


FORM OF ORDERSHEET

Court of _____

Misc. application No. 640/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/09/2023	<p>The Misc. application in Service Appeal No. 1216/2016 submitted today by S.M.B.R through Assistant Secretary Revenue Litigation. It is fixed for hearing before Division Bench at Peshawar on <u>20-09-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p>

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE

REVENUE AND ESTATE DEPARTMENT

Face book ID: www.facebook.com/bor.kpk92

Twitter ID: @RevenueBoardkp

No. Estt: I/Mir laiq /S.A No.1216/2016 20739-41

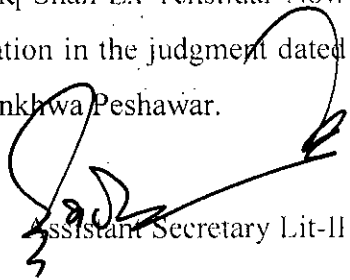
Peshawar Dated the 15 /09/2023.

To

✓ The Registrar Khyber Pakhtunkhwa
Service Tribunal Peshawar.

SUBJECT: APPLICATION UNDER SECTION 152 OF CPC, 1980 BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL FOR RECTIFICATION OF THE DATE OF ACTING CHARGE IN THE JUDGMENT DATED 24.01.2022.

I am directed to refer to your letter No.1409/S.T dated 11.09.2013 on the subject and to re-submit the subject Misc Application along with its enclosures before the Service Tribunal Peshawar in Service Appeal No.1216/2016 of Syed Mir Laiq Shah Ex-Tehsildar Now PMS (BS-17) after the needful is done/completed for review/rectification in the judgment dated 24.01.2022. passed by the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.


Assistant Secretary Lit-II

No. & Dated Even.

Copy forwarded to the:-

1. Advocate General Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. PA to Secretary-1 Board of Revenue Khyber Pakhtunkhwa Peshawar.

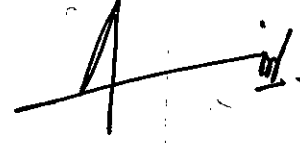
Assistant Secretary Lit-II

The Misc. application in service appeal no.1216/2016 received on 23.08.2023 is incomplete on the following scores which is returned to Senior Member Board of Revenue.(Applicant) for completion and resubmission within 15 days.

Application is not in proper format.

No. 1409 /S.T,

Dt. 11/9 /2023.



REGISTRAR
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

S.M.B.R, KP Pesh.

Dawry No 647/23-8-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SA No. 1216 /2016

MISC APPLI - NO 640/23

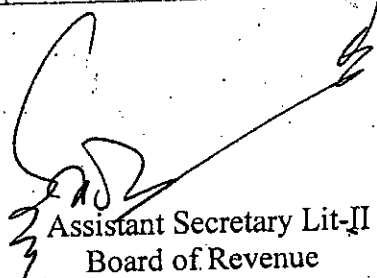
Mr. Syed Mir Laiq Shah Ex-Tehsildar, now PMS BS -17.....Appellant

VERSUS

Chief Secretary Govt. of Khyber Pakhtunkhwa & others.....Respondents

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Assistant Secretary Lit-II
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1216/16 *Misc. appli. no. 640/2023*
Senior Member, Board of Revenue Appellant.

VERSUS

Syed Mir Laiq Shah Ex-Tehsildar *now P.M. (BPS-17)* Respondents.

SUBJECT: APPLICATION UNDER SECTION 152 OF CPC, 1980 BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL FOR RECTIFICATION OF THE DATE OF ACTING CHARGE IN THE JUDGMENT DATED 24.01.2022.

Brief facts of the case are that Syed Mir Laiq Shah while serving as Naib Tehsildar BPS-14, was posted as Tehsildar in his own pay & scale vide order dated 31.05.2008 (**Annexure-A**), subsequently he was appointed as Tehsildar on (ACB BS-16) vide order dated 04.10.2010 (**Annexure-B**) due to non availability of regular post of Tehsildar. Later on a regular vacancy was occurred and the appellant promoted as regular Tehsildar (BS-16) vide order dated 06.04.2015 (**Annexure-C**). Tentative seniority list of Tehsildars as stood on 31.12.2015 was circulated on 09.05.2015 for information of all concerned. The same was objected by the appellant vide application dated 20.05.2016, but his contention was not considered being against the provision of, Rule 8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, "**Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post**" (**Annexure-D**). Final seniority list was issued on 22.07.2016 (**Annexure-E**). Feeling aggrieved, Syed Mir Laiq Shah filed departmental appeal, which was filed vide order dated 11.11.2016 (**Annexure-F**). The appellant filed service appeal before the Service Tribunal with the prayers that the impugned order dated 11.11.2016 may be set aside and the appellant be given proper place in seniority list by counting his service with effect from 31.05.2008 (the date of posting of applicant as Tehsildar in his own pay scale). The Service Tribunal vide judgment dated 24.01.2022 accepted appeal of the appellant with the direction that "**his seniority shall be dealt with under Rule-17(b) of Civil Servants (APT) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as all consequential benefits attached to the post from the date he took over its charge on officiating / acting charge basis i.e. 31.05.2008**" (**Annexure-G**). This Department after consultation with Law Department filed CPLA before Supreme Court of Pakistan power of attorney at (**Annexure-H**). Later on this Department vide Notification dated 05.01.2023 (**Annexure-I**) granted ante-date seniority in light of Judgment of the Service Tribunal Khyber Pakhtunkhwa dated 24.01.2022 to Syed Mir Laiq Shah provisionally / conditionally with all consequential / financial benefits w.e.f 31.05.2008 subject to outcome of CPLA pending before the Supreme Court of Pakistan and forward the said Notification to Establishment Department being Administrative Department for Government servant in BS-17 and


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above. In response Establishment Department vide letter dated 16.03.2023 (**Annexure-J**) stated that the case of the appellant was examined in light of relevant record and judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar. Furthermore, it follows from the concluding Para of the said judgment that the Service Tribunal has directed that **"the inter se seniority of the appellant be dealt with under rule-17(b) of Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989"**. The Establishment Department advised that seniority of the appellant may be fixed in light of Rule-17(b) as required in compliance with the said judgment of the Tribunal, subject to final outcome of the pending CPLA. Rule-17(b) ibid speaks as under:-

"in the case Civil Servants appointment otherwise, with reference to the date of their continuous regular appointment in the post; provided that Civil Servants selected for promotion to the higher post is one batch shall, on their promotion to the higher post, retained their inter se seniority as in the lower post". (Annexure-K).

The case was forwarded to Law Department for advice through this Department letter dated 30.03.2023 (**Annexure-L**). The Law Department replied through letter dated 10.04.2023 and intimated that Administrative Department may take the matter with Finance Department being financial in nature which is the domain of Finance Department (**Annexure-M**). Thereafter the matter was taken up with Finance Department on 28.04.2023 (**Annexure-N**). In response Finance Department opined through letter dated 01.06.2023 that the Officer was appointed on Acting Charge Basis on 04.10.2010 whereas, as per Tribunal Judgment the official is entitled for financial benefits from 31.05.2008 and advised that take up the case with Service Tribunal for rectification of the date of 'acting charge' in the Judgment dated 24.01.2022. As per advice of Finance Department, the case was again placed before the Law Department who advised that Administrative Department may file an early hearing application in the Supreme Court of Pakistan and raise their point regarding rectification of date in the Supreme Court of Pakistan and also to file an application under Section 152 of CPC, 1908 before the Service Tribunal as well for rectification of the lapses raise by the Finance Department.

Keeping in view of the above, the Service Tribunal is requested to rectify the date of Acting Charge i.e. 04.10.2010 instead of 31.05.2008 in the judgment dated 24.01.2022 please.


16/8/23
Senior Member
Board of Revenue

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**GOVERNMENT OF NWFP,
REVENUE & ESTATE DEPARTMENT.**

PESHAWAR DATED THE 31 /05/2008.

NOTIFICATION.

No. _____ /Admn:V/PF(J). With the approval of the Competent Authority, the following postings/transfers amongst officers/officials are hereby ordered with immediate effect in the public interest:-

S.No	Name	From	To
1.	Muhammad Irshad Tehsildar (BS-16)	Tehsildar Matta	Tehsildar Topi District Swabi.
	Mr.Shokat Ali Tehsildar (BS-16)	Tehsildar Toppi	Report to Board of Revenue, NWFP
2.	Mr.Amir Hassan Naib Tehsildar (BS-14)	Naib Tehsildar Matta	Tehsildar Matta own pay scale
3.	Mr.Shah Wazir Naib Tehsildar (BS-14)	On promotion under transfer as DRA Batkhela	Naib Tehsildar Matta.
4.	Mr.Mir Laiq Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue, NWFP	Tehsildar Swabi own pay and scale against vacant post.
5.	S.Qasim Shah Naib Tehsildar (BS-14)	DRA Nowshera	Naib Tehsildar Charsadda.
6.	Muhammad Riaz Naib Tehsildar (BS-14)	Naib Tehsildar Charsadda	Naib Tehsildar Land Acquisition Charsadda against vacant post..
7.	Mr.Faqir Muhammad Naib Tehsildar (BS-14)	On promotion under Transfer as District Kanungo Nowshera.	DRA Nowshera.
8.	Muhammad Nawaz Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue, NWFP	Tehsildar Takht Bahai own pay scale against vacant post.
9.	S.Musaddiq Hussain Kanungo (BS-9)	DRA Hangu own pay scale	Naib Tehsildar Hangu own pay scale
10.	Mr.Gulshan Mehmood Naib Tehsildar (BS-14)	Naib Tehsildar Hangu	DRA Hangu.
11.	Mr.Abdul Naseer Naib Tehsildar (BS-14)	Naib Tehsildar Land Acquisition Peshawar	Sub Registrar-I Peshawar.
12.	Mr.Sarfraz Khan Naib Tehsildar (BS-14)	On his promotion as Naib Tehsildar waiting for posting in Board of Revenue, NWFP	Naib Tehsildar Land Acquisition Peshawar.
13.	Mr.Bakhtiyar Khan Sub Registrar (BS-14)	Sub Registrar-I Peshawar.	Sub Registrar Haripur.
14.	Muhammad Ayub Sub Registrar (BS-14)	Sub Registrar Haripur.	Sub Registrar Batagram against vacant post.
15.	Mr.Muqarab Khan Naib Tehsildar (BS-14)	HCR Buner	Naib Tehsildar Gadizai Buner.
16.	Mr.Behru Mir Naib Tehsildar (BS-14)	Naib Tehsildar Gadizai	DRA Shangla against vacant post.
17.	Mr.Amir Jang Naib Tehsildar (BS-14)	On promotion as Naib Tehsildar under transfer as HCR Batkhela	HCR Buner against vacant post.
18.	Mr.Hidayat Ullah Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue, NWFP	Naib Tehsildar Kalam against vacant post.

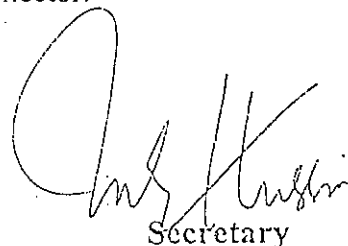
S.No	Name	From	To
19.	Mr. Ikramullah Tehsildar (BS-16)	Deputy District Officer (R) Tank own pay scale	Tehsildar Paharpur.
20.	Mr. Kiramatullah Tehsildar (BS-16)	Tehsildar Paharpur.	Deputy District Officer (R) Tank own pay scale.
21.	Mr. Hazrat Yousaf Assistant (BS-14)	DRA Kohistan own pay scale	DRA Batagram against vacant post.
22.	Mr. Abdul Hamid Tehsildar (BS-16)	RO WAPDA PESCO Peshawar	Tehsildar Nowshera against vacant post.
23.	Mr. Faridoon Tehsildar (BS-16)	Tehsildar Haripur	DDOR Abbottabad against vacant post.
24.	Mr. Haider Zaman Tehsildar (BS-16)	DDOR Balakot own pay scale	Tehsildar Haripur.
25.	Mr. Qaisir Khan Naib Tehsildar (BS-14)	NT Swabi SCARP Mardan	Naib Tehsildar Nowshera.
26.	Mr. Fazal Khaliq Naib Tehsildar (BS-14)	Naib Tehsildar Nowshera	Report to Board of Revenue, NWFP
27.	Mr. Amir Zarin Naib Tehsildar (BS-14)	HCR Shangla	Naib Tehsildar Chakasar.
28.	Mr. Shad Muhammad Naib Tehsildar (BS-14)	Tehsildar Alai own pay and scale	Tehsildar Batagram own pay and scale against vacant post.
29.	Mr. Abdul Ghafar Naib Tehsildar (BS-14)	Naib Tehsildar Alai	Tehsildar Alai won pay scale.
30.	Mr. Habib-ur-Rehman Kanungo (BS-9)	Naib Tehsildar Chakasar own pay scale.	Naib Tehsildar Alai own pay scale.
31.	Mr. Asghar Shah Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue, NWFP	Naib Tehsildar Daud Zai.
32.	Mr. Khurshid Shah Girdawar (BS-9)	Naib Tehsildar Daud Zai circle Peshawar own pay scale	Report to District Officer (Revenue & Estate)/Collector, Peshawar for further posting as Kanungo being most junior Kanungo.

By Order Of
Senior Member,
Board of Revenue, NWFP.

No. 10568-10677, Admn:V/PF(J).

Copy forward to the:-

1. Accountant General, NWFP.
2. Director Land Record, NWFP.
3. PSO to Chief Minister, NWFP.
4. Private Secretary to Revenue Minister, NWFP.
5. Private Secretary to Senior Member Board of Revenue, NWFP.
6. Concerned District Officer (Revenue & Estate)/Collector.
7. Concerned District Account Officer.
8. concerned officer/official.
9. Personal file.
10. Officer order file.


Secretary

Board of Revenue, NWFP.



GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 4/10/2010

NOTIFICATION

No. 18152 /Admin:1/26/Vol:11

The Competent Authority in consultation with Departmental Promotion Committee is pleased to order the appointment of the following Naib Tehsildars (BPS - 14) as Tehsildar (BPS - 16) on Acting Charge Basis with immediate effect.

S.No	Name of official	Remarks
1.	Mr. Ghulam Farooq, Naib Tehsildar	Promoted as Tehsildar (BPS - 16) on Acting Charge Basis
2.	Mr. Naz Amin, Naib Tehsildar	Deferred for want of ACRs for the year 2005, 2006, 2007, 2008 and 2009
3.	Mr. Shamas Gul, Naib Tehsildar	Deferred for want of ACRs for the year 2007, 2008 and 2009
4.	Mr. Javed Hussain, Naib Tehsildar	Promoted as Tehsildar (BPS - 16) on Acting Charge Basis
5.	Mr. Syed Asghar Shah, Naib Tehsildar	Ditto
6.	Mr. Ali Sher Khan, Naib Tehsildar	Ditto
7.	Mr. Tariq Saleem, Naib Tehsildar	Ditto
8.	Mr. Abdul Ghaffar, Naib Tehsildar	Ditto
9.	Mr. Said Rehman, Naib Tehsildar	Ditto
10.	Mr. Kiramatullah, Naib Tehsildar	Ditto
11.	Akbar Iftikhar Ahmad, Naib Tehsildar	Ditto
12.	Mr. Qaiser Khan, Naib Tehsildar	Ditto
13.	Mr. Najeebullah, Naib Tehsildar	Ditto
14.	Mr. Muhammad Ayub Khan, Naib Tehsildar	Ditto
15.	Mr. Abdur Rehman Shah, Naib Tehsildar	Ditto
16.	Mr. Sarir Ahmad, Naib Tehsildar	Ditto
17.	Mr. Hasham Gul, Naib Tehsildar	Ditto
18.	Mr. Muhammad Riaz, Naib Tehsildar	Ditto
19.	Mr. Attaullah, Naib Tehsildar	Ditto
20.	Mr. Musadiq Hussain, Naib Tehsildar	Ditto
21.	Mr. Abdul Qayum, Naib Tehsildar	Ditto
22.	Mr. Muhammad Nawaz, Naib Tehsildar	Ditto
23.	Mr. Mir Laiq, Naib Tehsildar	Ditto
24.	Mr. Nauman Ali Shah, Naib Tehsildar	Ditto
25.	Mr. Muhammad Bashir, Naib Tehsildar	Ditto

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

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

1813-7-60
No _____ /Admn:I/26/Vol:II

Copy to:-

1. All Commissioners in Khyber Pakhtunkhwa
2. Accountant General Khyber Pakhtunkhwa
3. Assistant Secretary (Admn) Board of Revenue Khyber Pakhtunkhwa.
4. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
5. P.A to Secretary Board of Revenue Khyber Pakhtunkhwa.
6. Officer concerned
7. Office Order File
8. Personal File

Assistant Secretary (Estt)
Board of Revenue Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 06/04/2015

NOTIFICATION

No.Estt:V/26/ _____ Consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the promotion of Mr.Mir Laiq Naib Tehsildar (BPS - 14) to the post of Tehsildar (BPS-16) on regular basis with immediate effect.

2. On promotion the above officer 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.

Sd/-
Senior Member

No.Estt:V/26/ 7836-39

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Superintending Engineer (O) PESCO Khyber Circle Peshawar.
3. Officer concerned.
4. Personal File.


Secretary - I

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NWFP CIVIL SERVANTS ACT 1973 (UPDATED UPTO 20th JAN 2009)

THE NWFP CIVIL SERVANTS ACTS, 1973
(N.W.F.P. Act No. XVIII of 1973)

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province.

Preamble- WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, application and commencement:-** (1) This Act may be called the North West Frontier Province Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

3) It shall come into force at once.

CHAPTER-I

PRELIMINARY

2. **Definitions:-** (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,

(b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-

(i) a person who is on deputation to the Province from the Federation or any other Province or other authority;

(ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or

(iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);

(c) "Government" means the Government of the North-West Frontier Province.

(d) "Initial appointment" means appointment made otherwise than by promotion or transfer;

(e) "Pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid;

(f) "Permanent post" means a post sanctioned without limit of times;

(g) "Prescribed" means prescribed by rules;

(2) A civil servant promoted to a post ¹{ } on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. **Seniority:-** (1) For proper administration of a service, cadre or ²{post}, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or ³{post} to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or ⁴{post} as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or ⁵{cadre}, whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, ⁶{cadre} or post shall be determined as may be prescribed.

⁷(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post."

⁸(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. **Promotion:-**(1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a ⁹{higher} post for the time being reserved under the rule for departmental promotion in ¹⁰{ } the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. **Posting and Transfer:-** Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any

1 The words "or grade" omitted by NWFP Ordinance No. IV of 1985, Section 2.
 2 The word "grade" substituted by NWFP Ordinance No. IV of 1985 Section 3(a)
 3 The word "grade" substituted by NWFP Ordinance No. IV of 1985 Section 3(a)
 4 The word "grade" substituted by NWFP Ordinance No. IV of 1985 Section 3(a)
 5 The word "grade" substituted by NWFP Ordinance No. IV of 1985 Section 3(a)
 6 The word "grade" substituted by NWFP Ordinance No. IV of 1985 Section 3(c)
 7 The word "grade" substituted by NWFP Ordinance No. IV of 1985 Section 3(c)
 8 Sub section (4) of Sec-8 substituted by NWFP Ordinance No. IV of 1985 Section 3(d)
 9 Sub section (5) of Sec-8 added by NWFP Act No. I of 1989
 10 The word "higher" inserted by NWFP Ordinance No. IV of 1985 Section-4
 The words "the higher grade of" omitted by NWFP Ordinance No. IV of 1985 Sec-4(b)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22/07/2016

10

12/1

17

Ann-6

OFFICER ORDER.

No. Estt:I/SL/Tehsildar /2015 19095. In pursuance of Section 8 of the Civil Servants Act, 1973 Final Seniority List of Tehsildar (BPS-16) in Khyber Pakhtunkhwa as it stood on 31.12.2015 is hereby published for information of all concerned.

By order of
Senior Member

No. Estt:I/SL/Tehsildar /2015 19096-19128

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Commissioner in Khyber Pakhtunkhwa.
2. All Deputy Commissioner in Khyber
3. Office Order.

They are requested to circulate the same amongst the Assistants, working under their jurisdiction/control for their information.

166
Assistant Secretary (Estt)

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**FINAL SENIORITY LIST OF REGULAR TEHSILDARS BPS-16 IN KHYBER PAKHTUNKHWA
AS STOOD ON 31.12.2015.**

S.No	Name of Tehsildar / Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of promotion as Tehsildar on regular basis	Method of Recruitment	Remarks
1	2	3	4	5	7	8
1	Mr. Nazir Ahmad	01.03.1956 D.I Khan	01.06.1980	12.02.1992	PROMOTEE	Reverted as Tehsildar on 22.10.2013 for a period of 03 years
2	Mr. Ifthikahr Ahmad (BA LLB)	04.06.1961 Haripur	19.07.1991	18.07.2007	SELECTEE	--do--
3	Syed Gulfam Abbas Shah	19.03.1968 DIKhan	01.01.1992	06.09.2008	PROMOTEE	Reverted as Tehsildar on 22.10.2013 for a period of 03 years
4	Mr. Naveed Qadir (BSc)	16.01.1967 Kohat	01.07.1995	20.03.2008	PROMOTEE	TEHSILDAR
5	Mr. Muhammad Ikram Ullah (M.A)	09.3.1965 DIKhan	01.7.1995	06.09.2008	--do--	--do--
6	Mr. Kiramatullah (M.A)	20.1.1964 Tank.	08.1.1981	06.09.2008	--do--	--do--
7	Mr. Daftar Khan (BA)	12.09.1956 Karak	09.4.1981	06.09.2008	--do--	Reverted as Tehsildar on 17.07.2012 for a period of 03 years
8	Mr. Arshad Khan (B.A)	02.03.1980 Peshawar	02.02.2009	02.02.2009	DIRECT	TEHSILDAR
9	Mr. Bakhtiar Ahmad (BA)	15.11.1958 Mansehra	26.01.1981	04.10.2010	SELECTEE	--do--
10	Mr. Nawaz Khan (MA)	02.11.1969 Mardan	03.03.2000	28.06.2013	PROMOTEE	Seniority assign on the basis of Judgement of Service Tribunal dated 07.09.2012.
11	Mr. Arshad Jamil (BA)	07.08.1965 Charsadda	23.01.1986	29.10.2011	--do--	Appointed as PMS on ACB
	Mr. Asad Mehmood Lodhi (BA)	15.04.1972 Mansehra	20.09.1992	29.10.2011	--do--	--do--
	Mr. Tariq Hussain (BA)	22.06.1975 Malakand	09.04.1975	29.10.2011	--do--	--do--

S.No	Name of Tehsildar / Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of promotion as Tehsildar on regular basis	Method of Recruitment	Remarks
1	2	3	4	5	7	8
14	Mr. Noor Muhammad (BA)	14.10.1966 Peshawar	01.03.1986	29.10.2011	--do--	--do--
15	Mr. Zahid Ullah (MA)	20.01.1956 Peshawar	02.03.1976	29.10.2011	--do--	--do--
16	Mr. Azizullah (MA)	17.04.1977 Bannu	17.10.2002	29.10.2011	--do--	--do--
17	Mr. Sher Rehman (BA)	20.04.1965 Charsadda	06.12.1989	29.10.2011	--do--	Appointed as PMS on ACB
18	Mr. Akram Shah (MA)	17.06.1967 Haripur	01.03.1986	29.10.2011	--do--	Tehsildar
19	Mr. Habibullah Wazir	08.10.1972 Bannu	24.04.2006	29.10.2011	--do--	--do--
20	Mr. Hazrat Qamar (MA, LLB)	20.02.1956 Swat	12.05.1975	04.06.2013	--do--	Tehsildar
21	Mr. Muhammad Siddique (BA LLB)	30.5.1957 Peshawar	10.2.1979	04.06.2016	--do--	--do--
22	Mr. Ghulam Farooq (BA)	01.01.1957 Bajaur	23.02.1978	18.06.2013	--do--	--do--
23	Mr. Naz Amin (BA)	12.05.1996 Bajaur	25.11.1981	04.06.2013	--do--	--do--
24	Mr. Ali Sher Khan (BA LLB)	15.02.1978 Peshawar	14.02.2004	04.06.2013	--do--	--do--
25	Mr. Tariq Saleem (BA)	14.08.1971 Tank	14.02.2004	18.06.2013	--do--	--do--
26	Mr. Abdul Ghaffar (BA)	15.12.1974 DIKhan	14.02.2004	04.06.2013	--do--	--do--
27	Mr. Akbar Iftikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	18.06.2013	--do--	--do--
28	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	04.06.2013	--do--	--do--
29	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	27.02.2006	04.06.2013	--do--	--do--
30	Mr. Muhammad Ayub (B.A)	01.03.1964 Bannu	12.06.2006	18.06.2013	SELECTEE	--do--
31	Mr. Muhammad Ghulam (BA)	20.07.1956 Karak	09.01.1985	04.06.2013	PROMOTEE	--do--
32	Mr. Nauman Ali Shah (BCS Honrs)	17.09.1984 Bannu	06.07.2007	04.06.2013	SELECTEE	--do--
33	Mr. Shourin Shah (MA)	01.05.1957 Charsadda	04.04.1981	04.06.2013	PROMOTEE	--do--
34	Mr. Hidayat Ullah (BA)	28.04.1962 Malakand	13.03.1991	04.06.2013	--do--	--do--
35	Mr. Shah Nawaz (BA)	01.10.1959 Lakki	11.11.1981	04.06.2013	--do--	--do--
36	Mr. Muhammad Israr (BA)	19.05.1959 Bannu	18.07.1985	04.06.2013	SELECTEE	--do--
37	Mr. Jehanzeb (BA)	11.04.1965 Mardan	11.05.1991	04.06.2013	PROMOTEE	--do--
	Mr. Anwar-ul-Haq (BA)	01.02.1959 Swat	05.04.1981	04.06.2013	SELECTEE	--do--
	Jamal Ahmad, MA(Ecom)	23.01.1968 Peshawar	14.01.1991	18.06.2013	--do--	--do--
	Hadi, MA	18.04.1960 Karak	23.06.1983	18.06.2013	--do--	--do--
	BA	12.04.1963 Mardan	01.01.1986	18.06.2013	--do--	--do--

S.No	Name of Tehsildar / Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of promotion as Tehsildar on regular basis	Method of Recruitment	Remarks
1	2	3	4	5	7	8
42	Mr. Habib-ur-Rehman (BA)	12.04.1956 Shangla	02.05.1981	18.06.2013	--do--	--do--
43	Mr. Sher Qadar Khan, BA	19-08-1958 Bannu	01.10.1979	18.06.2013	--do--	--do--
44	Mr. Rahman-ul-Mulk, MA	15.05.1958 Dir Lower	09.06.1982	18.06.2013	--do--	--do--
45	Mr. Bakht Jamir Khan, MA	13.06.1957 Swat	07.04.1977	18.06.2013	--do--	--do--
46	Mr. Tariq Usman, MA	08.08.1960 Karak	08.03.1986	18.06.2013	--do--	--do--
47	Mr. Muhammad Rafiq, MA	20.08.1963 Karak	01.02.1988	18.06.2013	--do--	--do--
48	Mr. Abdul Farooq (BA)	07.03.1956 Kohat	20.02.1988	18.06.2013	--do--	--do--
49	Mr. Muhammad Qamar BA	09.03.1970 Mardan	16.03.1992	18.06.2013	--do--	--do--
50	Syed Ayub Shah, BA	20-06-1961 Peshawar	26.05.1981	18.06.2013	--do--	--do--
51	Mr. Gul Ghazi Khan (Matric)	26.01.1959 Karak	16.03.1983	10.02.2015	--do--	--do--
52	Mr. Mukhtiar Ali (Matric)	16.03.1963 Swabi	07.04.1981	10.02.2015	--do--	--do--
53	Mr. Mujahid Ali (Matric)	10.04.1958 Kohat	12.01.1980	10.02.2015	--do--	--do--
54	Mr. Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	10.02.2015	--do--	--do--
55	Muhammad Taj (FA)	31.05.1966 Haripur	27.03.1986	10.02.2015	--do--	--do--
56	Mr. Said Rehman (Matric)	30.10.1958 Mardan	01.10.1980	10.02.2015	--do--	--do--
57	Mr. Kiramatullah (BA)	03.03.1974 Tank	29.11.2004	10.02.2015	--do--	--do--
58	Mr. Abdur Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	10.02.2015	--do--	--do--
59	Mr. Waheed Ahmad (FA)	01.01.1967 Mansehra	29.01.1986	10.02.2015	--do--	--do--
60	Muhammad Hamayun (FA)	16.03.1969 Charsadda	16.03.1987	10.02.2015	--do--	--do--
61	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	10.02.2015	--do--	--do--
62	Mr. Attaullah (Matric)	01.04.1956 Charsadda	06.11.1978	10.02.2015	--do--	--do--
63	Syed Mir Laiq Shah (FA)	27.04.1963 Mardan	08.03.1983	10.02.2015	--do--	--do--
64	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	10.02.2015	--do--	--do--
65	Mr. Asmatullah (Matric)	13.03.1959 Lakki	06.04.1981	10.02.2015	--do--	--do--
	Mr. Hussain Baksh (Matric)	13.04.1956 D.I Khan	01.09.1976	10.02.2015	--do--	--do--

S.No	Name of Tehsildar / Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of promotion as Tehsildar on regular basis	Method of Recruitment	Remarks
1	2	3	4	5	7	8
67	Mr. Fatehullah (FA)	10.10.1958 Tank	01.07.1984	10.02.2015	--do--	--do--
68	Muhammad Akram (Matric)	03.10.1959 Tank	01.12.1983	10.02.2015	--do--	--do--
69	Mr. Mulazim Hussain (Matric)	01.01.1957 Tank	05.07.1984	10.02.2015	--do--	--do--
70	Mr. Afzal Khan (FA)	15.03.1959 Swat	05.04.1981	10.02.2015	--do--	--do--
71	Muhammad Farooq Anwar (Matric)	10.09.1958 Tank	23.12.1985	10.02.2015	--do--	--do--
72	Mr. Kutab Khan (FA)	22.05.1956 Tank	02.07.1986	10.02.2015	--do--	--do--
73	Mr. Ghulam Qasim (FA)	28.08.1958 D.I Khan		10.02.2015	--do--	--do--
74	Mr. Qudratullah (Matric)	20.10.1959 D.I Khan	01.09.1977	10.02.2015	--do--	--do--
75	Mr. Sikindar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	07.07.2015	--do--	--do--
76	Mr. Gulam Abbas (Matric)	15.02.1958 Lakki	11.11.1982	07.07.2015	--do--	--do--
77	Mr. Ibrahim Shah (BA)	04.04.1967 Malakand	17.09.1990	07.07.2015	--do--	--do--
78	Mr. Himayatullah Qureshi (BA)	06.11.1958 Tank	10.01.1978	07.07.2015	--do--	--do--
79	Mr. Abdullah Jan (FA)	17-10-1958 Charsadda	01.09.1977	28.12.2015	--do--	--do--
80	Mr. Miraj Muhammad (FA)	30.09.1958 Charsadda	31.05.1975	28.12.2015	--do--	--do--
81	Mr. Niamatullah (BA)	11.08.1967 Tank	16.06.1990	28.12.2015	--do--	--do--
82	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	28.12.2015	--do--	--do--

Assistant Secretary (Estt.)

11-11-2016

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(15)

(15)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:/PF/S. Mir Laiq Shah/
Peshawar dated the 11/11/2016

To,

Syed Mir Laiq Shah,
Tehsildar Bank of Khyber
Khyber Pakhtunkhwa Peshawar.

SUBJECT: APPEAL AGAINST FINAL SENIORITY LIST DATED 22.7.2016
WHEREBY APPELLANT HAS NOT BEEN GIVEN HIS DUE
POSITION IN SENIORITY LIST BY COUNTING HIS SERVICE
W.E.F. 31.05.2008 AS O/S

Your appeal against the seniority list of Tehsildar issued on 22.07.2016
has been examined and filed by the Competent Authority.

Assistant Secretary

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1216 /2016

Syed Mir Laiq Shah,

Tehsildar Bank of Khyber Pakhtunkhwa

Peshawar.....Appellant

VERSUS

- 1) Chief Secondary Govt. of Khyber Pakhtunkhwa Peshawar.
 - 2) Secretary Revenue, Civil Secretariat, Peshawar.
 - 3) Senior Member Board of Revenue, Civil Secretariat, Peshawar.
-Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL
ACT, 1974 AGAINST FINAL SENIORITY
LIST DATED 22.07.2016 AND
APPELLATE ORDER DATED 11.11.2016
ON DEPARTMENTAL APPEAL DATED
18.08.2016 RECEIVED ON 03.12.2016
ARE ILLEGAL, AGAINST LAW AND
FACTS.

Prayer:

On acceptance of this appeal, order dated 11.11.2016 may please be set aside and appellant may please be given proper place in seniority list by counting his service w.e.f. 31.05.2003 as O.P.S. as per reported

16/17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1216/2016

Date of Institution ... 06.12.2016

Date of Decision ... 24.01.2022

Syed Mir Laiq Shah, Tehsildar Khyber Pakhtunkhwa, Peshawar.
... (Appellant)



VERSUS

Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and others.
... (Respondants)

Amjid Ali,
Advocate ... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Naib Tehsildar BPS-14, was posted as Tehsildar BPS-16 in his own pay & scale vide order dated 31-05-2008, subsequently was appointed as Tehsildar on acting charge basis vide order dated 04-10-2020. The appellant was regularly promoted as Tehsildar vide order dated 06-04-2015. Tentative seniority list of Tehsildars was circulated as stood on 31-12-2015, which was objected by the appellant vide his letter dated 20-05-2016, but his contention was not considered and final seniority list was issued vide order dated 22-07-2016. Feeling aggrieved, the appellant filed departmental appeal, which was filed vide order dated 11-11-2016, hence the instant service appeal with prayers that the impugned order dated 11-11-2016 may be set aside and the

ATTESTED

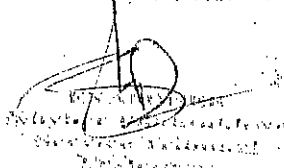
MEMBER (E)
Khyber Pakhtunkhwa Service Tribunal

appellant may be given proper place in seniority list by counting his service with effect from 31-05-2008.

02. Learned counsel for the appellant has contended that the appellant was assigned charge of Tehsildar BPS-16 vide order dated 31-05-2008 in own pay & scale; that the appellant was otherwise fit for regular promotion to the post of Tehsildar and vacancies were also available but the appellant could not be promoted due to the reason that meeting of promotion board could not be convened during the period from 2008 until 2015, when he was regularly promoted vide order dated 06-04-2015; that august Supreme Court of Pakistan in its judgment reported as 2006 SCMR 1938 has held that when there is no fault of civil servant and promotion of civil servant is delayed due to non-convening of promotion board timely, then regular promotion is to be counted from the dated of promotion on acting/officiating basis; that the appellant is entitled for the benefits of salary attaching to such post but also to all consequential benefits from that very date from which he had put on the said post on officiating or acting charge basis.

03. Learned Deputy District Attorney for the respondents has contended that the appellant was posted as Tehsildar vide order dated 31-05-2008 in his own pay & scale due to non-availability of regular Tehsildars; that upon availability of regular post, the appellant was promoted to the post of Tehsildar on regular basis with immediate effect vide order dated 06-04-2015; that under Rule-8(4) of Civil Servant Act, 1973, seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post; that request of the appellant for seniority for the period of his posting in own pay & scale does not cover the rules and needs no consideration; that as per Rule-9(6) of Civil Servant (Appointment, Promotion & Transfer) Rules, 1959, acting-charge appointment shall not confer any vested right for regular promotion to the post

ATTESTED



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held on acting charge basis, therefore, the request of the appellant does not hold the support of any law or rule.

04. We have heard learned counsel for the parties and have perused the record.

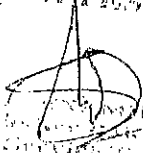
05. The appellant was promoted as Tehsildar in own pay & scale/acting charge basis vide order dated 31-05-2008 and was regularly promoted to the post of Tehsildar vide order dated 06-04-2015. The appellant preferred departmental appeal for counting his seniority from the date, when he took over the charge of the post on acting/officiating basis. His case was examined under Rule-8(4) of the Civil Servant Act, 1973 but the rule ibid was not relevant in case of the appellant as Rule-8 provides for determination of seniority for initial entry into service, whereas the issue of the appellant was inter se seniority, for which the relevant rule is Rule-17 of Civil Servant (appointment, promotion & transfer) Rules, 1989, relevant provision of the rules ibid is reproduced as under:

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

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or as the case may be, the Departmental Selection Committee; provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

In light of the rules ibid, the appellant shall hold the same seniority amongst his colleagues, which he was holding in the lower post i.e. Naib

APPROVED

 [Illegible text]

Tehsildar irrespective of the fact, if his junior was promoted earlier and promotion of the appellant was deferred for want of certain deficiencies and upon promotion to higher post shall retain inter se seniority as in the lower post, hence the appellant is entitled to retain his inter se seniority amongst his colleagues as was in the lower post, so the question of seniority is disposed of on the terms as discussed. So far as the second portion of his prayers regarding financial benefits attached to acting/officiating promotion is concerned, to this effect the supreme court of Pakistan in its judgment reported as 2006 SCMR 1938 has held that "*where a post was available against which a civil servant could be promoted; where such civil servant was qualified to be promoted to such a higher post; where he was put on such higher post on officiating or acting charge basis only because requisite exercise of allowing regular promotion to such post was being delayed by competent authority and where he was subsequently found fit for such promotion and was so promoted on regular basis, then the civil servant was entitled not only to the salary attaching to such post but also to all consequential benefits from that very date from which he had put on the said post on officiating or acting charge basis.*"

06. Record would suggest that the appellant was entitled for promotion at that particular time and vacant posts were also available but regular promotion could not be made, as meeting of promotion board could not be held from 2008 until 2015, which was not fault of the appellant and for which the appellant must not suffer. We are of the considered opinion that the appellant is entitled to the salary as well as to all consequential benefits attached to the post from the date, when he took over on officiating/acting charge basis.

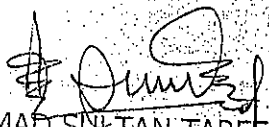
07. In view of the foregoing discussion, the instant appeal is accepted in terms that his seniority shall be dealt with under Rule-17 (b) of Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as all consequential benefits attached to the





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post from the date he took over its charge on officiating/acting charge basis i.e. 31-5-2008. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 27-01-22
Number of Words 2000
Copying Fee 22/-
Urgent /
Total 22/-
Name of Copyist /
Date of Completion of Copy 05/04/22
Date of Delivery of Copy 05/04/22



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THE SUPREME COURT OF PAK
(APPELLATE JURISDICTION)
(ORIGINAL JURISDICTION)

C P No.-P/2022

Government of Khyber Pakhtunkhwa through
Chief Secretary, Civil Secretariat Peshawar &
others

PETITIONER(S)

VERSUS


Syed Mir Laiq Shah


RESPONDENT

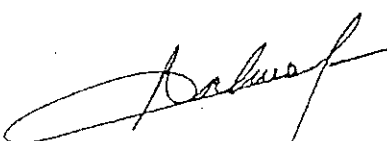
I (we) Petitioner (Govt. of KPK) In the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

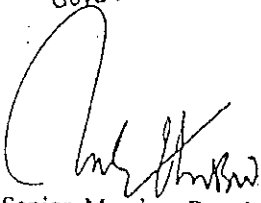
Accepted




Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119


1: Government of Khyber Pakhtunkhwa
through Chief Secretary, Peshawar.
Chief Secretary
Govt. of Khyber Pakhtunkhwa


2. Secretary Revenue, Civil Secretariat
Khyber Pakhtunkhwa, Peshawar.

Secretary
Board of Revenue
Khyber Pakhtun Khwa


3. Senior Member Board of Revenue, Civil
Secretariat, Peshawar.
Senior Member
Board of Revenue
Khyber Pakhtunkhwa

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.		
	091-9212726	Peshawar Dated the 05/01/2023	

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NOTIFICATION:


No. Estt: I/ Mir Laiq/SA/1216/2016/435-45. In compliance to the Service Tribunal Khyber Pakhtunkhwa order / Judgment dated 24.01.2022, in Service Appeal No. 1216/2016 titled Syed Mir Laiq Shah Versus Senior Member, Board of Revenue and others and in light of letter No. SO(Lit-II)E&AD/3-676/2022 dated 28.10.2022 received from Section Officer (Lit-II), Establishment Department, the Competent Authority is pleased to ante-date the seniority of Syed Mir Laiq Shah, Ex-Tehsildar now PMS BS-17 provisionally/conditionally with all consequential and financial benefits w.e.f 31.05.2008, subject to outcome of the CPLA pending before the Supreme Court of Pakistan.

**With approval of the
Competent Authority**

No. & Date Even.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. Assistant Secretary (Litt-I & II) Board of Revenue.
5. Section Officer (Litigation-II), Establishment Department with reference to his letter No. SO(Lit-II)E&AD/3-676/2022 dated 28.10.2022.
6. SPS to Senior Member, Board of Revenue.
7. PS to Member-III, Board of Revenue.
8. PA to Secretary-I, Board of Revenue.
9. Officer concerned.
10. Office order file.


(NOOR KHAN)
Assistant Secretary (Estt:)
Board of Revenue



GOVERNMENT OF KHYBER P.
ESTABLISHMENT DEPA

IWA 128

NC (779)2020
Dated Peshawar the March 16, 2023

To

The Senior Member, Board of Revenue,
Revenue & Estate Department, Khyber Pakhtunkhwa.

General Estt.
Dy. No. 2293
Date 17-3-23
Revenue

Subject:- DETERMINATION AND FIXATION OF SENIORITY OF TEHSILDAR FOR THE YEAR 2008

Dear Sir,

I am directed to refer to the Board of Revenue, Revenue & Estate Department's letter No.Estt:I/Mir Laiq/SA/1216/2016/1921 dated 20.01.2023 on the captioned subject and to state that the case of the appellant was examined in light of relevant record and judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar. It follows from the concluding Para of the said judgment that the tribunal has directed that the inter se seniority of the appellant be dealt with under Rule-17(b) of Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, which is reproduced in verbatim: "In view of the foregoing discussion, the instant appeal is accepted in terms that his seniority shall be dealt with under Rule-17(b) of Civil Servants (APT) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as consequential benefits attached to the post from the date he took over its charge on officiating/acting charge basis i.e.31.05.2008". Rule-71(b) ibid states "in the case Civil Servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that Civil Servants selected for promotion to the higher post in one batch shall, on their promotion to the higher post, retained their inter se seniority as in the lower post".

2. In view thereof, I am, therefore, directed to request that in the instant case, seniority of the appellant may kindly be fixed in light of Rule-17(b) ibid as required in compliance with the said judgment of the Tribunal, subject to final outcome of the pending CPLA, please.

Being Court matter, top priority may be accorded to it, please.

Yours faithfully,

(ZAHID PERVEZ)
SECTION OFFICER (E-II)

ENDST: NO & DATE EVEN

Copy forwarded to the:-

- 1) Assistant Secretary (Estt:), Board of Revenue, Revenue & Estate Department. w/r to his letter referred to above.
- 2) PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
- 3) PS to Special Secretary (Estt:), Establishment Department.
- 4) PA to Additional Secretary (Estt:), Establishment Department.
- 5) PA to Deputy Secretary (Estt:), Establishment Department.

20 16/3/23
SECTION OFFICER
(ESTABLISHMENT-II)

SENIORITY

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

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

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

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

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

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

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

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

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


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

⁴⁸ The words inserted by Notification No. SOR-II(S&GAD)4-1/80/II, dated 04-02-1996.

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

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

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	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.
091-9212726	091-9214208
No. Estt: I/Mir Laiq/S.A/1216/2016/1921/8353	
Peshawar Dated the 30/03/2023	

To

The Secretary to Government
of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights Department.

**SUBJECT: DETERMINATION AND FIXATION OF SENIORITY OF TEHSILDAR
FOR THE YEAR 2008.**

Sir,

I am directed to refer to the subject noted above and to state that Syed Mir Laiq Shah while serving as Naib Tehsildar BPS-14, was posted as Tehsildar in his own pay & scale (OPS) vide order dated 31.05.2008 (Annexure-A). Subsequently he was appointed as Tehsildar on acting charge basis (ACB) vide order dated 04.10.2010 (Annexure-B) due to non availability of regular post of Tehsildar. When regular vacancy was occurred the appellant was promoted as regular Tehsildar (BS-16) vide order dated 06.04.2015 (Annexure-C). Tentative seniority list of Tehsildars was circulated as stood on 31.12.2015, which was objected by the appellant vide application dated 20.05.2016, but his contention was not considered, as under Rule 8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, "*Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post*". Final seniority list was issued on 22.07.2016. Feeling aggrieved, the appellant filed departmental appeal, which was filed vide order dated 11.11.2016 (Annexure-D). The appellant filed service appeal before the Service Tribunal with the prayers that the impugned order dated 11.11.2016 may be set aside and the appellant may be given proper place in seniority list by counting his service as regular Tehsildar with effect from 31.05.2008 (i.e the date of posting as Tehsildar OPS). The Service Tribunal vide judgment dated 24.01.2022 (Annexure-E) accepted appeal of the appellant with the direction that "*his seniority shall be dealt with under Rule-17(b) of Civil Servants (APT) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as all consequential benefits attached to the post from the date he took over its charge on officiating / acting charge basis i.e 31.05.2008*". This department after consultation with Law Department filed CPLA before the Supreme Court of Pakistan power of attorney at (Annexure-F). Later on this department vide notification dated 05.01.2023 (Annexure-G) granted anti-dated seniority to Syed Mir Laiq Shah the then Tehsildar now (PMS BS-17) officer provisionally / conditionally with all consequential / financial benefits w.e.f 31.05.2008 subject to outcome of CPLA pending before the Supreme Court of Pakistan. Thereafter this Department vide letter dated 20.01.2023 (Annexure-H) forwarded Notification dated 05.01.2023 (Annexure-G). In response Establishment Department vide letter dated 16.03.2023 (Annexure-I) stated that the case of the appellant was

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examined in light of relevant record and judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar. It follows from the concluding Para of the said judgment that the tribunal has directed that the inter se seniority of the appellant be dealt with under rule-17(b) of Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, which is reproduced in verbatim: "In view of the foregoing discussion, the instant appeal is accepted in terms that his seniority shall be dealt with under Rule-17(b) of Civil Servants (APT) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as consequential benefits attached to the post from the date he took over its charge on officiating/acting charge basis i.e. 31.05.2008". Rule-71(b) ibid states "in the case Civil Servants appointment otherwise, with reference to the date of their continuous regular appointment in the post; provided that Civil Servants selected for promotion to the higher post is one batch shall, on their promotion to the higher post, retained their inter se seniority as in the lower post".

The Establishment Department further advised that seniority of the appellant may be fixed in light of Rule-17(b) ibid as required in compliance with the said judgment of the Tribunal, subject to final outcome of the pending CPLA.

Keeping in view of the above, it is requested to favour this Department with your valuable advice as to whether the appellant can be given financial benefits of salary as well as all consequential benefits attached to the post from the date he took over its charge on officiating/acting charge basis i.e. 31.05.2008 or otherwise,

An early reply in the matter will be highly appreciated please.

o/c


(NOOR KHAN)
Assistant Secretary (Estt.)
Board of Revenue



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

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No. ALO(OP-I)/LD/5-7/2023/KC / 3888-40
DATED: PESHAWAR THE 10TH APRIL, 2023

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Board of Revenue, Revenue & Estate Department.

General Entry
No. 3065
Date: 11.04.23
Revenue & Estate
Khyber Pakhtunkhwa

Attention: Assistant Secretary (Estt)

Subject: DETERMINATION AND FIXATION OF SENIORITY OF TEHSILDAR FOR THE YEAR 2008.

Dear Sir,

I am directed to refer to your Department's letter No.Estt:I/Mir Liaq/S.A /1216/2016/1921/8353 dated 30-03-2023, on the subject noted above and to state that the Administrative Department may take the matter with Finance Department, as the matter being financial in nature which is the domain of Finance Department under the Khyber Pakhtunkhwa Government Rules of Business, 1985.

AS(E)

Yours Faithfully,

Handwritten signature

for Assistant Law Officer (Opinion-I)

Endst: of even No. & date.

A copy is forwarded to the:-

1. PS to Secretary Law Department.
2. Master File.

Assistant Law Officer (Opinion-I)

Handwritten signature

10/04/23


Estt: I

Handwritten signature
14.4.23

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22/4

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 GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
091-9212726	091-9214208
No.Estt.I/Mir Laiq/S.A/1216/2016/9939	
Peshawar Dated the 28/04/2023	

To


The Secretary to Government
of Khyber Pakhtunkhwa,
Finance Department.

**SUBJECT: DETERMINATION AND FIXATION OF SENIORITY OF TEHSILDAR
FOR THE YEAR 2008.**

Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. ALO(OP-I)/LD/5-7/2023/KC/3838-40 dated 10.04.2023 and to state that Syed Mir Laiq Shah while serving as Naib Tehsildar BPS-14, was posted as Tehsildar in his own pay & scale (OPS) vide order dated 31.05.2008 (Annexure-A). Subsequently he was appointed as Tehsildar on acting charge basis (ACB) vide order dated 04.10.2010 (Annexure-B) due to non availability of regular post of Tehsildar. When regular vacancy was occurred the appellant was promoted as regular Tehsildar (BS-16) vide order dated 06.04.2015 (Annexure-C). Tentative seniority list of Tehsildars was circulated as stood on 31.12.2015, which was objected by the appellant vide application dated 20.05.2016, but his contention was not considered, as under Rule 8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, "*Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post*". Final seniority list was issued on 22.07.2016. Feeling aggrieved, the appellant filed departmental appeal, which was filed vide order dated 11.11.2016 (Annexure-D). The appellant filed service appeal before the Service Tribunal with the prayers that the impugned order dated 11.11.2016 may be set aside and the appellant may be given proper place in seniority list by counting his service as regular Tehsildar with effect from 31.05.2008 (i.e the date of posting as Tehsildar OPS). The Service Tribunal vide judgment dated 24.01.2022 (Annexure-E) accepted appeal of the appellant with the direction that "*his seniority shall be dealt with under Rule-17(b) of Civil Servants (APT) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as all consequential benefits attached to the post from the date he took over its charge on officiating / acting charge basis i.e 31.05.2008*". This department after consultation with Law Department filed CPLA before the Supreme Court of Pakistan power of attorney at (Annexure-F). Later on this department vide notification dated 05.01.2023 (Annexure-G) granted anti-dated seniority to Syed Mir Laiq Shah the then Tehsildar now (PMS BS-17) officer provisionally / conditionally with all consequential / financial benefits w.e.f 31.05.2008 subject to outcome of CPLA pending before the Supreme Court of Pakistan. Thereafter this Department vide letter dated 20.01.2023 (Annexure-H) forwarded Notification dated 05.01.2023 (Annexure-G).


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	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
091-9212726	Peshawar Dated the 28/04/2023	091-9214208

In response Establishment Department vide letter dated 16.03.2023 (Annexure-I) stated that the case of the appellant was examined in light of relevant record and judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar. It follows from the concluding Para of the said judgment that the tribunal has directed that "the inter se seniority of the appellant be dealt with under rule-17(b) of Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, which is reproduced in verbatim: "In view of the foregoing discussion, the instant appeal is accepted in terms that his seniority shall be dealt with under Rule-17(b) of Civil Servants (APT) Rules, 1989. The appellant is held entitled to financial benefits of salary as well as consequential benefits attached to the post from the date he took over its charge on officiating/acting charge basis i.e. 31.05.2008". Rule-71(b) ibid states "in the case Civil Servants appointment otherwise, with reference to the date of their continuous regular appointment in the post; provided that Civil Servants selected for promotion to the higher post is one batch shall, on their promotion to the higher post, retained their inter se seniority as in the lower post". The Establishment Department advised that seniority of the appellant may be fixed in light of Rule-17(b) ibid as required in compliance with the said judgment of the Tribunal, subject to final outcome of the pending CPLA. The case was forwarded to Law Department for advice vide this Department letter dated 30.03.2023 who intimated that Administrative Department may take the matter with Finance Department being financial in nature which is the domain of Finance Department.

Keeping in view of the above, it is requested to favour this Department with your valuable advice as to whether the appellant can be given financial benefits of salary as well as all consequential benefits attached to the post from the date i.e. 31.05.2008 he took over the charge as Tehsildar (OPS) or otherwise.

An early reply in the matter will be highly appreciated please.


(NOOR KHAN)
Assistant Secretary (Estt:)
Board of Revenue

o/c

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

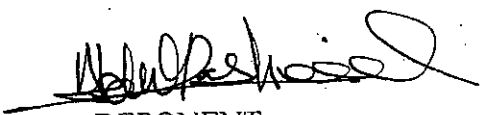
SA No.1216 /2016
Mr. Syed Mir Laiq Shah Ex- Tehsildar, now PMS BS-.....Appellant


V E R S U S

Chief Secretary Govt. of Khyber Pakhtunkhwa & othersRespondent

AFFIDAVIT

I, Abdul Rasheed, Superintendent, Litigation-II Section, Revenue and Estate Department, Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare that the contents of the review application in Service Tribunal with Judgment dated 24.01.2022 alongwith relevant record provided by Assistant Secretary Establishment, Section of Board of Revenue, Khyber Pakhtunkhwa, are correct and submitted in the subject Service Appeal noted above, which are true and found correct in light of the available record and that nothing has been concealed from this Honorable Service Tribunal.


DEPONENT

ATTENDED

23-8-2023