq, Addl. AG, for the respondents.</p> <p>*****</p> <p>Latter states that SMBR, respondent No.2 herein, intends to appear in person but today, unfortunately, he being busy in connection with some official matters can't spare himself for the purpose. Seeks adjournment therefor. Allowed. Adjourned to a date in office. In the meantime, the interim order dated 02.02.2012 shall remain in the field.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p> <p><i>g nica</i> <i>29/3</i></p> <p><i>g nica</i> <i>30/3</i></p>

# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

Date of Order or Proceedings 1	Order of other Proceedings with Signature of Judge. 2
7.6.2012	<p><u>WP No.3023/2011 with Interim Relief and with CMs No.20-P/2012 &amp; 111-P/2012.</u></p> <p><i>Present: M/S Aminur Rehman and Khalid Rehman, Advocates for the petitioners.</i></p> <p><i>Mr. Lal Jan Khattak, AAG on behalf of Mr. Obaid Razzaq, AAG for respondents.</i></p> <p>*****</p> <p>As Mr. Obaid Razzaq, AAG for the government has left the premises without intimating to the court the reason for his departure and because by now it is almost 4:30 pm, adjourned. The interim order dated 2.2.2012 shall remain in the field.</p> <p style="text-align: right;"><del>_____</del> CHIEF JUSTICE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

*File No. 116*

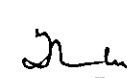
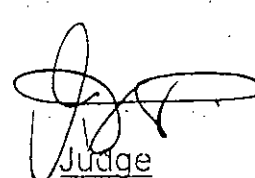
P-13  
134

# PESHAWAR HIGH COURT, PESHAWAR.

## FORM OF ORDER SHEET

Court of .....

Case No.....of.....

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
6.9.2012	<p><u>WP No. 3023/2011 with Interim Relief with CMs. No. 20-P/2012 &amp; 111-P/2012</u></p> <p>Present: M/s Aminur Rehman and Khalid Rehman, Advocates, for the petitioners.</p> <p>Mr. Naveed Akhtar, AAG, along with Muhammad Farooq, DDOR Kohat.</p> <p>Haji Muhammad Zahir Shah, Advocate, for private respondents.</p> <p>*****</p> <p>On mutual request, case is adjourned to 24.10.2012.</p> <p>The interim order passed on 2.2.2012 shall continue till the date fixed.</p> <p style="text-align: right;"> Judge</p> <p style="text-align: right;"> Judge</p>


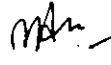
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7/8



PESHAWAR HIGH COURT, PESHAWAR.

P-14  
135

ORDER SHEET

Date of Order or Proceedings. 1	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary. 2
24.10.2012	<p><u>W.P N0-3023/2011 with Interim Relief with C.Ms N0-20-P/2012 &amp; 111-P/2012.</u></p> <p><u>Present:</u> Mr. Khalid Rehman, Advocate, for petitioners.</p> <p>Mr. Lal Jan Khattak, AAG, for respondents.</p> <p>Haji Muhammad Zahir Shah, Advocate, for private respondents.</p> <p style="text-align: center;">* * *</p> <p>On mutual request adjourned to 28.11.2012.</p> <p>Interim order passed on 2.2.2012 shall remain in field.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

9/10  
39/10

Page 15

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'  
FORM OF ORDER SHEET.

Date of Order	Order or other proceedings with signature of the Judge
1	2
28.11.2012.	<p>WP No.3023/2011 with I.R. with C.Ms.No.20 &amp; 11-P/2012.</p> <p><u>Present:</u> Mr. Amin-ur-Rehman,, Advocate, for the petitioners.</p> <p>Mr.Fazal Rehman Khan, Addl.AG, for official respondents.</p> <p>Haji Muhammad Zahir Shah, Advocate, for private respondents.</p> <p>***</p> <p>As some of the counsel in the connected cases are not available today, this case is adjourned. Be fixed within a fortnight.</p> <p><u>C.M.No.909-P/2012.</u></p> <p>Present: Mr.Babar Khan Yousafzai, Advocate, for the applicant.</p> <p>***</p> <p>Notice to the other side for a date in office.</p> <p style="text-align: right;">A.M. JUDGE</p> <p style="text-align: right;">D.P. JUDGE</p>

offer  
29/11

**PESHAWAR HIGH COURT, PESHAWAR**

P-16

**FORM OF ORDER SHEET**

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
20.02.2013	<p><u>W.P.No. 3023/2011 with I.R.</u></p> <p>Present: Nemo for the petitioner...</p> <p>Mr. Lal Jan Khattak, AAG, for the official respondents.</p> <p>Nemo for the private respondents.</p> <p>***</p> <p>As some of the counsel in this and in the connected petitions are not available, therefore, this case is adjourned to 12.03.2013. Be placed in the senior part of the cause list.</p> <p style="text-align: right;"><del>CHIEF JUSTICE</del></p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT

W.P. No. 3023 of 2011

JUDGMENT

Date of hearing..... 12-3-2013  
Appellant/Petitioner (s)..... (Zahid Kamal) by Mr. Khalid  
Respondent (s)..... (Govt KPK through Chief Secy) by Mr. Obaid  
& Haji M. Zahid Shah Advocate for Private Respondents.  
Razaq Advocate.

DOST MUHAMMAD KHAN, CJ.- By this

single judgment, we propose to dispose of Writ

Petitions Nos. 3023/2011 and 96 of 2012,

wherein the grievance of the petitioners is that

Vide Notification No. 12389 dated 30.3.2011

added entry to para-3 clause (b) sub-clause (ii)

with regard to the entry of 'Political Moharrir' is

against law on the subject and has been inserted

therein without lawful authority which

encroaches upon the vested rights of the

petitioners.

2. When the learned Additional Advocate General was apprised of the legal position, he too, was fair and frank in assisting the Court and stated that indeed this entry "Political Moharrir" was not justified and needs to be deleted. Accordingly, this writ and the

connected writ petition are admitted and allowed and the added entry in para-3, clause (b) and sub-clause (ii) shall be deemed to have been deleted and shall never be considered as part of the Notification.

ed/ Dest Muhammad Khan  
c/s

Dated: 12.3.2013

ed/ Ghoshad Qaiser - J.

CERTIFIED TO BE TRUE COPY  
*House*  
*Na*  
Examiner  
Peshawar High Court Peshawar  
Authorised under Article 87 of  
The Qanun-e-Shahadat Order 1984  
19/3/13

13255

No. .... 13255

Date of Presentation of Application ..... 19/3/13

No of Pages ..... 14

Copying fee ..... 28/-

Urgent Fee ..... -

Total ..... 28/-

Date of Preparation of Copy ..... 19/3/13

Date Given For Delivery ..... 18/12/13

Date of delivery of Copy ..... 19/3/13

Received By ..... U. B. Qaiser

16/3

**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**

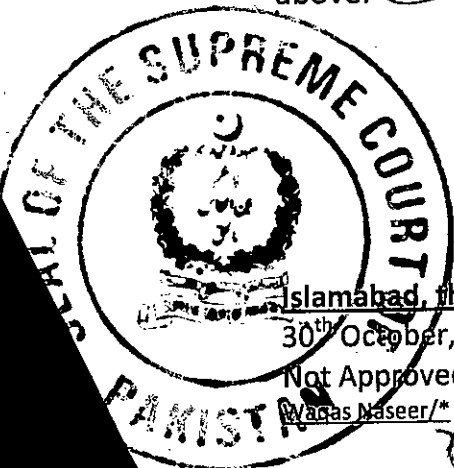
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

P-20

...  
**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.



*Che. Mian Saqib Nisar, J*  
*Che. Sajjad Azhar Khan, J*

Certified to be True Copy

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

CP No: 13742/13 Civil/Criminal  
Date of Presentation: 30-10-13  
No. of Words: 600  
No. of Follies: 6  
Requisition Fee Rs: 5-00  
Copy Fee in: 3-72  
Court Fee stamps: 8-72  
Date of Completion of Copy: 4/11/13  
Date of delivery of Copy: 6-11-13  
Compared by/Prepared by: M. Zafar  
Received by: M. Zafar

2-11-13

Annex-D  
P-21

OFFICE OF THE  
ASSISTANT POLITICAL AGENT  
FR PESHAWAR

NO. 3685 /APA (FR) B.A.  
Dated Peshawar the 12 / 05 / 11

To  
✓ The District Coordination Officer  
Peshawar.

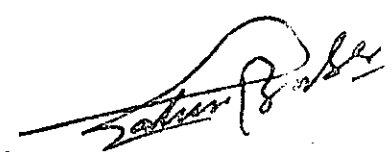
Subject: DETAIL OF SANCTIONED STRENGTH.

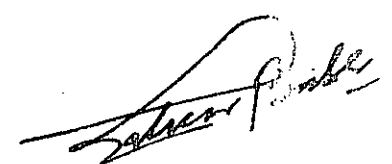
Please refer to your office letter No. 10115-17/DCO (P)EA dated 09-05-2011  
on the subject noted above.

The requisite information in respect of FR Peshawar is sent herewith as  
desired please.

Encl: As above.

NO. 3686 /APA (FR) B.A.  
Copy forwarded to the Assistant to Commissioner (R/GA) Peshawar Division  
Peshawar.

  
ASSISTANT POLITICAL AGENT  
FR PESHAWAR

  
ASSISTANT POLITICAL AGENT  
FR PESHAWAR

D. C. O OFFICE  
PESH.

D. No. 10643

Date 12/5/2011

ADD  
✓ B  
12/5



P-22

SANCTIONED STRENGTH IN R/O ASSISTANT POLITICAL AGENT FR PESHAWAR

S.#	Nomenclature of post with BPS	No of Sanctioned posts	Filled in	Vacant	Remarks if any
1	Assistant Political Agent (BPS-17)	01	01	Nil	
2	Political Naib Tehsildar (BPS-14)	01	01	Nil	
3	Assistant (BPS-14)	01	01	Nil	
4	Junior Clerk (BPS-07)	02	02	Nil	
5	Naib Qasid (BPS-02)	03	03	Nil	

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Annex - E  
P-23

59

No. 3567 /Acctt:II Dated Peshawar the 28 /05/2013.

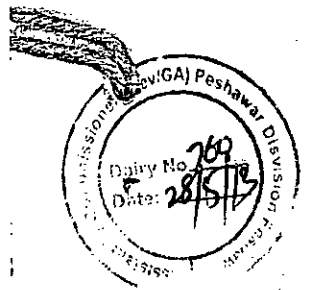
From The Political Agent, Khyber.  
To The Assistant to Commissioner (REV/GA),  
Peshawar Division, Peshawar.

Subject: DETAIL OF SANCTIONED POSTS.

MEMO:

Reference your letter No. 6/2/EA/II/5380-84, dated 24.05.2013, on the above subject.

The requisite information in shape of proforma is sent herewith as desired, please.



Political Agent, Khyber.

Supdt  
Oms  
28/5

28/5

P-24

**DETAIL SANCTIONED POSTS OF OFFICERS/OFFICIAL IN POLITICAL  
AGENT, KHYBER OFFICE**

B.P.S.	DESIGNATION	BUMBER OF POSTS	
		Total	B.P.S
19	Political Agent, Khyber	1	19
17	Assistant Political Agent	3	17
16	Superintendent	1	16
16	Political Tehsildar	4	16
15	Stenographer	1	15
14	Political Naib Tehsildar	4	14
12/15	Steno Typist	2	12/14
14	Assistant	6	14
9	Senior Clerk	9	09
5	Junior Clerk	25	07
5	Patwari	2	09
3/7	Driver	3	04/07
2	Daftari	1	02
1	Naib Qasid	22	02
1	Mali	5	02
1	Bheshti	4	02
1	Chowkidar	4	02
1	Sweeper	6	02
	Total.....	103	

No 4882 /Acctt:

Dated Ghallanai the 30/05 /2013.

From: The Political Agent  
Mohmand Agency

To: The Assistant to Commissioner (R/GA),  
Commissioner Peshawar Division Peshawar.

Subject: DETAIL OF SANCTIONED POSTS

Memorandum:

Reference your letter No. 6/2 /EA/11/5380-84 dated 24/05/2013.

on the subject cited above.

The requisite information in respect of this office is given as under  
as desired please:-

S.No	Nomenclature of Post with BPS	No: of Sanctioned Posts	Filled in	Vacant	Remarks
1.	Political Agent BPS-18	01	01	-	-
2.	Asstt: Political Agent BPS-17	03	03	-	-
3.	Political Tehsildar BPS-16	02	02	-	Mr. Nawab Khan PNT is working a PT (OPS)
4.	Superintendent BPS-16	01	01	-	-
5.	Steno-Grapher BPS-16	01	01	-	-
6.	Political Naib Tehsildar BPS-14	06	06	-	-
7.	Assistant BPS-14	03	03	-	-
8.	Senior Clerk BPS-09	09	09	-	-
9.	Junior Clerk BPS-07	16	16	-	-
10.	Moharrir BPS-03	06	06	-	-
11.	Driver BPS-05	05	05	-	-
12.	Naib Qasid BPS-01	20	20	-	-
13.	Behishti BPS-01	07	07	-	-
14.	Malli BPS-01	02	02	-	-
15.	Chawkidar BPS-01	01	01	-	-
16.	Khakroob BPS-01	03	03	-	-
17.	Sweeper BPS-01	06	06	-	-



*Supdt*

*Political Agent  
Mohmand Agency*

*all*

**OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR**

Amr-Gr.  
P-26

Dated: 19.07.2011

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

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*

*Surinder*

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

**WAKALAT NAMA**

IN THE COURT OF K.P. Service Tribunal Peshawar

Zahid Kamal & others,

Appellant(s)/Petitioner(s)

VERSUS

Govt. K.P. Chief Secretary  
& others,

Respondent(s)

I/We Zahid Kamal do hereby appoint  
**Mr. Khush Dil Khan, Advocate** in the above mentioned case, to do all or  
any of the following acts, deeds and things.

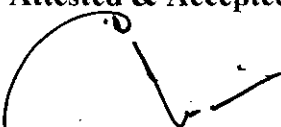
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

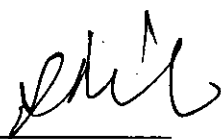
**AND hereby agree:-**

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

  
**Khush Dil Khan**  
**Advocate, Supreme Court of Pakistan**

  
Signature of Executants

9-B, Haroon Mansion  
Khyber Bazar, Peshawar