

Ph: 9214461
Fax: 9220406

REGISTERED
No. C.P. 5457 & 455-P/2021 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 07/09/2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8220

Dated 10/09/23

Subject: **CIVIL PETITION 5457 AND 455-P/2021**

Sana Zeb

(in C.P.5457/2021)

Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar and
others

(in C.P.455-P/2021)

Versus

Kashif Jamal and others

(in C.P.5457/2021)

Kashif Jamal and another

(in C.P.455-P/2021)

(On appeal from the Order/Judgment of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar dated 01/07/2021 in A.1060/2018)

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment
of this Court dated 27/09/2023 disposing of the above cited cases in the terms stated
therein for information and further necessary action.

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

Encl: Order/Judgment:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

99/23

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Qazi Faez Isa, CJ
Mr. Justice Amin-ud-Din Khan
Mr. Justice Athar Minallah

Civil Petition No. 5457 of 2021

(Against the judgment dated 01.07.2021 of the
Khyber Pakhtunkhwa Service Tribunal, Peshawar
passed in Service Appeal No. 1060/2018)

Sana Zeb.

... Petitioners

Versus

Kashif Jamal and others.

... Respondents

AND

Civil Petition No. 455-P of 2021

(Against the judgment dated 01.07.2021 of the
Khyber Pakhtunkhwa Service Tribunal, Peshawar
passed in Service Appeal No. 1060/2018)

Senior Member Board of Revenue, KP,
Peshawar and others.

... Petitioners

Versus

Kashif Jamal and another.

... Respondents

In CP No. 5457/21

For the Petitioner:

Mr. Muhammad Amin Khan, ASC.

For Respondent No. 1:

Mr. Abdul Zakir Tareen, ASC.

In CP No. 455-P/21

For the Petitioners:

Mr. Sultan Mazhar Sher Khan,
Additional Advocate-General, KP.

For the Respondents:

Not represented.

Date of Hearing:


27.09.2023.

ORDER

Qazi Faez Isa, CJ. These petitions assail the same impugned judgment dated 1 July 2021 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar ('the Tribunal') rendered in Service Appeal No. 1060 of 2018.

2. The learned Additional Advocate-General, KP ('AAG') at the outset states that the dispute before the Tribunal was of seniority between Sana Zeb and Kashif Jamal. The Tribunal determined that Kashif Jamal was

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

senior, and subsequently both have been promoted as *Kanungo* on the same day, that is, on 25 August 2022. The learned AAG states that since both Sana Zeb and Kashif Jamal have been promoted their anxiety stands resolved, however, the government is not satisfied with the interpretation by the learned Members of the Tribunal of paragraph 3.6 of Chapter III of the Land Record Manual. The learned AAG states that he will be satisfied if the portion of the impugned judgment of the Tribunal is treated as *per incuriam* to the protagonists and the government will not be handicapped to take a different view.

3. The learned counsel representing Sana Zeb states that Sana Zeb's seniority as *Kanungo* may need to be resolved. The learned counsel representing Kashif Jamal supports the impugned judgment of the Tribunal.

4. In view of the fact that both the protagonists, namely, Sana Zeb and Kashif Jamal have been promoted the matter of their seniority as *patwaris* has now become an academic exercise. However, in case either party is not satisfied with their seniority as *Kanungo*, which was not a matter before the Tribunal, they may agitate their grievance in accordance with law. And, by consent the impugned judgment of the Tribunal regarding the stated interpretation be treated as *per incuriam*. These petitions are disposed of in the said terms.

SA _____ Hg
SA _____ J
SA _____ J

Islamabad:
27.09.2023
(M. Tauseef)
03/10/23

Certified to be True Copy

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Supreme Court of Pakistan
Islamabad