

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. *510/2019*

Muhammad Sajid Saleem **Appellant**

Versus

The Government of KP through Chief Secretary & another.

..... **Respondent(s)**

I N D E X

S#	Description of Documents	Annex	Pages
1.	<i>Service Appeal</i>		1-4
2.	<i>Affidavit</i>		5
3.	<i>Addressers of parties</i>		6
4.	Copy of the promotion order	A	7
5.	Copy of the Departmental Appeal	B	8
6.	Copy of the appointment order dated 22.10.2008 along with better copy	C & C-1	9-10
7.	<i>Wakalatnama</i>		11

Appellant

Through


Mr. Shaiber Khan

&

Sheraz Ali Khan

Dated:- 17.04.2019

Advocates Peshawar

Cell#0300-5870500

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 510 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 625

Dated 17/4/2019

**Muhammad Sajid Saleem S/O Haji Obaidullah R/O Qasuria
Town D.I.Khan Presently posted as Naib Tehsildar
Paharpur, District D.I.Khan**

.....Appellant

VERSUS

- 1. The Government of Khyber Pakhtunkhwa through the
Chief Secretary Government of Khyber Pakhtunkhwa,
Peshawar.**
- 2. The Senior Member Board of Revenue, Khyber
Pakhtunkhwa, Peshawar.Respondent(s)**

Filed to-day
Registrar
17/4/2019

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, FOR GRANT OF PROMOTION &
SENIORITY WITH EFFECT FROM THE DATE
OF AVAILABILITY OF VACANCY &
ELEGIBILITY FOR PROMOTION OF
APPELLANT AGAINST THE SAME.**

Respectfully Sheweth,

1. That The Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.

2. The Constitution of Islamic Republic of Pakistan equally shields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that,
"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution".

3. That the appellant is a civil servant presently serving as Naib Tehsildar (BPS-14) on regular basis.
4. That the appellant was entitled for promotion as Naib Tehsildar w.e.f the date of availability of vacancy under the principle and criteria of seniority-cum-fitness while he was promoted as Naib Tehsildar vide order dated 12/12/2018, with immediate effect. **(Copy of the promotion order is attached as annexure "A").**
5. That aggrieved of the said order appellant preferred Representation dated 17/01/2019 on 28/01/2019 for the grant of due rights and Seniority which was not responded and hence the instant Appeal. **(Copy of the Departmental Appeal is annexed as Annexure ("B"))**
6. That the appellant was serving as Junior Assistant when considered for promotion and promoted as Naib Tehsildar (BS 14) o Acting Charge basis, against the seats reserved for promotion of Ministerial Staff of the Office of Revenue Division D.I. Khan. **(Copy of the appointment order dated 22.10.2008 is annexed as Annexure "C").**

¹ PLD 2013 SC 501

7. That the appellant was then promoted as Naib Tehsildar on regular basis on 10.02.2009, however, the said order was withdrawn on 09.09.2016.
8. That the appellant was serving as Naib Tehsildar on Acting Charge Basis when again promoted as Naib Tehsildar on regular basis, vide order dated 12/12/2018, with immediate effect.
9. That the appellant preferred departmental representation on 28.01.2019 against the impugned order dated 12/12/2018 seeking promotion & seniority w.e.f. the date of availability of vacancy and eligibility of the appellant which was not decided within the statutory period of 90 days and hence the instant service appeal inter-alia on the following grounds:-

GROUND:-

- A. That the impugned order of promotion with immediate effect is violative and contrary to law, well-settled jurisprudence in field and practice.
- B. That the impugned order of promotion depriving the appellant of his due right of promotion with effect from the date of entitlement of the appellant to such promotion and seniority is against the norms of justice and totally uncalled for.
- C. That the respondents have ignored the well-settled principles entitling such civil servants in such circumstances to retrospective promotions.
- D. That further necessary grounds will be raised during the course of arguments.

(4)

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

- I. The impugned order dated 12/12/2018 may kindly be modified and directing the respondents to consider promotion of appellant w.e.f the date of availability of vacancy coupled with seniority-cum-fitness of the appellant.**

- II. Any other relief deemed fit and appropriate by this Hon'ble Tribunal may graciously be passed in the interest of justice and fair-play, with costs.**


Appellant

Through


Mr. Shaiber Khan

& 
Sheraz Ali Khan

Dated:- 17.04.2019

Advocates Peshawar

Cell#0300-5870500

CERTIFICATE:

Certified on instruction of my client that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble tribunal.


ADVOCATE

NOTE:

As per instruction of my client no such like appeal has earlier been filed or pending before this Hon'ble tribunal


ADVOCATE

5

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Muhammad Sajid Saleem**Appellant**

Versus

The Government of KP through Chief Secretary & another.

.....**Respondent(s)**

AFFIDAVIT

I, **Muhammad Sajid Saleem appellant, presently serving as Naib Tehsildar**, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.

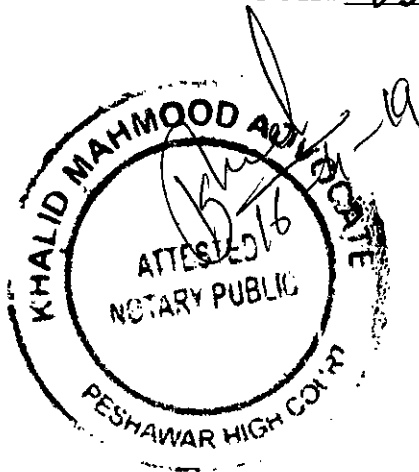
Deponent

CNIC # 12201-1880240-7

Cell# 0310-984-1515

Identified by:-


Sheraz Ali Khan
Advocate, High Court
Peshawar



BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Muhammad Sajid Saleem **Appellant**

Versus

The Government of KP through Chief Secretary & another.

..... **Respondent(s)**

ADDRESSES OF PARTIES

PETITIONER

Muhammad Sajid Saleem S/O Haji Obaidullah R/O Qasuria
Town D.I.Khan Presently posted as Naib Tehsildar
Paharpur, District D.I.Khan

RESPONDENT

1. The Government of Khyber Pakhtunkhwa through the
Chief Secretary Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Senior Member Board of Revenue, Khyber
Pakhtunkhwa, Peshawar

Appellant

Through


Mr. Shaiber Khan

& 
Sheraz Ali Khan

Dated:- 17.04.2019

Advocates Peshawar

Cell#0300-5870500

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

A

Peshawar dated the 12/12/2018

ORDER

No. Estt:V/DPC/Meeting/2018 39373 Consequent upon the recommendation of Departmental Promotion Committee meeting dated 10.12.2018 the Competent Authority is pleased to order the promotion of Mr. Sajid Saleem as Naib Tehsildar (BS-14) on regular basis with immediate effect.

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

3. Consequent upon his promotion, he is hereby directed to continue as Naib Tehsildar Pabarpur District DIKhan till further orders.

By order of
Senior Member

No. Estt:V/DPC/Meeting/2018 39374-79

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioner DIKhan Division.
3. Deputy Commissioner DIKhan.
4. District Account Officer DIKhan.
5. Official concerned.
6. Personal File.


Assistant Secretary (Estt)

**ATTESTED TO
BE TRUE COPY**

Annexure B

8

PS/SMH
No. 517
Dt. 28/1/19
Govt. of Khyber Pakhtunkhwa

The Hon'ble Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.

Subject :- PRESENTATION FOR GRANT OF SENIORITY W.E.F 10.02.2009.

Respected Sir,

It is humbly submitted that I was promoted as Naib Tehsildar BPS - 14 on acting charge basis through proper Departmental Promotion Committee meeting held on 21.10.2008 and accordingly my promotion order was issued vide No.25040-50/Admn:V/P.F/S dated 22.10.2008 by Competent Authority. Later on, I was promoted as Naib Tehsildar on regular basis on 10.02.2009, The same order withdrawn on 09.09.2016.

Similarly, my promotion was regularized by DPC meeting held on 10.12.2018 as per Para(b) and (c) of Para V of Promotion Policy and order was issued vide No. Estt:V/DPC/Meeting/2018/ 39373 dated 12.12.2018. My name was regularly included in the Final Seniority list of Naib Tehsildar from 2009 to 2017 circulated by Board of Revenue Khyber Pakhtunkhwa Peshawar, as I am Senior Most Naib Tehsildar.

Keeping in view of the above, it is, therefore, humbly requested that my name may kindly be considered / included in seniority list w.e. from 10.02.2009 as per Rule 17 of APT Rules 1989 (copy enclosed) please.

Dated 17.01.2019

Secy-I

Yours Obediently,

Muhammad Sajid Saleem
Naib Tehsildar BPS - 14.

SMR
28/01/19

Handwritten notes and signatures at the bottom left, including "21/1/19" and other illegible marks.

ATTESTED TO
BE TRUE COPY

Annex C

① Annex

GOVERNMENT OF NW.F.P.
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 22/10/2008

/Admin: V.P.F.(S)

With the approval of the Competent

Authority. Mr. Sajid Saleem Assistant (BS - 14) working as Political Naib
Tehsildar FR DIKhan in his (Own Pay & Scale) is hereby promoted as Naib
Tehsildar BS - 14) on Acting Charge Basis with immediate effect.

Note -

He will continue his work as Political Naib Tehsildar Darazinda

DIKhan

By Order of,
Senior Member
Board of Revenue, NWFP

No. 25-50 /Admin: V.P.F.(S)

Cc to the :-

1. Commissioner Bannu Division Bannu.
2. Secretary Law & Order F. TA Secretariat NWFP Peshawar.
3. District Coordination Officer, DIKhan
4. District Coordination Officer, Tank with reference to his letter NO. 703-4/103.2008.
5. Secretary Chief Minister, Secretariat NWFP with reference to his letter V/CMS/NWFP/R. v/1-3/2008/1573-32, dated 0909.2008.
6. Assistant Political Agent (FR) DIKhan
7. District Accounts Officer DIKhan
8. Officer concerned.
9. Bill Assistant Board of Revenue NWFP.
10. Personnel File.
11. Officer Order File.

Secretary

Board of Revenue NWFP

**ATTESTED TO
BE TRUE COPY**

GOVERNMENT OF NWFP**REVENUE & ESTATE DEPARTMENT**

Dated Peshawar 22/10/2008

ORDER

No. _____ /Admn: V/P.F/(S):- With the approval of the Competent Authority Mr. Sajid Saleem Assistant (BS-14) working as Political Naib Tehsildar FR DI Khan in his (Own Pay & Scale) is hereby promoted as Naib Tehsil (BS-14) on Acting Charge Basis with immediate effect.

Note:- He will continue his work as Political Naib Tehsildar Darazinda FR D.I Khan.



By Order of**Senior Member****Board of Revenue, NWFP**No. 25040-50/Admn: V/P.F/(S)

Copy to the:-

- 1- Commissioner Bannu Division Bannu.
- 2- Secretary Law & Order FATA Secretariat NWFP, Bannu.
- 3- District Coordination Officer, DI Khan.
- 4- District Coordination Officer, Tank with reference to his letter No.703-4/ dated 24.03.2008.
- 5- Section Officer Chief Minister, Secretariat NWFP with reference to his letter No. V/CMS/NWFP/Rev:/1-3/2008/1573-32, dated 09.09.2008.
- 6- Assistant Political Agent (FR) DI Khan.
- 7- District Accounts Officer DI Khan.
- 8- Officer concerned.
- 9- Billing Assistant Board of Revenue NWFP.
- 10- Personal File.
- 11- Office Order File.

Secretary**Board of Revenue NWFP**

10 روپے

69694

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈووکیٹ/دستخط
بار کونسل ابار ایسوسی ایشن
رابطہ نمبر:

بعدالت جناب: Service Tribunal Peshawar

Appellant: منجانب:	Service Appeal: دعویٰ:
محمد	مطلب نمبر:
KPK	موردہ:
	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام لیسٹ میں اپنے سٹر جان احمد سید خان کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برطاعت دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق
 زریں مدد مٹھا کرنے کا اختیار ہوگا، نیز ضرورت محکم پیروی یا اجرائی کے لئے یا اجیل کی درآمدگی اور منسوخی، نیز
 دائر کرنے اجیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور ضرورت محکم سے ہر قسم کی یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ پورا اختیار منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جہان التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف و صاحب کے لئے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 16-04-2019

بد _____ واہ شد _____ بد _____

مقام _____ کے لئے منظور ہے۔

محمد صاحبہ علیہ السلام
 وکالت دہی ہوئی

نوٹ اس جگہ پر لکھنی، وکیل کو مل ہوں

Shamir Ali

Attended & accepted

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 510/2019

Muhammad Sajid Saleem..... Appellant

Versus

The Government of Khyber Pakhtunkhwa Thorough Chief Secretary

Khyber Pakhtunkhwa and others..... Respondent

INDEX

S No.	Description of documents	Annexure
1.	Comments	-
2.	Affidavit	-
3.	Copy of minutes of the DPC meeting dated 21.10.2008	(Annexure - A)
4.	Copy of minutes of the DPC meeting dated 10.12.2018	(Annexure - B)
5.	Copy of minutes of the meeting dated 14.02.2019	(Annexure - C)
6.	Withdrawal order dated 09.09.2016	(Annexure - D)
7.	Order dated 12.12.2018	(Annexure - E)

Assistant Secretary (Lit- II)
Board of Revenue KPK

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 510/2019.

Muhammad Sajid Saleem.....Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others.....Respondents

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

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS.

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

ON FACTS

1. Correct
2. Correct to the extent of constitution, however the appellant has been treated in accordance with law.
3. Correct
4. Incorrect. In fact the appellant was appointed as Naib Tehsildar on acting charge basis on 21.10.2008 due to non - availability of regular post (Copy of Minutes of the Departmental Promotion Committee meeting is Annexure - A). On availability of regular post, the case of the appellant was placed before the Departmental Promotion Committee and was accordingly promoted as Naib Tehsildar on regular basis with immediate effect on 12.12.2018 (Copy of minutes of Departmental Promotion Committee is Annexure - B). According to Para - VI of the promotion policy 2009, promotion shall always be notified with immediate effect while under Rule 8 (4) of the 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.
5. Incorrect. His case for antedate promotion as Naib Tehsildar was placed before the Departmental Promotion Committee, but was not found accused in the share of the appellant till 2018 (Copy of minutes of the meeting is Annexure - C).
6. Incorrect. As stated in para - 4, the appellant was promoted as Naib Tehsildar on Acting Charge Basis due to non - availability of regular post of Naib Tehsildar on 21.10.2008.
7. Correct to the extent that his regular promotion was made through an illegal Administrative Order, therefore the same was withdrawn on 09.09.2016 (Annexure - D).
8. Correct to the extent that the appellant has been promoted as Naib Tehsildar on regular basis on 12.12.2018 through proper Departmental Promotion Committee vide order (Annexure - E)
9. Incorrect. Appeal of the appellant is not maintainable.

GROUNDS.

- A Incorrect. Promotion order dated 12.12.2018 has been issued in accordance with law / rules.
- B Incorrect. Under Para - VI of the promotion policy 2009, promotion shall always be notified with immediate effect.
- C Incorrect. All the proceedings have been carried out according to law / rules.
- D The respondent will also submit additional grounds at the time of arguments.

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




Respondent No. 1 & 2

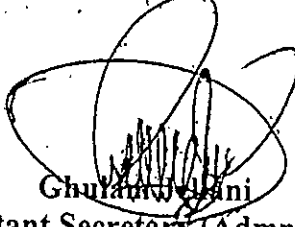
MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF MINISTERIAL STAFF OF THE OFFICE OF REVENUE DIVISION D.I.KHAN TO THE VACANT POST OF NAIB TEHSILDAR (BPS - 14) HELD ON 21.10.2008 AT 10.30 AM IN THE OFFICE OF SENIOR MEMBER BOARD OF REVENUE.


A meeting of Departmental Promotion Committee was held on 21.10.2008 at 10.30 AM under the Chairmanship of Senior Member Board of Revenue, NWFP in his office to consider the promotion of Ministerial staff of the Revenue Divisions D.I.Khan. The following attended:

- i. Ahsanullah Khan,
Senior Member Board of Revenue, NWFP.....In Chair
- ii. Khan Bakhsh
Secretary, Board of Revenue, NWFP.....Member
- iii. Ghulam Jellani,
Assistant Secretary (Admn).....Member

There are total (35) sanctioned regular posts of Naib Tehsildar in D.I.Khan Division. According to 30% share kanungos the quota come to (11), whereas 7 posts according to 20% share falls to Ministerial Staff. According to share of Ministerial Staff 05 vacant posts are required to be filled from amongst the senior most eligible Ministerial Staff. The committee examined the record of the Ministerial employees who are working in their Pay & Scale. The ACRs of Mr. Sher Bahadar and Saleem Asmat are incomplete wherein they were deffered. Mr Sajid Saleem is junior Assistant, however, on his excellence record of service and working as Naib Tehsildar in Own Pay Scale since 2004 the Committee therefore, recommend Mr Sajid Saleem as Naib Tehsildar on Acting Charge Basis.


Khan Bakhsh Marwat
Secretary - II
Board of Revenue NWFP
Member


Ghulam Jellani
Assistant Secretary (Admn) BOR
Member


Ahsanullah Khan
Senior Member
Chairman

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING
REGARDING PROMOTION OF POLITICAL MUHARRIRS OF MALAKAND TO
THE POST OF NAIB TEHSILDAR AND PROMOTION OF NAIB TEHSILDAR
(ACB) OF DIKHAN.

A meeting of Departmental Promotion Committee was held on 10.12.2018 at 10:30 AM in the office of Senior Member, Board of Revenue under his Chairmanship for consideration of the promotion cases of Political Muharrir to the post of Naib Tehsildar in Malakand and Naib Tehsildar (ACB) to the of post of Naib Tehsildar on regular basis in DIKhan Division. The following attended: -

- | | | |
|----|---|-----------|
| 1. | Mr. Qaisar Khan,
Secretary-I. | Member |
| 2. | Mr. Naz Amin
Deputy Secretary-II. | Member |
| 3. | Mr. Muhammad Ajmal,
Assistant Secretary (Estt:). | Secretary |

Item No.1 **PROMOTION OF POLITICAL MUHARRIR TO THE POST OF NAIB
TEHSILDAR IN MALAKAND DIVISION.**

There are total 37 sanctioned post of Naib Tehsildar in Malakand Division. Under 10% quota reserved for Political Muharrirs, 04 posts comes in their share, out of which 03 have already been filled while one post is lying vacant due to retirement of Mr. Sardar Yousaf Naib Tehsildar. The committee after threadbare discussion examined the record of officials included in the panel and made the following recommendation:-

S.No.	Name of official	Recommendation
1.	Mr. Mr. Riaz-ul- Ilaq	Being the senior most, was considered and found suitable for promotion as Naib Tehsildar on regular basis.


Page No.2

PROMOTION OF NAIB TEHSILDAR (ACTING CHARGE BASIS) (BS - 14) TO THE POST OF NAIB TEHSILDAR ON REGULAR BASIS IN DIKHAN DIVISION.

Mr. Sajid Saleem was appointed as Naib Tehsildar (Acting Charge Basis) through proper Departmental Promotion Committee on 21.10.2008 under the Tehsildar / Naib Tehsildar Service Rules, 2001 at that time Assistants of the offices of defunct District Officer (Revenue and Estate) / Collector were eligible for promotion to the post of Naib Tehsildar. Consequent upon amendment in Tehsildar / Naib Tehsildar service rules 2015 coupled with upgradation of the post of Assistant from (BS-14) to (BS-16) office Assistant of Commissioner and Deputy Commissioners were made eligible for promotion to the post of Tehsildar (BS -- 16). Since Mr. Sajid Saleem is working as Naib Tehsildar (Acting Charge Basis), therefore the Committee unanimously agreed to regularize the services of Mr. Sajid Saleem as Naib Tehsildar with immediate effect to avoid un-necessary litigation.



Qaisar Khan
Secretary-I,
(Member)


Naz Amin,

Deputy Secretary-II
Member



Muhammad Ajmal
Assistant Secretary (Estt;)
(Secretary)



Fakhre Alam
Senior Member
(CHAIRMAN)

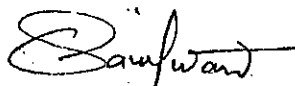
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

MINUTES OF THE MEETING REGARDING DETERMINATION OF SENIORITY

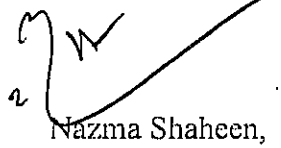
A meeting of determination of seniority was held on 14.02.2019 at 02:00 PM in the office of Senior Member, Board of Revenue under his Chairmanship for the subject. The following attended: -

- | | | |
|----|--|-----------|
| 1. | Mr. Qaisar Khan,
Secretary-I. | Member |
| 2. | Mr. Nazma Shaheen
Section Officer (Reg-IV)
Establishment Department. | Member |
| 3. | Mr. Barkat Khan
Section Officer (SR-I)
Finance Department. | Member |
| 4. | Mr. Saeedullah
Additional Secretary (Reg-II)
Establishment Department. | Member |
| 3. | Mr. Muhammad Ajmal,
Assistant Secretary (Estt;). | Secretary |

Secretary - I Board of Revenue highlighted the aspect of issue with regard to claim of seniority in respect of Mr. Sajid Saleem Naib Tehsildar with effect from the date of his appointment as Naib Tehsildar on Acting Charge Basis i.e 21.10.2008. During discussion, the Representative of Establishment Department informed the Committee that under the Rule 8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, seniority in a post, service or cadre shall take effect from the date of regular promotion to that post. After lengthy discussion, the Committee agreed to workout the vacancies and give seniority to the claimant from the date of occurrence of vacancy in their share. In this regard record was thoroughly examined / worked out but no post was found accrued in the share of Mr. Sajid Saleem prior to his promotion as Naib Tehsildar on regular basis i.e 12.12.2018. The meeting was ended with a vote of thanks from the Chair.



Qaisar Khan
Secretary-I,
(Member)



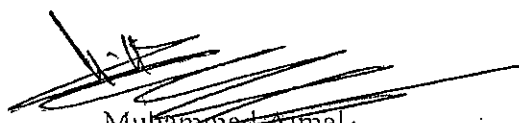
Nazma Shaheen,
Section Officer (Reg-IV)
Establishment Department
Member



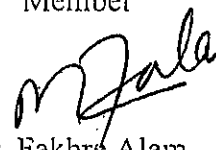
Barkat Khan
Section Officer (SR-I)
Finance Department
Member



Saeedullah
Additional Secretary (Reg-II)
Establishment Department
Member



Muhammad Ajmal
Assistant Secretary (Estt;)
(Secretary)



Dr. Fakhre Alam
Senior Member
(CHAIRMAN)

206

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 09/09/2016

ORDER

No. Estt:V/PF/(Sajid)/ 22685 Whereas, Muhammad Sajid Saleem was promoted to the post of Naib Tehsildar on 04.02.2009 on regular basis through administrative order without holding of Departmental Promotion Committee meeting.

NOW THEREFORE, in pursuance of order passed by Senior Member, Board of Revenue on 01.09.2016 the promotion / regularization order dated 04.02.2009 read with notification bearing No. 3654-59/Admn:V/PF/(M), dated 10.02.2009 being made in violation of Service Rules and instructions governing promotions is hereby withdrawn with immediate effect.

By Order of
Senior Member

No. Estt:V/PF/(Sajid)/ 22686-89

Copy forwarded to the:-

1. Commissioner, DIKhan Division.
2. Deputy Commissioner, DIKhan.
3. Deputy Secretary (Law & Order), FATA Secretariat, Peshawar.
4. District Accounts Officer, DIKhan.
5. Official concerned.

~~Assistant Secretary (Estt)~~

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 12/12/2018

ORDER

No. Estt:V/DPC/Meeting/2018 39373 Consequent upon the recommendation of Departmental Promotion Committee meeting dated 10.12.2018 the Competent Authority is pleased to order the promotion of Mr. Sajid Saleem as Naib Tehsildar (BS--14) on regular basis with immediate effect.

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

3. Consequent upon his promotion, he is hereby directed to continue as Naib Tehsildar Paharpur District DIKhan till further orders.

By order of
Senior Member

No. Estt:V/DPC/Meeting/2018 39374-79

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioner DIKhan Division.
3. Deputy Commissioner DIKhan.
4. District Account Officer DIKhan.
5. Official concerned.
6. Personal File.


Assistant Secretary (Estt)

MUHAMMAD ABDULLAH

Advocate
26-09-09

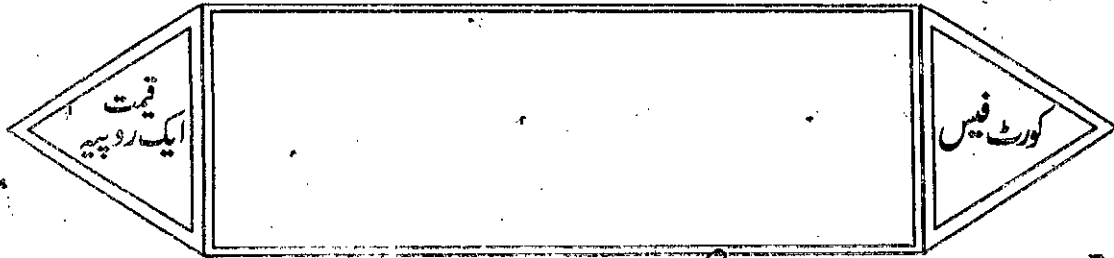
Date of issue: June 2021

Valid upto: June 2024



Secretary
KP Bar Council

وکالت نامہ



Before the Honourable KP Service ^{بجسٹریٹ} Tribunal ^{کیمپ ال}
 Appellant - ^{مجاہد} Muhammad Sa'id Saleem ^{ڈاٹ} Govt of KP & others
 Service Appeal # 510/20 ^{دعویٰ یا جرم}
 تفصیل دعویٰ یا جرم
 باعث تحریر آنگہ

D. I. Khan
 مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات سے برائے پیشگی یا تصفیہ مقدمہ مقام
Muhammad Abdullah Baloch ^{کیلے}

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ جس ہر پیشگی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت بکارے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع ہو مگر حاضر عدالت نہ کروں گا، اگر پیشگی پر منظر حاضر ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ
 ہوں گے۔ اور مقدمہ صدر مقام بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا ٹانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرواخذ صاحب موصوف مثل کردہ
 ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو کوئی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل گرانے اور ہر قسم درخواست پر دستخط و تصدیق کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور اس کے بیان دینے اور اس پر طاشی یا راضی نامہ و فیصلہ بر
 حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور ہر صورت مقرر ہونے تاریخ پیشگی مقدمہ مذکورہ بیرون از بکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و گرانے و جرم کی
 مقدمہ یا مشورتی ڈگری یا درخواست حکم انسانی یا قرتی یا اگر قاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرا ادا ہوگی علیحدہ عنوان بیرونی کا اختیار ہوگا
 اور تمام ساختہ پرواخذ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور ہر صورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
 کی کارروائی یا ہر صورت درخواست نظر ثانی اپیل یا گرانے یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پریسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ ملک جو کچھ ہر جان انشاء پر لیا۔ وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو بیرونی فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور اس کا
 صورت میں ہر کوئی اطلاع کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ مستدر ہے
 مورخہ 18 4 2021

مضمون وکالت نامہ کن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
 Muhammad Sajid Saleem
 Appellant