

S.A 763/2019

5<sup>th</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Ghulam Shabir, Assistant Secretary for the respondents present.

2. This is a case of promotion. None of the parties have annexed the seniority list with the appeal/reply. The appellant contends that despite making hectic efforts, the respondents are not providing copies of the seniority lists on the basis of which the impugned promotion order was made. Representative of the respondents is directed to produce duly attested copy of the seniority list on the basis of which, the impugned promotion order was made, within a week, positively. To come up for arguments on 30.10.2023 before D.B. P.P given to the parties.

**SCANNED**  
**KPST**  
**Peshawar**



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman


\*Mutazem Shah\*


29<sup>th</sup> Nov, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel Asst. for official respondents and counsel for private respondent present.

There is no representation on behalf of the respondents. The reply filed by the respondents is also not supported by any affidavit or verification nor shown as to who has signed, therefore, the question regarding its acceptance or otherwise also arises. The learned AAG is put on notice to assist the Tribunal on the point. Besides learned counsel for the appellant submits that he wants to produce some rules on the basis of which he relies. To come up for arguments on 13.01.2023 before D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member(Executive)


  
(Kalim Arshad Khan)  
Chairman

13.01.2023

Lawyers are on strike today, therefore, case is adjourned to 24.04.2023 for arguments before the D.B. Office is directed to on the notice board as well as website of the Tribunal.

SCANNED  
KPST  
Peshawar

  
(FAREEHA PAUL)  
Member (E)

  
(ROZINA REHMAN)  
Member (J)

24<sup>th</sup> April, 2023


24<sup>th</sup> April has been declared as public holiday on account of Eid-Ul-Fitr, therefore, the case is adjourned. To come up for the same on 05.07.2023.

  
Reader

31<sup>st</sup> Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for official the respondents and Assistant to counsel for private respondent No. 4 present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned To come up for arguments on 28.11.2022 before the D.B.


  
(Fareeha Paul)  
Member (E)

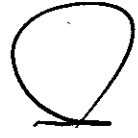
  
(Kalim Arshad Khan)  
Chairman

28<sup>th</sup> Nov. 2022

Counsel for the appellant present. Mr Muhammad Adeel Butt, Addl. A.G for the respondents present.

Similar appeal is stated to be pending for arguments tomorrow. This appeal is clubbed to the said appeal and to come up for arguments on 29.11.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.



Reader.

6<sup>th</sup> June, 2022

Proper D.B is not available. Therefore, case is adjourned to 23.08.2022 for the same as before.



Reader

23.08.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 31.10.2022 before the D.B.



(Rozina Rehman)  
Member (Judicial)



(Salah-Ud-Din)  
Member (Judicial)

13.08.2021

Appellant present through counsel.


Javid Ullah learned A.A.G for respondents present.

Former made a request for adjournment. Request is accorded.

To come up for arguments on 18.11.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

18.11.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for official respondents No. 1 to 3 and private respondent No.4 in person present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Granted. To come up for arguments on 01.03.2022 before the D.B.



(Mian Muhammad)  
Member(E)



(Salah-Ud-Din)  
Member(J)

07.12.2020

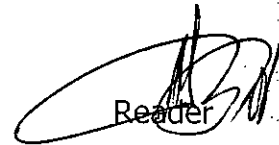
Due to pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same as before.



Reader

22.2.2021

Due to COVID-19, the matter is adjourned to 31.05.2021 for the same.



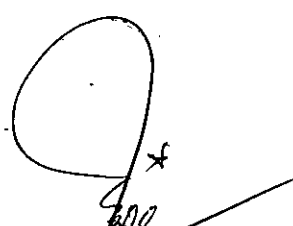
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31.05.2021

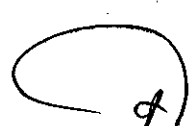
Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for official respondents present. Private respondent No.4 in person present.

Private respondent No.4 made a request for adjournment as his counsel is not in attendance; adjourned. To come up for arguments on 13.08.2021 before D.B.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)

28-4.2020


Due to COVID19, the case is adjourned to

9/7/2020 for the same as before.

  
Reader

09.07.2020


Due to COVID19, the case is adjourned to 21.09.2020 for the same as before.

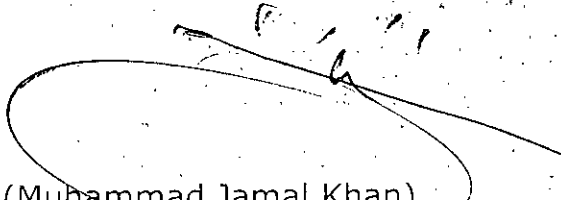
  
Reader

21.09.2020

Mr. Taimur Ali Khan, Advocate for appellant is present. Mr. Riaz Ahmad Painsakheil, Assistant Advocate General alongwith representative of the department Mr. Muhammad Arif, Superintendent are also present.

Learned counsel for the appellant submitted rejoinder, which is placed on file. Case to come up for arguments on 01.12.2020 before D.B.

  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

06.11.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Arif Superintendent for official respondents and private respondent No. 4 in person present.

Respondents have furnished requisite parawise comments/reply, which are placed on record. The appeal is assigned to D.B for arguments on 08.01.2020. The appellant may submit rejoinder within a fortnight, if so advised.

  
Chairman

08.01.2020

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 12.03.2020 before D.B.

  
Member

  
Member

12.03.2020

Junior to counsel for the appellant present. Asst: AG alongwith Mr. M. Arif, Supdt for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.04.2020 before D.B.

  
Member

  
Member



07.10.2019

Counsel for the appellant and Addl. AG for official respondents present. Respondent No. 4 in person present and submitted Wakalatnama in favour of Mr. Muhammad Zafar Tahirkheli, Advocate, which is placed on record.

Respondents need further time for submission of parawise comments. Adjourned to 06.11.2019 on which date the requisite reply/comments shall positively be submitted.

06.11.2019

Counsel for the appellant and Addl. AG <sup>Chairman</sup> along with Muhammad Arif Superintendent for official respondents and private respondent No. 4 in person present.

Respondents have furnished requisite parawise comments/reply, which are placed on record. The appeal is assigned to D.B for arguments <sup>on 8-1-19</sup>. The appellant may submit rejoinder within a fortnight, if so advised.

Chairman

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backside*

09.07.2019

Counsel for the appellant present.

Contends that the respondent no.4 was junior to the appellant as per seniority list of the Establishment of Deputy Commissioner Kohat office issued in the year 2000. The appellant was shown at serial no. 17 while the name of respondent no.4 appeared against serial no.34. Likewise, the date of entry into service of appellant is 20.05.1985 while that of respondent no.4 is 09.02.1988. The impugned order was issued on 26.03.2019 whereby the said respondent was promoted to the post of Naib Tehsildar (BPS-14) on regular basis while the appellant was not allowed such promotion.

In view of the available record and contention of learned counsel for the appellant, the instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.09.2019 before S.B.

Appellant Deposited  
Security & Process Fee  
12/7/19

  
Chairman

12.09.2019

Counsel for the appellant and AAG alongwith Arif, Superintendent and Malak Sajid Superintendent for official respondents present. Nemo for respondent No. 4.

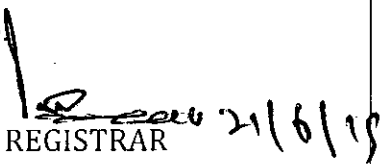

Representatives of the official respondents seek time for submission of written reply. Fresh notice be issued to respondent No. 4. Adjourned to 07.10.2019 on which date the requisite reply/comments shall positively be submitted.

Chairman 

Form- A  
FORM OF ORDER SHEET

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

Case No.- 763/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2019	The appeal of Mr. Javed Khan presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	25/06/19	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/07/19</u>  CHAIRMAN

SCANNED  
POST  
Resgawa

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. 763 /2019**

Javed Khan

V/S


Revenue Deptt:

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3.	Copy of promotion order	B	08
4.	Copy of judgment dated 19.05.2008	C	09-14
5.	Copy of order 14.03.2009	D	15-16
6.	Copy of order dated 11.06.2009	E	17
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8.	Copies of departmental appeal and rejection order	G&H	20-24
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THROUGH:

**APPELLANT**



**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**  
**&**  
**(ASAD MAHMOOD)**  
**ADVOCATE HIGH COURT.**

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 0333-9390916

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 763 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 884

Dated 21/6/2019

Javed Khan, Naib Tehsildar (Acting Charge Basis),  
Central Kurram, District.

(APPELLANT)

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Commissioner, Kohat Division, Kohat.
4. Mr. Hafeez Ud Din, Naib Tehsildar (under training) at the disposal of Settlement Officer, Nowshera

(RESPONDENTS)

Filed to-day

Registrar

21/6/19

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APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.06.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 26.03.2019, WHEREIN RESPONDENT NO. 4 "JUNIOR TO THE APPELLANT" WAS PROMOTED TO THE POST OF NAIB TEHSILDAR ON REGULAR BASIS IN VIOLATION OF OF LAW, RULES AND JUDGMENT OF THIS AUGUST SERVICE TRIBUNAL DATED 15.09.2008 IN SERVICE APPEAL NO.06/2006, FOR NO GOOD GROUND.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 14.06.2019 AND 26.03.2019 MAY GRACIOUSLY BE SET ASIDE, BEING PASSED IN

**VIOLATION OF LAW, RULES AND JUDGMENT OF THIS AUGUST SERVICE TRIBUNAL DATED 15.09.2008 IN SERVICE APPEAL NO.06/2006, AND THE RESPONDENTS MAY BE FURTHER BE DIRECTED TO CONSIDER THE APPELLANT, WHO IS STILL WORKING ON THE POST OF NAIB TEHSILDAR ON ACTING CHARGE BASIS SINCE 2009, FOR PROMOTION ON THE POST OF NAIB TEHSILDAR ON REGULAR BASIS FROM DUE DATE. ANY OTHER REMEDY WHEN THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN THE FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant joined the Revenue Department as Junior Clerk in the year 1985, whereas respondent No.4 namely Hafeez Ud Din joined the same post in the year 1988 and appellant was at serial No. 17 and respondent No.4 at Serial No. 34 of seniority list of 2000. **(Copy of seniority list is attached as Annexure-A)**
2. That in the year 2006, the appellant was regularly promoted as Naib Tehsildar with the condition of passing exam and training which the appellant successfully did. **(Copy of promotion order is attached as Annexure-B)**
3. That then a dispute arose for the regular promotion to the post of Naib Tehsildar in the Year 2006, which went before the KP Service Tribunal in Appeal No. 03/2006. The said dispute was amongst the Abdus Samad, Hamid Khan, Syed Muhammad Qaba Hussain, Qaiser Naz and the appellant.
4. That the said appeal was decided by the august Service Tribunal on 19.05.2008 and decide the issue as the official respondents were legally bound to consider the seniority of the appellant and private respondents and to appoint the senior most officials on regular basis while the junior should be appointed on acting charge basis or till the recommendees of the Public Service Commission. The appeal was partially accepted and the official respondents were directed to sort out the seniority appoint/promote the senior on regular basis as Naib Tehsildar and the junior may be regularized as Naib Tehsildar when vacancy are available for them. **(Copy of judgment dated 19.05.2008 is attached as Annexure-C)**

5. That in the light of judgment of the Service Tribunal the Revenue Department passed an order dated 14.03.2009, whereby Abdul Samad, Hameed Khan and Haider Khan were promoted as Naib Tehsildar on regular basis with effect from 10.04.2001 and 03.01.2006, respectively, while the appellant and Qaisar Naz promotion order of regular one were modified as on acting charge basis with the condition that the appellant and Qaiser Naz would be considered for regular promotion when vacancies occurred in the quota of Kohat Division. **(Copy of order 14.03.2009 is attached as Annexure-D)**
6. That despite clear order dated 14.03.2009, the Qaiser Naz was promoted to Tehsildar vide order dated 11.06.2009 on regular basis, while he was junior to the appellant and Haider Hussain was also promoted on regular basis who was already stood promoted on regular basis with effect from 03.01.2006 vide order dated 14.03.2009, thus the appellant name was omitted from promotion order was due to malafide for not showing vacancy for him. **(Copy of order dated 11.06.2009 is attached as Annexure-E)**
7. That as the above order was passed in violation of the Judgment of the Service Tribunal, therefore the appellant went for execution of the Tribunal judgment through Execution Petition No. 121/2009. The said petition was finally heard on 12.10.2013, the Tribunal was kind enough to hold that since the appellant was respondent in main appeal so he cannot file Execution Petition, however, if any order effecting his seniority and promotion right, he may avail other legal remedies available to him under the law. **(Copy of Tribunal's order is attached as Annexure-F)**
8. That after the observation of the august Service Tribunal, the appellant filed departmental appeal, which was rejected on 22.11.2013. **(Copies of departmental appeal and rejection order are attached as Annexure-G&H)**
9. That not considering the the appeal of the appellant for promotion as Naib Tehsildar and Tehsildar from due date when his juniors were promoted and against rejection order dated 22.11.2013, the appellant filed Service Appeal No. 1581/2013 in this Honourable Service Tribunal which is still pending in this august Tribunal and during the pendency of the said Service Appeal, the respondent No.2 passed an order dated 26.03.2019, wherein junior to the appellant namely Hafeez-Ud-Din (respondent No.4) was promoted to the post of Naib

Tehsildar on regular basis, while the appellant is still working on the post of Naib Tehsildar on acting charge basis since 2009. **(Copies of Service Appeal No. 1581/2013 and order dated 26.03.2019 is attached as Annexure-I&J)**

10. That against the order dated 26.03.2019, the appellant filed departmental appeal on 09.04.2019, which was rejected on 14.06.2019 for no grounds. **(Copies of departmental appeal and rejection order dated 14.06.2019 are attached as Annexure-K&L)**
11. That now the appellant comes to this august Service Tribunal for redressal of his grievance on the following grounds amongst others.

**GROUND:**

- A) That the rejection order dated 14.06.2019 and order dated 26.03.2019 is against the law, rules, norms of justice, material on record and violation of judgment of this august Service Tribunal dated 15.09.2008 passed in service appeal No.06/2006 , therefore not tenable and liable to be set aside.
- B) That the appellant is senior to respondent No.4 namely Hafeez Ud Din and working on acting charge basis since 14.03.2009, but despite to regularize the appellant on the post of Naib Tehsildar, junior official (respondent No.4) to the appellant was promoted to the post of Naib Tehsildar on regular basis which is clear violation of law and rules.
- C) That in the light of judgment of the Service Tribunal, the Revenue Department passed an order dated 14.03.2009, whereby Abdul Samad, Hameed Khan and Haider Khan were promoted as Naib Tehsildar on regular basis with effect from 10.04.2004 and 03.01.2006 respectively, while the appellant and Qaiser Naz promotion order of regular one were modified as on acting charge basis with the condition that the appellant and Qaiser Naz would be considered for regular promotion when vacancies occurred in the quota of Kohat division and now vacancy occur, but despite to promote the appellant to the post of Naib Tehsildar on regular basis, junior official was promoted to the post of Naib Tehsildar on regular basis, which is clear violation of order dated 14.03.2009.
- D) That previously the promotion of the appellant was also effected by promoting junior officials namely Muhammad Shoaib, Naik

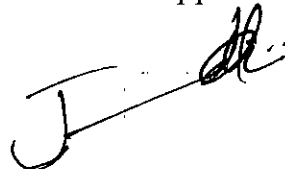


Muhammad, Muhammad Arshad, Zafar Iqbal and Nawab Gul and this time again when the seat became vacant, junior official to the appellant was promoted on regular basis, while the appellant is still working on acting charge since 2009.

- E) That the appellant challenged the promotion of his Junior Qaiser Naz in this august Service Tribunal in Service appeal No.158/2013 which is still subjudice in the Service Tribunal and now junior most official namely Hafeez Ud Din promoted to the post of Tehsildar on regular basis, which means that the appellant is continuously depriving from his legal right of promotion to the post of Naib Tehsildar on regular basis.
- F) That the appellant's service is good and no adverse entry communicate to the appellant till date which also proved that the appellant along with training also good service record and fully eligible for promotion as Naib Tehsildar on regular basis, but despite that junior official to the appellant was promoted on regular basis, which is not permissible under the law and rules.
- G) That the appellant is senior to Hafeez Ud Din and working as Naib Tehsildar since 2009 and it was his legal right to promote him on regular basis on the vacant post Naib Tehsildar, but junior official (respondent No.4)- was promoted to the post of Naib Tehsildar on regular basis by ignoring the appellant without giving any reason.
- H) That the appellant is senior to the respondent No.4 and is working on the post of Naib Tehsildar on acting charge basis since 2009, while the respondent No.4 was working on the post of junior clerk till 25.03.2019, but despite that respondent No.4 was promoted to the post of Naib Tehsildar on regular basis, while the appellant is deprive from regular promotion to the post of Naib Tehsildar, which is against the law and rules.
- I) That promotion is vital for all Government Servant and according to Supreme Court Judgments the same should not be affected by the department in an arbitrary manner.
- J) That due to the arbitrary action of the department, the appellant seniority as well as promotion is continuously affected.

- K) That the appellant has been treated in accordance with law and rules and has been deprived from his legal right of promotion to the post of Naib Tehsildar in arbitrary manner by promoting the junior one.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



**APPELLANT**

Javed Khan

THROUGH:



**TAIMUR ALI KHAN  
ADVOCATE HIGH COURT**

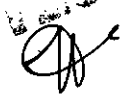
**&**

**ASAD MAHMOOD  
ADVOCATE HIGH COURT**

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JUNIOR CLERK  
 SENIORITY LIST OF THE ESTABLISHMENT OF DEPUTY  
 COMMISSIONER KOHAT OFFICE AS STOOD ON 1<sup>st</sup> DECEMBER, 2000.

S.No.	Name of Official	Designation	Date of Birth	Date of It Entry into service	Date of Regular Appointment/ Appointment to the post	Remarks
1.	Akram Khan	J/ Clerk	01.06.1964	15.10.1974	15.10.1974	
2.	Aman Khan	-do-	01.6.1966	1.2.1980	1.2.1980	
3.	Dilbar Ali	-do-	17.3.1947	4.10.1981	4.10.1981	
4.	Htikhar Ahmad	-do-	20.5.1961	8.9.1982	8.9.1982	
5.	Mohammad Shakil	-do-	20.3.1960	20.12.1982	20.12.1982	
6.	Taj Mohammad	-do-	02.9.1963	15.2.1983	15.2.1983	
7.	Imraj Gul	-do-	20.11.1962	16.2.1983	16.2.1983	
8.	Nijat Hussain	-do-	15.03.1963	16.2.1983	16.2.1983	
9.	Muhammad Shoab	-do-	14.03.1963	10.4.1983	10.4.1983	
10.	Abdul Khanan	-do-	10.11.1943	22.8.1983	22.8.1983	
11.	Mohammad Ilyas	-do-	25.11.1962	6.11.1983	6.11.1983	
12.	Akhtar Saeed	-do-	01.03.1962	1.12.1983	1.12.1983	
13.	S. Yahya Hussain	-do-	13.3.1959	1.4.1983	1.4.1984	
14.	Noor Mohammad	-do-	04.09.1963	21.4.1984	21.4.1984	
15.	Mohammad Raza	-do-	06.03.1967	4.7.1984	4.7.1984	
16.	Hazrat Ali	-do-	10.4.1966	2.8.1984	2.8.1984	
17.	Javed Khan-I	-do-	28.1.1964	20.5.1985	20.5.1985	
18.	Yousaf Hayat	-do-	3.12.1964	5.6.1985	5.6.1985	
19.	Gul Islam	-do-	13.2.1965	1.7.1985	1.7.1985	
20.	Mirza Sikandar	-do-	04.04.1967	1.8.1985	1.8.1985	
21.	Mudasar Ali Shah	-do-	09.09.1964	3.8.1985	3.8.1985	
22.	Moh. Asghar Shah	-do-	1956	6.12.1985	6.12.1985	
23.	S. Israr Hussain Shah	-do-	13.10.1961	29.12.1985	29.12.1985	
24.	Qaisar Naz	-do-	10.06.1956	27.7.1985	27.7.1986	
25.	Qazi Asmatullah	-do-	01.07.1967	27.7.1986	27.7.1986	
26.	Nasir Khan	-do-	22.1.1960	1.1.1987	1.1.1987	
27.	Nasim Khan	-do-	10.09.1959	22.2.1987	22.2.1987	
28.	Haroon Shah	-do-	14.09.1968	4.4.1987	4.4.1987	
29.	Shakir Pervez	-do-	04.8.1964	5.4.1987	5.4.1987	
30.	Hifzul Haq	-do-	15.3.1967	5.4.1987	5.4.1987	
31.	Tariq Mubarik Ahmad	-do-	190.03.1959	15.7.1987	15.7.1987	
32.	Javed Khan-II	-do-	02.05.1962	8.2.1988	8.2.1988	
33.	Azam Khan	-do-	07.1.1965	9.2.1988	9.2.1986	
34.	Hafiz-ud-Din	-do-	03.04.1968	9.2.1988	9.2.1988	
35.	Muhammad Yaqoob	-do-	30.04.1968	30.7.1988	30.7.1988	
36.	Mohammad Shahid	-do-	01.12.1970	01.08.1988	1.8.1988	
37.	Mohammad Zaman	-do-	02.03.1966	09.12.1989	1.12.1989	
38.	Talbeer Ali	-do-	07.04.1979	09.12.1989	9.12.1989	

ATTACHED  




Better copy

GOVERNMENT OF NWFP  
REVENUE AND ESTATE DEPARTMENT

B 8

PESHAWAR DATED THE 03.01.2006.

ORDER

No. /Admn:I/196. In pursuance of Senior Number, Board of Revenue, NWFP Judgment dated 14.12.2005 Mr. Javed Khan-I, Junior Clerk DCO Office Kohat is hereby selected as Naib Tehsildar (BS-14) with immediate effect on regular basis on the following terms and condition against Ministerial Quota with immediate effect.

2. His appointment as Naib Tehsildar will be subject to the successful completion of prescribed training and passing of Kanungo certificate examination within three months after completion of Settlement training.
3. On appointment/selection he will undergo the requisite training as laid down in the West Pakistan Tehsildari/ Naib Tehsildari Training Rules, 1968 for a period of 6 months, after completion of Settlement/Revenue Training shall remain on probation for a period of two years as per provision laid in Para-15(1) of the NWFP Civil Servant (Appointment, Promotion and Transfer) Rules, 1989. The Training programme is attached.

Sd/-Senior Member  
Board of Revenue NWFP

No.159-67/Admn:I/196.

Copy forwarded to the :-

1. District Officer (B&E)/Collector, Kohat and Chitral.
2. Settlement Officer (Chitral).
3. Principal Revenue Training Academy Karak.
4. Accountant General, NWFP Peshawar.
5. District Accounts Officer, Karak, Kohat & Chitral.
6. Budget & Accounts Officer, Board of Revenue, NWFP, Peshawar.
7. Official concerned.
8. Personal file.
9. Office Order file.

Sd/- Secretary,  
Board of Revenue NWFP.

M

PESHAWAR DATED THE 03/11/2006

ORDER

No. /Admn:I/196. In pursuance of Senior Member, Board of Revenue, N.W.F.P. judgement dated 14-12-2005 Mr. Javed Khan-I-Junior, Clerk, D.C.O. Office Kohat, is hereby selected as Naib Tehsildar (RS-14) with immediate effect on regular basis on the following terms and condition against Ministerial Quota with immediate effect.

2/ His appointment as Naib Tehsildar will be subject to the successful completion of prescribed training and passing of Kanungo certificate examination within three months after completion of Settlement training.

3/ On appointment/selection he will undergo the requisite training as laid down in the West Pakistan Tehsildari Naib Tehsildari Training Rules, 1959 for a period of 6 months, after completion of Settlement/Revenue Training shall remain on probation for a period of two years as per provision laid in Para-15(1) of the N.W.F.P. Civil Servant (Appointment, Promotion and Transfer) Rules, 1959. The training programme is attached.

*SA*  
Senior Member,  
Board of Revenue, N.W.F.P.

No. 159-67 /Admn:I/196.

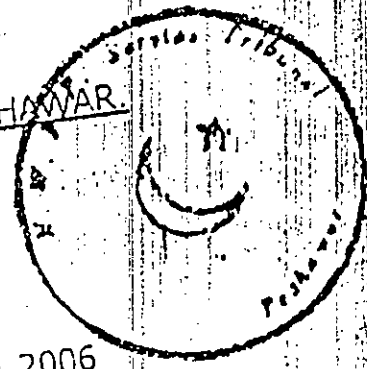
Copy forwarded to the :-

- 1- District Officer (R&S)/Collector, Kohat and Chitral.
- 2- Settlement Officer, Chitral.
- 3-  Principal, Kanungo Training Academy Karak.
- 4- Accountant General, N.W.F.P., Peshawar.
- 5- District Accounts Officer, Karak, Kohat & Chitral.
- 6- Budget & Accounts Officer, Board of Revenue, N.W.F.P., Peshawar.
- 7- Official concerned.
- 8- Personal file.
- 9- Office copy retained.

*AM*  
Secretary,  
Board of Revenue, N.W.F.P.

Annexure C

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR



Appeal No. 03/2006

Date of Institution... 03.01.2006  
Date of Decision... 19.05.2008

Abdul Samad Khan, Naib Tehsildar, Nowshera. (Appellant).

VERSUS

- 1. The Senior Member Board of Revenue, NWFP Peshawar.
  - 2. ~~Mr. David Khan~~, Junior Clerk/Naib Tehsildar, office of the District Coordination Officer, Kohat.
  - 3. The District Coordination Officer, Kohat.
  - 4. Syed Muhammad Qaba Hussain, Naib Tehsildar, Hangu, District Hangu (Now retired).
  - 5. ~~Qaiser Naz~~, Political Naib Tehsildar, F.R Kohat.
- (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.12.2005 PASSED BY RESPONDENT NO.1 ON THE HOPELESSLY TIME BARRED REPRESENTATION DATED 05.09.2005 OF THE RESPONDENT NO.2 THEREBY HE (RESPONDENT NO.2) WAS ORDERED TO BE SELECTED/PROMOTED AS NAIB TEHSILDAR AGAINST THE POST FELL VACANT ON THE EVE OF RETIREMENT OF RESPONDENT NO.4.

MR. KHALID RAHMAN,  
Advocate

For appellant.

MR. TAHIR IQBAL,  
Addl. Government Pleader,

For official respondents.

CAZI MUHAMMAD ANWAR,  
Advocate

For respondent No.2.

MR. JUSTICE (R) SALIM KHAN,  
DR. ABDUR RAUF,

CHAIRMAN  
MEMBER.

EXHIBIT  
ATTACHED

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JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN:- Abdul Samad Naib Tehsildar Nowshera filed appeal No.3 of 2006 on 3.1.2006 while Hamid Khan Political Naib Tehsildar filed appeal No. 32 of 2006 on 13.1.2006. Javed Khan, Naib Tehsildar, Syed Muhammad Qaba Hussain, Naib Tehsildar and Qaiser Naz, Political Naib Tehsildar are respondents No.2, 4 and 5 in both the appeals. The name of respondent No.4 has been deleted due to his retirement. Both the appeals contained almost the same facts and legal issues, hence these were taken together for arguments and disposal.

2. Abdul Samad Khan was posted as Naib Tehsildar on current charge basis in his own pay scale on the recommendations of Departmental Promotion Committee vide order dated 22.5.1999. He contended that he was then promoted as Naib Tehsildar vide order dated 10.4.2001, alongwith four other persons. The order shows that he was so promoted/selected as Naib Tehsildar (BPS-14) purely on temporary basis till the arrival of nominee of NWFP Public Service Commission. He qualified the departmental examination of Naib Tehsildar on 18.8.2004. He was the senior most Assistant (BPS-11). On the same date (10.04.2001), respondents No. 4 and 5 were promoted on regular basis.

3. Respondent No.2 (Javed Khan Junior Clerk/ Naib Tehsildar) challenged the said order in the Peshawar High Court, through the Writ Petition No. 527/2001. That writ petition was dismissed in limine on 9.3.2004. Civil Petition No. 735 of 2004 before the August Supreme Court of Pakistan was also dismissed as withdrawn on 13.6.2005. The copy of the said order shows that the learned counsel for the petitioner (Javed Khan) asked for permission to withdraw the petition on the ground that the petitioner contemplated to approach the Provincial Service Tribunal for the redressal of his grievance, because he



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contended the Service Tribunal as the competent forum, which had the jurisdiction to determine the eligibility or otherwise of the candidates for appointment as Naib Tehsildars from quota of Revenue staff/Ministerial staff. But respondent No.2 filed appeal No. 891 of 2005 before this Tribunal on 2.9.2005, which was returned to him on 3.9.2005

Respondent No.2 then filed departmental representation on 5.9.2005, which was accepted and order of promotion of respondent No.2 as Naib Tehsildar against the post vacated on the retirement of Syed Muhammad Qaba Hussain (respondent No.4) was issued. The appellant is aggrieved of the mentioned order.

5. Hameed Khan was Assistant (BPS-11) in the office of Commissioner, Kohat Division in consequence of order dated 8.10.1986. Vide order dated 16.8.1999, he was posted as Naib Tehsildar in his own pay scale on current charge basis till further orders, in order to look after the matters of vacant post of Political Naib Tehsildar Upper Kurram, the incumbent of which was granted 120 days earned leave with immediate effect. Vide order dated 10.4.2001, he was promoted/selected as Naib Tehsildar on temporary basis till the arrival of nominees of NWFP Public Service Commission, like Abdul Samad and three others:

6. Both the appellants are aggrieved of the order dated 03.01.2006 vide which Javed Khan (respondent No.2) Junior Clerk DCO office Kohat was selected as Naib Tehsildar (BPS-14) with immediate effect on regular basis, in pursuance of the judgment dated 14.12.2005 of the Senior Member Board of Revenue.

The Senior Member Board of Revenue contended that the appellants were appointed to the post of Naib Tehsildar till the arrival of nominees of the NWFP Public Service Commission, with the condition

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that the said appointment would not confer on them any right of regular promotion/appointment.

8. Respondent No.2 also contested the appeals on various grounds, including the ground that Section 22 of the NWFP Civil Servants Act, 1973 places bar on appeal/representation in respect of an order of departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade. He also contended that Section 4 of the NWFP Service Tribunals Act, 1974 places complete bar on appeal against the promotion and also bars the jurisdiction of Service Tribunal regarding promotion.

9. We heard the arguments of the learned counsel for the parties in detail.

10. The learned counsel for respondent No. 2, at the initial stage, took up the objection that this Tribunal lacked jurisdiction for the purposes of this case, and could not decide an appeal regarding the fitness or otherwise of a person for promotion and regarding the order declaring a person entitled or otherwise to hold such a post. The learned counsel for the appellants contended that respondent No. 2 could not be considered for promotion in priority to the appellants, and that too, in preference of both the appellants. He contended that the appellants were Assistants while respondent No.2 was a Junior Clerk before his promotion and appointment as Naib Tehsildar.

11. The AGP contended that both the appellants were appointed on temporary basis till the arrival of the recommendees/selectees of the NWFP Public Service Commission, and their appointment was purely for a temporary period. He was of the view that such appointment of the

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appellants did not confer any right, whatsoever, on the appellants for their promotion.

12. Section 4 of the NWFP Service Tribunal Act, 1974 in part (b) of the proviso provides that 'no appeal shall lie to a Tribunal against an order or decision of a competent authority, determining - (i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade...' This Tribunal, therefore, does not have the jurisdiction to hear an appeal against the fitness or otherwise of Javed Khan concerning his promotion to the post of Naib Tehsildar and his fitness or otherwise to hold the post of Naib Tehsildar.

13. The basic question between the parties, however, is that both the appellants were considered fit for holding the post of Naib Tehsildar, though on current charge basis or on temporary basis till the arrival of nominees of the NWFP Public Service Commission. Javed Khan was not so considered for holding the post of Naib Tehsildar as such. It is worth mentioning at this stage that 50% of the vacancies in the case of Naib Tehsildar were to be filled in by initial recruitment, and the remaining vacancies were to be filled in by selection on merit from amongst the subordinate service in the Division, where the vacancies occurred, and preference was to be given to persons with settlement experience.

14. The vacancies allowed for the appellants temporarily, were reserved vacancies for the recommendees/selectees of the NWFP Public Service Commission. These vacancies were to be filled in by initial recruitment. The appellants had to vacate their seats for the selectees of the NWFP Public Service Commission. On the other hand, without considering the appellants for regular promotion, Javed Khan was appointed on regular basis in preference of both the appellants, who had

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a vested right to be considered for promotion on regular basis, as being senior to Javed Khan.

15. The dispute, therefore, between the parties is not that whether Javed Khan was fit for promotion as Naib Tehsildar or to hold the post of Naib Tehsildar. The dispute was that whether Javed Khan could be appointed on regular basis in preference to both the appellants. As both the appellants are senior to Javed Khan (respondent No.2), the official respondents were legally bound to consider the seniority of the appellants versus respondents No.2 and 5 and to appoint the senior most amongst them on regular basis, while the others were to be appointed either on acting charge basis or, as the case might be, on temporary basis till the arrival of the recommendees of the NWFP Public Service Commission, or till a regular vacancy was turn by turn available for them.

16. In the light of the above, we partially accept both the appeals to the extent that the official respondents shall have to exercise to reconsider the seniority of the appellants and respondents No.2 and 5 and appoint the senior most amongst them on regular basis as Naib Tehsildar, while the others may be regularized as Naib Tehsildars as and when vacancies are available for them. But they shall remain as Naib Tehsildars for the periods for which their promotion as Naib Tehsildar is permissible under the law, either on current charge basis or on acting charge basis. In view of the complicated nature of the case, we leave the parties to bear their own costs.

Sd/- Justice (R) Gulistan Khan  
Chairman  
Sd/- Dr. Akhtar Razaq  
Member

ANNOUNCED  
19.05.2008

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Handwritten initials or signature.

Date of presentation of application	3-6-08
Number of words	2400
Copy fee	Rs. ---
Stamp	Rs. ---
Total	Rs. ---
Name of applicant	Javed Khan
Date of completion of app	3-6-08
Date of delivery of app	3-6-08

Annexure D

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GOVERNMENT OF NWFP  
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 14/03/2009

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ORDER

No. /Admn/V/PFA/H) On the recommendation of Departmental Promotion Committee held under the Chairmanship of Senior Member Board of Revenue on 27.02.2009, in light of the NWFP Service Tribunal Judgments dated 19.05.2008 and 05.06.2008 as well as the direction of Peshawar High Court dated 19.01.2009, the Committee examined the promotion of the Ministerial staff of Kohat Division and unanimously agreed // recommended the promotion of the following Ministerial staff as under:-

S.No	Name	Remarks
1.	Mr. Abdul Samad Assistant of the office of Commissioner Kohat Division	Promoted as Naib Tehsildar (BPS - 14) on regular basis w.e.f 10.04.2001. He will go six months settlement / revenue training
2.	Mr. Hameed Khan Assistant of the office of Commissioner Kohat Division	Promoted as Naib Tehsildar (BPS - 14) on regular basis w.e.f 10.04.2001. He will go six months settlement / revenue training
3.	Mr. Haider Hussain Assistant of the office of Commissioner Kohat Division	His regular promotion as Naib Tehsildar (BPS - 14) w.e.f 10.04.2001 is hereby modified and is considered on regular basis w.e.f 03.01.2006 instead of 10.04.2001. He will continue as Tehsildar Banda Daud Shah District Karak (Own Pay & Scale)
4.	Mr. Javed Khan Junior Clerk of the office of DCO Kohat	His promotion as Naib Tehsildar (BPS - 14) on regular basis w.e.f 03.01.2006 is hereby modified and is considered as Naib Tehsildar (BPS - 14) on Acting Charge Basis. His services already placed at the disposal of FATA Secretariat for further posting as Political Naib Tehsildar
5.	Mr. Qaiser Naz Junior Clerk of the office of Deputy Commissioner Kohat	His promotion as Naib Tehsildar (BPS - 14) on regular basis w.e.f 10.04.2001 is hereby modified and is considered as Naib Tehsildar (BPS - 14) on Acting Charge Basis. He will continue as Tehsildar Hangu (Own Pay & Scale)

*[Handwritten Signature]*

M/S Javed Khan and Qaiser Naz Naib Tehsildars (EPS-14) on  
acting charge basis will be considered for promotion as Naib Tehsildar on  
regular basis as and when vacancy occur in Ministerial employees quota in  
Kohat Division.

By Order of  
Senior Member  
Board of Revenue NWFP

No. 6446-69 /Admn:V/PF/(H)

Copy to:-

1. Commissioner Peshawar Division Peshawar.
2. Commissioner Kohat Division Kohat.
3. Political Agent Khyber Agency.
4. District Coordination Officer, Kohat.
5. District Officer (Revenue & Estate)/Collector, Kohat, Nowshera,  
Karak, and Hangu.
6. Agency Accounts Officer Khyber Agency.
7. Accounts Officers Nowshera, Kohat, Karak and Hangu.
8. Official concerned.
9. Office Order File.

*Javed Khan*  
*Secretary*

Secretary  
Board of Revenue NWFP

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*[Signature]*

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11.6.2009  
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GOVERNMENT OF NWFP  
REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

No. /Admn:/26/Vol.I; In pursuance of decision of Departmental Promotion Committee, the competent authority is pleased to order the promotion of the following Naib Tehsildars as Tehsildar (BPS-16) on regular basis with immediate effect.

S.No.	Name
1.	Mr. Haider Hussain
2.	Mr. Qaisar Naz
3.	Mr. Liaqat Ali

On their promotion the above officers will be on probation for a period of one year in terms of Section-6 (2) of NWFP Civil servants Act 1973 read with Rule-15 (1) of NWFP Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

Consequent upon their promotion as Tehsildar on regular basis, they will continue to work against their present post of Tehsildar Bandi Daud Shah, DI Khan and Peshawar.

By Order of  
Senior Member,  
Board of Revenue NWFP

No.17232-45/Admn:/26/Vol.II;

Copy forwarded to the :-

1. Commissioner, Peshawar, D I Khan and Kohat Division.
2. Accountant General, NWFP Peshawar.
3. District Coordination Officer, Peshawar, DI Khan and Karak.
4. District Officer (Revenue & Estate) / Collector, Peshawar, DI Khan and Karak.
5. District Accounts Officer, Peshawar, DI Khan and Karak.
6. Official concerned.
7. Personal file.
8. Office Order file.

Sd/- Secretary,  
Board of Revenue NWFP.

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GOVERNMENT OF NWFP  
REVENUE & ESTATE DEPARTMENT

Dated 1/10/2009

In pursuance of decision of Competent Authority is pleased to promote the following officers as Tehsildar (BPS - 16) with immediate effect:

- |                       |
|-----------------------|
| 1. Mr. Ghulam Mustafa |
| 2. Mr. Ghulam Mustafa |
| 3. Mr. Ghulam Mustafa |

On their promotion as Tehsildars will be on probation for a period of one year in terms of Section - 6 (2) of NWFP Civil servants Act 1973 read with Rule - 15 (1) of NWFP Civil Servant ((Appointment, Promotion & Transfer) Rules, 1959.

Consequent upon their promotion as Tehsildar on regular basis, they will continue to work against their present post of Tehsildar Banda Daud Shah, District Peshawar.

By order of  
Senior Member,  
Board of Revenue NWFP

No. Admn/236/Vol/II

- 1. Forwarded to the Commissioner, Peshawar, Dikhan and Kohat Divisions.
- 2. District Commissioner, Peshawar, Dikhan and Karak.
- 3. District Officer (Revenue & Estate) Collector, Peshawar, Dikhan and Karak.
- 4. District Accounts Officer, Peshawar, Dikhan and Karak.
- 5. Officer concerned Personal File.
- 6. Office Order File.

Secretary - II  
Board of Revenue NWFP



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BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

E.P. No. 121/09

Application No. 12009

Javid Khan, Naib Tehsildar, office of the District Coordination Officer, Kohat ..... Applicant

VERSUS

- 1. The Senior Member Board of Revenue, NWFP, Peshawar.
- 2. Abdul Samad Khan, Naib Tehsildar, Nowshera.
- 3. The District Coordination Officer, Kohat.
- 4. Syed Muhammad Qaba Hussain, Naib Tehsildar, Hangu ( Now retired).
- 5. Qaiser Naz, Tehsildar Peshawar ..... Respondents

02.10.2013

Petitioner with counsel and Mr. Mir Qasim, Assistant Secretary on behalf of respondent No.1 with AAG for official respondents present.

The perusal of record revealed that the petitioner is seeking implementation/execution of judgment of the Tribunal dated 19.5.2008 in Appeal No. 3/2006 by Abdul Samad Khan (Appellant), respondent No.2 herein, wherein, the petitioner was respondent No.2. The said appeal was accepted vide the aforesaid judgment in the following terms:

"In the light of the above, we partially accept both the appeals to the extent that the official respondents shall take up the exercise to reconsider the seniority of the appellants and respondents No.2 and 5, and appoint the senior most amongst them on regular basis as Naib Tehsildar, while the others may be regularized as Naib Tehsildars as and when vacancies are available for them. But they shall remain as Naib Tehsildars for the periods for which their promotion as Naib Tehsildar is permissible under the law, either on current charge basis or on acting charge basis."

In pursuance of the above referred judgment of the Tribunal, the respondent-department issued order dated 14.3.2009 whereby appellant in the said appeal i.e. Abdul Samad and appellant in the connected appeal namely Javid Khan were promoted as Naib Tehsildar on regular basis while order in respect of the petitioner, Javid Khan, was modified and he was considered as Naib Tehsildar (BPS-14) on acting charge basis w.e.f 3.1.2006 when he was promoted as Naib Tehsildar (BPS-14) on regular basis.

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[Signature]

As much apart from the fact that the petitioner was not an appellant in the case, rather a respondent, therefore, his appeal was not decreed of which he is seeking implementation/execution; the judgment dated 19.5.2008 also stands implemented with issuance of order dated 13.3.2009, referred to above. Therefore, this implementation/execution petition has to be disposed of as having served the purpose.

As regards the contention of the learned counsel for the petitioner that the petitioner has not been granted his due seniority in accordance with the above referred judgment dated 19.5.2008, suffice it to say that the petitioner is well within his right to assail any order affecting his seniority if he is aggrieved of the same, subject to availability of legal right to him to do so. He may avail legal remedy in this respect in accordance with law/rules; and the implementation/execution petition is disposed of as having served the purpose. File be consigned to the record.

ANNOUNCED  
2.10.2013

*Chairman*

Certified to be true copy

Khair  
Service Tribunal  
Peshawar

Date of Filing 2-10-2013  
No. 800  
C. 6  
U. 7  
D. 8  
Date of Disposal 2-10-2013  
2-10-2013

*Signature*

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BEFORE THE SENIOR MEMBER BOARD OF REVENUE, PESHAWAR.

Javed Khan, DRA,

Revenue Deptt: Peshawar.....Appellant.

VERSUS

- 1- The Commissioner Peshawar Division, Peshawar.
- 2- Qaiser Naz, Presently Secretary RTA, Kohat.

.....Respondents.

APPEAL FOR JUSTICE AND PROMOTION AS  
NAIB TESILDAR, & TEHSILDAR FROM THE  
DATES WHEN JUNIOR TO THE APPELLANT  
(RESPONDENT NO.2) WAS PROMOTED.

R.SHEWETH.

- 1- That the appellant joined the revenue Deptt; as Junior Clerk in the year 1985 whereas the respondent No.2 joined the same post in the year 1986, meaning that the respondents NO.2 was junior to the appellant. Copy of the seniority list of the year 2000 of D.C Office Kohat is attached as Annexure – A.
  - 2- That in the year 2006, the appellant was regularly promoted as Naib Tehsildar with the condition of passing exam & training which the appellant did successfully. Copy of promotion order is attached as Annexure- B.
  - 3- That then a dispute arose for the regular promotion to the post of Naib Tehsildar in the year 2006 which went before the KPK Service tribunal in appeal NO. 3/2006. The said dispute
- ②

was amongst the Abdus Sammad, Hamid Khan, Syed Mohammad Qaba Hussain, Qaiser Naz and the appellant.

- 4- That the said appeal was decided by the august Tribunal on 19.5.2008 and decided the issue as "The official respondents were legally bound to consider the seniority of appellant and private respondents and to appoint the senior most officials on regular basis while the junior should be appointed on acting charge basis or till the arrival of recommendees of the Public Service Commission. The appeal was partially accepted and the official respondents were directed to sort out the seniority, appoint/promote the senior on regular basis as Naib Tehsildar and the juniors may be regularized as Naib Tehsildar when vacancy are available for them." Copy of the judgment is attached as Annexure - C.
- 5- That in light of the judgment of the Service Tribunal the Revenue Deptt: passed an order on 14.3.2009, whereby, Abdus Sammad, Hameed Khan, & Haider Hussain were promoted as Naib Tehsildar on regular basis w.e.from 10.4.2001 & 3.1.2006, respectively, while the appellant and respondent No.2 Qaiser Naz promotion order of regular one were modified as on acting charge basis with the condition that the appellant and the respondent No.2 would be considered for regular promotion when vacancies when the vacancies occurred in their quota of Kohat Division. Copy of the order is attached as Annexure - D.
- 6- That despite clear order dated. 14.3.2009, the respondent No.2 was promoted vide 11.6.2006 on regular basis while he was junior to the appellant and Haider Hussain was also promoted on regular basis who was already stood promoted on regular basis w.e.from 3.1.2006 vide order dated. 14.3.2009. Thus the appellant name was omitted from promotion order was due to malafide for not showing vacancy for him. Copy of the order is attached as Annexure - E.
- 7- That as the above order was passed in violation of the Judgment of the Tribunal; therefore, the appellant went for execution of the Tribunal Judgment through execution petition

AT

NO.121/2009. The said petition was finally heard on 12.10.2013, the Tribunal was kind enough to hold that since the appellant was respondent in main appeal so he cannot file execution petition, however, if any order affecting his seniority and promotion rights, he may avail other legal remedies available to him under the law. Copy of the Tribunal's order is attached as Annexure - F.

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B- G.H.

- 8- That the appellant has been discriminated on the basis of non availability of vacancy, while at the same time, Mr. Mohammad Shoaib, Naik Mohammad, Mohammad Arshad, zafar Iqbal and nawab Gul, all junior to the appellant, have been promoted on regular basis after the judgment of the Tribunal and the appellant has been kept on acting charge till date.
- 9- That due to arbitrary in-action of the Revenue Deptt: the appellant's seniority as well as promotion rights have badly affected and especially the respondent No.2 is also promoted to BPS-16.
- 10- That the seniority and promotion is vital for all Govt: servants and according to the supreme Court judgments the same should not be affected by the Deptt: in an arbitrary manner.
- 11- That the appellant's record is good and no adverse entry communicated to appellant till date which also proves that the appellant along with training also has good record and fully eligible for promotion as Naib Tehsildar on regular basis.
- 12- That the appellant has not been treated according to the judgment of the Tribunal and subsequent order based on the judgment of the Tribunal.
- 13- That the appellant has been kept deprived from his legal rights in an arbitrary manner exercise of unjustified discretion.

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It is therefore most humbly prayed that on acceptance of this appeal, the appellant may be promoted as regular Naib Tehsildar and further promoted to BPS-16 from the date when

*[Signature]*




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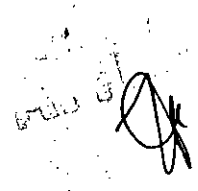
his junior (respondent No.2) was promoted with all seniority and other back and consequential benefits. Any other remedy not specifically prayed for that may also be awarded in favour of appellant.

APPELLANT

JAVED KHAN  
DRA, PESHAWAR.

Through:

  
SAJID AMIN KHAN  
ADVOCATE



(29)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt: V/Javed/Pesh/ 21024  
Peshawar dated 29 /11/2013

To

Mr. Javed Khan,  
District Revenue Accountant Peshawar.

SUBJECT: - APPEAL FOR JUSTICE AND PROMOTION AS  
NAIB TEHSILDAR AND TEHSILDAR FROM THE DATES  
WHEN JUNIOR TO THE APPELLANT  
(RESPONDENT NO. 2 WAS PROMOTED).

I am directed to refer to your appeal / representation dated Nil on the subject and to say that you have failed to prove your contention given in the appeal. M/S Qaiser Naz etc were promoted through Departmental Promotion Committee on the basis of seniority list of Naib Tehsildar issued for the year 2008, which was not challenged by you in any forum.

The Competent Authority after considering your representation had held it to be time barred and rejected it.

  
Assistant Secretary (Estt:)

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

Appeal No. 1581 /2013

Mr. Javed Khan, DRA,  
Revenue Department, Peshawar.

**APPELLANT**

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner, Peshawar Division, Peshawar.
3. The Assistant Secretary Establishment, Revenue Department, (has no Peshawar.
4. Mr. Qaisar Naz, Secretary, RTA, Kohat.

**RESPONDENTS**

.....


APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22.11.2013 WHEREBY THE APPEAL OF THE APPELLANT FOR PROMOTION AS NAIB TEHSILDAR AND THEN TO TEHSILDAR FROM THE DATE WHEN HIS JUNIOR OF THE APPELLANT WERE PROMOTED HAS BEEN REJECTED FOR NO GOOD GROUNDS.

.....

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 22.11.2013 MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AS NAIB TEHSILDAR AND THEN TO TEHSILDAR POST FROM THE DATE WHEN HIS JUNIOR RESPONDENT NO.4 WAS PROMOTED WITH ALL CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....





RESPECTFULLY SHEWETH:

26

1. That the appellant joined the Revenue Department as Junior Clerk in the year 1985 whereas the respondent No.2 joined the same post in the year 1986, meaning that the respondents No.2 was junior to the appellant. Copy of the Seniority list of the year 2000 of D.C. office Kohat is attached as Annexure-A.
2. That in the year 2006, the appellant was regularly promoted as Naib Tehsildar with the condition of passing exam and training which the appellant did successfully. Copy of promotion order is attached as Annexure-B.
3. That then a dispute arose for the regular promotion to the post of Naib Tehsildar in the year 2006 which went before the KPK Service Tribunal in Appeal No.3/2006. The said dispute was amongst the Abdus Sammad, Hamid Khan, Syed Mohammad Qaba Hussain, Qaiser Naz and the appellant.
4. That the said appeal was decided by the August Tribunal on 19.5.2008 and decided the issue as "The official respondents were legally bound to consider the seniority of appellant and private respondents and to appoint the senior most officials on regular basis while the junior should be appointed on acting charge basis or till the arrival of recommendees of the Public Service Commission. The appeal was partially accepted and the official respondents were directed to sort out the seniority appoint/promote the senior on regular basis as Naib Tehsildar and the juniors may be regularized as Naib Tehsildar when vacancy are available for them". Copy of the Judgment is attached as Annexure-C.
5. That in the light of the Judgment of the Service Tribunal, the Revenue Department passed an order on 14.3.2009, whereby, Abdus Sammad, Hameed Khan, and Haider Hussain were promoted as Naib Tehsildar on regular basis with effect from 10.4.2001 and 3.1.2006, respectively, while the appellant and respondent No.2 Qaiser Naz promotion order of regular one were modified as on acting charge basis with the condition that the appellant and the respondent No.2 would be considered for regular promotion when vacancies when the vacancies occurred in the quota of Kohat Division. Copy of the order is attached Annexure-D.
6. That despite clear order dated 14.3.2009, the respondent No.2 was promoted vide 11.6.2006 on regular basis while he was junior

to the appellant and Haider Hussain was also promoted on regular basis who was already stood promoted on regular basis with effect from 3.1.2006 vide order dated 14.3.2009. Thus the appellant name was omitted from promotion order was due to malafide for not showing vacancy for him. Copy of the Order is attached as Annexure-E.

- 7. That as the above order was passed in violation of the Judgment of the Tribunal, therefore the appellant went for execution of the Tribunal Judgment through Execution Petition No.121/2009. The said petition was finally heard on 12.10.2013, the Tribunal was kind enough to hold that since the appellant was respondent in main appeal so he can not file Execution Petition, however, if any order affecting his seniority and promotion rights, he may avail other legal remedies available to him under the law. Copy of Tribunal's order is attached as Annexure-F.
- 8. That after the observation of the Honourable Tribunal, the appellant filed representation before the Respondent No.1 but the same has been rejected for no good grounds on 22.11.2013, hence the present appeal on the following grounds amongst the others: Copy of Appeal and Rejection Order are attached as Annexure-G and H.

**GROUND:**

- A) That not considering the appeal of the appellant for promotion as Naib Tehsildar and Tehsildar from the date when his junior were promoted and the rejection order dated 22.11.2013 are against the law, rules, norms of justice and material on record, therefore, not tenable.
- B) That the appellant has been discriminated on the basis of non availability of vacancy, while at the same time, Mr. Mohammad Shoaib, Naik Mohammad, Mohammad Arshad, Zafar Iqbal and Nawab Gul, all junior to the appellant, have been promoted on regular basis after the Judgment of the Tribunal and the appellant has been kept on acting charge till date.
- C) That due to arbitrary in-action of the Revenue Department the appellant's seniority as well as promotion rights have badly affected and especially the respondent No.2 is also promoted to BPS-16.

- D) That the seniority and promotion is vital for all Government Servants and according to the Supreme Court Judgments the same should not be affected by the Department in an arbitrary manner.
- E) That the appellant's record is good and no adverse entry communicated to the appellant till date which also proves that the appellant along with training also has good record and fully eligible for promotion as Naib Tehsildar on regular basis.
- F) That the appellant has not been treated according to the Judgment of the Tribunal and subsequent order based on the Judgment of the Tribunal.
- G) That the rejection order dated 22.11.2013 is the total violation of the Judgment of this Honourable Tribunal dated 19.5.2008 as well as observation of the Honourable Tribunal dated 2.10.2013, therefore, not sustainable, otherwise the factors of limitation is not attracted in the matter of pay, pension and promotion.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
JAVED KHAN

THROUGH:

*(Signature)*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

*(Signature)*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 26/03/2019

J B

29

ORDER.

No. Estt:V/DPC/Meeting/2019 \_\_\_\_\_ Consequent upon the recommendation of Departmental Promotion Committee held on 19.03.2019, the Competent Authority is pleased to order the promotion of Mr. Hafeez-ud-Din Political Muharrir of Kohat Division to the post of Naib Tehsildar (BS - 14) on regular basis with immediate effect:-

2. On promotion, the above official will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules - 1989.

3. Consequent upon his promotion he is placed under Revenue / Settlement Training for a period of six (06) months as required under Rules - 53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules - 1969. Training programme is attached.

By order of  
Senior Member

No. Estt:V/DPC/Meeting/2018 10340-44

Copy forwarded to the:-

1. Commissioner Kohat Division Kohat.
2. Deputy Commissioner Kohat and Orakzai.
3. District Accounts Officer Kohat and Orakzai.
4. Official concerned.
5. Personal Files.

Assistant Secretary (Estt)

To

The Worthy Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.

K I (30)

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 26.03.2019 WHEREBY JUNIOR TO THE APPELLANT NAMELY HAFEEZ UD DIN WAS PROMOTED TO THE POST OF NAIB TEHSILDAR ON REGULAR BASIS IN VIOLATION OF SERVICE TRIBUNAL JUDGMENT DATED 15.09.2008 PASSED IN SERVICE APPEAL 3/2006, WHILE THE APPELLANT IS STILL WORKING ON ACTING CHARGE BASIS SINCE 2009.**

Respected Sir,

1. That the appellant joined the revenue department as Junior Clerk in the year 1985 where as Hafeez Ud Din joined the same post in the year 1988.
2. That in the year 2006, the appellant was regularly promoted as Naib Tehsildar with the condition of passing exam and training which the appellant successfully did.
3. That then a dispute arose for the regular promotion to the post of Naib Tehsildar in the year 2006 which went to before the KPK service Tribunal in Appeal No.3/2016. The said dispute was amongst the Abdus Samad, Hamid Khan, Syed Muhammad Qaba Hussain, Qaiser Naz and the appellant.
4. That the said appeal was decide by the august Service Tribunal on 19.05.2008 and decide the issue as the official respondents were legally bound to consider the seniority of the appellant and private respondents and to appoint the senior most officials on regular basis while the junior should be appointed on acting charge basis or till the recommendee of the Public Service Commission. The appeal was partially accepted and the official respondents were directed to sort out the seniority appoint/promote the senior on regular basis as Naib Tehsildar and the junior may be regularized as Naib Tehsildar when vacancy are available for them.
5. That in the light of judgment of the Service Tribunal the revenue department passed an order dated 14.03.2009, whereby Abdul Samad, hammed Khan and Haider khan were promoted as Naib Tehsildar on regular basis with effect from 10.4.2004 and 3.1.2006 respectively, while the appellant and Qaiser Naz promotion order of regular one were modified as on acting charge basis with the condition that the

I

appellant and Qaiser Naz would be considered for regular promotion when vacancies occurred in the quota of Kohat division.

- 6. That despite clear order dated 14.3.2009, the Qaiser Naz was promoted vide order dated 11.6.2006 on regular basis, while he was junior to the appellant and Haider Hussain was also promoted on regular basis who was already stood promoted on regular basis with effect from 3.1.2006 vide order dated 14.3.2009, thus the appellant name was omitted from promotion order was due to malafide for not showing vacancy for him.
- 7. That as the above order was passed in the violation of the judgment of the Tribunal, therefor the appellant went for execution of the Tribunal judgment trough execution petition No.121/2009. The said petition was finally heard on 12.10.2013, the Tribunal was kind enough to hold that since the appellant was respondent in main appeal so he cannot file execution petition, however, if any order effecting his seniority and promotion right, he may avail other legal remedies available to him under the law.
- 8. That the appellant after the observation of the august Service Tribunal the appellant filed departmental appeal which was rejected on 22.11.2013.
- 9. That against the order dated 22.11.2013, the appellant filed service appeal No.1583/2013 in the Honourable Service Tribunal which is still subjudice to the Tribunal and during the pendency of the said service appeal, the worthy SMBR passed an order dated 26.03.2019, whereby junior to the appellant namely Hafeez-Ud-Din was promoted to the post of Naib Tehsildar on regular basis, while the appellant is still working on acting charge basis. **(Copy of order dated 26.03.2019 is attached as Annexure-A)**
- 10. That now the appellant wants to file departmental appeal against the order dated 26.03.2019 on the following grounds.

**GROUND:**

- A. That the impugned order dated 26.03.2019 is against the law, rules, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B. That the appellant is senior to Hafeez Ud Din and working on acting charge basis since 14.03.2009, but despite to regularize the appellant on the post of Naib Tehsildar, junior official to the appellant was promoted to the post of Naib Tehsildar on regular basis which is clear violation of law and rules.
- C. That in the light of judgment of the Service Tribunal, the revenue department passed an order dated 14.03.2009, whereby Abdul Samad,

Hameed Khan and Haider Khan were promoted as Naib Tehsildar on regular basis with effect from 10.4.2004 and 3.1.2006 respectively, while the appellant and Qaiser Naz promotion order of regular one were modified as on acting charge basis with the condition that the appellant and Qaiser Naz would be considered for regular promotion when vacancies occurred in the quota of Kohat division and now vacancy occur, but despite to promote the appellant to the post of Naib Tehsildar on regular basis, junior official was promoted to the post of Naib Tehsildar on regular basis, which is clear violation of order dated 14.03.2009.

- D. That previously the promotion of the appellant was also effected by promoting junior officials namely Muhammad Shoaib, Naib Muhammad, Muhammad Arshad, Zafar Iqbal and Nawab Gul and this time again when the seat became vacant, junior official to the appellant was promoted on regular basis while the appellant is still working on acting charge since 2009.
- E. That the appellant challenged the promotion of his junior Qaiser Naz which was regularly promoted to the post of Naib Tehsildar and then promoted to Tehsildar is still subjudice in the service Tribunal and now junior most official namely Hafeez Ud Din promoted to the post of Tehsildar on regular basis, which means that the appellant is continuously depriving from his legal right of promotion to the post of Naib Tehsildar on regular basis.
- F. That due to the arbitrary action of the department, the appellant seniority as well as promotion is continuously affected.
- G. That promotion is vital for all Government Servant and according to Supreme Court judgments the same should not be affected by the department in an arbitrary manner.
- H. That the appellant's service is good and no adverse entry communicate to the appellant till date which also proved that the appellant along with training also good service record and fully eligible for promotion as Naib Tehsildar on regular basis, but despite that junior official to the appellant was promoted on regular basis, which is not permissible under the law and rules.
- I. That the appellant is senior to Hafeez Ud Din and working as Naib Tehsildar since 2009 and it was his legal right to promote him on regular basis on the vacant post Naib Tehsildar, but junior official was promoted to the post of Naib Tehsildar on regular basis by ignoring the appellant without giving any reason.
- J. That the appellant has been treated in accordance with law and rules and has been deprived from his legal right of promotion in arbitrary manner by promoting the junior one.

It is, therefore, most humbly requested that on the acceptance of this departmental appeal, the order dated 26.03.2019 may kindly be set aside and the appellant may please be promoted to the post of Naib Tehsildar on regular basis with all back and consequential benefits.

Date: 09-04-2019

Appellant  
Javid Khan,

Naib Tehsildar (Acting charge basis)  
Central Kurram District  
Cell#0306-8015666





GOVERNMENT OF KHYBER PAKHTUNKHWA

BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

No. Estt: V/M.Javed/Kohat/ 20224

Peshawar dated the 14/06/2019.

To


Mr. Javed Khan,  
Naib Tehsildar (acting charge basis)  
Central Kurram

Through

Deputy Commissioner,  
Kurram.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 26.03.2019 WHEREBY JUNIOR TO THE APPELLANT NAMELY HAFEEZ-UD-DIN WAS PROMOTED TO THE POST OF NAIB TEHSILDAR ON REGULAR BASIS IN VIOLATION OF SERVICE TRIBUNAL JUDGMENT DATED 15.09.2008 PASSED IN SERVICE APPEAL 3/2006, WHILE THE APPELLANT IS STILL WORKING ON ACTING CHARGE BASIS SINCE 2009.

I am directed to refer to the subject and to state that your Departmental appeal dated 09.04.2019 has been examined and rejected by Appellate Authority.

  
Assistant Secretary (Estt.)



ایڈوکیٹ دستخط:

بار کونسل ابار ایسوسی ایشن نمبر:

رابطہ نمبر:

کوہاٹ بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

دعویٰ:	منجانب: <u>مجاویز خان (ایپیل منٹ)</u>
علت نمبر:	
مورخہ:	جلو بیڑا
تھانہ:	بنام حکمہ دیو دیو



## باعت تحریر آنکہ

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

المقوم

گواہ شد

المقوم

قیمت 50 روپے	21467			
ایڈویکٹ: محمد ظہیر طاہر علی		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 10-7964				
رابطہ نمبر: 0300-9597670				

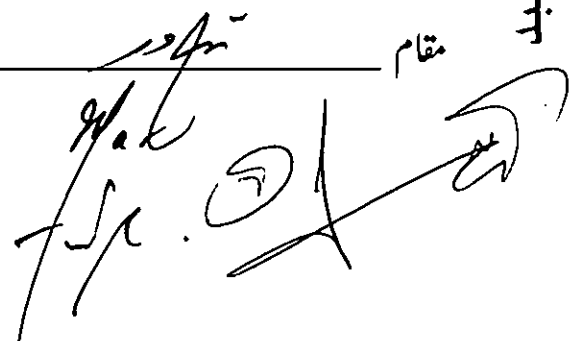
بعدالت جناب: سر جسٹس عبدالغفور شاہ

مخائب: Report No 4	دعویٰ: اسٹیل 763/2019
جلد علیہ خان بنام حکومت	علت نمبر: 10/2019
	مورخہ:
	جرم:
	تھانہ:

**باعت تحریر آنکہ**

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

المرقوم: 12-09-2019

مقام:   
 Attached by  
 Accepted

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 763/2019

Javed Khan Naib Tehsildar (ACB) ..... Appellant

◆ Versus

The Chief Secretary Khyber Pakhtunkhwa and others.....Respondent

INDEX

S No.	Description of documents	Annexure
1.	Comments	-
2.	Affidavit	-
3.	Execution petition of the appellant decided on 02.10.2013	(Annexure - A)
4.	Copy of Rules	(Annexure - B)
5.	Seniority list of Political Muharrir of Kohat	(Annexure - C)

Assistant Secretary (Lit- II)  
Board of Revenue KPK

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No: 763/2019.

Javed Khan Naib Tehsildar ACB) .....Appellant

**VERSUS**

The Chief Secretary Khyber Pakhtunkhwa and others.....Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2 ARE AS UNDER**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.

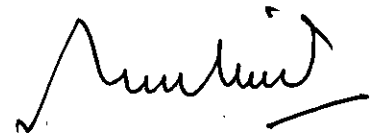
**ON FACTS**

1. Pertains to record.
2. Incorrect. The appellant is basically Junior Clerk who was promoted as Naib Tehsildar on regular basis on 3.1.2006 which was later on converted into (Acting Charge Basis) being not covered under the rules. It is pertinent to mention here that at that time too there was no provision in the Service Rules for promotion of Junior Clerk to the post of Naib Tehsildar.
3. Correct to the extent of dispute between Abdus Samad, Hamid Khan, Syed Muhammad Qaba Qausain and Qaiser Naz.
4. Correct to the extent of Service Tribunal judgment dated 19.05.2008.
5. As in para - 2 above. There was no provision in the Service Rules for promotion of Junior Clerk to the post of Naib Tehsildar, therefore the appellant being a Junior Clerk was not considered for regular promotion as Naib Tehsildar, while M/S Abdus Samad, Hameed Khan and Haider Hussain Assistants were considered for regular promotion as Naib Tehsildar being eligible.
6. As in para - 2 and 5 above.
7. Correct to the extent that execution petition of the appellant was decided on 02.10.2013 (Annexure - A).
8. Correct to the extent that the appeal of the appellant was dismissed on 22.11.2013.
9. Incorrect. His appeal for promotion as Naib Tehsildar is pending before this Hon'ble Tribunal since 2013. So far as promotion of Hafëez-ud-Din Political Muharrir is concerned, he has been promoted as Naib Tehsildar from the cadre of Political Muharrir under 10% reserved quota on his own turn (Copy of relevant rules is at Annexure - B).
10. Appeal of the appellant has rightly been rejected by the appellate authority.
11. Incorrect. Appeal of the appellant is not maintainable.

## GROUNDS.

- A Incorrect. Order dated 14.06.2019 and 26.03.2019 are fair, just and according to law.
- B Incorrect. The appellant is Junior Clerk while respondent No. 4 is Political Muharrir. There is no provision in the Service Rules for promotion of Junior Clerk to the post of Naib Tehsildar while respondent No. 4 has been promoted as Naib Tehsildar under 10% reserved quota for Political Muharrirs.
- C As in proceeding paras, the appellant is Junior Clerk while Hameed Khan and Haider Hussain have been promoted as Naib Tehsildar from the cadre of Assistant under their reserved quota.
- D Incorrect. As in "C" the appellant is Junior Clerk while Muhammad Shoaib and Muhammad Arshad were also promoted from Assistant and Naik Muhammad, Zafar Iqbal and Nawab Gul have been promoted from Kanungos under their respective quotas.
- E Correct to the extent that appeal of the appellant is pending before this Tribunal. Mr. Hafeez-ud-Din has been promoted from the cadre of Political Muharrir to the post of Naib Tehsildar on his own turn.
- F Pertains to record.
- G Incorrect. The appellant is basically from Junior Clerk cadre while Mr. Hafeez-ud-Din has been promoted from Political Muharrir to the post of Naib Tehsildar (Seniority list of Political Muharrir of Kohat Division is at Annexure - C).
- H As in "G" above.
- I Correct to the extent that promotion of all Government Servant are made strictly in accordance with law / rules and their seniority.
- J Incorrect. No discrimination has been done with the appellant. All the proceedings have been carried out according to law / rules.
- K Incorrect. The appellant has been treated in accordance with law.
- L The respondent will also seek permission to submit additional grounds at the time of arguments.

Keeping in view the above, the appeal of the appellant is devoid of force may be dismissed with costs..



Respondent No. 1 & 2

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

E.P. No 121/09  
Application No. \_\_\_\_\_/2009

Javid Khan, Naib Tehsildar, office of the District  
Coordination Officer, Kohat



VERSUS

1. The Senior Member Board of Revenue, NWFP, Peshawar.
2. Abdul Samad Khan, Naib Tehsildar, Nowshera.
3. The District Coordination Officer, Kohat.
4. Syed Muhammad Qaba Hussain, Naib Tehsildar, Hangu (Now retired)
5. Qaiser Naz, Tehsildar, Peshawar..... Respondents

=====

APPLICATION FOR IMPLEMENTATION OF ORDER  
PASSED BY HONORABLE SERVICE TRIBUNAL ON 19-05-  
2008 IN APPEAL NO 03/2006 WHERE THE SENIORITY OF  
THE PETITIONER WAS DULY ACCEPTED OVER  
RESPONDENT NO 5

02.10.2013

Petitioner with counsel and Mr Mir Qasim, Assistant Secretary  
on behalf of respondent No.1 with AAG for official respondents  
present.

The perusal of record revealed that the petitioner is seeking  
implementation/execution of judgment of the Tribunal dated  
19.5.2008 in Appeal No. 3/2006 by Abdul Samad Khan (Appellant),  
respondent No.2 herein, wherein the petitioner was respondent No.2.  
The said appeal was accepted vide the aforesaid judgment in the  
following terms:

"In the light of the above, we partially accept  
both the appeals to the extent that the official  
respondents shall take up the exercise to reconsider  
the seniority of the appellants and respondents No.2  
and 5 and appoint the senior most amongst them on  
regular basis as Naib Tehsildar, while the others may  
be regularized as Naib Tehsildars, while the others may  
vacancies are available for them. But they shall  
remain as Naib Tehsildars for the periods for which  
their promotion as Naib Tehsildar is permissible  
under the law either on current charge basis or on  
acting charge basis."

In pursuance of the above referred judgment of the Tribunal,  
the respondent department issued order dated 14.3.2009 whereby  
the appellant in the said appeal, Abdul Samad, and appellant in the  
connected appeal namely, Hamid Khan, were promoted as Naib  
Tehsildar on regular basis while order in respect of the petitioner, Javid  
Khan, was modified and he was considered as Naib Tehsildar  
(BPS-14) on acting charge basis w.e.f 3.1.2006 when he was promoted  
as Naib Tehsildar (BPS-14) on regular basis.



ATTESTED

As such apart from the fact that the petitioner was not appellant in the case, rather a respondent, therefore, his appeal was not accepted of which he is seeking implementation/execution, the judgment dated 19-5-2008 also stands implemented with issuance of order dated 14-3-2009 referred to above. Therefore, this implementation/execution petition has to be disposed of as having served the purpose.

As regards the contention of the learned counsel for the petitioner that the petitioner has not been granted his due seniority in accordance with the above referred judgment dated 19-5-2008, suffice it to say that the petitioner is well within his right to assail any order affecting his seniority if he is aggrieved of the same, subject to availability of legal right to him to do so. He may avail legal remedy in this respect in accordance with law/rules, and the implementation/execution petition is disposed of as having served the purpose. File be consigned to the record.

ANNOUNCED  
2.10.2013

*Signature*  
Chairman

**Certified to be true copy**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 2-10-2013  
Number of Pages 800  
Copying Fee 6  
Urgent \_\_\_\_\_  
Total 6  
Name of Complainant \_\_\_\_\_  
Date of Completion 20-11-2013  
Date of Delivery of Copy 20-11-2013



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE / REVENUE AND ESTATE DEPARTMENT

(TEHSILDAR, NAIB TEHSILDAR / SUBORDINATE REVENUE SERVICE RULES, 2008)

NOTIFICATION

No. 1942/Estt./135/SSRC dated 23-01-2015

No. 1942/Estt./135/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa, 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 born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

APPENDIX

1	2	3	4	5	6	7
S.No	Nomenclature of 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	<del>Deleted</del>	21-30 years For initial recruitment	(a) Twenty percent by initial recruitment and (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service. (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of Board of Revenue, offices of Commissioners, Deputy Commissioners and Political Agents having five years service as such.

2	3	4	5	6	7
Member / Members Board of Revenue	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
Inspector of	Administrative				By transfer from amongst the Tehsildars
Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21 - 30 years For initial recruitment	<p>(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and.</p> <p>(b) twenty five percent by promotion on the basis of Seniority - cum - fitness from amongst Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar</p> <p>(c) fifteen percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners Offices in the Division concerned, and</p> <p>(d) Ten percent by promotion on the basis of seniority cum fitness from amongst Junior Clerks as Political Muhamms of the offices of Political Agents with atleast ten years service.</p>
3. District Kanungo (Saddar Kanungo) (BPS 14)	Administrative Secretary (SMBR)				By promotion on the basis of seniority cum fitness from amongst the Kanungo of the concerned District with at least three years service as such
4. Head Clerk Revenue (BPS - 14)					By transfer from amongst Naib Tehsildar (Deleted) (Post has been abolished)


1	2	3	4	5	6	7
5	District Revenue Accountant (BPS 14)	Administrative Secretary (SMBR)				By promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
6	Kanungo (RPS - 11)	District Collector				By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungos of the district concerned with three years service as such and who have passed the Departmental examination of Kanungo.
7	Tehsil Accountant	District Collector				By promotion on the basis seniority-cum-fitness from amongst the Naib Tehsil Accountants having three (03) years service as such.
8	Patwari (BPS - 09)	District Collector	Intermediate or equivalent qualification, who have passed the Patwar Examination.		18 to 35	"By initial appointment from amongst the Patwar passed candidate entered in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
9	Naib Tehsil Accountant / Naib Tehsil Office Kanungo	District Collector				By transfer from amongst the Patwaris

*M. N. S.*  
 SECRETARY TO GOVERNMENT  
 REVENUE AND ESTATE DEPARTMENT

7/13/81 Admin. Order/Amendment

Copy forwarded for information and necessary action to the:-

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. \_\_\_\_\_
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.

  
DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

**OFFICE OF THE  
COMMISSIONER KOHAT DIVISION  
KOHAT**

Ph: 0922-9260001-3  
0922-9260232

Fax: 0922-9260305  
0922-9260385

Commissioner Kohat Division, Kohat    commissionerkht    commissionerkohat@gmail.com

No. 1024 /EA/Cmr-Kt

Dated Kohat Mar, 14 2019

To

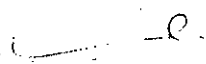
The Assistant Secretary (Estt),  
Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar

**SUBJECT** PROVISION OF FINAL/UNDISPUTED SENIORITY LIST OF  
POLITICAL MOHARRIR FOR THE YEAR-2018.

Memo:


I am directed to refer to your letter No. Estt:V/PF/Seniority List/2018/8625 dated: 08-03-2019, on the above noted subject and to enclose herewith the Original ACRs, Synopsis and Non-Involvement Certificate in respect of the following Political Moharrirs, as desired, please:

1. Hafeez Ud Din.
2. Khaista Akbar.
3. Fazal Rahim.

  
Secretary to Commissioner,  
Kohat Division, Kohat.

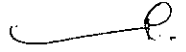
Copy forwarded to the:

1. Deputy Commissioner, Kohat.
2. Deputy Commissioner, Orakzai.
3. Deputy Commissioner, Kurram, w/r to this office memo: No. 1037/EA/Cmr-Kt dated: 13-03-2019, and to request that the requisite information may be furnished **direct** to the quarter concerned, **through special messenger**, under intimation to this office, please.
4. PS to Commissioner, Kohat Division, Kohat.

  
Secretary to Commissioner,  
Kohat Division, Kohat.

**LIST OF TOP TEN POLITICAL MOHARRIRS IN RESPECT OF KOHAT DIVISION 2018.**

S.No	Name	Designation	Qualification	Date of Birth	Domicile	Date of:1 <sup>st</sup> Entry/Appoi ntment into Govt: Service	Date of Regular appointment/ Promotion to the post	Method of Recruitment	Remarks
1	Yousaf Hayat	Junior Clerk	-	30-12-1964	Kohat	05-06-1985	05-06-1985	Direct	Under Inquiry
2	Hafeez Ud Din ✓	Junior Clerk	-	15-06-1967	Kohat	06-02-1988	06-02-1988	-do-	The official is working as PNT (OPS) for about the last 10 years.
3	Warid Khan	Junior Clerk	F.Sc	04-08-1972	Orakzai	07-01-1996	07-01-1996	-do-	
4	Muhammad Anwar	Junior Clerk	B.A	27-04-1986	Kurram	06-04-1998	06-04-1998	-do-	
5	Maeen Ali	Junior Clerk	B.A	01-04-1980	Kurram	03-03-2001	03-03-2001	-do-	
6	Khaista Akbar	Junior Clerk	B.A	15-02-1975	Orakzai	16-07-2002	16-07-2002	-do-	The official is working as PNT (OPS) for about the last 08 years.
7	Mehmood Rehman	Junior Clerk	F.A	01-07-1975	Orakzai	16-07-2002	16-07-2002	-do-	
8	Fazal Rahim	Junior Clerk	B.A	10-10-1978	Orakzai	16-07-2002	16-07-2002	-do-	The official is working as PNT (OPS) for about the last 05 years.
9	Syed Tahir Hussain	Junior Clerk	F.A	11-02-1981	Kurram	16-07-2003	16-07-2003	-do-	
10	Warekhmin Badshah	Junior Clerk	Matric	05-05-1975	Kurram	24-11-2003	24-11-2003	-do-	

  
 Secretary to Commissioner,  
 Kohat Division, Kohat.

**BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 763 / 2019

Javid Khan

Vs

Govt. of KPK etc.

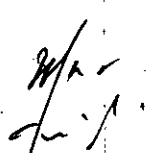
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**INDEX**

\_\_\_\_\_

<b>S.No</b>	<b>Particulars of Due</b>	<b>Dates</b>	<b>Pages</b>
1	Memo Of Reply		1-2
2	Notification	23-01-2015	3-6
3	Certificate	18-08-2008	7
4	Office Order	23-08-2008	8
5	Letter	25-07-2013	9-10
6	Training Certificate	04-10-2019	11

Dated: \_\_05 Nov, 2019

  
(Muhammad Zafar Tahirkheli)  
Advocate

  
(Ansar Ullah Khan)  
Advocate

87 – Al-Falah Street,  
Peshawar Cantt  
Mob: 0300-9597670

①

**BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 763 / 2019

Javid Khan

Vs

Govt. of KPK etc.

=====

**REPLY ON BEHALF OF RESPONDENT NO. 4, HAFEEZ UD DIN,  
NAIB TEHSILDAR**

=====

**RESPECTFULLY SHEWETH,**

**Preliminary Objections:**

1. The appeal has got no locus standi much less any cause of action.
2. The appeal is incompetent in its present form and is thus liable to be dismissed summarily.
3. The departmental appeal does not mention any date of submission, hence the appeal in hand is anfractuous being time bard.

**Para Wise Reply:**

1. Pertains to record.
2. Denied. The appellant has not fulfilled the terms and conditions of his selection as Naib – Tehsildar (B-14), as defined in para 2 and 3 of order dated 03-01-2006.(annexed "B").
3. Pertains to record.
4. Denied. The judgment and order dated 19-05-2008 in service appeal No. 03/2006 is distinguishable from the present appeal. It is necessary to mention that, the appellant failed to approach the worthy tribunal by filing service for regularization of his service in terms with his selection order date 03-01-2006. The appellant is thus estopped by his own conduct to claim any relief at this belated stage.
5. Denied, as it pertains to record and as it distinguishable from the case of Abdul Samad, Hameed Khan and Haider Khan. Moreso the matter is still pending adjudication before the august Supreme Court of Pakistan.  

That the matter of regularization of the appellant with retrospective effect is a past and closed transaction and cannot be re-agitated again.
6. Does not relate to the replying respondent. However the matter is not only badly time barred to be agitated at this very junction but the appellant is also estopped by his own conduct to claim any seniority at this belated stage.
7. Pertains to record.
8. The departmental appeal of the appellant was rightly rejected being time barred.
9. Denied. As service appeal No. 1581/2013 is still pending adjudication and decision regarding appellants seniority is awaited, therefore the appellant has no locus standi, much-less any cause of action to institute the present appeal.



- 10. Denied. The appellant was appointed on quota of 10% exclusively reserved for the Political Muharrirs having 10 years service also fall within the same category for their promotion as Naib Tehsildar BPS-14 on the basis of seniority cum fitness. The promotion of the respondent No. 4 was made on the recommendation of departmental promotion committee meeting held on 19-03-2019 vide order dated 26-03-2019. **(Copy annexed).**

The present appeal is thus barred under section 4 (b) of KP service tribunal act 1974.

- 11. Denied. The matter of respondent No. 4's promotion is in accordance with the law and rules notified vide dated 23-01-2018.

The respondent No. 4 was appointed as Naib Tehsildar BPS-14, being the senior most from amongst the Political Muharrirs, the present appeal is thus not maintainable and is liable to be dismissed.

**Reply on Grounds:**

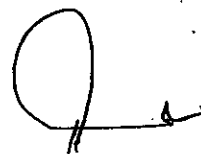
All the grounds taken in para "A" to "L" of the appeal are irrelevant and are against the facts on record, hence liable to be rescinded as such.

The respondent No. 4 being senior most Muharrir of FR Kohat having 25 years experience was posted as Political Naib Tehsildar Jawakai on his own pay scale against a vacant post vide office order dated 23-08-2008. The AC Revenue recommended his regularization to the SMBR on successful completion of his 5 years service as Political NT BPS-14 vide letter dated 25-07-2013. **(Copies annexed)**

The appellant was placed at S. No. 1 of the final/undisputed seniority list of Political Muharrirs for the year 2018. His services were regularized vide order dated 26-03-2019 in accordance with the law. **(Copy annexed)**

The respondent No. 4 has also completed 03 months Settlement Training w.e.f 01-04-2019 to 30-06-2019 & 03 months Revenue Training at Kohat w.e.f 01-07-2019 to 30-9-2019. **(Copies annexed)**

In view of the above, it is most humbly prayed that the appeal being meritless, may kindly be dismissed with cost.



Respondents No 4

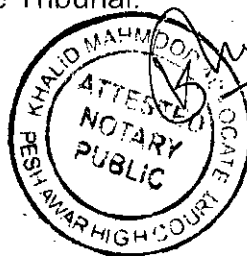
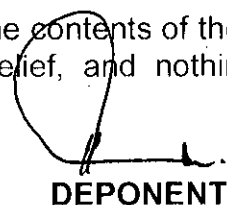
Through:

**(MUHAMMAD ZAFAR TAHIRKHELI)**  
Advocate

Peshawar, dated  
05 Nov, 2019

Affidavit

I, the Respondent No.4, do hereby state on oath that the contents of the above reply are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.

**DEPONENT**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION  
Peshawar, dated 23-01-2015

No. 1942/Estt./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 born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

APPENDIX

1	2	3	4	5	6	7
S.No	Nomenclature of 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	<del>Deleted</del>	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service. (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of Board of Revenue, offices of Commissioners, Deputy Commissioners and Political Agents having five years service as such.

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1	2	3	4	5	6	7
1-A	Member to Senior Member / Members Board of Revenue	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
1-B	Inspector of Stamps	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
2	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	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 in accordance with syllabus, and (b) twenty five percent by promotion on the basis of Seniority - cum - fitness from amongst Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. (c) fifteen percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners Offices in the Division concerned; and (d) Ten percent by promotion on the basis of seniority cum fitness from amongst Junior Clerks as Political Muharrirs of the offices of Political Agents with atleast ten years service."
3	District Kanungo (Saddar Kanungo) (BPS 14)	Administrative Secretary (SMBR)				By promotion on the basis of seniority-cum-fitness, from amongst the Kanungo of the concerned District with at-least three years service as such
4	Head Clerk Revenue (BPS - 14)					By transfer from amongst Naib Tehsildar (Deleted) (Post has been abolished)

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(6)

1	2	3	4	5	6	7
	District Revenue Accountant (BPS 14)	Administrative Secretary (SMBR)				By promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
6.	Kanungo (BPS - 11)	District Collector				By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungos of the district concerned with three years service as such and who have passed the Departmental examination of Kanungo.
7.	Tehsil Accountant	District Collector				By promotion on the basis seniority-cum-fitness from amongst the Naib Tehsil Accountants having three (03) years service as such.
8.	Patwari (BPS - 09)	District Collector	Intermediate or equivalent qualification, who have passed the Patwar Examination.		18 to 35	By initial appointment from amongst the Patwar passed candidate entered in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
9.	Naib Tehsil Accountant / Naib Tehsil Office Kanungo	District Collector				By transfer from amongst the Patwaris:

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Sd/-  
 SECRETARY TO GOVERNMENT  
 REVENUE AND ESTATE DEPARTMENT

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No 1943-S1/Sl:1/135/SSRC

Copy forwarded for information and necessary action to the:-

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 Deputy Commissioners, 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.

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

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110-110 Noor-ul-Basar

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7



OFFICE OF THE  
DISTRICT COORDINATION OFFICER  
KOHAT

No. 2624 /DCO/PA  
Dated: 18/3/2008

CERTIFICATE

This is to certify that Mr. Hafeez-ud-Din is senior most Moharrir  
of FR Kohat and competent to perform duty as Political Naib  
Tehsildar, having twenty years experience as Political Moharrir FR  
Kohat.

*[Signature]*  
District Coordination Officer,  
Political Agent FR Kohat.

AP  
18/3/08

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FATA SECRETARIAT  
(COORDINATION & ADMINISTRATION DEPARTMENT)  
WARSAK ROAD PESHAWAR



OFFICE ORDER

The following posting/transfers of Political Naib Tehsilidars are hereby ordered with immediate effect:-

S.No.	Name	From	To	Remarks
1	Mr. Fatchullah	Waiting for posting at FATA Secretariat	PNT Kurram Agency	Against the vacant post
2	Mr. Hafiz-ud-Din	Political Kohat	FR PNT Jawakai (OPS) Kohat	Against the vacant post

ADDITIONAL CHIEF SECRETARY (FATA)

No. FS/E/100-57 (Vol-5)/7589-99  
Dated 28/12/2008  
Copy to:-

1. Senior Member Board of Revenue NWFP
2. Secretary Law & Order Department, FATA Secretariat
3. Additional Accountant General (PR) Sub Office Peshawar
4. Regional Coordination Officer Kohat
5. Political Agent Kurram Agency
6. Deputy Secretary Law & Order Department, FATA Secretariat
7. Agency Accounts Officer Kurram Agency
8. District Accounts Officer Kohat
9. PS to Additional Chief Secretary, FATA Secretariat
10. PS to Secretary (Admn & Coord) Department, FATA Secretariat
11. Officials concerned.

*(Signature)*  
(IHSANULLAH KHAN)  
Section Officer (Estab)

7/12/08  
2008  
2008

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OFFICE OF THE  
COMMISSIONER KOHAT DIVISION  
KOHAT

No. 2007 /PT/PNT/EA/Cmr-Kt

Dated Kohat July, 25, 2013

To

The Senior Member,  
Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.


SUBJECT: APPOINTMENT AS NAIIB TEHSILDAR ON REGULAR BASIS

Sir,

I am directed to refer to the above noted subject and to say that Deputy Commissioner, Kohat has recommended Mr. Hafiz-ud-Din, Political Moharrir presently working as PNT, ER Kohat for promotion to the post of Naib Tehsildar on regular basis.


The Deputy Commissioner, Kohat intimated that the official concerned is performing his duties efficiently as PNT, Jawaki, ER Kohat for the last 05 years with great zeal & zest. He is devoted to his work especially to the assignment/ tasks given to him. He has good command over all complicated issues. He knows well the office procedures, having good behaviour with his superiors.

The request/ recommendation of Deputy Commissioner, Kohat in respect of the above mentioned official for appointment as Naib Tehsildar on regular basis, duly supported by this office is forwarded for further necessary action, please.

  
Assistant to Commissioner (Rev/GA),  
Kohat Division, Kohat.

Encls: No. & Date Even

- Copy forwarded to the:
1. Deputy Commissioner, Kohat, with reference to his memo No. 1049/DC/KT dated: 19-07-2013.
  2. P.S to Commissioner, Kohat Division, Kohat.

  
Assistant to Commissioner (Rev/GA),  
Kohat Division, Kohat.

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SIX MONTHS TRAINING PROGRAMME IN RESPECT OF MR. HAFIZ-U-DIN  
 NAIB TEHSILDAR WITH EFFECT FROM 01.04.2019 TO 30.09.2019.

16

1.	SETTLEMENT TRAINING IN SETTLEMENT NOWSHERA	3 MONTHS WITH BREAK-UP AS UNDER W.E.F. 01.04.2019 TO 30.06.2019
i)	Preliminary/preparation work pertaining to Settlement Operation	2 days.
ii)	Measurement work on the spot	1 month & 14 days.
iii)	Preparation	1 month & 14 days.
2.	REVENUE TRAINING IN TEHSIL KOHAT.	3 MONTHS WITH BREAK-UP AS UNDER W.E.F. 01.07.2019 TO 30.09.2019
i)	To acquire working knowledge of Revenue records and also undergo on attachment with Kamungo Office.	One month.
ii)	To acquire working knowledge of Revenue record and also undergo on attachment with Wasil Baqi Nawis.	One month.
iii)	To acquire working knowledge of revenue record also undergo on attachment with Sub-Registrar.	10 days.
iv)	To acquire working knowledge of revenue record also undergo on attachment with Mohamir to Tehsil.	10 days.
v)	To learn as to how the crop inspection is carried out on the spot, they should work with an efficient Patwari, during the coming harvest if it is on far.	10 days.

*[Handwritten signature]*  
 Secretary (Estt.)

**TRUE COPY**

*[Handwritten mark]*

FROM: TEHSIL OFFICE

FOR NO. 1012213289

**TRUE COPY**

11

OFFICE OF THE  
DEPUTY COMMISSIONER  
KOHAT



No. 842 / DC/KT  
Dated 04-10-2019

To

The Secretary,  
Board of Revenue, Khyber Pakhtunkhwa.

SUBJECT: COMPLETION OF REVENUE TRAINING

I am to refer the above subject and to state that in pursuance of Revenue & Estate department Khyber Pakhtunkhwa Peshawar Notification No.Estt:V/DPC/Meeting/2018 10340-44 dated 26-3-2019. Mr.Hafeez ud Din Naib Tehsildar (U//T) has completed three months Revenue Training with undersigned w.e.f. 01-7-2019 to 30-9-2019 successfully.

  
Deputy Commissioner  
Kohat

CC  
PS to SMBR Khyber Pakhtunkhwa  
PS to Commissioner, Kohat Division, Kohat

Deputy Commissioner  
Kohat

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**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 763/2019

Javid Khan

VS

Chief Secretary KP & others

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-4) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Admitted correct by the respondents department as well as private respondent No.4 that para 1 of the appeal is correct.
2. Incorrect. The appellant was regular promoted to the post of Naib Tehsildar after proper DPC but his p promotion was modified to acting charge on the basis of judgment dated 19.06.2008 given by this august Tribunal in Appeal No.03/2006, which was already attached as annexure C&D with appeal. Moreover there is 10 % quota of junior clerk to the post of Naib Tehsildar which is annexed as Annexure-B with the reply of respondent No.4.
3. Admitted correct by the respondents, hence no comments.
4. Respondent department admitted correct para-4 of the appeal, while private respondent No.4 mentioned in his reply that the appellant has failed to approach the worthy Tribunal by filling service appeal for regularization of his service but in this respect it is necessary to mentioned here that the appellant has filed service appeal No. 1581/2013 which is still pending in this august Tribunal.
5. Correct to the extent that Abdus Samad Hameed Khan and Haider Hussain were promoted to the post of Naib Tehsildar on regular basis and the appellant and Qaiser Khan "whose were junior clerk" were promoted to the post of Naib Tehsildar on acting basis and then Qaiser Naz junior to the appellant was promoted on regular basis

which was challenged by the appellant in this august Tribunal in appeal. No.1581/2013 which is still pending in this august Tribunal.

6. Incorrect. As replied in para-2&5 above.
7. No comments.
8. Incorrect. The departmental appeal of the appellant was rejected for no good ground.
9. Incorrect. The appellant has good cause of action to file the instant appeal as respondent No.4 was much junior to the appellant but he was promoted the post of Naib Tehsildar on regular basis on 26.03.2019, while the appellant is working on the post of Naib Tehsildar on acting charge basis since 2009.
10. Not replied according to para-10 of the appeal. Moreover para-10 of the appeal is correct.
11. Incorrect. The appellant is senior from the private respondent No.4 which is also reflected from the seniority list attached as Annexure-A with the appeal, therefore the promotion of private respondent No.4 who is junior most to the appellant is violation of promotion policy as well as law and rules.

**GROUND:**

- A) Incorrect. The impugned orders are not in accordance with law, facts, norms of justice and material on record, therefore not tenable and liable to set aside.
- B) Incorrect. The appellant as well as private respondent No.4 were working as junior clerk in the respondent department and the appellant was senior most promoted to the post of Naib Tehsildar on acting charge basis in 2009 and has right to be promoted on regular basis, but despite that appellant was deprived from promotion on regular basis by promoting private respondent No.4 to the post of Naib Tehsildar on regular.
- C) Not replied according to Para C of the appeal. Moreover Para C of the appeal is correct.
- D) Incorrect. While Para D of the appeal is correct.
- E) First portion of Para E is admitted correct hence no comments, while the rest of Para is incorrect hence denied as private respondent No.4 was much junior to the appellant but he promoted on regular basis while the appellant is working since 2009 on acting charge basis.

- F) Admitted correct as the service record of the appellant is present with the department.
- G) Incorrect. The appellant as well as private respondent No.4 were working as junior clerk in the respondent department which also reflect from the seniority list attached with main appeal as well as from the seniority list attached by the respondent with their reply.
- H) Incorrect. As replied in para G above.
- I) No comments.
- J) Not replied according to para J of the appeal. Moreover para J of the appeal is correct.
- K) Incorrect. While para J of the appeal is correct.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Through:

APPELLANT

(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT



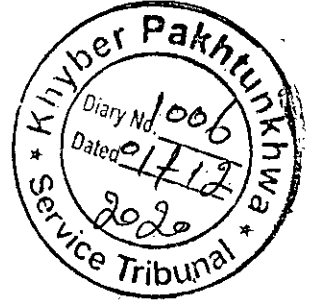
AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No.763/2019



Put up to the court with relevant appeal -

Javed Khan

V/S

Revenue Department

1/12/2020

.....  
APPLICATION FOR PLACING ON FILE CERTAIN DOCUMENTS ATTACHED HEREWITH THE APPLICATION TO MEET THE END OF JUSTICE.

Deodu

**RESPECTFULLY SHEWETH:**

1. That the above mentioned appeal is pending before this august Tribunal.
2. That the instant appeal is in arguments stage and fixed for today i.e 01.12.2020
3. That the appellant wants to place on file some documents in the instant appeal which are necessary for ends of justice and fair conclusion. The attached documents annexed with the application are annexure-A,B&C which are from page 01 to 15.

It is, therefore, most humbly prayed that on the acceptance of this application, attached documents annexed with this application may please be placed on file as a part of instant appeal for this august Tribunal considerations to meet the ends of justice and to reach the fair conclusion.

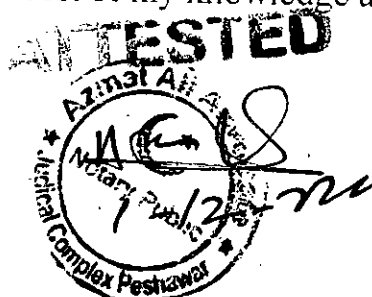
APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

**AFFIDAVIT**

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.



  
DEPONENT

A ①

**SENIORITY LIST OF JUNIOR CLERKS IN THE OFFICE OF COMMISSIONER, KOHAT DIVISION,  
KOHAT, AS IT STOOD ON 31.12.2000.**

S. No.	Name of Official.	Date of Birth with locality	Educational Qual.	Date of first entry into Govt. Service	Date of Regular appointment	Date of Selection Grade to the next higher scale.	Method of appointment (Direct/Promotion)	Remarks.
1	Mr. Nabi Khan	01.12.1963 Hangu	M.A	27.05.1990	27.05.1990	04.03.1999	Direct	-
2	Mr. Muhammad Waqas Shah	02.02.1971 Kohat	F.A	25.07.1990	25.07.1990	30.12.2000	Direct	-
3	Mr. Zia Ahmad	15.05.1966 Kohat	B.A	26.05.1991	26.05.1991	30.12.2000	Direct	-
4	Mr. Shah Hussain	12.04.1971 Kohat	SSC	22.10.1991	22.10.1991	30.12.2000	Direct	-
5	Mr. Muhammad Shoaib-II	01.01.1968 Kohat	B.A	09.12.1990	28.06.1993	30.12.2000	Direct	-
6	Mr. Inayatullah	17.03.1973 Karak	SSC	28.06.1993	28.06.1993	-	Direct	-
7	Mr. Asghar Khan	01.05.1969 Kohat	B.A	25.11.1992	28.06.1993	-	Direct	Working in D.P.C Kohat.
8	Mr. Gul Rahim	08.10.1970 Kohat	SSC	14.05.1992	28.06.1993	-	Direct	-
9	Mr. Yaqub Muhammad	28.03.1966 Kohat	SSC	02.05.1984	04.01.1986	-	By transfer from plus pool on 24.4.99.	-
10	Mr. Shaukat Mehmood	09.10.1965 Kohat	SSC	03.06.1986	21.01.1987	-	-do-	-
11	Mr. Hazratullah	02.02.1969 Karak	SSC	11.11.1991	15.02.1995	-	-do-	-

Endst. No. 820-21 /Acctt.

Dated Kohat the: 10-02/2001.

Copy forwarded for information to the :-  
1) Secretary to Commissioner, Kohat.  
2) Assistant to Commissioner (Dev.) Kohat.  
3) Officials concerned.

COMMISSIONER,  
KOHAT DIVISION, KOHAT.

FOR COMMISSIONER,  
KOHAT DIVISION, KOHAT.

(2) (84)

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON  
15.2.1992 AT 10.00 A.M UNDER THE CHAIRMANSHIP OF COMMISSIONER,  
KOHAT DIVISION, KOHAT.  
=====

The following attended : -

- 1) Commissioner, Kohat Division, Kohat. ( In Chair )
- 2) Asstt: Secretary, Board of Rev:,NWFP, ( Member )  
Peshawar.
- 3) Asstt: to Commissioner(Rev/GA), ( Member )  
Kohat Division, Kohat.

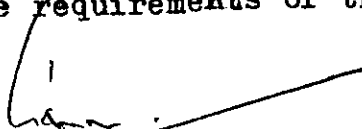
One post of Junior Scale Stenographer, one post of Senior Clerk and one post of Junior Clerk included in the agenda of the following officials were placed before the committee for consideration/regularisation : -

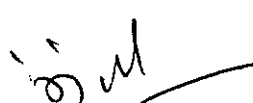
- 1) Mr. Shahzad Khan (Adhoc Junior Scale Stenographer)
- 2) Mr. Mohammad Shuaib-I as Senior Clerk.
- 3) Mr. Mohammad Shuaib-II as Junior Clerk.


It was pointed out by the Asstt: to Commissioner (Rev/GA) that two posts of Junior Scale Stenographers were advertised during the year 1990. One post was filled up by initial recruitment in the Departmental Selection Committee meeting held on 14.10.1990, but due to non availability of suitable candidate, the other post was filled up by adhoc appointment of Mr. Shahzad Khan, Senior Clerk of this office. In place of Mr. Shahzad Khan one Mr. Mohammad Shuaib-I Senior Most Junior Clerk was promoted as Senior Clerk subject to the regularisation of Mr. Shahzad Khan. In place of Mr. Mohammad Shuaib-I one Mr. Mohammad Shuaib-II was appointed as Junior Clerk on stop gap arrangement subject to the regularisation of above said officials by the Departmental Promotion Committee.

The Committee, perused the record and synopsis from the Annual Confidential Reports of Mr. Shahzad Khan and Mr. Mohammad Shuaib-I and unanimously recommended the regularisation their Services as Junior Scale Stenographer and Senior Clerk respectively.

As regards the regularisation of Mr. Mohammad Shuaib-II as J/Clerk, it was decided that the post would be advertised to fulfill the requirements of the rules.

  
Chairman/Commissioner,  
Kohat Division, Kohat.

  
Asstt: Secretary,  
Board of Revenue,  
NWFP, Peshawar.

  
Asstt: to Commissioner  
(Rev/GA), Kohat Division,  
Kohat.



3

OFFICE OF THE COMMISSIONER,  
KOHAT DIVISION, KOHAT.

No. /AG-I

Dated: April, 2001.

ORDER.

In pursuance of recommendations of DP/SC held on 7<sup>th</sup> April 2001, the following officials are hereby promoted/selected as Naib Tehsildars(BPS-14) purely on temporary basis, with immediate effect till the arrival of nominees of NWFP Public Service Commission: -

1. Mr. Abdul Samad, Asstt., Commissioner's Office Kohat  
(Already working as N.T on Current Charge basis)
2. Mr. Hameed Khan, Assistant, Commissioner's Office, Kohat  
(Already working as N.T on Current Charge basis)
3. Mr. Umar Hayat, Stenographer, PA's Office Kurram Agency
4. Mr. Muhammad Shoaib-II, Junior Clerk, Commissioner's Office Kohat
5. Mr. Muhammad Iqbal, Kanungo (Already working as NT/DRA)


The above promotion/appointment will not confer on them any right of regular promotion/appointment.

Sd/-xxx  
( AMJAD NAZIR )  
COMMISSIONER,  
KOHAT DIVISION, KOHAT.

Endst: No. 1857-71 /AG-I Dated: 10 April, 2001.

Copy to the :-

- 1) Secretary, Board of Revenue, NWFP Peshawar.
- 2) Deputy Commissioners, Kohat/Karak/Hangu.
- 3) Political Agents, Kurram/Orakzai
- 4) District Accounts Officers, Kohat/Karak.
- 5) Agency Accounts Officers, Kurram/Orakzai.
- 6) Officials concerned.
- 7) Office order file.

  
FOR COMMISSIONER,  
KOHAT DIVISION, KOHA



**OFFICE OF THE  
COMMISSIONER KOHAT DIVISION  
KOHAT**

Ph: 0922-9260001-3  
0922-9260232

Fax: 0922-9260105  
0922-9260385

4

Commissioner Kohat Division, Kohat    commissionerkht    commissionerkohat@gmail.com

No. 7006 /EA/Cmr-Kt

Dated Kohat Jan 30, 2020

**ORDER:**

In pursuance of Board of Revenue, Khyber Pakhtunkhwa, Peshawar letter No. Estt:/Posting/Transfer/Policy/1013-55 dated: 09-01-2020, postings/transfers of the following Tehsildars in Kohat Division are hereby ordered with immediate effect in the best public interest:

S.No	Name	From	To
1	Muhammad Shoaib	Tehsildar Kohat	Inspector of Stamps, Commissioner Office Kohat (Vice S.No.3)
2	Asghar Ali	Tehsildar Hangu	Tehsildar Kohat (Vice S.No.1)
3	Muhammad Arshad	Inspector of Stamps, Commissioner Office Kohat	Tehsildar Hangu (Vice S.No.2)
4	Muhammad Arif	Tehsildar Karak	Tehsildar Lachi, Kohat (Vice S.No.5)
5	Nawab Khan	Tehsildar Lachi	Tehsildar Karak (Vice S.No.4)
6	Abdul Karim	Tehsildar Gumbat	Tehsildar Thall (Vice S.No.7)
7	Rahim Shah	Tehsildar Thall	Tehsildar Gumbat (Vice S.No.6)

-Sd-  
**COMMISSIONER,  
KOHAT DIVISION, KOHAT.**

Copy forwarded to the:

1. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Kohat, Karak and Hangu.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officer, Kohat, Karak and Hangu.
5. PS to Commissioner, Kohat Division, Kohat.
6. Officers concerned.

**Secretary to Commissioner,  
Kohat Division, Kohat.**

**MOST IMMEDIATE.  
BY FAX.**

No. 2589-93 /AG-I.

B (5)

Dated Kohat the 26/4/2000.

From : The Commissioner,  
Kohat Division, Kohat.

- To :
1. The Deputy Commissioner, Kohat (By hand)
  2. The Deputy Commissioner, Karak (By Fax)
  3. The Deputy Commissioner, Hangu -do-
  4. The Political Agent, Kurram -do-
  5. The Political Agent, Orakzai -do-

Be

*[Handwritten mark]*

Subject: LIST OF ELIGIBLE OFFICIALS FOR  
CONSIDERATION TO THE POST OF N.T.

Delet  
27/4

Memo:

In order to fill up the vacant posts of Naib Tehsildars from amongst the subordinate service of Kohat Division on regular/acting charge basis in a meeting of departmental Promotion/Selection Committee which will be convened in the near future, you are requested to please furnish the list of ~~eligible~~ officials (revenue/ministerial) of your respective offices who are otherwise eligible for appointment against the post of Naib Tehsildar as provided under the West Pakistan, Tehsildari and Naib Tehsildari Service rules, 1962 read with Govt: of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 on the following format alongwith Character rolls (entire service), Synopsis of Annual Confidential Reports (four copies) and certificate to the effect that there is no pending case of departmental/anti-corruption/judicial inquiry against the official concerned, within week's time positively failing which it will be presumed that there no eligible official for the purpose in your office :-

S.No.	Name/designation and scale.	Date of birth with domicile.	edu: Qual:	Date of first entry into Govt: service.
1.	2.	3.	4.	5.

Date of promotion/ appointment to the present post/scale.	Date of confirmation to the present post/scale.	Date of attaining the age of 50-years.
6.	7.	8.

4643-1  
26/4/2000

Present posting.	Experience.	Remarks.
9.	10.	11

*[Signature]*  
FOR COMMISSIONER,  
KOHAT DIVISION.

No. 3551 /D/BC/3I-Tehsildar.

83  
6  
Dated 23-3-2000

From

The Deputy Commissioner, Kohat.

To

The Commissioner,  
Kohat Division, Kohat.

Subject -

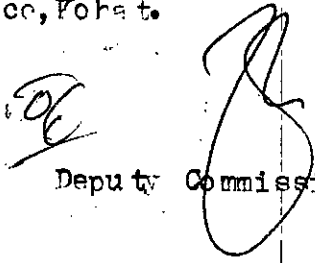
LIST OF ELIGIBLE OFFICIALS FOR  
CONSIDERATION TO THE POST OF  
NAIB TEHSILDAR.

Memorandum.

Reference your letter No. 2589-93/AG, dated  
26-4-2000.

Applications in respect of the following  
Ministerial Staff of this office for appointment as Naib  
Tehsildar are sent herewith along with Synopsis from A.C. Rs  
and required certificate for further necessary action.

- 1) Mr. Faizullah Shah, Steno to APA (FR) Kohat.
- 2) Mr. Safdar Hussain, Senior Clerk, L. A. C. Kohat.
- 3) Iftikhar Ahmad, Deputy Record Keeper VRR  
(Senior Clerk) Kohat.
- 4) Azam Khan, Senior Clerk  
Reader to D. C. Kohat.
- 5) Imraj Gul, Junior Clerk  
Reader to Political Tehsildar, Kohat.
- 6) S. Yahya Hussain, Moharrir (Junior Clerk)  
Vernicular Record Room, Kohat.
- 7) Shahid Pervez, Junior Clerk  
(Reader to EAC-II) Kohat.
- 8) Mohammad Azam Khan, Junior Clerk  
(Levy Clerk) D. C. Office, Kohat.
- 9) Mr. Qaiser Naz, Junior Clerk,  
D. C.'s Office, Kohat.

  
Deputy Commissioner, Kohat.

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE  
MEETING HELD UNDER THE CHAIRMANSHIP OF  
COMMISSIONER, KOHAT DIVISION ON 7-4-2001.

A meeting to discuss the promotion/selection of Naib Tehsildars was held under the Chairmanship of Mr. Anjad Nazki, Commissioner, Kohat Division at his office. The following attended the Departmental Promotion Committee meeting:

- i) Mr. Ghulam Jeelani,  
Assistant Secretary (Adm),  
Board of Revenue, NWFP.
- ii) Mr. Rashid Ahmad,  
Assistant to Commissioner, Kohat.

2/ After going through the relevant/personal record etc of the officials of all the categories, the following decisions were taken in the light of Tehsildari & Naib Tehsildari Rules, 1962 and other relevant rules/instructions thereon.

Record reveals the following position regarding posts/vacancies of Naib Tehsildars in Kohat Division:

- a) Total sanctioned posts of Naib Tehsildars in the Division. 18
- b) Vacant posts. 9
- c) Out of 9 posts, 4 posts are meant for direct quota for which request has already been made to the NWFP Public Service Commission for recruitment. Five posts are to be filled by promotion/selection.
- d) Keeping in view the above position, the following officials are hereby promoted as Naib Tehsildars.

1- Mr. Amir Muhammad, Kanungo

2- Mr. Rahim Dad, Kanungo

3- Mr. Eyed Muhammad Qaba Qausain, Assistant.

4- Mr. Haider Hussain, Assistant/Reader.

5- Mr. Qaisar Naz, Junior Clerk.

- i) Mr. Haider Hussain has been working as Naib Tehsildar since 18-6-1991 and has gained sufficient experience in the field as such, hence being senior-most temperarary Naib Tehsildar, he was considered for promotion.

To give representation to Junior Clerks  
Mr. Galani Naz was considered for promotion  
because:-

He has always successfully completed  
sensitive tasks assigned to him in a  
very confidential manner in R.B. Kohat  
in the best interest of public and  
administration.

He is the only minority member of the  
Ministerial staff in Kohat Division.

Recently two Naid Tehsildars of this Division  
named Mr. Iftikhar Ahmad and Masood Hassan  
have been promoted on current charge basis  
as Tehsildars vide Board of Revenue, NWFP,  
Notification dated 29-3-2001. One of these two  
posts will go to the quota of direct Naid Tehsil  
and the NWFP Public Service Commission will be  
requested for the said recruitment after the  
regular promotion of Naid Tehsildars, as mentioned  
above. While the other vacancy falls to the  
promotees quota, hence Mr. Gulshan Mehmood, Kanungo  
is hereby promoted on current charge basis  
against this vacancy.

Four posts of Naid Tehsildars meant for direct quota  
are lying vacant for which NWFP Public Service Commission has been  
requested for recruitment. While one other post is meant for the  
direct quota after regular promotion of Naid Tehsildars, as mentioned  
in Para-2(e) above.

In order to fill up these vacancies the following  
officials are promoted on temporary basis till  
arrival of the nominees of the Public Service  
Commission.

Mr. Abdul Samad, Assistant already working  
as Naid Tehsildar on current charge basis.

Mr. Hameed Khan, Assistant already working  
as Naid Tehsildar on current charge basis.

Mr. Umar Hayat, Senior Scale Stenographer, Kurram Agency  
Mr. Muhammad Sherif-II, Junior Clerk,  
Commissioner's office, Kohat.

Mr. Muhammad Iqbal, Kanungo already working as DWA  
on current charge basis.

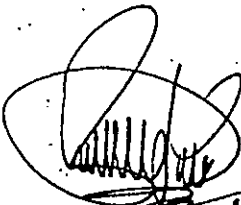
- v)
- iv)
- iii)
- ii)
- i)


- e)
- b)
- a)
- ii)


Ministerial

4/ The officials promoted/selected as Naib Tehsildars mentioned at Serial No.3,4 and 5 of Para.2(d) above will have to undergo Revenue training under the Rules, hence the following officials are allowed to work as Naib Tehsildars on acting charge basis in their own pay and scale till the completion of Revenue training of the above promotees.

- i) Mr. Mirza Ali, Kanunge, working as DRA Hangu.
- ii) Mr. Abdul Nabi, Kanunge, working as PNT(PR)Sadda.
- iii) Mr. Muhammad Nasir, Junior Clerk, office of Deputy Commissioner, Hangu.

  
7.4.2011  
( GHULAM JEELANI )  
Assistant Secretary (Admn)  
Board of Revenue, NWFP  
(Member)

  
( RASHID AHMAD )  
Assistant to Commissioner  
(Member)

  
( AMJAD NAZIR )  
Commissioner, Kohat Division  
(Chairman)

OFFICE OF THE COMMISSIONER,  
KOHAT DIVISION, KOHAT.

No. 1836-49/AG-I

Dated: 10 April, 2001.

10

ORDER.

In pursuance of recommendations of DP/SC meeting held on 7<sup>th</sup> April, 2001, the following officials of subordinate service as defined in rule-2(13)(a) of West Pakistan Tehsildari & Naib Tehsildari Services Rules 1962 read with Govt. Servants (Appointment, Promotion and Transfer) Rules, 1989, are hereby selected/promoted as Naib Tehsildars (BPS-14) on regular basis with immediate effect on usual terms & conditions :-

1. Mr. Amir Muhammad, Kanungo, District Karak
2. Mr. Rahim Dad, Kanungo, District Kohat.
3. Syed Muhammad Qaba Qausain, Assistant DC Office Kohat
4. Mr. Haider Hussain, Assistant, Commissioner's Office, Kohat
5. Mr. Qaisar Naz, Junior Clerk, DC Office Kohat.

The appointment of M/S Syed Muhammad Qaba Qausain, Haider Hussain and Qaisar Naz will be subject to the successful completion of prescribed pre-service Settlement / Revenue training.

They are placed under training for a period of six months and directed to report to Deputy Commissioner, Kohat immediately for under going six months Settlement/Revenue training of equal duration.

(AMJAD NAZIR) /  
COMMISSIONER,  
KOHAT DIVISION, KOHAT.

Endst: No. 1837-49 /AG-I.

Dated Kohat the: 10 April, 2001.

Copy forwarded to the: -

- 1) Secretary, Board of Revenue, NWFP Peshawar.
- 2) Deputy Commissioners, Kohat/Karak/Hangu.
- 3) Political Agents, Kurram/Orakzai.
- 4) District Accounts Officers, Kohat/Karak.
- 5) Officials concerned.
- 6) Office order file.

FOR COMMISSIONER,  
KOHAT DIVISION, KOHAT.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the October 30, 2012

11

NOTIFICATION

NO.SOE.II(ED) 2(192)2012- Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following PMS BS-17 (Acting Charge)/Tehsildars to the post of Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1	Mr. Sajid Nawaz
2	Mr. Kashmir Khan
3	Mr. Khalid Qayyum
4	Mr. Muhammad Yousaf Kareem
5	Mr. Muhammad Imran
6	Mr. Sohail Ahmed Khan
7	Mr. Muhammad Shah Jamil
8	Mr. Naveed Akber
9	Mr. Hamid Ali Gigyani
10	Mr. Akber Shah
11	Mr. Muhammad Ali Shah
12	Mr. Muhammad Zaman Khattak
13	Mr. Bagh Bostan
14	Mr. Amjad Ali
15	Mr. Safdar Azam Qureshi
16	Mr. Sajid Hussain
17	Mr. Israr Ahmad
18	Mr. Muhammad Fahim
19	Mr. Adalat Khan
20	Mr. Said Qadir
21	Mr. Jan Alam
22	Mr. Abdul Wali Khan
23	Mr. Samiullah
24	Mr. Abdul Naseer

25.	Mr. Haider Hussain
26.	Mr. Qaisar Naz ✓
27.	Mr. Muhammad Riaz
28.	Mr. Muhammad Naib Din
29.	Mr. Abdul Latif
30.	Mr. Qaisar Khan

157

(2)  
12

2. On promotion the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act 1973, read with Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Consequent upon above, the following postings/transfers are ordered with immediate effect:-

S.#	Name of Officer	From	To
1.	Mr. Sajid Nawaz	DO(R), Bannu.	Retained on the same post and station.
2.	Mr. Kashmir Khan	Tehsildar/ Inspector Stamps, D.I.Khan	DDO(R), Paharpur D.I.Khan against the vacant post.
3.	Mr. Khalid Qayyum	Tehsildar, Irrigation D.I.Khan	DDO(R), D.I.Khan against the vacant post.
4.	Mr. Muhammad Yousaf Kareem	Political Tehsildar, FR Kohat	DDO(J), Hangu against the vacant post relieving Mr. M. Abid, DDO(R), Hangu of the additional charge of the post.
5.	Mr. Muhammad Imran	Assistant Commissioner, Malakand	to Retained on the same post and station
6.	Mr. Sohail Ahmed Khan	DDO(J), Khawazakhela.	Retained on the same post and station.
7.	Mr. Muhammad Shah Jamil	Tehsildar, Lal Qilla Dir Lower	DDO(J), Sharingal Dir Upper against the vacant post.
8.	Mr. Naveed Akber	APA FR, Peshawar.	Retained on the same post and station
9.	Mr. Hamid Ali Gigyani	Finance Officer, MSDP, LG&RDD	Secretary District Public Safety Commission, Peshawar against the vacant post.
10.	Mr. Akber Shah	Tehsildar/Reader to SMBR	Deputy Secretary, Board of Revenue against the vacant post.
11.	Mr. Muhammad Ali Shah	DDO(R), Swabi.	Retained on the same post and station
12.	Mr. Muhammad	DO(R), Kohat.	Retained on the same post and

158  
13  
(3)

Zaman Khattak		station	
13.	Mr. Bagh Bostan	Political Tehsildar, Upper Orakzai	DDO(R), Takhtbhai Mardan against the vacant post.
14.	Mr. Amjad Ali	Tehsildar, Swabi Scarp WAPDA, Mardan	DDO(J), Swabi against the vacant post relieving Syed Muhammad Ali Shah, DDO(R), Swabi of the additional charge of the post.
15.	Mr. Safdar Azam Qureshi	Tehsildar, Mansehra	Secretary District Public Safety Commission, Mansehra relieving Mr. M. Anwar Khan Sherani, DDO(J), Mansehra of the additional charge of the post.
16.	Mr. Sajid Hussain	Tehsildar, Balakot	DDO(F), Haripur against the vacant post
17.	Mr. Israr Ahmad	DDO(R), Booni Chitral.	Retained on the same post and station
18.	Mr. Muhammad Fahim	Tehsildar, Barikot.	DDO(F), Swat against the vacant post.
19.	Mr. Adalat Khan	Political Tehsildar, Khar Bajaur	HRDO, Shangla against the vacant post.
20.	Mr. Said Qadir	Tehsildar, Khal	DDO(F), Shangla against the vacant post relieving Mr. Anwar Zeb, DDO(J), Alpuri Shangla of the additional charge of the post.
21.	Mr. Jan Alam	Tehsildar, Babuzai	Secretary District Public Safety Commission, Dir Upper against the vacant post.
22.	Mr. Abdul Wali Khan	Tehsildar, Dir Upper	DDO(J), Dir Upper against the vacant post relieving Mr. Arshad Ali, DDO(R), Dir Upper of the additional charge of the post.
23.	Mr. Samiullah	Tehsildar, Bannu	DDO(J), Bannu against the vacant post
24.	Mr. Abdul Naseer	Tehsildar, Rajar Swabi.	HRDO, Peshawar against the vacant post
25.	Mr. Haider Hussain	Assistant to Commissioner (Rev), Kohat.	Retained on the same post and station
26.	Mr. Qaisar Naz	Tehsildar, Kohat.	Secretary, RTA, Kohat against the vacant post
27.	Mr. Muhammad Riaz	Tehsildar, Lahor Swabi	DDO(R), Lahor Swabi against the vacant post.
28.	Mr. Muhammad Naib Din	Tehsildar, FATA Sectt:	Section Officer, FATA Sectt: against the vacant post.
29.	Mr. Abdul Latif	Political Tehsildar, Mamund Bajaur	DDO(R), Khado Khel Buner against the vacant post.
30.	Mr. Qaisar Khan	Tehsildar, Gagra Buner	DDO(F), Buner against the vacant post

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

APPENDIX VI

14

SECRET

Appendix C

Form 'C' (Revised) Assistant and Clerks (Vide para 18)

GOVERNMENT OF N.W.F.P.

DEPARTMENT.

HAJIRI KHAN

CONFIDENTIAL REPORT

ending 31st December, 1962.

- 1. Name *Javid Khan*
- 2. Designation. *J/esh*
- 3. Branches in which employed during the year, with period. *Political Mohassiss F.P. Wokel*

- 4. Observance of Office procedure e.g.
  - (i) Referencing and paging of notes and correspondence. *Good*
  - (ii) Keeping files and papers in tidy condition. *Good.*
  - (iii) Promptness and accuracy in disposing of works. *Good*

- 5. Observation on:-
  - (i) Intelligence. *Intelligent*
  - (ii) Knowledge of Procedure and regulations. *good*
  - (iii) Punctuality. *Punctual*
  - (iv) Co-operation with other staff. *Co-operative*
  - (v) Amenability to discipline. *Good*
  - (vi) Skill in drafting. *Good.*

6. Integrity

Assessment

- (i) Incorruptible
- (ii) Reported to be corrupt
- (iii) Believed to be corrupt, because of—
  - (a) Monetary considerations
  - (b) Other considerations

Knowledge of

Fitness for promotion  
General Remarks.

Dated ... 18-3-66

Fit for promotion on his turn. As a whole his performance during the period U/R was good

Reporting Officer's Signature

Name (in BLOCK letters) SHAFIRULLAH

Designation SA-ADA ER Koha

Sec 8

General Remarks by higher Officers.

Dated ... 18-3-66

Countersigning Officer's Signature

Name (in BLOCK letters)

Designation

Handwritten signature of the Countersigning Officer

Sec 8  
Sec 8  
Sec 8

Sec 8  
Sec 8  
Sec 8  
Sec 8  
Sec 8

**APPENDIX VI**

(Vide para 18).

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**SECRET**

Form 'C' (Revised)  
Assistant and Clerks

**GOVERNMENT OF N.W. F. P.**

.....DEPARTMENT.

**CONFIDENTIAL REPORT**

ending 31st December 1903

- 1. Name *Javid Khan*
- 2. Designation. *J/Check*
- 3. Branches in which employed during the year, with period. *political Mohassios F.R. Usket*

4. Observance of Office procedure e.g.

- (i) Referencing and paging of notes and correspondence. *Good.*
- (ii) Keeping files and papers in tidy condition. *Good.*
- (iii) Promptness and accuracy in disposing of works. *Good.*

5. Observation on:-

- (i) Intelligence. *Intelligent-*
- (ii) Knowledge of Procedure and regulations. *good*
- (iii) Punctuality. *Punctual.*
- (iv) Co-operation with other staff. *Co-operative*
- (v) Amenability to discipline. *Good.*
- (vi) Skill in drafting. *Good*

6. Integrity .....

- (i) Incorruptible .....
- (ii) Reported to be corrupt .....
- (iii) Believed to be corrupt, because of—
  - (a) Monetary considerations .....
  - (b) Other considerations .....

Assessment

Knowledge of

Fitness for promotion  
General Remarks.

Fit for promotion on his turn. As a whole his performance during the period VIR was found good.

Dated ... 18/3/06 ...

Reporting Officer's Signature .....

Name (in BLOCK letters) ... SHAFIRULLAH ...

Designation ~~EX ADA~~ FR Kohat .....

Secy

Wakil Bivest

Shahid

General Remarks by higher Officers.

Dated .....

Countersigning Officer's Signature .....

Name (in BLOCK letters) .....

Designation. ....

hosp  
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