

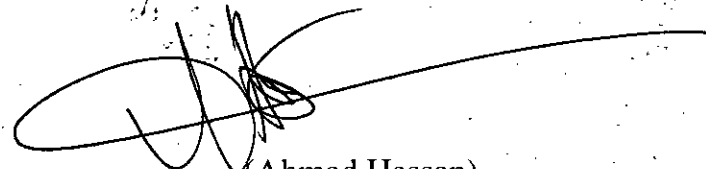
Order

25.01.2019

Counsels for the appellants present. Mr. Muhammad Jan, Deputy District Attorney along with Dr. Fakhar Alam, SMBR (respondent no.3) and Mr. Muhammad Arif, Supdt for respondents present. Arguments heard and record perused.

This appeal is also dismissed as per detailed judgment of today placed on file in connected service appeal No. 1130/2014²⁰¹⁶ titled "Jehanzeb -vs- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and two others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:
25.01.2019



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

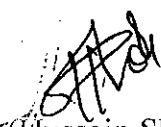
15.11.2018.


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 17.12.2018.


READER

17.12.2018

Junior to counsel for the appellant and Mr. Riaz Paidakhel learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment. Adjourned. To come for further proceeding/arguments on 25.01.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

27.09.2018

Clerk of counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Due to general strike of the bar, arguments could not be heard. Adjourned. To come up for arguments on 17.10.2018 before D.B alongwith connected appeals.


(Ahmad Hassan)
Member (E)


(Muhammad Amir Kundi)
Member (J)

17.10.2018

Appellant in person and seeks adjournment as his counsel is not in attendance. Mr. Kabir Ullah Khattak learned Additional Advocate General present. It was brought to the notice of this Tribunal that due to the suspension of the impugned order and inordinate delay in the disposal of the present service appeal and connected appeals, the process of further promotions has come to halt for the last two (02) years. Consequently the ad-interim relief in the shape of suspension/restraint order earlier issued is hereby vacated. Adjourn. To come up for arguments on 26.10.2018. Since the order regarding ad-interim relief has been vacated, learned counsel for appellant may argue the present service appeal on any working day even before the date fixed.


Member


Member

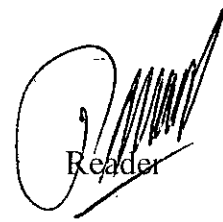
26.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 15.11.2018.


READER


14.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 28.05.2018 before the D.B.


Reader

28.05.2018


Counsel for the appellant and Addl: AG alongwith Mr. Attaullah, Assistant Secretary for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 22.06.2018 before D.B.


(Muhammad Hamid Mughal)
Member

22.06.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed Iqbal, Senior Clerk for the respondents also present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

02.08.2018

Junior to counsel for the appellant and Learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 21.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

21.08.2018

Due to Eidul Azha vacation, the case is adjourned to 27-9-18.


Reader

130/16

01.03.2018

Clerk of counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mukhtiar Ali, Asstt. Secretary for the respondents present. The learned DA sent an application for adjournment, which is placed in connected appeal of Sheryar. To come up for arguments before this D.B on 29.03.2018.


Member-I


Chairman

29.03.2018

Counsel for the appellant and Addl. AG alongwith Attaullah, Assistant Secretary for the respondents present. Learned Addl. AG submitted before the court that the case was prepared by Mr. Ziaullah, DDA who has been transferred. Learned AAG requested for adjournment. Adjourned. To come up for arguments on 11.04.2018 before this D.B.


(M. Hamid Mughal)
Member-I


Chairman

11.04.2018

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Attaullah, Assistant Secretary for the respondents present. Seeks adjournment as learned senior counsel for the appellant is not in attendance. Granted. To come up for arguments on 14.05.2018 before the D.B.


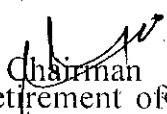

Member


Chairman

11.04.2018


Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Attaullah, Assistant Secretary for the respondents present. Seeks adjournment as learned senior counsel for the appellant is not in attendance. Granted. To come up for arguments on 14.05.2018 before the D.B. The restraint order shall continue till the date fixed.

14.05.2018


Member

Chairman
The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 28.05.2018 before the D.B.

28.05.2018

Counsel for the appellant and Addl: AG alongwith Mr. Attaullah, Assistant Secretary for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 22.06.2018 before D.B.


(Muhammad Hamid Mughal)
Member

22.06.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed Iqbal, Senior Clerk for the respondents also present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

781/16

01.03.2018

Clerk of counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mukhtiar Ali, Asstt. Secretary for the respondents present. The learned DA sent an application for adjournment, which is placed in connected appeal of Sheryar. To come up for arguments before this D.B on 29.03.2018. The restraint order shall continue till the date fixed.



Member-I



Chairman

29.03.2018

Counsel for the appellant and Addl. AG alongwith Attaullah, Assistant Secretary for the respondents present. Learned Addl. AG submitted before the court that the case was prepared by Mr. Ziaullah, DDA who has been transferred. Learned AAG requested for adjournment. Adjourned. To come up for arguments on 11.04.2018 before this D.B. The restraint order shall continue till the date fixed.



(M. Hamid Mughal)
Member-I




Chairman

06.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents present. Arguments heard. To come up for order on 15.02.2018 before the Larger Bench. The restraint order shall continue.



(M. Hamid Mughal)
Member



Chairman



(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member

15.02.2018

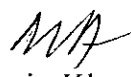
Appellant in person and Gul Zeb Khan, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Vide our detailed judgment of today in service appeal No. 94/2015 entitled "Sher Yar Vs. the Government of Khyber Pakhtunkhwa, SMBR and others", this appeal to come up for arguments on 01.03.2018 before the D.B. The restraint order shall continue.



(M. Hamid Mughal)
Member



Chairman



(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member




(Gul Zeb Khan)
Member

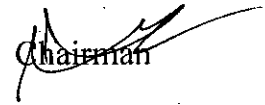
781/2016

15.12.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Asstt. Secretary for the respondents present. Since some other similar appeals have been adjourned due to non-availability of their counsel, counsel for the present appellant also requested for adjournment. To come up for arguments before the Larger Bench on 11.01.2018. Status quo be maintained.



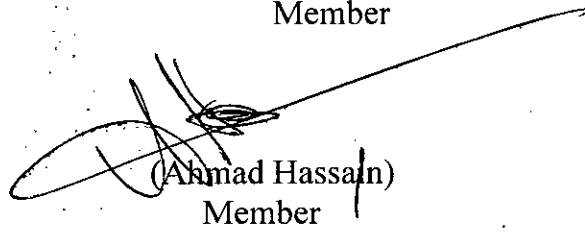
(Muhammad Hamid Mughal)
Member



Chairman



(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member



(Gul Zeb Khan)
Member

11.01.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mukhtiar Ali, Asstt. Secretary for the respondents present. Learned DDA submitted before the court that the case was prepared by Mr. Usman Ghani, District Attorney who is not available today due to meeting of Law Officers Association. Adjourned. To come up for arguments before the larger bench on 06.02.2018. Status quo be maintained till the date fixed.



(M. Hamid Mughal)
Member



Chairman



(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member



(Gul Zeb Khan)
Member

29.11.2017


Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for respondents present. All the counsels for the appellants and District Attorney for respondents unanimously requested this Tribunal that larger bench be constituted for the decision of the issue involving in the present appeal alongwith other connected appeals for the reason that some contradictory judgments have been delivered on the issue by different D.B's of this Tribunal. The request is genuine which is accepted and larger bench consisting of all Members of this Tribunal is constituted to decide the issue. To come up for arguments on 11.12.2017 before the D.B. Status-quo be maintained.


Member



Chairman

11.12.2017

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Submitted an application for adjournment as counsel for the appellant was busy before the august Supreme Court of Pakistan. To come up for arguments on 15.12.2017 before the Larger Bench. Status quo be maintained.


(Muhammad Hamid Mughal)
Member


Chairman


(M. Amin Khan Kundi)
Member


(Ahmad Hassan)
Member


(Gul Zeb Khan)
Member

05.09.2017

Clerk of the counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for respondents present.

25.09.2017

Clerk of the counsel for the appellant seeks adjournment. Since 07.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 07.11.2017.
D.B.



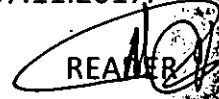
(Muhammad Amin Khan Kundi)
Member



READER
(Muhammad Hamid Mughal)
Member

25.09.2017

Since 07.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 07.11.2017.



07.11.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 28.11.2017 before D.B.



(Gul Zeb Khan)
Member



(Muhammad Amin Khan Kundi)
Member

28.11.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. To come up for arguments tomorrow on 29.11.2017 alongwith connected appeals.

Member



Chairman

24.03.2017

Counsel for the appellant and Assistant A.G alongwith Muhammad Ibrar, Asstt. Secretary for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 17.05.2017. Status quo be maintained.

Chairman

17.05.2017

Counsel for the appellant present. Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 17.07.2017 before D.B. Status-quo be maintained.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.07.2017

Counsel for the appellant present. Mr. Mukhtiar Ali, Assistant Secretary alongwith Mr. Muhammad Jan, Deputy District Attorney for respondents also present. The Learned Executive Member Mr. Gul Zeb Khan is away for interviews in the office of Khyber Pakhtunkhwa Public Service Commission therefore, due to incomplete bench the case is adjourned for arguments to 05.09.2017 before D.B. Status-quo be maintained.

(Muhammad Amin Khan Kundi)
Member

781/2015

M. Saeed Khan vs S.M.B.R.

05.12.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Learned counsel for the appellant submitted before the court that similar nature cases are pending before S.B for reply of the respondents, hence, the instant case be adjourned so that all the cases be clubbed together. Request accepted. To come up for failing of rejoinder and arguments on 19-1-17 before D.B. Till then status-quo be maintained.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

19.01.2017

Counsel for appellant and Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for appellant repeated his request made on previous date that some of the connected appeals of similar nature are pending before S.B for written reply of the respondents. That it would be interest of justice that all the cases are heard together. Request seems proper. So adjourned. On last date directions were issued to file rejoinder. So far no rejoinder has been filed, the appellant is directed to submit rejoinder. To come up for rejoinder and arguments on 10.02.2017 before D.B. Till then status-quo be maintained.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

10.02.2017

Counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Rejoinder not submitted. Learned counsel for appellant seeks time for filing rejoinder. Adjourned. To come up for rejoinder and arguments on 24.03.2017 before D.B. Till then status-quo be maintained.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

Appeal No. 781/2016
Muhammad Saeed Khan vs Govt

06.10.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Superintendent alongwith Additional AG for respondents present. Rejoinder not submitted and requested for further time to submit rejoinder. To come up for rejoinder and arguments on ~~10-11-16~~ before D.B. Till then the impugned order is suspended.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

10.11.2016

Appellant with counsel and Addl:AG for respondents present. Counsel for the appellant submitted that similar nature of appeals have been fixed on 05.12.2016, therefore, the instant appeal may also be clubbed with the said appeals. Request accepted. To come up for arguments on 05.12.2016 alongwith connected appeals. Till then status-quo be maintained.



(MUHAMMAD AAMIR NAZIR)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

Appeal No. 781/2016

22.08.2016

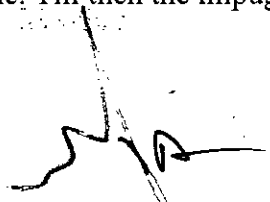
Appellant in person and Muhammad Jan, GP respondents present. Appellant submitted application for implementation of stay order. Notice be issued to the respondents on COC. To come up for reply on main appeal as well as COC. ~~20-9-16~~ Till then the impugned order be suspended.

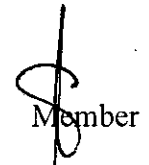

Member

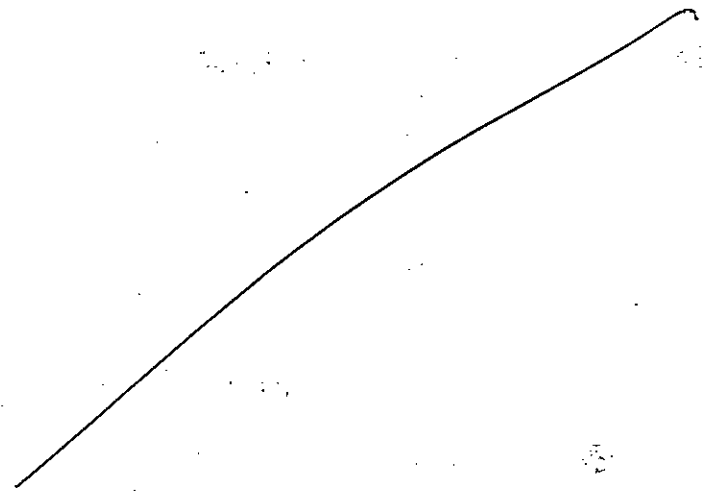

Member

20.09.2016

Clerk to counsel for the appellant, Mr. Mukhtiar Ali, Supdt and Mr. Inam Ullah, Assistant alongwith Mr. Usman Ghani, Sr.GP for respondents present. Written reply submitted. Clerk to counsel for the appellant submitted application for adjournment as counsel for the appellant is not available today. Adjournment granted. To come up for arguments on 06.10.2016. Rejoinder in the mean time. Till then the impugned order is suspended.


Member


Member



Appeal No. 781/2016

03.08.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that duly promoted as Naib Tehsildar by the competent authority vide order dated 29.09.2009, the appellant after serving for long seven years as Naib Tehsildar was unlawfully thrown back and reverted vide impugned order dated 15.04.2016 under which previous order dated 29.09.2009 was set-aside. The learned counsel urged that the impugned order is devoid of legal force for the reason that the previous order was a legal judicial order which could not be set-aside by an executive order. He also submitted that the appeal is within time. While arguing the appeal, the learned counsel further stated that identical appeals of Shakeel Ahmed etc are pending adjudication before this Tribunal and fixed for 22.08.2016 in which interim relief has already been granted to the said appellants and being identical, the present appeal also deserved treatment at par. He requested for interim relief to suspend operation of the impugned order.

Points urged at the bar need further consideration. The appeal is admitted for regular hearing, subject to deposit of security and process fees where-after notice be issued to the respondents for written reply/comments to be submitted before or on date fixed. To come up alongwith connected appeals. Notice for interim relief be also issued to the respondents for the date fixed. Meanwhile operation of the impugned order is suspended till the next date 22.08.2016. *By Mr. D.B.*

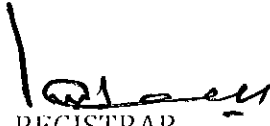

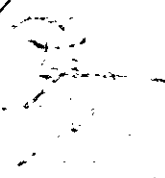

Appellant Deposited
Security & Process Fee


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 781/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/08/2016	<p>The appeal of Mr. Muhammad Saeed Khan resubmitted today by Mr. Abdul Lateef Afridi Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>3.8.16</u></p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: right;"></p> <p style="text-align: left;"> 3.8.16</p>

The appeal of Mr. Muhammad Saeed Khan son of Muhammad Ullah Khan r/o patwar Payan received to-day i.e. on 28.07.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The dates mentioned in the heading/memorandum of appeal are not matching with the dates of documents attached with the appeal.
- 2- The authority to whom the departmental appeal was preferred/ made has not been arrayed a necessary party.

No. 1202 /S.T,


Dt. 28/7 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Lateef Afridi Adv. Pesh.

Note

The date mentioned in heading of appeal are correct and authority to whom departmental appeal was preferred has been made is a party


Advocate

BEFORE THE SERVICE TRIBUNAL K.P.K AT
PESHAWAR

Appeal no 781/2016

Muhammad Saeed Khan.....Appellant

V E R S U S

Acting SMBR Khyber Paktunkhwa & others.....Respondents

I N D E X


S. No.	Description of documents	Annexs	Pages
1.	Memo of appeal with affidavit		1-6
2.	Application with affidavit		7-8
3.	Copy of the appeal/application dated 3.8.2009 to SMBR	A	9
4.	Copy of order of SMBR dated 29.9.2009	B	10
5.	Copy of the impugned order dated 15.04.2016	C	11-13
6.	copy of the departmental appeal and rejection order dated 29.06.2016	D & E	14-16
7.	Wakalatnama		17


Appellant

Through


A. Lateef Afridi


Khalid Anwar Afridi.


Sajeed Khan Afridi,
Advocates, Peshawar

①
BEFORE THE SERVICE TRIBUNAL K.P.K AT
PESHAWAR

Service Appeal No 781/2016

Muhammad Saeed Khan S/o Muhammad Ullah Khan R/o Patwar
payan Warsak Road Tehsil and District Peshawar **Petitioner** Khyber Pakhtunkhwa
Service Tribunal

V E R S U S

Diary No. 770

Dated 28/7/2016

1. Acting Senior Member of Revenue Khyber Paktunkhwa Civil Secretariat Peshawar
2. Government of Khyber Paktunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
3. Government of Khyber Paktunkhwa through Secretary Revenue Department Civil Secretariat Peshawar
4. Secretary Establishment Department Government of Khyber Paktunkhwa Civil Secretariat Peshawar **Respondents**

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL
ACT, 1974

AGAINST THE ORDER DATED 15.04.2016 WHERE BY THE REGULARIZATION OF PROMOTION ORDER DATED 29.9.2009 AS NAIB TEHSILDAR HAS BEEN SET ASIDE/WITHDRAWN AND THE APPELLANT HAS BEEN REVERTED TO THE POSITION HE WAS HOLDING BEFORE 29.09.2009, AGAINST WHICH HIS DEPARTMENTAL APPEAL DATED 12.05.2016 HAS BEEN REGRETTEED VIDE ORDER DATED 29.06.2016 COMMUNICATE TO THE APPELLANT ON 25.07.2016.

PRAYER IN APPEAL:-

ON ACCEPTANCE OF THIS SERVICE APPEAL BOTH
IMPUGNED ORDERS DATED 15.04.2016 AND 29.06.2016 MAY
PLEASE BE SET ASIDE AND THE APPELLANT MAY PLEASE BE
RESTORED TO HIS ORIGINAL POSITION AS NAIB
TEHSILDAR BPS-14 WITH ALL BACK BENEFITS.

Respectfully Sheweth:

The brief facts necessary for this service appeal are submitted as under:-

Filed to-day

Registrar

28/7/16

Re-submitted to -day
and filed.

Registrar

11/8/16

1. That, after passing FSC petitioner joined the D.C Peshawar office as Junior Clerk after his selection by the departmental Selection committee. He joined service & worked in different capacities on different jobs like junior clerk. Copying branch Moharir Revenue EAC, Reader canal Tehsildar, Muharir HVC and again, Moharir Revenue EAC & Reader to Naib Tehsildar qasba till his appointment as Naib Tehsildar on 3.8.2009.
2. That, petitioner preferred appeal/application to SMBR on 3.8.2009 & prayed for his appointment/promotion as Naib Tehsildar because he had almost served for 20 years & had acquired rich experience. **Copy of the appeal/application dated 3.8.2009 to SMBR is annexure "A."**
3. That the learned SMBR after calling for comments & hearing the petitioner accepted the application of the petitioner & appointed him as Naib Tehsildar on 29.9.2009. Petitioner remained in Board of Revenue till he was posted as Canal Naib Tehsildar on 19.05.2010. **Copy of order of SMBR dated 29.9.2009 of is annexure "B"**
4. That petitioner on transfer from post of Canal Tehsildar was posted as Naib Tehsildar circle Dawoodzai Peshawar from where he was transferred & posted as political Naib Tehsildar F.R Peshawar, where he was working till the impugned order was passed by the SMBR on 15.4.2016. **Copy of the impugned order dated 15.04.2016 is annexure "C".**
5. That the said order of Service Tribunal was placed before the SMBR whose post was vacant & one Afzal Lateef Secretary Literacy & Elementary Education was given acting charge of SMBR
6. That the said acting SMBR on 15.4.2016 ordered that appointment of petitioner Muhammad Saeed Junior Clerk on regular basis is devoid of legal force & void-ab-inito & is set aside in the following terms.

"The upshot of the above discussion is that the order passed by the then Senior Member, Board of Revenue in judicial capacity on 29.09.2009 read with notification dated 30.09.2009, appointment of Muhammad Saeed Junior Clerk as Naib Tehsildar on regular basis is devoid of legal force and void ab-inito and is set aside. The respondent is at liberty to approach the Departmental Appellate Authority and Service Tribunal if he so desires".

- 7. That the appellant duly attended the proceedings however quite illegally ex parted proceedings was initiated against the appellant and vide impugned order acting SMBR on 15.4.2016 appellant has been reverted to the position he was holding before **29.09.2009**.
- 8. That the appellant submitted his departmental appeal dated 12.05.2016 however, it was regretted vide order dated 29.06.2016 communicated to appellant on 25.07.2016. **copy of the departmental appeal and rejection order dated 29.06.2016 are attached as Annexure "D" and "E"**
- 8. That appellant is mortally aggrieved of the impugned order which is prime facie illegal, without jurisdiction and without lawful authority & therefore he prefers this service appeal for the following grounds.

GROUND:

- A. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the law have been badly violated.
- B. That the order of Khyber Paktunkhwa Service Tribunal regarding appointment of the Junior Clerk from Abbotabad as Naib Tehsildar could never justify & invest SMBR much less acting SMBR to undo the appointment of petitioner as Naib Tehsildar who worked for more than 6 & a half years.
- C. That the acting SMBR was not vested with power of review of orders of his predecessor in office after more then 6 & half years of which neither any person had shown grievance nor approached in time for the review of the said order. The respondent acting SMBR had no authority under the law to pass the impugned order.
- D. That the acting SMBR was not an authority who could undo an act which was performed more then 6 & half years ago by the then

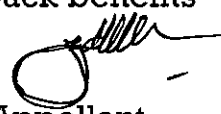
④

SMBR in office who enjoyed full authority and whose order assumed finality.


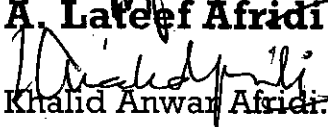
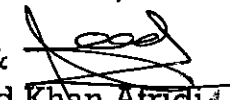
- E. That the legality propriety or correctness of appellatn's appointment order as Naib Tehsildar has never been challenged by any person & as such the SMBR could not undo the appointment order of the appellant in his Suo Moto Powers which he does not enjoy at all.
- F. That in view of the judgment of Supreme Court of Pakistan reported as SCMR 2006 P.678 the appellant being a qualified person holding Masters degree with more than 25 years of experience could not be punished & the wrong if any done was that of the appointing authority who needs to be punished the impugned orders of the acting SMBR is in serious conflict with & in gross violation of the law laid down by the august Supreme Court and thus the impugned order is not maintainable in law.
- G. That the appellant has been treated against the law unequally & thus deprived of equal protection of law as envisaged by Art.4 of the Constitution.
- H. That appellant had been singled out for the impugned discriminatory action which has no precedent/example & thus Art.25 has been flagrantly violated.
- I. That the appellant having about 20 years of experience before appointment & as Naib Tehsidlar after his appointment successfully working for move than 6 & half years in the field as Naib Tehsildar without any complaint against him during his whole service, the petitioner had acquired certain rights which could not be withdrawn under the principle of locus poenitentia.

J. That the impugned order is based on malafide as the acting SMBR had neither the authority nor powers under the law nor any grievance against the petitioner was pending before him.

It is, therefore, prayed that on acceptance of this service appeal both impugned orders dated 15.04.2016 and 29.06.2016 may please be set aside and the appellant may please be restored to his original position as Naib Tehsildar BPS-14 with all back benefits

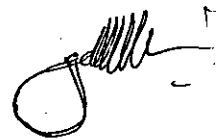

Appellant

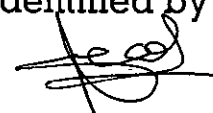
Through


A. Lateef Afridi

Khalid Anwar Afridi
& 
Sajeed Khan Afridi,
Advocates, Peshawar

AFFIDAVIT


I Muhammad Saeed Khan S/o Muhammad Ullah Khan R/o Patwar payan Warsak Road Tehsil and District Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

Identified by


Sajeed Khan Afridi
Advocate

CNIC NO _____

ATTESTED
Abdul Malik MALIK

28/07/16
NOTARY PUBLIC

6

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

Muhammad Saeed Khan.....Appellant

VERSUS

Acting SMBR Khyber Paktunkhwa & others.....Respondents

CERTIFICATE:

Certified that no such like SERVICE APPEAL has earlier been filed on the subject matter before this Hon`ble Court.

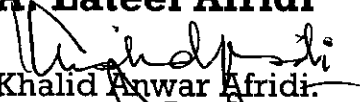
LAW BOOKS:

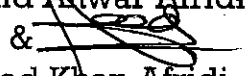
Service law
any Law Book as per need

appellant

Through


A. Lateef Afridi


Khalid Anwar Afridi.

& 
Sajeed Khan Afridi,
Advocates, Peshawar

*Note: that w.p is pending in the Peshawar High Court which
of the same subject matter
will be withdraw in due course of time.*



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

Muhammad Saeed Khan.....**Appellant**

V E R S U S

Acting SMBR Khyber Paktunkhwa & others.....**Respondents**

**APPLICATION FOR GRANTING INTERIM RELIEF TO
THE APPELLANT AND RESPONDENT PLEASE BE
RESTRAINED OF TALKING ANY ADVERSE ACTION TO
THE SERVICE CAREER OF THE APPELLANT &
MAINTAINED THE STATUS QUO TILL THE DECISION
OF THIS COURT.**

Respectfully Submitted:-

That the noted appeal is pending in the Honorable Tribunal the appellant prays for interim relief on the following grounds.

G R O U N D S

1. That the facts and grounds mentioned in the accompanied Service Appeal be read as integral part of application.
2. That the appellant having been lawfully promoted, the order of promotion has acted upon, therefore, the same cannot be undone after a period of more than 05 years.
3. That the appellant has got a good prima facie case and there is every likelihood of its success.
4. That the appellant would suffer irreparable loss in case the reversion order is implemented.

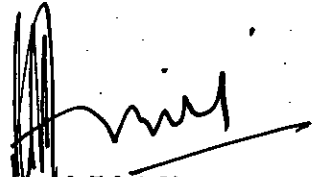
- 5. That the balance of convenience lies in maintaining status quo.
- 6. That there is no legal impediment in allowing the interim stay order.

It is therefore, most humbly prayed that on acceptance of this application the respondents may please be restrained from taking any action adverse to the service career of the appellant & to maintain status quo till the decision of this appeal.



Appellant

Through



A. Lateef Afridi

Khaliq Anwar Afridi.



Sajeed Khan Afridi,
Advocates, Peshawar

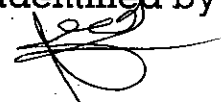
AFFIDAVIT

I, Muhammad Saeed Khan S/o Muhammad Ullah Khan R/o Patwar payan Warsak Road Tehsil and District Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



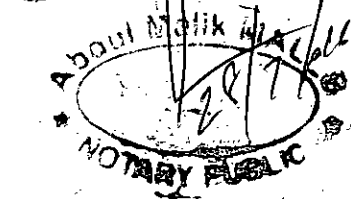
DEPONENT

Identified by



Sajeed Khan Afridi
Advocate

ATTESTED BY CNIC NO _____



Abdul Malik
NOTARY PUBLIC

(9)

Annex-A

IN THE COURT OF SENIOR MEMBER BOARD OF REVENUE NWFP

Subject: DEPARTMENTAL APPEAL FOR APPOINTMENT AS NAIB TEHSILDAR (BPS - 14)

Sir,

Respectfully it is submitted as under:-

1. That I was appointed as Junior Clerk in the office of defunct Deputy Commissioner, Peshawar. Later on I was transferred and posted in copying Agency in the office of defunct Deputy Commissioner, Peshawar.
2. That I was transferred and posted on different posts as Reader to Naib Tehsildar.
3. That I was also posted as Reader to Political Naib Tehsildar on 21.09.1998 and worked for about 02 years. After that I was transferred and posted as Reader to Naib Tehsildar to Canal Naib Tehsildar Irrigation Department Peshawar.
4. That at present I am working as Reader to Naib Tehsildar Qasba Circle Peshawar.
5. That I have passed M.A Examination from Peshawar University.
6. *Reader* That I have 20 year qualified service in Revenue Department and got sufficient Revenue experience for about 19 years.
7. That precedents are exist that Junior Clerk of different Districts were appointed as Naib Tehsildar due to their excellent performances in Revenue Department.
8. That I have also gained sufficient experience in Revenue Department.

In view of the above, it is very humbly requested that I may very graciously be appointed as Naib Tehsildar (BPS - 14)

Thanks.

Dated 03.08.2009

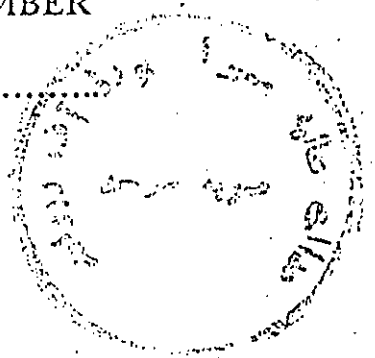
Muhammad Saeed
Muhammad Saeed
Reader to Naib Tehsildar
Qasba Circle Peshawar
(Appellant)

Ate
Saeed

(10)

Annex-B

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



Case No. 218/2009

Date of Institution 03.08.2009

Date of Decision 29.09.2009

DEPARTMENTAL APPEAL OF MUHAMMAD SAEED READER
TO NAIB TEHSILDAR QASBA CIRCLE PESHAWAR FOR
APPOINTMENT AS NAIB TEHSILDAR (BPS - 14)

ORDER

This is a Departmental Appeal filed by Muhammad Saeed Reader to Naib Tehsildar Qasba Circle Peshawar for appointment as Naib Tehsildar (BPS - 14).

Brief facts of the case are that Mr. Muhammad Saeed was appointed as Junior Clerk in the office of defunct Deputy Commissioner, Peshawar on 07.02.1990 and posted in the Copying Branch of the office of defunct Additional Deputy Commissioner, Peshawar on 08.02.1990. Thereafter he was posted as Moharrir to EAC - V Peshawar on 12.07.1990. Then he was posted as Moharrir with Canal Naib Tehsildar Peshawar on 21.01.1991. After this he was posted as Junior Clerk with H.V.C Peshawar on 16.04.1992. Again he was posted as Reader to Political Naib Tehsildar Peshawar on 21.09.1998. Later on he was posted as Reader to Canal Naib Tehsildar Peshawar on 02.12.1999 and at last he was posted as Reader to Naib Tehsildar Qasba Circle Peshawar on 31.10.2009. Since then he is working as Reader to Naib Tehsildar Qasba Circle Peshawar. The Appellant is post Graduate having 20 years qualified Service on Revenue side. He has now come in appeal for appointment as Naib Tehsildar (BPS - 14).

Appellant present and heard. Comments offered by Assistant Secretary (Estt) Board of Revenue NWFP and file perused.

Perusal of the file would show that the appellant is post Graduate and has 20 years qualified service on Revenue side and has gained sufficient experience in the Revenue matters, thus found suitable for appointment as Naib Tehsildar (BPS - 14). The appeal is therefore accepted and the appellant is appointed as Naib Tehsildar (BPS - 14) on regular basis with immediate effect.

Announced
29.09.2009

Atc
[Signature]

[Signature]
(Ahsanullah Khan)
Senior Member
Board of Revenue NWFP

(11)

Annex - C

11.04.2016

One Liaqat Ali Political Naib Tehsildar moved the Service Tribunal in service appeal # 240 /2010 requesting therein that the Senior Member, Board of Revenue had regularized services of 3 Naib Tehsildars junior to him whereas his request for regularization had not be considered. The Service Tribunal while deciding the appeal on 17.06.2010 remanded the appeal and directed the Revenue & Estate Department for consideration under the rules.

Upon receipt of the judgment, an internal review was ordered to identify irregularities and non-observance of rules, regulations and procedures. One of the outcomes of the review indicated that services of 46 officials of the Revenue & Estate Department, who were holding posts on Acting Charge Basis / in Own Pay & Scale or on non cadre posts were regularized through "judicial orders" delivered by the then SMBR. The findings of the internal review were scrutinized and notices were issued to the officials to explain why the illegal orders through which they were unlawfully promoted should not be reviewed.

One such notice was served upon Muhammad Saeed Political Naib Tehsildar FR Peshawar who was one of them whose services were also regularized as Naib Tehsildar against the rules, which was received by him on 09.04.2011. Muhammad Saeed submitted reply to the notice on 28.05.2011. He was heard in person.

In the meantime National Accountability Bureau (NAB) initiated an enquiry into the misuse of authority / illegal promotion / appointment of revenue staff by officers / officials of Board of Revenue, upon which further proceedings in the matter were held in abeyance. In July 2013 NAB was requested to intimate the fate of its enquiry as during the period three officials who had been put on notice had been promoted. NAB advised through communication # 1/34/(685)/IW-I/NAB(KPK)/2013 dated 07.10.2013 that the enquiry was in final stages and that the NAB enquiry does not bar the Board of Revenue / Revenue & Estate Department from conducting departmental proceedings. The response was shared with Establishment Department to seek advice whether proceedings against the officials were to be initiated de novo or initiated from the point from where they were discontinued. On receipt of advice from the Establishment Department vide letter # SOR-II(E&AD)2-4/2008(Vol-VII) dated 16.12.2013, that proceedings be taken forward from the point they were discontinued. A fresh notice was issued to Muhammad Saeed on 10.11.2014 to appear for personal hearing, who appeared in person on 08.01.2015 and produced a copy of Peshawar High Court order dated 24.12.2014 wherein it had been ordered that status quo be maintained. Accordingly further proceedings were stopped till final order on status quo by the Peshawar High Court.

The PHC while holding the writ petition as pre-mature, dismissed the same and directed the petitioner to approach the proper forum after receiving the final order in proceedings initiated against him by the Department.

Atc
[Signature]

[Signature]

11/1/16
Reader to
9/15/16
[Signature]

The official respondent was summoned for personal hearing, who appeared in person today and heard.

The facts in brief leading to the appointment of the official as Naib Tehsildar are that the appellant submitted a departmental appeal that he may be appointed as Naib Tehsildar on the pretext that junior clerks of the different districts were appointed as Naib Tehsildars. The appeal was accepted by the then SMBR who appointed the official as Naib Tehsildar.

Before the earlier defence taken by the official is discussed, it is important to see what powers fall within the purview of the BOR and how are they to be exercised by the Members of the Board including the Senior Member, Board of Revenue. The Board of Revenue is the highest court of appeal and revision in the Province in all matters connected with administration of land, collection of land revenue, preparation of land records and other matters related to it. The SMBR, as the designation suggests, is assigned the responsibility to look after the administrative functions of Board of Revenue. The Senior Member, Board of Revenue is also designated as the Competent Authority to take decisions in matters pertaining to employees of Revenue & Estate Department / BOR falling within the purview of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules. He, however, has not been authorized or delegated any judicial powers under any law / rule to deal with the service matters of Revenue & Estate Department / Board of Revenue Employees, which fall exclusively in the domain of the Service Tribunal. Therefore orders passed by the then Senior Member, Board of Revenue as a court in relation to employees of Revenue & Estate Department / Board of Revenue being invalid are devoid of force both in lawful authority and jurisdiction.

It is well settled principle of law that an invalid and illegal order cannot mature into a valid order merely with passage of time, and is therefore open to review and withdrawal at any time.

The perusal of case law reported in 2006 SCMR 678 and 2009 SCMR 412 indicates that the Supreme Court of Pakistan while hearing appeals held that the services of persons appointed through initial recruitment could not be terminated merely on the basis of irregularity committed in the recruitment process provided the appointees were eligible to fill up the post. If any action had to be taken it should be taken against the functionary committing the irregularity. In the instant case, an enquiry in misuse of powers by the then Senior Member, Board of Revenue is underway with NAB, Khyber Pakhtunkhwa.

From the facts of the case in hand, it is crystal clear that the facts of instant case are different from the ones discussed in the cases decided by the Supreme Court of Pakistan. Firstly, the post against which the official was appointed was post to be filled by the Public Service Commission; secondly if it is assumed that it fell to the promotion quota, the official was not eligible for promotion against the post under Tehsildar / Naib Tehsildar / Subordinate Revenue Service Rules 2008 and 2015, as the official respondent was a Junior Clerk and could have only been promoted to the post of Senior Clerk under District Cadre Ministerial Service Rules. Thirdly, no DPC

11/1/2009
9/5/16
Reader to
SMBR
Khyber Pakhtunkhwa

[Handwritten signature]

15/1/16

was held to consider the seniority and suitability of the official for the post; and lastly, the Board of Revenue Act 1957 does not vest judicial powers in office of Members Board of Revenue to adjudicate in service matters, therefore court orders are devoid of any authority. Therefore the appointment orders as Naib Tehsildar is not covered under the cited case law.

The arguments whether the principle of locus poenitentiae is applicable or not also needs to be considered. The basic ingredient forming the basis of the principle is that the government functionary making the order, should have the legal authority, to make the order. If the functionary lacks the legal authority, or an order is obtained by fraud or misrepresentation, the principle of locus poenitentiae is not attracted. This proposition has been elucidated in detail by the learned judges of Supreme Court in 2007 SCMR 1835. As indicated earlier, Senior Member, Board of Revenue is not empowered under any law to exercise any kind of judicial powers in service matters, appointment in a cadre without recourse to Departmental Promotion Committee by administration is unheard of. Any orders made by the Senior Member, Board of Revenue in self-assumed judicial authority are devoid of legal force and of no consequence. For these reasons the principle of locus poenitentiae is not attracted.

The upshot of the above discussion is that the order passed by the then Senior Member, Board of Revenue in judicial capacity on 29.09.2009 read with notification dated 30.09.2009, appointment of Muhammad Saeed Junior Clerk as Naib Tehsildar on regular basis is devoid of legal force and void abinitio and is set aside. The respondent is at liberty to approach the Departmental Appellate Authority and Service Tribunal if he so desires.

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15/4/2016
Senior Member, Board of Revenue

Handwritten notes:
11/1/2016
17/04/2016
Senior Member
Member Board of Revenue

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Ate
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To

14


Annex-D

The Chief Secretary
Govt. of Khyber Pakhtunkhwa
Peshawar

Subject: APPEAL/ REPRESENTATION AGAINST IMPUGNED ORDER DATED 15.04.2016 PASSED BY ACTING SMBR WHERE BY ON HIS OWN HE UNLAWFULLY DEMOTED THE PETITIONER & WRONGLY & ILLEGALLY REVIEWED THE ORDER PASSED BY THE THEN SMBR ON 29.9.2009

Respectfully Sheweth:

1. That after passing FSC petitioner joined the D.C Peshawar office as Junior Clerk after his selection by the departmental Selection committee. He joined service & worked in different capacities on different jobs like junior clerk, Copying branch Moharir Revenue EAC, Reader canal Tehsildar, Muharir HVC and again, Moharir Revenue EAC & then Reader to Naib Tehsildar Qasba till his appointment as Naib Tehsildar on 3.8.2009.
2. That the appellant was performing his duty to his level best and was exemplary punctual and regular in performance of his duty and no complaint whatsoever has ever been made against him from any quarter.
3. That petitioner preferred appeal/ application to SMBR on 3.8.2009 & prayed for his appointment/ promotion as Naib Tehsildar because he had almost served for 20 years & had acquired rich experience.
4. That the learned SMBR after calling for comments & hearing the petitioner accepted the application of the petitioner & appointed him as Naib Tehsildar on 29.09.2009. petitioner remained in Board of Revenue till he was posted as Canal Naib Tehsildar on 19.05.2010..
5. That petitioner on transfer from post of Canal Tehsildar was posted as Naib Tehsildar circle Dawoodazi Peshawar from where he was transferred & posted as political Naib Tehsildar F.R Peshawar, where he was working till the impugned order was passed by the SMBR on 15.4.2016.

ATC


6. That one Malik Muhammad Shabbir Junior Clerk form the office of Deputy Commissioner Abbottabad moved Service Tribunal Khyber Pakhtunkhwa for the redress of his grievance where his case succeeded & the Service Tribunal directed as was the case of the petitioner.
7. That the said order of Service Tribunal was placed before the SMBR whose post was vacant & one Afzal Lateef Secretary literacy & Elementary Education was given acting charge of SMBR.
8. That the said acting SMBR on 15.4.2016 ordered that appointment of petitioner Muhammad Saeed Junior Clerk on regular basis is devoid of legal fore & void-ab-inito & is set aside in the following terms.

"The upshot of the above discussion is that the order passed by the then Senior Member, Board of Revenue in Judicial capacity on 29.09.2009 read with notification dated 30.09.2009, appointment of Muhammad Saeed Junior Clerk as Naib Tehsildar on regular basis is devoid of legal force and void abinito and is set aside. The respondent is at liberty to approach the Departmental Appellate Authority and Service Tribunal if he so desires".

8. That the impugned order is void ab-initio and illegal as the same has been passed in utter violation of the law on the subject as neither any allegation or complaint against the appellant
9. That the impugned order has no legal footing to stand upon as the same has been passed in utter disregard of the posting transfer policy.
10. That the impugned transfer order is prima facie discriminatory as the appellant is performing his duties with zeal and zest and no complaint whatsoever has been made against him and hence he has been treated unequally and in violation of Articles 4 and 25 of the Constitution

It is therefore, prayed that by accepting this appeal/ representation the impugned order dated 05.04.2016 may please be set aside.

Atc
[Signature]

Appellant

[Signature]
12/05/16
Muhammad Saeed
Tehsildar, F.R Peshawar

(16)

Annex-E

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:V/PF/ M.Saeed/ 17718
Peshawar dated the 29/06/2016


To

Mr. Muhammad Saeed Khan.
Ex - Political Naib Tehsildar Peshawar.

Through Deputy Commissioner Peshawar

SUBJECT: APPEAL / REPRESENTATION AGAINST IMPUGNED ORDER DATED 15.04.2016 PASSED BY ACTING SENIOR MEMBER BOARD OF REVENUE WHEREBY ON HIS OWN HE UNLAWFULLY DEMOTED THE PETITIONER AND WRONGLY AND ILLEGALLY REVIEWED THE ORDER PASSED BY THE THEN SENIOR MEMBER BOARD OF REVENUE ON 29.09.2009

Your department appeal/Representation dated 12.05.2016 has been examined and filed by the Appellate Authority.


Assistant Secretary (Estt)

ATC


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 781/2016

Muhammad Saeed KhanAppellant

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhwa and others.....Respondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4 ARE AS UNDER:-

RESPECTFULLY SHEWETH.

PARLIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That appellant is estopped by his own conduct to institute the appeal.
3. That the appeal is not maintainable in its present form.
4. The appellant has no grounds in support of his appeal and no cause of action.
5. The appellant has not come to the Tribunal with clean hands.

ON FACTS.

- 1 Pertains to record.
2. Incorrect. There is no provision in rules for filing of appeal for out of turn promotion.
3. Incorrect. As in para – 2 above. In spite of dissenting comments from the Assistant Secretary (Estt:) the Senior Member Board of Revenue promoted the appellant in neither violation of Rules, through Administrative order which can any time be reviewed.
4. Pertains to record, however order dated 15.04.2016 has been issued in accordance with law/ rules.
5. Incorrect. The Senior Member Board of Revenue has been authorized by the Government of Khyber Pakhtunkhwa (Chief Secretary) to hold the additional charge as Senior Member Board of Revenue.
6. Incorrect. The acting Senior Member Board of Revenue has been given charge of the post and can undo the illegal orders at any time.
7. Correct to the extent that promotion of the appellant as Naib Tehsildar was made in violation of rules, therefore his reversion order was issued strictly in accordance with law.
8. Correct. His Departmental appeal was rightly rejected by the Competent Authority.
8. Incorrect. Appeal of the appellant is not maintainable


GROUND:

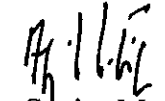
- A- Incorrect. Illegal and void order can any time be reviewed by the Competent Authority. The appellant has been treated in accordance with law.
- B- Incorrect. Illegal order can any time be reviewed / undo by the Competent Authority.
- C- As stated in para – B.

A
20/9/16.

- D- Incorrect. Illegal and void orders cannot get finality.
- E- Incorrect. The order of the appellant has been challenged by one Malik Muhammad Shabir Junior Clerk Deputy Commissioner office Abbottabad.
- F- Incorrect. SCMR 2006 P.678 is not applicable in case of the appellant.
- G. Incorrect. The appellant has been treated according to law. Violation of Article has not been committed.
- H. Incorrect. No discrimination has been done.
- I Pertains to record.
- G. Incorrect. The impugned order has been passed by the Competent Authority in accordance with law.

Keeping in view of the above, the appeal having no legal ground may be dismissed with costs.


Secretary Establishment
Respondent No. 4
11/9/16


Senior Member
Respondent No. 1 to 3
19/8/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.781/2016


Muhammad Saeed Khan,.....Appellant

VERSUR

Senior Member Board of Revenue & Others.....Respondents

AFFIDAVIT

I Mr.Mukhtiar Ali, Superintendent (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief information provided to me and nothing has been deliberately concealed from this Hon'able Tribunal.


Assistant Secretary (Lit-II),
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 781/2016

Muhammad Saeed Khan.....Appellant.

VERSUS

Senior Member Board of Revenue and others .. Respondents

PARAWISE COMMENTS ON STAY APPLICATION ARE AS UNDER:-

RESPECTFULLY SHEWETH.

ON FACTS

1. Incorrect. Facts and ground of appeal cannot be considered as integral part of stay application.
2. Incorrect. The promotion of the appellant was made through Administrative order in violation of Appointment Promotion and Transfer Rules, 1989 therefore his reversion order was rightly issued.
3. Incorrect. The case is favour of respondents.
4. Incorrect. The appellant sustained any loss if stay is not granted.
5. Incorrect. Balance of convenience is in favour of respondent.
6. Incorrect. Illegal and void order cannot be stayed.

Keeping in view of the above stay application having no legal ground may be rejected with costs.

Ahmad I. Khan
29/8/2016.
Respondent No.1 & 3

WAKALATNAMA

(Power of Attorney)

IN THE COURT OF Service Tribunal K.P.

M. Saeed Khan (Petitioner)
(Plaintiff)
(Applicant)
(Appellant)
(Complainant)
(Decree Holder)

V E R S U S

..... (Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

I the undersigned (Applicant) in the above noted
Service appeal, do hereby appoint and constitute **A.**

Lateef Afridi, Khalid Anwar Afridi &

Sajeed Khan Afridi Advocates Peshawar to appear,
plead, act, compromise, withdraw or refer to arbitration for
me/us as my/our Counsel in the above noted matter, without
any liability for their default and with the authority to engage/
appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted.


A. Lateef Afridi,


Khalid Anwar Afridi


Sajeed Khan Afridi

Advocates,
17-G/7-B, Haroon Mansion, Khyber Bazar,
P E S H A W A R.
Office: 091-2572888


CLIENT

محمد سعید خان اولیٰ و لیٰ محمد اللہ خان
سیدتیو آر پیمان کھیل ویلج فیٹن اور