

| Sr. No | Date of order/proceedings | Order or other proceedings with signature of Judge or Magistrate   |
|--------|---------------------------|--|
| 1      | 2                         | 3  |
|        | 17.10.2018                | <p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p align="center"><b>Service Appeal No. 1214/2016</b></p> <p>Date of Institution .....30.11.2016<br/> Date of Decision ..... 17.10.2018</p> <p>Hazrat Yousaf, Naib Tehsildar, Oghi. <span style="float: right;"><b>Appellant</b></span></p> <p align="center"><b>Versus</b></p> <p>1. The Chief Secretary Khyber Pakhtunkhwa Peshawar.<br/> 2. The SMBR, Revenue Department Peshawar<br/> 3. The Deputy Commissioner Mansehra. <span style="float: right;"><b>Respondents</b></span></p> <p><b>Mr. Muhammad Hamid Mughal-----Member(J)</b><br/> <b>Mr. Hussain Shah-----Member(E)</b></p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD HAMID MUGHAL, MEMBER: -</u> Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present.</p> <p>2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 09.09.2016 whereby the order dated 11.11.2010 alongwith administrative order/notification of the same date of the then SMBR Khyber Pakhtunkhwa ,regarding the promotion of the appellant as</p> |

Naib Tehsildar on regular basis ,was withdrawn. The appellant has also challenged the order dated 21.11.2016 through which his departmental appeal against the original impugned order was rejected.

3. Learned counsel for the appellant argued that the appellant filed service appeal No.1461 in the year 2009 for regular promotion as Naib Tehsildar and vide judgment dated 22.02.2010 passed in the said service appeal, the respondent department was directed to place the case of appellant before next DPC; that the respondent department was not implementing the directions of the Tribunal, therefore, the appellant filed implementation petition before this Tribunal and an application before SMBR and the then SMBR passed an order dated 11.11.2010 whereby the appellant was given his due rights of regular promotion as Naib Tehsildar w.e.f 04.07.2006. Further argued that to the utter surprise of the appellant the SMBR withdrew the promotion order of the appellant on 09.09.2016 and the departmental appeal of the appellant against the said order was also rejected. Learned counsel for the appellant argued that the impugned orders are against law, facts, norms of justice and fair play. Further argued that the promotion order dated 11.11.2010 was issued on the direction of this Tribunal. Further argued that valuable rights accrued to the appellant as a result of the promotion order dated 11.11.2010 and the appellant's promotion could not be withdrawn under the principle of Locus Poenitentiae.

4. As against that learned Deputy District Attorney argued that

the appellant has not come to this Tribunal with clean hands; that this Tribunal has not issued any directions for out of turn promotion without adopting codal formalities and observing legal requirements but on the other hand the then SMBR through administrative order regularized the services of the appellant as Naib Tehsildar without holding Departmental Promotion Committee Meeting. Further argued that the appellant is in fact a junior official and cannot be promoted as such. Further argued that promotion can only be made through Departmental Promotion Committee Meeting but the promotion order of the appellant was issued through administrative order. Further argued that an illegal act cannot create a single right nor the rule of Locus Poenitentiae is applicable to the case of appellant. Further argued that the then SMBR who issued the unlawful orders is required to NAB authorities and is fugitive from law.

5. Arguments heard. File perused.

6. Perusal of the impugned order dated 09.09.2016 would show that the Promotion/Regularization order dated 11.11.2010 and Notification dated 11.11.2010 regarding promotion of the appellant was withdrawn on the ground that the appellant was promoted to the post of Naib Tehsildar on 11.11.2010 through administrative order without holding of departmental Promotion Committee and as such the same was in violation of Service Rules and instructions governing promotion.

7. The appellant earlier filed service appeal bearing No.1461 in

the year 2009 for the purpose of issuance of directions to the respondents to consider him for regular promotion as Naib Tehsildar and this Tribunal vide judgment dated 22.02.2010 issued directions for consideration of the case of appellant on merits in the next DPC Meeting. Astonishingly the appellant instead of attaining promotion through DPC, adopted another channel and got himself promoted through the administrative order of the SMBR. The then SMBR vide order dated 11.11.2010 accepted the application/appeal of the appellant and promoted him to the post of Naib Tehsildar on regular basis and then on the same date issued administrative order under his signatures regarding the promotion of the appellant to the post of Naib Tehsildar on regular basis.

8. There is no cavil to the proposition that the promotion of a civil servant is to be made in accordance with Section 5 of the Khyber Pakhtunkhwa Civil Servants Act and Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. As such in the case of appellant the approval of Departmental Promotion Committee is mandatory for the purpose of promotion.


9. The promotion of the appellant to the post of Naib Tehsildar was not made in the manner prescribed by the law/rules on the subject. Shield of principle of Locus Poenitentiae is not allowed to the beneficiary of illegal actions, for protection/defense. Admittedly the then SMBR who issued the illegal orders is still absconding.

10. It may be observed that had the appellant properly pursued

his execution petition for the implementation of judgment dated 22.02.2010, the meeting of DPC would have been convened and his grievances might have been addressed long ago in a proper manner.

11. As a sequel to above, the appellant has not been able to seek indulgence of this Tribunal, consequently the present service appeal is dismissed. The appellant may however seek the redressal of his grievance, if any, through restoration of his execution petition in connection with service appeal No.1461/2009, in accordance with law, if so advised. Parties are left to bear their own costs. File be consigned to the record room.

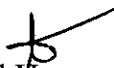
  
(Hussain Shah)  
Member


  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
17.10.2018

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.

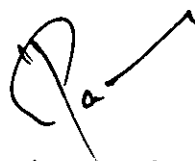
  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Amin Kundi)  
Member (J)

17.10.2018

Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal placed on file, the present service appeal is dismissed. The appellant may however seek the redressal of his grievance <sup>if any</sup> through restoration of his execution petition, filed for the implementation of judgment dated 22.02.2010 passed in service appeal No.1461/2009, <sup>in accordance with law</sup> if so advised. Parties are left to bear their own costs. File be consigned to the record room.


  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

**ANNOUNCED**  
17.10.2018

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


21-8-2018 11) Due to Evd-ul-Azha vacation  
the case is adjourned to 27-9-2018


  
Reader

113/17

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

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



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  
(Gul Zeb Khan)  
Member

15.02.2018

Appellant in person and Mr. Usman Ghani, 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 Khan 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

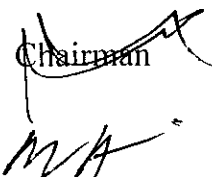

  
(Ahmad Hassan)  
Member  
(Gul Zeb Khan)  
Member

1214/16

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. The restraint order shall continue.

  
(Muhammad Hamid Mughal)  
Member


  
Chairman  
  
(M. Amin Khan Kundi)  
Member


  
(Ahmad Hassan)  
Member

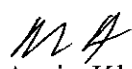
  
(Gul Zeb Khan)  
Member

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. The restraint order shall continue.

  
(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. The restraint order shall continue.


  
Member

  
Chairman

11.12.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Since some similar appeals have been adjourned due to non-availability of the learned counsel for the appellants, Counsel for the appellant in the instant appeal also requested for adjournment. Granted. To come up for arguments on 15.12.2017 before the Larger Bench. The restraint order shall continue.

  
(Muhammad Hamid Mughal)  
Member

  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member

  
(Gul Zeb Khan)  
Member

25/09/2017

Since 22.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 07.11.2017, for the same.

  
READER

07.11.2017

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the worthy Peshawar High Court Peshawar. Adjourned. Top come up for arguments on 27.11.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member


27.11.2017

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Counsel for the appellant is not in attendance. To come up for arguments on 29.11.2017 before the D.B.

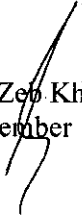
Member

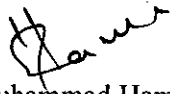
  
Chairman  
District Court, Peshawar

11.05.2017 Counsel for appellant present. Mr. Mukhtiar Ali, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply by respondents No. 1 & 2 submitted. Cost of Rs. 1000/- also paid and receipt thereof obtained from learned counsel for the appellant. Learned Additional AG relies on the written reply submitted by respondents No. 1 & 2 on behalf of respondent No. 3 To come up for rejoinder and arguments on 04.07.2017 before S.B. The restraint order shall continue.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

09. 04.07.2017 Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondent present. Counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 04.09.2017 before D.B. ~~...~~

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

04.09.2017

Since 4<sup>th</sup> September, 2017 has been declared as Public Holiday on account of Eid-Ul-Azha. Therefore the case is adjourned for the same on 22.9.17 before D.B. Parties be informed accordingly.

  
(Reader)

07.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.03.2017 before S.B. Till then the operation of the impugned orders stands suspended till the date fixed.

  
(ASHFAQUE TAJ)

MEMBER

20.03.2017

Appellant with counsel and Mr. Muhammad Ibrar, Asstt. Secretary for respondents No. 1 and 2 alongwith Addl. AG for the respondents present. Written reply not submitted. Learned Addl. AG requested for further adjournment. Last opportunity granted. To up for written reply/comments on 12.04.2017 before S.B. The restraint order shall continue.

  
Chairman

12.04.2017

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 11.05.2017 before S.B. The restraint order shall continue.

  
Chairman

Appeal No. 1214/2016  
Huzrat Yousaf vs Govt

20.12.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 09.09.2016 vide which the appellant promotion as Naib Tehsildar was withdrawn. Against the impugned order appellant filed departmental appeal which was regretted by the appellate authority vide order dated 21.11.2016, hence the instant service appeal.

Since the matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 17.01.2017 before S.B. Till then the operation of the impugned orders stands suspended till the date fixed.

Appellant Deposited  
Security & Process Fee

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

17.01.2017

Mr. Taimur Khan, Advocate for appellant and Mr. Muhammad Iqbal, Assistant alongwith Mr. Kabirullah Khattak, Assistant AG for respondents present. Written reply by respondents not submitted and requested for adjournment. Adjourned for written reply/comments to 07.02.2017 before S.B.

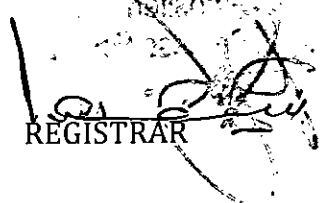

  
(ASHFAQUE TAJ)  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No. 1214/2016

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 06/12/2016                | <p>The appeal of Mr. Hazrat Housaf resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-12-16</u>.</p> <p style="text-align: right;"><br/>MEMBER</p> |




The appeal of Mr. Hazrat Yousaf Naib Tehsildar Oghi received today i.e. on 30.11.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-D of the appeal is illegible which may be replaced by legible/better one.
- 2- Copy of seniority list of 2016 mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1986 /S.T,

Dt. 1/12 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

*Respected Sir*

*1- Removed*

*2- Removed*



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1914 /2016.

Hazrat Yousaf

VS

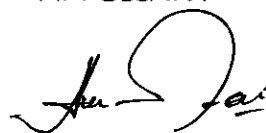
Chief Secretary KPK etc.

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| 4.   | Copy of SMBR's order             | B            | 11-12 |
| 5.   | Copy of order dated 11.11.2010   | C            | 13    |
| 6.   | Copy of Service Tribunal order   | D            | 14    |
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| 9.   | Copy of seniority list 2015      | F            | 22-28 |
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APPELLANT

THROUGH:



M.ASIF YOUSAFZAI

ADVOCATE SUPREME COURT,  
PESHAWAR.

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

**APPEAL NO. 1214 /2016.**

**Khyber Pakhtukhwa  
Service Tribunal**

Hazrat Yousaf, Naib Tehsildar,  
Naib Tehsildar Oghi.

Diary No. 1229

Dated 30-11-2016

.....Appellant.

**VERSUS**

- 1- The Chief Secretary, KPK, Peshawar.
- 2- The SMBR, Revenue Deptt: Peshawar.
- 3- The Deputy Commissioner Mansehra.

.....Respondents.

APPEAL UNDER SECTION 4 AGAINST THE ORDER DATED 09.09.2016 WHEREBY THE APPELLANT'S PROMOTION ORDER AS NAIB TEHSILDAR HAS BEEN WITHDRAWN IN AN ILLEGAL MANNER AND INVIOLATION OF THIS HONOURABLE SERVICE TRIBUNAL JUDGEMNT DATED 22.2.2010 AND AGAINST THE ORDER DATED 21.11.2016 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED OR NO GOOD GROUNDS.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER DATED. 09.09.2016 AND 21.11.2016 MAY BE SET-ASIDE BEING PASSED IN VIOLATION OF LAW, RULES, JUDGEMNT OF THIS HONOURABLE TRIBUNAL DATED 22.2.2010 AND NORMS OF JUSTICE. THE RESPONDENTS MAY FURTHER PLEASE BE DIRECTED TO RESTORE THE APPELLANT TO NAIB TEHSILDAR POST WITH ALL BACK AND CONSEQUENTIAL BENEFITS BEING RIGHTLY PROMOTED. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE GRANTED IN FAVOUR OF APPELLANT.

Filed to-day  
*[Signature]*  
Registrar  
30/11/16

Re-submitted to -day  
and filed.  
*[Signature]*  
Registrar  
6/12/16

**R. SHEWETH.**

- 1- That the appellant joined the revenue Deptt: in the year 1977 and has more than 39 years service at his credit with good record throughout.
  
- 2- That the appellant filed a Service appeal No.1461/2009 in the this Honourable Service Tribunal for regular promotion as Naib Tehsildar. The said appeal was heard on 22.2.2010 and the respondent Deptt: was directed to place the case of the appellant before next DPC. (Copy of the judgment dated 22.2.2010 is attached as Annexure-A)
  
- 3- That as the respondent Deptt: was not implementing the direction of the Tribunal, therefore he filed an implementation petition and an application before the SMBR for his claim. The SMBR, in the meanwhile, passed an order on the application of appellant whereby the appellant was given his due rights of regular promotion as Naib Tehsildar w.e.from 4.7.2006. the concerned office had also issued an office order dated 11.11.2010 and on the basis of that order the implementation petition of the appellant was disposed of by the august Tribunal on 29.11.2010 since then the appellant has enjoyed the status of regular Naib Tehsildar for long ten years. (Copies of SMBR,s order, office order and Tribunal order are attached as annexure-B,C&D)
  
- 4- That the appellant, name was also enlisted in the seniority lists of regular Naib Tehsildar for the last ten year at various S. Nos. This aspect also shows that the appellant's promotion remained in field, acted upon and never been challenged by any official of the Revenue Deptt: so far, which amounted to creation of valuable rights ion favour of appellant. It is also pertinent to mention here that final seniority list of Naib Tehsildar as it stood on 31.5.2015 has been issued on 14.4.2016, wherein the appellant was placed at S.No.99. (Copies of seniority lists of 2014 and 2016 are attached as Annexure-E&F)
  
- 5- That the appellant's name was also enlisted the seniority lists of regular Naib Tehsildar for the last ten years. at various S.Nos. This aspect also shows that the appellant's promotion remained

in field, acted upon and never been challenged by any official of the Revenue Deptt: so far, which amounted to creation of valuable rights in favour of appellant.

- 6- That to the utter surprise of appellant the SMBR, withdrew the promotion order of appellant on 9.9.2016 in total violation of law and rules and norms of justice. The appellant filed departmental appeal against the said order but the same has also been rejected for no good grounds on 21.11.2016. (Copies of order, departmental appeal and rejection order are attached as Annexure-G,H&I)
- 7- That now the appellant comes to this august Tribunal on the following grounds amongst the others.

**GROUNDS:**

- A) That the order dated 09.09.2016, wherein the promotion order of the appellant has been withdrawn, and the rejection order dated 21.11.2016 are against the law, fact, norms of justice, fair play, material on record and Honourable Service Tribunal judgment dated 22.2.2010, therefore, not tenable and liable to be set aside.
- B) That the promotion order dated 11.11.2010 w.e.from 4.7.2006 was passed on the direction of Honourable Service Tribunal and remained in field since 2010 w.e from 4.7.2006 (for more than 10 years) which has created valuable rights in respect of the appellant, therefore, now the appellant's promotion could not be withdrawn under the principles of **Locus Poenitentiae.**
- C) That it is also worth to mention here that the order dated 11.11.2010 was based on judicial order and worthy SMBR is trying **to review** earlier order in the Court process and that too without any review petition filed by the respondent who were available at the time of decision dated 11.11.2010 of the appeal, thus under section 24-A of the General Clauses

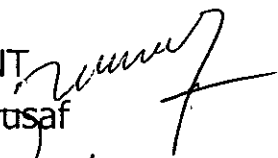
Act as well as principle of judicial power the worthy SMBR on its own cannot take Suo Motto action to review its earlier order passed while exercising judicial power.


- D) That after the acceptance of appeal of appellant by the then SMBR in the year 2010, the SMBR became functus officio and legally he cannot reviewed his order passed on appeal of appellant, especially, when the respondents in that appeal had not filed any appeal against the order of the then SMBR before a proper forum.
  
- E) That in the order passed on the appeal dated 22.1.2010 the official respondents i.e. Secretary Board of Revenue and Director Lands Record were present, but none of the respondents either challenge that order before the next appellate authority or before any competent legal forum. Thus, it is clear that the respondents Secretary Board of Revenue and Director Land Record were also in full agreement to the order passed by the then SMBR and that why the respondents are still mum over the orders passed on the appeal of the appellant.
  
- F) That since 4.7.2006, the appellant has continuously enjoyed the status of regular Naib Tehsildar and also has his name in the seniority lists of Naib Tehsildar issued since 2006 till date. The appellant is at Serial No. 99 in latest tentative seniority list issued on 31.12.2015. Thus according to the judgment so of the Hon'able Supreme Court's judgments, seniority rights could not be taken away in a fanciful manner.
  
- G) That while issuing order dated. 09.09.2016 ,the worthy SMBR did that without observing proper legal course as mandated in Khyber Pakhtunkhwa E&D Rules 2011 and directly issued order which is against the spirit of KPK Government Servants E&D Rules, 2011. The worthy SMBR without observing Rules-5(a), 7(c) & 14(7) of the E&D Rules, 2011 and without passing an order regarding


dispensing with inquiry declared the promotion order as illegal order.

- H) That the element of discrimination is also there because neither the then SMBR, the respondent in the departmental appeal are proceeded against nor other officials / offices involved in complying with the order dated 11.11.2010 have been proceeded against ,and the only appellant has been pin pointed and that too in violation of E&D Rules, 2011.
- I) That the worthy SMBR has not only violated the E&D Rules in toto but also miserably failed to finalize the issue pending since the last more than 10 years. Thus the spirit of Rule-7 of E&D Rules, 2011 is violated.
- J) That the appellant has not been dealt in accordance with law and rules.
- K) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT  
 Hazrat Yousaf 

THROUGH:   
 M.ASIF YOUSAFZAI  
 ADVOCATE SUPREME COURT,

  
 TAIMUR ALI KHAN  
 ADVOCATE HIGH, PESHAWAR,  
 &  
 SYED NOMAN ALI BUKHAR  
 ADVOCATE, PESHAWAR.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. \_\_\_\_\_/2016.

Hazrat Yousaf

VS

Chief Secretary KPK etc.

**APPLICATION FOR SUSPENDING THE OPERATION OF  
ORDER DATED. 9.9.2016 TILL THE DISPOSAL OF MAIN  
APPEAL.**

**R.SHEWETH.**

1. That the appellant has filed an appeal along with this application in which no date has been fixed so far.
2. That the grounds of main appeal may also be considered as integral part of this application.
3. That in a similar appeals No. 979/2016, 1032/2016, 1033/2016 and 1044/2016, the withdrawal of promotion order has already been suspended by this august Tribunal, therefore, the appellant also deserves the same treatment.
4. That the appellant has a good prima facie case and all the ingredients are in favour of appellant.
5. That the appellant has been suffered for no fault on his part while the remaining officials are left without punishment. Thus the appellant has been discriminated.
6. That the appellant has enjoyed the status of regular Naib Tehsildar for long 10 years which created rights in favour of appellant and as such the said promotion order cannot be so simply withdrawn in violation of law and principles of justice.



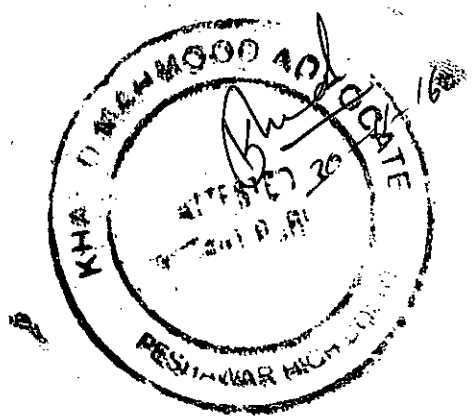
Therefore, it is humbly prayed that the operation of order dated 9.9.2016 may be suspended till the decision of main appeal. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

APPELLANT *[Signature]*

THROUGH: *[Signature]*  
M.ASIF YOUSAFZAI  
ADVOCATE SUPREME COURT,  
*[Signature]*  
TAIMUR ALI KHAN  
ADVOCATE HIGH, PESHAWAR.  
&  
SYED NOMAN ALI BUKHARI  
ADVOCATE PESHAWAR.

**AFFIDAVIT.**

It is affirmed that the contents of application are true and correct.



*[Signature]*  
DEPONENT

Handwritten marks: "A" and "B" in circles.

**BEFORE THE N.W.F.P SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1461 /09.

Diary No. 1595  
Date 26/8/09

Hazrat Yousaf, DRA,  
O/O- DOR&EC Battagram

Appellant

**VERSUS**

Handwritten notes: "EP No 3", "10/10/09", "15/11/09"

- 1- The Senior Member Board of Revenue NWFP Peshawar.
- 2- The Asstt: Secretary (Admin:) BOR, NWFP Peshawar.
- ③ The DOR&EC Battagram..... Respondents

**APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNALS ACT 1974 FOR REGULARIZATION AS NAIB TEHSILDAR W.E FROM 4.7.2006.**

**PRAYER:**

*That on acceptance of this appeal the respondents may be directed to consider the appellant for regular promotion as Naib Tehsildar from the date of his adjustment i.e 4.7.06. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

Filed to the Registrar 26/8/09

**R. SHEWETH.**

Attested  
**M. ISHAQ BATTGRAM**  
Advocate High Court  
Haripur 11/8/09

Handwritten note: "COPIES ATTACHED"

1- That the appellant was working as Asstt: in the Revenue Dept: since 1992, therefore the appellant filed an application for promotion as Naib Tehsildar to the competent authority under relevant rules of 2001 against 12% quota fixed for Asstt: Copies of application and rules are attached as Annexure - A &

Handwritten note: "Tehsildar Jassanmal"

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| 1<br>Sl. No. | 2<br>Date of Order or Proceedings | 3<br>Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary |
|--------------|-----------------------------------|--|
|--------------|-----------------------------------|--|

|     |           |  |
|-----|-----------|--|
| 10. | 22.2.2010 | <p>Appellant with counsel and Mr. Tahir Iqbal, AGP alongwith Muhammad Zarif, Asstt. Secretary on behalf of the respondents present. Arguments heard &amp; record perused.</p> <p>It was noticed during the course of arguments, that the respondents, in para-7 of their written reply/comments, have categorically stated that the request of the official concerned i.e. the appellant, will be considered in the light of the seniority-cum-fitness as and when Selection/Promotion Committee meeting (is held) which will be arranged by the department. The respondents have also attached a copy of memo. dated 27.4.09 to the said effect, from the Assistant-Secretary (Admn:) Board of Revenue NWFP to the District Officer (Revenue &amp; Estate)/Collector, Battagram.</p> <p>The learned counsel for the appellant, while placing reliance on the afore-mentioned memo., stated that the object of the appeal would be met if the directions are issued to the respondents in accordance with the said memo.</p> <p>Consequently, directions are issued accordingly for consideration of</p> |
|-----|-----------|--|

Appellant with counsel and Mr. Tahir Iqbal, AGP alongwith Muhammad Zarif, Asstt. Secretary on behalf of the respondents present. Arguments heard & record perused.

It was noticed during the course of arguments, that the respondents, in para-7 of their written reply/comments, have categorically stated that the request of the official concerned i.e. the appellant, will be considered in the light of the seniority-cum-fitness as and when Selection/Promotion Committee meeting (is held) which will be arranged by the department. The respondents have also attached a copy of memo. dated 27.4.09 to the said effect, from the Assistant-Secretary (Admn:) Board of Revenue NWFP to the District Officer (Revenue & Estate)/Collector, Battagram.

The learned counsel for the appellant, while placing reliance on the afore-mentioned memo., stated that the object of the appeal would be met if the directions are issued to the respondents in accordance with the said memo.

Consequently, directions are issued accordingly for consideration of

Attested  
**ISHAQ BATTIGRAM**  
 Advocate High Court  
 Peshawar




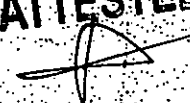
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Form No. 210

GS&PD MWFP 489/14-F.S.-500 Pods-17.11.07/P4(Q)/Form For Jobs/MWFP Circular 210

| 1<br>No. of Order or Proceedings | 2<br>Date of Order or Proceedings | 3<br>Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary  |
|----------------------------------|-----------------------------------|---|
|                                  |                                   | <p>the case of the appellant on merits in the next DPC meeting, which shall be convened, preferably, within a reasonable time i.e. three/four months. The appeal is disposed of accordingly, with no order as to costs.</p> <p><u>ANNOUNCED</u><br/>22.2.2010</p> <p>MEMBER  CHAIRMAN </p> <p></p> <p>Allocated<br/>Mr. <b>ISHAO BATIGRAM</b><br/>Advocate High Court<br/>Waripur<br/>31/8/10</p> <p>8/3/10<br/>1200<br/>800<br/>2000<br/>10000<br/>8-3-10<br/>8/3/10</p> <p><b>ATTESTED</b><br/></p> |

B (11)

IN THE COURT OF SENIOR MEMBER,  
BOARD OF REVENUE, KHYBER PAKHTUNKHWA

RECEIVED  
Senior Member,  
Board of Revenue,  
Khyber Pakhtunkhwa  
5/11/11

Case No. 305/2010  
Date of institution. 29.10.2010  
Date of Decision 11.11.2010

Subject: APPEAL IN RESPECT OF MR. HAZRAT YOUSAF ASSISTANT FOR PROMOTION TO THE POST OF NAIB TEHSILDAR (BPS-14) ON REGULAR BASIS.

ORDER

My this order will dispose of the Departmental Appeal filed by Mr. Hazrat Yousaf Assistant (BPS-14) of the office of District Officer (R&E)/Collector, Battagram for promotion as Naib Tehsildar (BPS-14) w.e.f 04.07.2006 on regular basis and for the purpose of seniority.

2. Brief facts of the case are that Mr. Hazrat Yousaf is Assistant of the office of District Officer (R&E)/Collector, Battagram and was posted as Head Clerk (Revenue), Shangla in his (Own Pay & Scale) on 04.07.2006. Then he was transferred and posted as District Revenue Accountant, Battagram on 22.08.2006. He was transferred and posted as Political Naib Tehsildar (Own Pay & Scale) Kala Dhaka on 19.07.2007. Thereafter he was transferred and posted as District Revenue Accountant Kohistan, on 07.02.2008. Then he was transferred and posted as District Revenue Accountant Battagram in his (Own Pay & Scale) in May, 2008 and lastly he was posted as Political Naib Tehsildar Kala Dhaka on 01.06.2009. Thus he served as Naib Tehsildar / District Revenue Accountant / Head Clerk (Revenue) in his (Own Pay & Scale) in Hazara Division for about 3 years and 3 months. During his posting as Naib Tehsildar / District Revenue Accountant / Head Clerk (Revenue) in his (Own Pay & Scale), he filed appeal before the Senior Member, Board of Revenue, Khyber Pakhtunkhwa for regularization of his services as Naib Tehsildar (BPS-14). He was informed that his case for promotion as Naib Tehsildar will be considered through Departmental Promotion Committee. Thereafter he lodged appeal before the Service Tribunal and the Service Tribunal Khyber Pakhtunkhwa issued directions to the Department on 22.02.2010 that his case for promotion as Naib Tehsildar may be considered through Departmental Promotion Committee within three / four months. This Department accordingly sent the copy of order dated 22.02.2010 of Service Tribunal to Commissioner, Hazara for necessary action, as under Notification dated 12.10.2010 of Establishment Department, the powers regarding service matters of Naib Tehsildars were delegated to Commissioners. Thereafter the appellant filed Execution Petition of order dated 22.02.2010 of Service Tribunal Khyber Pakhtunkhwa before the Service Tribunal and the Service Tribunal Khyber Pakhtunkhwa again directed the Department for the said purpose on 24.08.2010. The said directions of Service Tribunal, Khyber Pakhtunkhwa were also communicated to Commissioner, Hazara. The Commissioner, Hazara Division pointed out that

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M. ISHAQ BATTIGRAM  
Advocate High Court  
Battagram

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Notification dated 21.09.2010 of Establishment Department vide which the powers in respect of service matters of Tehsildars / Naib Tehsildars have already been transferred to Board of Revenue, Khyber Pakhtunkhwa and requested to dispose of the case of Mr. Hazrat Yousaf. In the meanwhile an order dated 01.10.2010 received from the Service Tribunal, Khyber Pakhtunkhwa, whereby Board of Revenue, Khyber Pakhtunkhwa was directed to implement the order / decision of the Tribunal without further loss of time positively before date fixed and furnish compliance report, otherwise appropriate action will be initiated against the responsible officer / official and date fixed for implementation on 29.11.2010. In compliance the office of Board of Revenue, Khyber Pakhtunkhwa asked for joint seniority list of Assistants / Junior Scale Stenographers of the offices of District Coordination Officer / District Officer (R&E)/Collector, / Executive District Officer (F&P) of Hazara Division from the Commissioner, Hazara as well as District Coordination Officer Battagram for the purpose of consideration of promotion of the Appellant as well as others for promotion to the post of Naib Tehsildar but final reply is still awaited.

3. Appellant present and heard, Comments offered by the Assistant Secretary (Estt:), Board of Revenue, Khyber Pakhtunkhwa and file perused. Appellant produced the order dated 22.02.2010 of Khyber Pakhtunkhwa Service Tribunal, whereby, the Department was directed to hold Departmental Promotion Committee meeting within a reasonable time i.e 3/4 months and also produced implementation of order dated 22.02.2010 of Service Tribunal Khyber Pakhtunkhwa issued by the Service Tribunal Khyber Pakhtunkhwa, on 24.08.2010 and 01.10.2010. Next date for implementation report of order dated 22.02.2010 is fixed for 29.11.2010. The Tribunal also observed that in case the Department failed to submit implementation report on 29.11.2010 appropriate action will be taken against the responsible officer/official.

4. In view of the above, the Appeal of the appellant is accepted, and he is promoted to the post of Naib Tehsildar (BPS-14) on regular basis and the services rendered by the appellant as Naib Tehsildar / District Revenue Accountant / Head Clerk (Revenue) in his (Own Pay & Scale) w.e.f 04.07.2006 are to be counted towards regular service as Naib Tehsildar (BPS-14) for the purpose of seniority at proper place.

**ANNOUNCED**  
11.11.2010

**SENIOR MEMBER,  
BOARD OF REVENUE, KHYBER PAKHTUNKHWA**

Attested  
**M. ISHAQ BATTIGRAM**  
Advocate High Court  
Haripur

Reader to  
Senior Member,  
Board of Revenue,  
Khyber Pakhtunkhwa

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GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

PESHAWAR DATED // /11/2010

ORDER

No. \_\_\_\_\_ /Admn:V/(H. Yousaf) in pursuance of Judicial order dated 11.11.2010 passed by the Court of Senior Member Board of Revenue, Khyber Pakhtunkhwa in case No. 305/2010, Mr. Hazrat yousaf Naib Tehsildar (Own Pay & Scale) is hereby promoted to the post of Naib Tehsildar (BPS-14) on regular basis and the services rendered by him as Naib Tehsildar (Own Pay & Scale) with effect from 04.07.2006 are to be counted towards regular service and for the purpose of seniority at proper place.

Consequent upon his promotion as Naib Tehsildar (BPS-14) on regular basis he is posted as District Revenue Accountant, Batagram against vacant post with immediate effect.

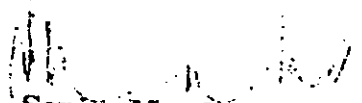
  
Senior Member  
Board of Revenue Khyber Pakhtunkhwa


No. 24876-79 /Admn:V/(H. Yousaf)


Copy to:-

1. Commissioner, Hazara Division.
2. District Coordination Officer, Batagram.
3. District Officer (R&E)/Collector, Batagram.
4. District Accountant Officer, Batagram.
5. Official Concerned.
6. Personal File.
7. Office Order File.

AE

  
Senior Member  
Board of Revenue Khyber Pakhtunkhwa

  
DO MB  
15/11/2010

Attested  
  
M. ISHAQ BATTIGRAM  
Advocate High Court  
11/11/10

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Date of Order or Proceedings

Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary

11.11.2010

...with counsel and ... 11.11.2010 whereby the petitioner has been promoted, and, thus, grievance of the petitioner has been redressed and order dated 22.2.2010 of the Tribunal cancelled.

In view of the above, the implementation/execution petition is disposed of as having served the purpose.

AND ORDER

29.11.2010

Handwritten signatures and stamps.

Certified to be true copy

Signature and stamp of the official.

Date of ... 12-1-2011
No. ... 1600
Copy ... 10-00
Total ... 10-00
Name of ...
Date of completion of work ... 21-1-2011
Date of delivery of copy ... 21-1-2011

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21.10.2010

Petitioner in person and Mr. Sharif M. Muttach, MAC along with Atteullah, Abbott; for respondents present. Representative of the respondents furnished copy of letter dated 23.9.10 to the Commissioner, Hazara Division, A/abad for implementation of the order/decision of the Tribunal; but the petitioner stated that even after arrival of the establishment of Commissioners in the respective Regions cases of R.Os have been dealt with and promotion granted by the BOR, and he also furnished copies of two such orders, which are placed on file. In view of this situation the respondent i.e. Board of Revenue is directed to implement the order/decision of the Tribunal without further loss of time possible well before the date fixed and furnish compliance report, otherwise appropriate legal action will be initiated against the responsible officers/official. To come up for implementation report on 29.11.2010.

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Chairman

**FINAL SENIORITY LIST OF NAIB TEHSILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2014**

~~CONFIDENTIAL~~ 15

| S.No. | Name of Naib Tehsildar / Qualification | Date of Birth / Domicile | Date first entry into Government Service | Date of appointment as Naib Tehsildar on regular basis | method of Recruitment | remarks                             |
|-------|--|--------------------------|--|--|-----------------------|-------------------------------------|
| 1.    | Mr. Abdul Qadeer (MSc)                 | 15.8.1962 DIKhan         | 28.08.1995                               | 28.08.1995   | Promotee              | Appointed as Tehsildar(B-16) on ACB |
| 2.    | Mr. Bashir Ahmad (FA)                  | 10.04.1955 Nowshera      | 28.07.1973                               | 12.10.2002   | --do--                | Posted as Tehsildar on CCB          |
| 3.    | Mr. Naz Amin Khan (Matric)             | 12.05.1960 Bajuar        | 25.11.1981                               | 13.01.2003   | --do--                | --do--                              |
| 4.    | Mr. S.Asghar Shah (Matric)             | 25.12.1959 Haripur       | 25.05.1981                               | 30.06.2003   | --do--                | --do--                              |
| 5.    | Mr. Said Rehman (Matric)               | 30.10.1958 Mardan        | 01.10.1981                               | 22.11.2004   | --do--                | --do--                              |
| 6.    | Mr. Kiramatullah Kundi (B.A)           | 03.03.1974 Tank          | 29.11.2004                               | 29.11.2004   | Direct                | Appointed as Tehsildar(B-16) on ACB |
| 7.    | Mr. Abdur Rehman Shah (BA)             | 15.02.1985 Bannu         | 23.01.2007                               | 23.01.2007   | --do--                | --do--                              |
| 8.    | Mr. Sarir Ahmad (Matric)               | 13.05.1955 Peshawar      | 28.02.1977                               | 31.05.2007   | Promotee              | Posted as Tehsildar on CCB          |
| 9.    | Muhammad Riaz (Matric)                 | 22.05.1958 Nowshera      | 06.08.1978                               | 31.05.2007   | --do--                | --do--                              |
| 10.   | Mr. Atta Ullah (Matric)                | 1.04.1955 Charsadda      | 06.11.1978                               | 31.05.2007   | --do--                | --do--                              |
| 11.   | Mr. Musadiq Hussein (Matric)           | 21.08.1955 Hangu         | 12.05.1973                               | 31.05.2007   | --do--                | --do--                              |
| 12.   | Muhammad Nawaz (F.A)                   | 30.03.1957 Mardan        | 20.05.1976                               | 31.05.2007   | --do--                | --do--                              |
| 13.   | Mr. Mir Laiq (F.A)                     | 27.04.1953 Mardan        | 08.03.1983                               | 31.05.2007   | --do--                | --do--                              |
| 14.   | Muhammad Bashir (F.A)                  | 10.12.1955 Haripur       | 01.11.1976                               | 20.07.2007   | --do--                | --do--                              |
| 15.   | Mr. Ghulam Sarwar (Matric)             | 01.03.1955 Shangla       | 01.03.1978                               | 20.07.2007   | --do--                | --do--                              |
| 16.   | Mr. Said Rahim (Matric)                | 15.04.1957 Swat          | 04.09.1976                               | 20.07.2007   | --do--                | --do--                              |
| 17.   | Mr. Fazli Raziq (B.Com)                | 01.05.1955 Swat          | 05.04.1981                               | 20.07.2007   | --do--                | --do--                              |
| 18.   | Mr. Asmat Ullah (Matric)               | 13.03.1959 Lakki Marwat  | 28.04.1982                               | 25.07.2007   | Promotee              | --do--                              |

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|-----|----------------------------------|-------------------------|------------|------------|----------|--|
| 20. | S. Mazhar Hussain Shah (F.A)     | 07.07.1955 DIKhan       | 10.05.1976 | 26.07.2007 | Promotee | Naib Tehsildar   |
|     | Mr. Hussain Bakish (Matric)      | 13.04.1956 DIKhan       | 01.09.1976 | 26.07.2007 | --do--   | Posted as Tehsildar on CCB   |
| 21. | Mr. Abdur Rashid (F.A)           | 01.09.1955 Tank         | 01.07.1984 | 26.07.2007 | --do--   | --do--   |
| 22. | Mr. Fateh Ullah (F.A)            | 10.10.1958 Tank         | 01.07.1984 | 26.07.2007 | --do--   | --do--   |
| 23. | Muhammad Akram (Matric)          | 03.10.1959 Tank         | 01.12.1983 | 26.07.2007 | --do--   | --do--   |
| 24. | Mr. Mulazim Hussain (Matric)     | 01.01.1957 Tank         | 05.07.1984 | 26.07.2007 | --do--   | --do--   |
| 25. | Mr. Afzal Khan (F.A)             | 15.03.1959 Swat         | 05.04.1981 | 01.09.2007 | --do--   | --do--   |
| 26. | Muhammad Farooq Anwar (Matric)   | 10.09.1958 Tank         | 23.12.1985 | 01.01.2008 | --do--   | Naib Tehsildar   |
| 27. | Mr. Kutab Khan (F.A)             | 22.05.1956 Tank         | 02.07.1986 | 01.01.2008 | --do--   | Posted as Tehsildar on CCB   |
| 28. | Mr. Ghulam Qasim (FA)            | 28.08.1958 DIKhan       |            | 01.01.2008 | --do--   | --do--   |
| 29. | Mr. Qudratullah (Matric)         | 20.02.1959 DIKhan       | 01.09.1977 | 01.01.2008 | --do--   | Naib Tehsildar   |
| 30. | Mr. Aftab Hussain Shah (B.A)     | 04.05.1958 DIKhan       | 13.09.1980 | 01.01.2008 | --do--   | --do--   |
| 31. | Mr. Sikandar Hayat Shah (Matric) | 20.01.1958 Bannu        | 18.02.1981 | 05.01.2008 | --do--   | --do--   |
| 32. | Mr. Ghulam Abbas (Matric)        | 15.02.1958 Lakki Marwat | 11.11.1982 | 05.01.2008 | --do--   | --do--   |
| 33. | Mr. Saleem Asmat (BA)            | 03.01.1959 DIKhan       | 27.03.1984 | 31.03.2003 | --do--   | Promoted through<br>Administative order of S.M.B.R.                            |
| 34. | Mr. Habib Ahmad B.A              | 04.04.1955 Swat         | 06.04.1981 | 02.04.2008 | --do--   | Naib Tehsildar   |
| 35. | Mr. Himayat Ullah Qureshi (B.A)  | 06.11.1958 Tank         | 10.01.1978 | 02.04.2008 | --do--   | --do--   |
| 36. | Mr. Abdullah Jan (FA)            | 17.10.1958 Charsadda.   | 01.09.1977 | 08.05.2008 | --do--   | --do--   |
| 37. | Mr. Muhammad Ziafat (F.A)        | 12.02.1955 Abbotabad.   | 06.10.1976 | 08.05.2008 | --do--   | --do--   |
| 38. | Mr. Naimat Ullah Khan (BA)       | 11.08.1957 Tank         | 16.06.1990 | 08.05.2008 | --do--   | --do--   |
| 39. | Mr. Naik Muhammad (B.A)          | 04.04.1971 Kohat        | 26.07.1995 | 10.05.2008 | --do--   | --do--   |
| 40. | Mr. Miraj Muhammad (F.A)         | 30.09.1958 Charsadda    | 31.05.1975 | 12.05.2008 | --do--   | --do--   |
| 41. | Mr. Amanullah (Matric)           | 09.06.1956 Tank         |            | 29.05.2003 | --do--   | Promoted through<br>Administative order of Senior<br>Member, Board of Revenue. |
| 42. | Mr. Shah Zaman (F.A)             | 16.07.1952 Tank         | 03.07.1984 | 29.05.2008 | --do--   | --do--   |

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|     |                                    | 1958 DIKhan               | 1987       | 29.05.2008 | Promotee | Promoted through<br>Administative order of SMBR |
|-----|------------------------------------|---------------------------|------------|------------|----------|---|
| 43. | Mr. Abdur Rashid (Matric)          |                           |            |            |          |   |
| 44. | Muhammad Ayub (Matric)             | 04.11.1950 Tank           | 18.12.1986 | 29.05.2008 | --do--   | --do--  |
| 45. | Mr. Amir Muhammad (B.A)            | 06.04.1961 Swabi          | 28.08.1988 | 11.08.2008 | --do--   | Naib Tehsildar                                  |
| 45. | Mr. Shakir Ullah (MA. MBA)         | 15.01.1978 Khyber Agency  | 02.02.2009 | 02.02.2009 | Direct   | --do--  |
| 47. | Mr. Munir Ahmad (MSc)              | 20.03.1979 SWA            | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 48. | Mr. Rahamud Ullah khan (MSc. Chem) | 18.04.1978 Lekki Marwat   | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 49. | Mr. Imtiaz Ali Shah (MSc)          | 14.04.1980 Karak          | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 50. | Mr. Khalid Khan (MA)               | 23.03.1978 Bajuar         | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 51. | Mr. Fazli Wadood (BA)              | 04.04.1982 Mohmand Agency | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 52. | Mr. Irshad Ali (MA)                | 15.03.1978 Mohmand Agency | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 53. | Mr. Amir Nawaz (BSc/MBA)           | 22.04.1975 DIKhan         | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 54. | Mr. Shah Wazir (MSc)               | 30.03.1980 SWA            | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 55. | Mr. Sikandar Khen (M.A)            | 10.12.1976 Swat           | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 56. | Mr. Ishtiaq Ahmad Khan (M.A)       | 30.04.1979 Malakand       | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 57. | Mr. Shamsul Islam (MA)             | 10.04.1979 Malakand       | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 58. | Mr. Allah Noor (MA)                | 11.04.1983 (FR) DIKhan    | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 59. | Muhammad Ilyas (MSc)               | 03.03.1975 Swat           | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 60. | Mr. Yasir Salman Kundi (MBA)       | 03.08.1979 Lekki Marwat   | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 61. | Mr. Yadullah Khan Khattak (MA)     | 23.05.1979 Mardan         | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 62. | Mr. Ahmad Hashmi (B.A)             | 2.04.1983 Dir Lower       | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 63. | Mr. Amin Ullah Khan (BA)           | 07.06.1977 DIKhan         | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 64. | Mr. Islahuddin (B.ALLB)            | 15.04.1982 Mardan         | 02.02.2009 | 02.02.2009 | --do--   | --do--  |

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|     |                                   |                       |            |            |        |                                   |
|-----|-----------------------------------|-----------------------|------------|------------|--------|-----------------------------------|
| 65. | Mr. Zahid Younis (M.A)            | 20.01.1978 Karak      | 02.02.2009 | 02.02.2009 | Direct | Naiib Tehsildar                   |
| 66. | Mr. Naimat Ullah (Double M.A)     | 26.04.1973 Dir        | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 67. | Muhammad Riaz (LLB)               | 02.02.1980 Dir Lower  | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 68. | Muhammad Yar (MA)                 | 02.02.1979 Malakand   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 69. | Mr. Sher Ali Khan (M.A)           | 13.11.1974 Swat       | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 70. | Mr. Munawar Shah (M.A)            | 12.02.1973 Dir Lower  | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 71. | Mr. Fikhar uddin (MSc)            | 05.08.1973 Charsadda  | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 72. | Mr. Younis Khan (M.A)             | 15.06.1981 Upper Dir  | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 73. | Mr. Mujahid Ali (M.A)             | 19.04.1974 Nowshera   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 74. | Eyed Abdul Akbar Shah (MSC/MA)    | 11.04.1981 Mardan     | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 75. | Eyed Sultan Haider Shah (BA. LLB) | 08.12.1972 Peshawar   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 76. | Mr. Aftab Ahmad (MSc)             | 08.12.1982 Peshawar   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 77. | Mr. Dil Nawaz Khan (LLB)          | 22.03.1979 Swabi      | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 78. | Mr. Hifayat Ullah (M.A)           | 09.01.1977 Peshawar   | 02.02.2009 | 02.02.2009 | --do-- | Removed from service on 26.5.2014 |
| 79. | Mr. Faqir Hussain (BA)            | 10.10.1983 Nowshera   | 02.02.2009 | 02.02.2009 | --do-- | Naiib Tehsildar                   |
| 80. | Mr. Z. Hqar Khan (M.Com)          | 15.04.1983 Peshawar   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 81. | Mr. Wajid Ahmad (M.A)             | 24.04.1980 Mansehra   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 82. | Muhammad Faraz Qurashi (MBA)      | 17.03.1982 Abbottabad | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 83. | Mr. Faisal ur Rehman (M.A)        | 10.07.1975 Haripur    | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 84. | Mr. Faruk Jadoon (BSc)            | 04.05.1984 Abbottabad | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 85. | Mr. Fayaz Ahmad (M.A)             | 10.03.1982 Abbottabad | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 86. | Bila. Ahmad (BA. B.Ed)            | 10.10.1978 Haripur    | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 87. | Mr. Tanveer Shatrad (M.A)         | 30.12.1977 Mansehra   | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |
| 88. | Mr. Fayaz Ahmad (3 - M.A)         | 15.04.1982 Abbottabad | 02.02.2009 | 02.02.2009 | --do-- | Naiib Tehsildar                   |
| 89. | Muhammad Salim (BSC)              | 13.05.1978 Abbottabad | 02.02.2009 | 02.02.2009 | --do-- | --do--                            |

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|      |   |                      |            |            |          |   |
|------|---|----------------------|------------|------------|----------|---|
| 90.  | Mr. Sajid Saleem (MA Political Science) | 01.04.1973 Tank      | 06.11.1996 | 10.02.2009 | Promotee | Promoted through Administrative order of SMER     |
| 91.  | Mr. Adil Waseem (BA)                    | 25.12.1988 Nowshera  | 27.02.2009 | 27.02.2009 | Direct   | Dismissed from service on 23.7.2014               |
| 92.  | Mr. Tanzil-ur-Rehman                    | 13.02.1983 NWA       | 14.04.2009 | 14.04.2009 | --do--   | Naib Tehsildar                                    |
| 93.  | Mr. Abdul Qayum (BA)                    | 24.04.1974 Kohistan  | 27.12.1993 | 02.05.2009 | Promotee | --do--  |
| 94.  | Mr. Roohul Amin (Matric)                | 25.10.1966 Kohat     | 01.04.1985 | 02.05.2009 | --do--   | --do--  |
| 95.  | Mr. Qanoos Khan (BA)                    | 14.02.1962 Kohat     | 01.07.1991 | 02.05.2009 | --do--   | --do--  |
| 96.  | Mr. Khurshid Ali (Matric)               | 19.01.1956 Malakand  | 05.12.1991 | 02.05.2009 | --do--   | --do--  |
| 97.  | Mr. Latif-ur-Rehman (Matric)            | 01.07.1959 Shangla   | 01.03.1978 | 02.05.2009 | --do--   | --do--  |
| 98.  | Mr. Jehan Wali (FA)                     | 01.02.1957 Shangla   | 01.03.1978 | 02.05.2009 | --do--   | --do--  |
| 99.  | Mr. Amir Zarin (Matric)                 | 06.08.1959 Shangla   | 01.03.1978 | 02.05.2009 | --do--   | --do--  |
| 100. | Mr. Shah Wazir (Matric)                 | 02.02.1960 Swat      | 05.04.1981 | 02.05.2009 | --do--   | --do--  |
| 101. | Mr. Sher Bahadar (BA)                   | 07.04.1965 Tank      | 10.10.1992 | 02.05.2009 | --do--   | --do--  |
| 102. | Mr. Shaukat Iqbal (M.A)                 | 2/11/1973 Dir Khan   | 19.10.1992 | 02.05.2009 | --do--   | --do--  |
| 103. | Mr. Abdul Rashid (M.Sc)                 | 05.01.1962 Swabi     | 28.08.1988 | 02.05.2009 | --do--   | --do--  |
| 104. | Mr. Ahmad Ali M.A (B.Ed)                | 17.04.1952 Swabi     | 28.08.1988 | 02.05.2009 | --do--   | --do--  |
| 105. | Mr. Faramosh Khan (BA)                  | 01.12.1957 Bajaur    | 26.11.1975 | 12.05.2009 | --do--   | Promoted through Administrative order of SMER     |
| 106. | Mr. Abdul Haseeb (Matric)               | 01.09.1959 Bajaur    | 18.02.1977 | 12.05.2009 | --do--   | --do--  |
| 107. | Mr. Shakeel Ahmad (M.A)                 | 03.07.1971 Charsadda | 13.09.1992 | 12.05.2009 | --do--   | Reverted to his original post of Political Master |
| 108. | Mr. Gohar Ali (B.A)                     | 31.03.1980 Bara      | 29.05.2009 | 29.05.2009 | Direct   | Naib Tehsildar                                    |
| 109. | Mr. Mehmood Shah (Matric)               | 01.02.1959 Peshawar  | 04.10.1977 | 02.06.2009 | Promotee | --do--  |
| 110. | Mr. Sher Dil (BA)                       | 24.01.1974 Kohistan  | 10.04.1995 | 02.06.2009 | --do--   | --do--  |
| 111. | Muhammad Shoaib (BA)                    | 31.01.1968 Kohat     | 09.12.1990 | 02.06.2009 | --do--   | --do--  |
| 112. | Mr. Muhammad Ahsan (BA)                 | 29.01.1967 Kohat     | 02.09.1984 | 26.06.2009 | --do--   | --do--  |
| 113. | Mr. Zafar Iqbal (B.A, L.L.B)            | 25.02.1963 Kohat     | 02.04.1987 | 02.07.2009 | --do--   | --do--  |
| 114. | Mr. Nawab Gul (M.A)                     | 15.11.1966 Kohat     | 01.01.1995 | 02.07.2009 | --do--   | --do--  |

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|      |                                 |                            |            |            |                |  |
|------|---------------------------------|----------------------------|------------|------------|----------------|--|
| 116. | Mr. Umbaras Khan (B.A)          |                            |            |            |                |  |
| 116. | Mr. Shakeel-ul-Rehman           | 30.06.1960 Mardan          | 30.03.1988 | 07.07.2009 | Promotee       | Naib Tehsildar                                     |
| 117. | Mr. Shiekh Muhammad Jamil (F.A) | 10.02.1978 Barnu           | 06.01.2009 | 11.07.2009 | Direct         | --do--   |
| 118. | Mr. Bashir Ahmad (F.A)          | 15.02.1964 DIKhan          | 21.10.1992 | 18.07.2009 | Promotee       | --do--   |
| 119. | Mr. Shehryar Khan (Matric)      | 01.01.1957 DIKhan          | 10.12.1983 | 18.07.2009 | --do--         | --do--   |
| 120. | Mr. Hazrat Khan (Matric)        | 01.10.1961 Mohmand Agency  | 13.09.1983 | 25.07.2009 | --do--         | Reverted to his original post of Political Moharir |
| 121. | Sardar Yousaf (BA)              | 02.02.1956 Mohamand Agency | 08.10.1986 | 10.09.2009 | --do--         | --do--   |
| 122. | Mr. Sez Muhamamd (BA)           | 15.03.1959 Bajaur          | 22.02.1978 | 17.09.2009 | Promotee       | Promoted through Administrative order of SMBR.     |
| 123. | Mr. Ghulam Saeedullah (FA)      | 01.02.1963 Bajaur          | 25.11.1981 | 17.09.2009 | --do--         | --do--   |
| 124. | Mr. Abdul Malik (FA)            | 01.01.1957 Bajaur          | 24.11.1975 | 18.09.2009 | --do--         | --do--   |
| 125. | Mr. Muhammd Saeed               | 01.08.1955 Bajaur          | 24.11.1975 | 26.09.2009 | --do--         | --do--   |
| 126. | Mr. Riaz-ul-Haq (BA)            | Peshawar                   |            | 30.09.2009 | --do--         | --do--   |
| 127. | Mr. Umar Said (BA)              | 11.01.1969 Bajaur          | 24.07.1987 | 22.10.2009 | --do--         | --do--   |
| 128. | Mr. Jehanzeb Khan (BA)          | 16.10.1960 Mardan          | 15.09.1988 | 07.01.2010 | --do--         | Reverted to his original post of Assistant         |
| 129. | Mr. Asmatullah (BA)             | 01.04.1965 Malakand        | 13.12.1982 | 08.01.2010 | --do--         | Promoted through Administrative order of SMBR.     |
| 130. | Mr. Gul Shehzad                 | 25.05.1973 NWA             | 11.06.1995 | 22.01.2010 | --do--         | --do--   |
| 131. | Mr. Muhammad Alam (FA)          | 15.01.1986 Peshawar        |            | 21.04.2010 | --do--         | --do--   |
| 132. | Mr. Dilfar Khan (BA)            | FR (Lakki)                 |            | 03.05.2010 | --do--         | Reverted to his original post of Assistant         |
| 133. | Mr. Sardar Ghulam Murtaza FA    | 15.05.1975 Abbottabad      | 11.09.2005 | 25.06.2010 | --do--         | Promoted through Administrative order of SMBR.     |
| 134. | Mr. Musadiq Hussain (BA)        | 01.11.1965 Abbottabad      | 24.06.1988 | 30.05.2010 | Promotee       | Naib Tehsildar                                     |
| 135. | Mr. Fazle-Rehman (Matric)       | 27.10.1962 Hang            | 15.03.1980 | 23.07.2010 | Naib Tehsildar | Promoted through Administrative order of SMBR.     |
| 136. | Mr. Haq Nawaz (Matric)          | 10.06.1958 DIKhan          |            | 02.09.2010 | --do--         | --do--   |
| 137. | Mr. Gohar Zaman (FA)            | 03.07.1960 DIKhan          |            | 02.09.2010 | Naib Tehsildar | --do--   |
|      |                                 | 20.04.1965 DIKhan          |            | 02.09.2010 | --do--         | --do--   |

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Mr. Anwar Hussain (FA)

|      |                            |                     |            |            |          |  |
|------|----------------------------|---------------------|------------|------------|----------|--|
| 139. | Mr. Ghunche Gul (C.com)    | 23.03.1972 Kohat    |            | 15.10.2010 | Promotee | Promoted through Administrative order of SMBR  |
| 140. | Mr. Abdul Jalil (MA)       | 24.04.1967 Mohmand  | 22.12.1993 | 26.11.2010 | --do--   | --do--   |
| 141. | Mr. Muhammed Amin (Matric) | 15.01.1964 SWA      |            | 04.11.2010 | --do--   | --do--   |
| 142. | Mr. Kamalistan (Matric)    | 19.06.1957 Swat     | 06.04.1981 | 11.11.2010 | --do--   | --do--   |
| 143. | Mr. Hazrat Yousaf (MA)     | 01.04.1958 Swat     | 05.04.1981 | 11.11.2010 | Promotee | --do--   |
| 144. | Mr. Faizullah              | 15.04.1959 Banagram | 01.01.1977 | 11.11.2010 | --do--   | --do--   |
|      |                            | 08.11.1957 Bannu    | 02.02.1981 |            | --do--   | Promoted through Administrative order. Leave to appeal has been filed in Supreme Court against the Tribunal's orders |

Secretary - I

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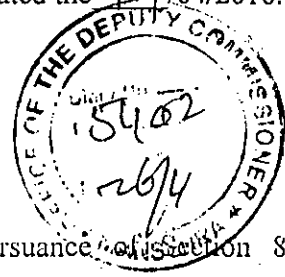




GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT.

Peshawar dated the 14/04/2016.

Manshra



OFFICE ORDER.

No. Estt: V/S. List/Naib Tehsildar/2015/\_\_\_\_\_ In pursuance of Section 8 (i) of the Khyber Pakhtunkhwa, Civil Servants Act, 1973, Tentative seniority list of Naib Tehsildars 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: V/S. List/Naib Tehsildar/2015/ 11974-99

Copy alongwith a copy of tentative seniority list is forwarded to

1. All Deputy Commissioners in Khyber Pakhtunkhwa They are requested to circulate the same amongst the Naib Tehsildars working under your control for information / objection if any within 30 days positively.
2. Office order file.

Secretary - I

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**TENTATIVE SENIORITY LIST OF NAIB TEHSILDAR (BPS – 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2015**

| S.No. | Name of Naib Tehsildar / Qualification | Date of Birth / Domicile     | Date first entry into Government Service | Date of appointment as Naib Tehsildar on regular basis | Method of Recruitment | Remarks                                       |
|-------|--|------------------------------|--|--|-----------------------|---|
| 1.    | Mr. Abdul Qadeer (MSc)                 | 15.8.1962 DIKhan             | 28.08.1995                               | 28.08.1995   | Promotee              | Appointed as Tehsildar (B-16) on ACB          |
| 2.    | S. Mazhar Hussain Shah (F.A)           | 07.07.1956 DIKhan            | 10.05.1976                               | 26.07.2007   | Promotee              | Naib Tehsildar                                |
| 3.    | Mr. Aftab Hussain Shah (B.A)           | 04.05.1958 DIKhan            | 13.09.1980                               | 01.01.2008   | --do--                | --do--  |
| 4.    | Mr. Saleem Asmat (BA)                  | 03.01.1959 DIKhan            | 27.03.1984                               | 31.03.2008   | --do--                | Promoted through Administrative order of SMBR |
| 5.    | Mr. Amanullah (Matric)                 | 09.06.1956 Tank              | -  | 29.05.2008   | --do--                | --do--  |
| 6.    | Mr. Shah Zaman (F.A)                   | 16.07.1958 Tank              | 03.07.1984                               | 29.05.2008   | --do--                | --do--  |
| 7.    | Mr. Abdur Rashid (Matric)              | 1958 DIKhan                  | 1987                                     | 29.05.2008   | --do--                | --do--  |
| 8.    | Muhammad Ayub (Matric)                 | 04.11.1960 Tank              | 18.12.1986                               | 29.05.2008   | --do--                | --do--  |
| 9.    | Mr. Amir Muhammad (B.A)                | 06.04.1961 Swabi             | 28.08.1988                               | 11.08.2008   | --do--                | Naib Tehsildar                                |
| 10.   | Mr. Shakir Ullah (MA. MBA)             | 15.01.1978 Khyber Agency     | 02.02.2009                               | 02.02.2009   | Direct                | --do--  |
| 11.   | Mr. Munir Ahmad (MSc)                  | 20.03.1979 SWA               | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |
| 12.   | Mr. Rahamd Ullah khan (MSc. Chem)      | 18.04.1978 Lakki Marwat      | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |
| 13.   | Mr. Imtiaz Ali Shah (MSc)              | 14.04.1980 Karak             | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |
| 14.   | Mr. Khalid Khan (MA)                   | 23.03.1978 Bajuar            | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |
| 15.   | Mr. Fazli Wadood (BA)                  | 04.04.1982<br>Mohmand Agency | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |
| 16.   | Mr. Irshad Ali (MA)                    | 15.03.1978<br>Mohmand Agency | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |
| 17.   | Mr. Amir Nawaz (BSc/MBA)               | 22.04.1975 DIKhan            | 02.02.2009                               | 02.02.2009   | --do--                | --do--  |

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|     |                                   |                         |            |            |        |                |
|-----|-----------------------------------|-------------------------|------------|------------|--------|----------------|
| 18. | Mr. Shah Wazir (MSc)              | 30.03.1980 SWA          | 02.02.2009 | 02.02.2009 | Direct | Naib Tehsildar |
| 19. | Mr. Sikandar Khan (M.A)           | 10.12.1976 Swat         | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 20. | Mr. Ishtiaq Ahmad (M.A)           | 30.04.1979 Malakand     | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 21. | Mr. Shamsul Islam (MA)            | 10.04.1979 Malakand     | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 22. | Mr. Allah Noor (MA)               | 11.04.1983 (FR) DIKhan  | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 23. | Muhammad Ilyas (MSc)              | 03.03.1975 Swat         | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 24. | Mr. Yasir Salman Kundi (MBA)      | 03.08.1979 Lakki Marwat | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 25. | Mr. Yadullah Khattak (MA)         | 23.05.1979 Mardan       | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 26. | Mr. Ahmad Hashmi (B.A)            | 2.04.1983 Dir Lower     | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 27. | Mr. Amin Ullah Khan (BA)          | 07.06.1977 DIKhan       | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 28. | Mr. Zahid Younis (M.A)            | 20.01.1978 Karak        | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 29. | Mr. Naimat Ullah (Double M.A)     | 26.04.1973 Dir          | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 30. | Muhammad Riaz (LLB)               | 02.02.1980 Dir Lower    | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 31. | Muhammad Yar (MA)                 | 02.02.1979 Malakand     | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 32. | Mr. Sher Ali Khan (M.A)           | 13.11.1974 Swat         | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 33. | Mr. Munawar Shah (M.A)            | 12.02.1973 Dir Lower    | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 34. | Mr. Iftikhar uddin (MSc)          | 05.08.1973 Charsadda    | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 35. | Mr. Younis Khan (M.A)             | 15.06.1981 Upper Dir    | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 36. | Mr. Mujahid Ali (M.A)             | 19.04.1974 Nowshera     | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 37. | Syed Abdul Akbar Shah (MSC/M.A)   | 11.04.1981 Mardan       | 02.02.2009 | 02.02.2009 | --do-- | --do--         |
| 38. | Syed Sultan Haider Shah (BA. LLB) | 08.12.1972 Peshawar     | 02.02.2009 | 02.02.2009 | --do-- | --do--         |

|     |   |                       |            |            |          |   |
|-----|---|-----------------------|------------|------------|----------|---|
| 39. | Mr. Aftab Ahmad (MSc)                   | 08.12.1982 Peshawar   | 02.02.2009 | 02.02.2009 | Direct   | Naib Tehsildar                                      |
| 40. | Mr. Dil Nawaz Khan (LLB)                | 22.03.1979 Swabi      | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 41. | Mr. Kifayat Ullah (M.A)                 | 09.01.1977 Peshawar   | 02.02.2009 | 02.02.2009 | --do--   | Removed from service on<br>26.5.2014                |
| 42. | Mr. Faqir Hussain (BA)                  | 10.10.1983 Nowshera   | 02.02.2009 | 02.02.2009 | --do--   | Naib Tehsildar                                      |
| 43. | Mr. Zulfiqar Khan (M.Com)               | 15.04.1983 Peshawar   | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 44. | Mr. Waqar Ahmad (M.A)                   | 24.04.1980 Mansehra   | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 45. | Muhammad Faraz Qurashi (MBA)            | 17.03.1982 Abbottabad | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 46. | Mr. Fazal ur Rehman (M.A)               | 10.07.1975 Haripur    | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 47. | Mr. Farukh Jadoon (BSc)                 | 04.05.1984 Abbottabad | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 48. | Mr. Fayaz Ahmad (M.A)                   | 10.03.1982 Abbottabad | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 49. | Mr. Bilal Ahmad (BA. B.Ed)              | 10.10.1978 Haripur    | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 50. | Mr. Tanveer Shahzad (M.A)               | 30.12.1977 Mansehra   | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 51. | Mr. Ejaz Ahmad (M.A)                    | 15.04.1982 Abbottabad | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 52. | Muhammad Salim (BSC)                    | 03.05.1978 Abbottabad | 02.02.2009 | 02.02.2009 | --do--   | --do--  |
| 53. | Mr. Sajid Saleem (MA Political Science) | 01.04.1978 Tank       | 06.11.1996 | 10.02.2009 | Promotee | Promoted through<br>Administrative order of<br>SMBR |
| 54. | Mr. Adil Waseem (BA)                    | 25.12.1988 Nowshera   | 27.02.2009 | 27.02.2009 | Direct   | Dismissed from service on<br>23.7.2014              |
| 55. | Mr. Tanzil-ur-Rehman (BA)               | 13.02.1988 NWA        | 14.04.2009 | 14.04.2009 | --do--   | Naib Tehsildar                                      |
| 56. | Mr. Abdul Qayum (FA)                    | 24.04.1974 Kohistan   | 27.12.1993 | 02.05.2009 | Promotee | --do--  |
| 57. | Mr. Roohul Amin (Matric)                | 25.10.1966 Kohat      | 01.04.1985 | 02.05.2009 | --do--   | --do--  |
| 58. | Mr. Qianoos Khan (BA)                   | 14.02.1962 Kohat      | 01.07.1991 | 02.05.2009 | --do--   | --do--  |

ATTESTED

|     |                                 |                     |             |            |          |  |
|-----|---------------------------------|---------------------|-------------|------------|----------|--|
| 59. | Mr. Latif-ur-Rehman (Matric)    | 01.07.1959 Shangla  | 01.03.1978  | 02.05.2009 | Promotee | Naib Tehsildar                                       |
| 60. | Mr. Jehan Wali (FA)             | 01.02.1957 Shangla  | 01.03.1978  | 02.05.2009 | --do--   | --do--   |
| 61. | Mr. Amir Zarin (Matric)         | 06.08.1959 Shangla  | 01.03.1978  | 02.05.2009 | --do--   | --do--   |
| 62. | Mr. Shah Wazir (Matric)         | 02.02.1960 Swat     | 05.04.1981  | 02.05.2009 | --do--   | --do--   |
| 63. | Mr. Sher Bahadar (BA)           | 07.04.1965 Tank     | 10.10.1992  | 02.05.2009 | --do--   | --do--   |
| 64. | Mr. Shaukat Iqbal (M.A)         | 2/11/1973 DIKhan    | 19.10.1992. | 02.05.2009 | --do--   | --do--   |
| 65. | Mr. Abdur Rashid (MSC)          | 05.01.1962 Swabi    | 28.08.1988  | 02.05.2009 | --do--   | --do--   |
| 66. | Mr. Ahmad Ali M.A (B.Ed)        | 17.04.1962 Swabi    | 28.08.1988  | 02.05.2009 | --do--   | --do--   |
| 67. | Mr. Faramosh Khan (BA)          | 01.12.1957 Bajaur   | 26.11.1975  | 12.05.2009 | --do--   | Promoted through<br>Administrative order of<br>SMBR, |
| 68. | Mr. Abdul Haseeb (Matric)       | 01.09.1959 Bajaur   | 18.02.1977  | 12.05.2009 | --do--   | --do--   |
| 69. | Mr. Gohar Ali (B.A)             | 31.03.1980 Bannu    | 29.05.2009  | 29.05.2009 | Direct   | Naib Tehsildar                                       |
| 70. | Mr. Mehmood Shah (Matric)       | 01.02.1959 Peshawar | 04.10.1977  | 02.06.2009 | Promotee | --do--   |
| 71. | Mr. Sher Dil (BA)               | 24.01.1974 Kohistan | 10.04.1995  | 02.06.2009 | --do--   | --do--   |
| 72. | Muhammad Shoaib (BA)            | 01.01.1968 Kohat    | 09.12.1990  | 02.06.2009 | --do--   | --do--   |
| 73. | Muhammad Arshad (BA)            | 20.01.1967 Kohat    | 02.09.1984  | 26.06.2009 | --do--   | --do--   |
| 74. | Mr. Zafar Iqbal (B.A. L.L.B)    | 25.02.1963 Kohat    | 02.04.1987  | 02.07.2009 | --do--   | --do--   |
| 75. | Mr. Nawab Gul (M.A)             | 15.11.1966 Kohat    | 01.01.1995  | 02.07.2009 | --do--   | --do--   |
| 76. | Mr. Umbaras Khan (B.A)          | 30.06.1960 Mardan   | 30.08.1988  | 07.07.2009 | --do--   | --do--   |
| 77. | Mr. Shakeel-ul-Rehman           | 10.02.1978 Bannu    | 06.01.2009  | 11.07.2009 | Direct   | --do--   |
| 78. | Mr. Shiekh Muhammad Jamil (M.A) | 15.02.1964 DIKhan   | 21.10.1992  | 18.07.2009 | Promotee | --do--   |
| 79. | Mr. Bashir Ahmad (F.A)          | 01.01.1957 DIKhan   | 10.12.1983  | 18.07.2009 | --do--   | --do--   |

ATTESTED

|      |                                   |                       |            |            |          |  |
|------|-----------------------------------|-----------------------|------------|------------|----------|--|
| 80.  | Sardar Yousaf (BA)                | 15.03.1959 Bajaur     | 22.02.1978 | 17.09.2009 | Promotee | Promoted through Administrative order of SMBR, |
| 81.  | Mr. Saz Muhamamd (BA)             | 01.02.1963 Bajaur     | 25.11.1981 | 17.09.2009 | --do--   | --do--   |
| 82.  | Mr. Ghulam Saeedullah (FA)        | 01.01.1957 Bajaur     | 24.11.1975 | 18.09.2009 | --do--   | --do--   |
| 83.  | Mr. Muhammd Saeed (FA)            | Peshawar              |            | 30.09.2009 | --do--   | --do--   |
| 84.  | Mr. Rijaz-ul-Haq (BA)             | 11.01.1969 Bajaur     | 04.07.1987 | 22.10.2009 | --do--   | --do--   |
| 85.✓ | Mr. Jehanzeb Khan (BA)            | 01.04.1965 Malakand   | 13.12.1982 | 08.01.2010 | --do--   | --do--   |
| 86.✓ | Mr. Asmatullah (BA)               | 25.05.1973 NWA        | 01.06.1996 | 22.01.2010 | --do--   | --do--   |
| 87.✓ | Mr. Gul Shehzad                   | 15.01.1986 Peshawar   |            | 21.04.2010 | --do--   | --do--   |
| 88.✓ | Mr. Dildar Khan (BA)              | 15.05.1975 Abbottabad | 01.09.2003 | 25.06.2010 | --do--   | --do--   |
| 89.  | Mr. Sardar Ghulam Murtaza FA      | 01.11.1965 Abbottabad | 04.06.1988 | 30.06.2010 | --do--   | Promoted through PHC Decision                  |
| 90.  | Syed Musadiq Hussain (MA. Arabic) | 27.10.1962 Hanug      | 15.03.1980 | 23.07.2010 | --do--   | Promoted through Administrative order of SMBR, |
| 91.  | Mr. Fazle-Rehman (Matric)         | 10.06.1958 DIKhan     |            | 02.09.2010 | --do--   | --do--   |
| 92.  | Mr. Haq Nawaz (Matric)            | 03.07.1960 DIKhan     |            | 02.09.2010 | --do--   | --do--   |
| 93.  | Mr. Gohar Zaman (FA)              | 20.04.1965 DIKhan     |            | 02.09.2010 | --do--   | --do--   |
| 94.  | Mr. Anwar Hussain (FA)            | 23.03.1972 Kohat      |            | 15.10.2010 | --do--   | --do--   |
| 95.  | Mr. Ghuncha Gul (C.com)           | 24.04.1967 Mohmand    | 22.12.1998 | 20.11.2010 | --do--   | --do--   |
| 96.  | Mr. Abdul Jalil (MA)              | 15.01.1964 SWA        |            | 04.11.2010 | --do--   | --do--   |
| 97.  | Mr. Muhammad Amin (Matric)        | 19.06.1957 Swat       | 06.04.1981 | 08.11.2010 | --do--   | --do--   |
| 98.  | Mr. Kamilstan (Matric)            | 01.04.1958 Swat       | 06.04.1981 | 08.11.2010 | --do--   | --do--   |
| 99.✓ | Mr. Hazrat Yousaf (MA)            | 06.04.1959 Battagram  | 01.01.1977 | 11.11.2010 | --do--   | --do--   |

|      |                         |                         |            |            |          |                |
|------|-------------------------|-------------------------|------------|------------|----------|----------------|
| 100. | Mr. Faizullah           | 03.01.1957 Bannu        | 02.02.1981 | 27.05.2015 | Promotee | Naib Tehsildar |
| 101. | Mr. Haqdad Khan (F.A)   | 06.02.1956 Bannu        | 22.01.1981 | 27.05.2015 | --do--   | --do--         |
| 102. | Mr. Abdul Salam (FA)    | 04.11.1981 Lakki Marwat | 01.09.2004 | 27.05.2015 | --do--   | --do--         |
| 103. | Mohammad Khan (FA)      | 06.02.1980 Mardan       | 24.04.2008 | 27.05.2015 | --do--   | --do--         |
| 104. | Mohammad Naeem (BA)     | 02.02.1961 Abbottabad   | 15.04.1985 | 27.05.2015 | --do--   | --do--         |
| 105. | Mr. Jehan Ali (FA)      | 05.03.1962 Malakand     | 11.08.1993 | 27.05.2015 | --do--   | --do--         |
| 106. | Mr. Adam Khan (Matric)  | 03.06.1956 Dir Lower    | 01.10.1980 | 27.05.2015 | --do--   | --do--         |
| 107. | Mr. Bakht Jehan (MA)    | 15.03.1964 Dir Lower    | 05.06.1986 | 27.02.2015 | --do--   | --do--         |
| 108. | Mr. Alamzeb (Matric)    | 20.04.1959 Dir Lower    | 01.06.2006 | 27.05.2015 | --do--   | --do--         |
| 109. | Mr. Nisarullah (Matric) | 01.11.1959 Mardan       | 04.11.1984 | 27.05.2015 | --do--   | --do--         |
| 110. | Mr. Inayatullah (BA)    | 27.09.1958 Bannu        | 12.02.1982 | 21.08.2015 | --do--   | --do--         |
| 111. | Mr. Rashid Khan (FA)    | 19.03.1958 Bannu        | 28.11.1982 | 21.08.2015 | --do--   | --do--         |

  
Secretary - I

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar-Dated 17/09/2016

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19/9  
16 DC cm  
19/9

**ORDER**

No. Estt:V/PF/(Hazrat Yousaf)/ 22745 Whereas, Mr. Hazrat Yousaf was promoted to the post of Naib Tehsildar on 11.11.2010 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 11.11.2010 read with notification bearing No. 24876-79/Admn:V/PF/(H.Yousaf), dated 11.11.2010 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/( Hazrat Yousaf)/ 22746-49

Copy forwarded to the:-

1. Commissioner, Hazara Division.
2. Deputy Commissioner, Battagram and Mansehra. ✓
3. District Accounts Officer, Battagram and Mansehra. ✓
4. Official concerned.

*[Signature]*  
Assistant Secretary (Lstt)

No. 14248-SB /AE, dated 20-9-2016

Copy for information & action to:-

- 1) She Assistant Commissioner, oghi.
- 2) She D.N. Main office.
- 3) She D.K. Main office.

ATTESTED

*[Signature]*

*[Signature]*  
DEPUTY COMMISSIONER  
MANSEHRA



To

The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.  
(Appellate Authority).

H  
36

THROUGH PROPER CHANEL

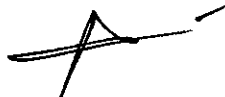
Subject: DEPARTMENTAL APPEAL AGAINST ORDER NO. ESTT V/PF (HAZRAT YOUSAF/ 22745 DATED 09-09-2016 WHEREIN THE APPELLANT'S REGULAR PROMOTION ORDER DATED 11-11-2010 READ WITH NOTIFICATION BEARING NO 24876-79/ADMIN: V /PF (H.YOUSAF) DATED 11-11-2010 HAS BEEN WITHDRAWN.

R/Sir,

The appellant has the honour to submit the following before your good self:

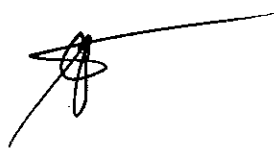
1. That I was serving as Assistant in the Office of the erstwhile Deputy Commissioner Office Battagram prior to devolution and thereafter retained the same post in the office of the District Officer (R&E)/Collector, Battagram in the year 2001, in the Post Devolution period.
2. That Government of Khyber Pakhtunkhwa Revenue Department prescribed Service Rules for recruitment and promotion to the posts of Tehsildar and Naib Tehsildar. According to such Rules the Assistants who were working in the office of the District Officer (R&E)/Collector were included in the quota of 12% for Naib Tehsildar and graduate Assistants in 30% quota for Tehsildar in the year 2001 and I was eligible for both the post being holding the degree of post graduate. (Photocopy of Rules attached as annexure "A")

ATTESTED



3. That I had the fortune to place before the worthy Senior Member Board of Revenue Khyber Pakhtunkhwa my application for promotion as Naib Tehsildar and I was accordingly posted as HCR in the office District Officer (R & E)/Collector, Shangla and thereafter I worked on various assignment of the same post (photo copy attached as Annexure-B).
4. That the Government of Revenue Department Khyber Pakhtunkhwa vide letter 8957-88/Admin-II/300 informed Assistant and Sought option, whether wished to be promoted as Superintendent or Tehsildar/Naib Tehsildar (copy attached) Annexure-C&D. I thus opted to be promoted as Tehsildar/Naib Tehsildar (Photo copy attached as Annexure-E).
5. That I was the senior one in the seniority list of Assistant and junior Scale Stenographer in Hazara Division issued vide Board of Revenue Khyber Pakhtunkhwa No. 5379-83/Admin/V/DPC dated 28-01-2007 (Photo copy attached as Annexure-F).
6. That I preferred an appeal to the Honorable Senior Member Board of Revenue, Khyber Pakhtunkhwa for regularization of my services as N.T(BPS-14) but I was informed vide letter No. 10064/Admin-V/PF dated 27-04-2009,(Photo copy attached as Annexure-G). That my case shall be considered in the DPC Meeting whenever held. However meeting of the DPC was not held and thus my case was held up. On this I lodged an appeal before the Khyber Pakhtunkhwa Services Tribunal and which Tribunal decided that my case for promotion as NT be considered within three/four months (photo copy attached as Annexure-H).
7. That when my case for promotion was not taken up/considered by the Honorable Senior Member, Board of Revenue within the stipulated period vide judgment/order of Services Tribunal dated 22-02-2010, I was obliged to file an application for implementation wherein the Board of Revenue

**ATTESTED**



was given direction for the implementation of the decision other wise for serious consequences (photo copy of the order sheet attached as Annexure-I). On my application and in view of direction and order of the services Tribunal I was regularly promoted vide Senior Member Board of Revenue Khyber Pakhtunkhwa order bearing end: No. 24876-79/Admin:V/(H) Yousaf) dated 11-11-2010 (Photo copy attached as Annexure-J) and on the last date of hearing they presented, copy of the order and the honourable Chairman incorporated it in the order sheet, that the order of the Services Tribunal complied with and the petitioner's grievances is redressed and thus disposed of my implementation case (photo copy of the final order sheet dated 29-11-2010 is attached as annexure-K). My selection/promotion order is quite according to Rules & Regulation specially it is through the decision of the court of competent jurisdiction and no illegality on my part has occurred. This honourable forum when did not take up my case, then the needful was completed through the orders of the court, therefore, the DPC or other codel formalities now can not over ride the order of the TRIBUNAL except through an appeal before the competent forum, especially when there is no disqualification or other fault on my part.

8. That since then 11-11-2010 the appellant is continuously enjoying the status of regular Naib Tehsildar and also has his name in the seniority list of Naib Tehsildars issued since 2011 till date. The appellant is at Serial No. 99 in latest tentative seniority list issued on 14-04-2016. Copy of order is attached as Annexure-M.
  
9. That the worthy Senior Member Board of Revenue after the above mentioned proceeding again issued notice to the petitioner and the petitioner was directed to appear before him to explain the reason. The petitioner appeared and submitted written reply and the worthy Senior Member Board of Revenue satisfied from the same and passed order dated 09-04-2011 and my case for inclusion in the DPC of Hazara Division was referred to Secretary-I Board of Revenue for promotion as Naib Tehsildar to

**ATTESTED**

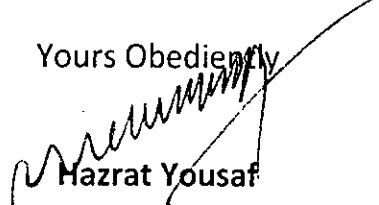


Implement the decision of the Services Tribunal in its true aspect and the case was disposed off accordingly (Photo copy attached as annexure-L).

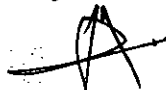
10. During last month I was again called and I appeared before the worthy SMBR and briefed him the whole situation. I told him that the observing of codel formalities and holding the meeting of DPSC is the responsibility of the Department and not of the individual and if there is any shortage in my order which may kindly be fulfilled now.
11. That the worthy SMBR vide his office order No. Estt V/PF (Hazrat Yousaf/22745 dated 09-09-2016 has withdrawn my regular promotion order dated 11-11-2010 read with notification No. 24876-79/Admin V/PF(H. Yousaf) dated 11-11-2010 in violation of Rules/Regulation and against the decision of Service Tribunal/Competent Court (Photo copy attached as annexure-J).

It is humbly requested that on acceptance of this appeal the impugned order No. Estt.V/PF (Hazrat Yousaf) No. 22745 dated 09-09-2016 issued by the worthy Senior Member Board of Revenue may kindly be set aside and orders of my regular promotion so passed in my favour may kindly be kept intact.

Yours Obediently

  
Hazrat Yousaf  
Naib Tehsildar Oghi

**ATTESTED**



I 34

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt:V/ Hazrat Yousaf/ 28015  
Peshawar dated the 21 /11/2016

To

Mr. Hazrat Yousaf  
Ex - Naib Tehsildar Oghai.

Through Deputy Commissioner Manshera.

SUBJECT: DEPARTMENTAL APPEAL AGAINST ORDER NO. ESTT:V/PF(HAZRAT YOUSAF)/22745 DATED 09.09.2016 WHEREIN THE APPELLANT'S REGULAR PROMOTION ORDER DATED 11.11.2010 READ WITH NOTIFICATION BEARING NO.24876-79/ADMN:V/PF(H.YOUSAF) DATED 11.11.2010 HAS BEEN WITHDRAWN.

Your departmental appeal dated Nil has been examined and dismissed by the Appellate Authority.

  
Assistant Secretary (Estt)

**ATTESTED**



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78076

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈریس/دستخط:

بار کونسل ابار ایسوسی ایشن نمبر:

رابطہ نمبر:

بعدالت جناب:

|                   |              |
|-------------------|--------------|
| منجانب: حضرت یوسف | دوگلا: لیسٹ  |
|                   | عنوان: _____ |
|                   | موضوع: _____ |
|                   | جرم: _____   |
|                   | تھانہ: _____ |

### بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
ان مقام لپشاور میں محمد یوسف لوسنوفی اور محمد علی خان کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر حالت و فیصلہ برطاعت دینے جواب دعوی اقبال دعوی اور درخواست ازہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ پر داختم منظور و قبول ہوگا دوران مقدمہ  
میں جو خرچہ ہر جہانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

نوٹ: اس وکالت نامہ کی ذمہ داری کا حامل تمام ہوں گے۔

Accepted  
Attested

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No: 1214/2016

Hazrat Yousaf Ex- Naib Tehsildar.....Appellant

**VERSUS**

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

**RESPECTFULLY SHEWETH.**

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

**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 file the instant appeal.
4. The appellant has not come to the Tribunal with clean hands.
5. That the hon'ble Tribunal has no jurisdiction to adjudicate the appeal.

**ON FACTS**

1. No comments. Pertains to record.
2. Correct to the extent that his appeal was remanded by Service Tribunal for consideration, but not for out of turn promotion without adopting codal formalities. The then Senior Member Board of Revenue through Administrative order regularized his services as Naib Tehsildar without holding Departmental Promotion Committee meeting which was against the law / rules.
3. Incorrect. At the time of his promotion he was junior most and cannot be promoted as such, however Senior Member Board of Revenue having no authority promoted the appellant as Naib Tehsildar through Administrative order through illegal way. Such an illegal order create no right in favour of appellant.
4. Incorrect. Promotion can be made through proper Departmental Promotion Committee meeting, but the services of the appellant were regularized through Administrative order without adopting proper procedure / legal formalities. His name was included in the seniority list, but in the column of remarks, it has clearly been mentioned that his promotion as Naib Tehsildar was made through Administrative order without adopting proper procedure further mentioning name in the seniority list on the basis an illegal order cannot create a single right as the very order was void abinitio.
5. Incorrect. As in para – 4 above.
6. Incorrect. The order dated 09.09.2016 was issued in accordance with law / rules by the Competent Authority and after observing all codal formalities. His Departmental appeal has been rejected by the Appellate Authority.
7. Incorrect. The appeal of the appellant is not maintainable on the following grounds.

**GROUND**

- A. Incorrect. Order dated 09.09.2016 is according to rules and no violation of Service Tribunal order has been committed nor did any law has been violated.
- B. Incorrect. An illegal act a acts cannot create a single rights nor did rule of locus poneitentiae is applicable in case of illegal order/acts.

- C. Incorrect. No violation of clause 24 – A of the General Clauses Act, has been committed.
- D. Incorrect. Appeal lies before the authority against an order by the aggrieved person, since there was no order against which the appellant filed an appeal, therefore void and illegal order can any time be reviewed / withdrawn.
- E. Incorrect. Director Land Record and Secretary – I Board of Revenue has no authority of agreement with the illegal promotion order of the appellant.
- F. Incorrect. Illegal and void order cannot be trended as legal.
- G. Incorrect. The proceedings of review was not under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, therefore there was no need of Departmental enquiry.
- H. Incorrect. No discrimination has been done with the appellant.
- I. Incorrect. No violation of any rules committed.
- j. Incorrect. The appellant has been dealt in according to law / rules.
- K. The Respondent will also seek permission to advance additional grounds at the time of arguments.

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

  
Respondent No. 1, & 2



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1214/2016

Hazrat Yousaf.....Appellant

**VERSUS**

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

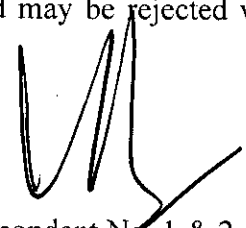
**RESPECTFULLY SHEWETH.**

**COMMENTS ON STAY APPLICATION ON BEHALF OF RESPONDENT NO. 1 & 2.**

**ON FACTS**

1. No comments. Pertains to record of Service Tribunal.
2. Incorrect. The grounds and facts taken in the main reply may be considered as integral part of this reply.
3. No comments.
4. Incorrect. All ingredients are in favour of the Respondent.
5. Incorrect. All colleagues of the appellant has also been reverted to their original positions.
6. Incorrect. The appellant has enjoyed the status of Naib Tehsildar without lawful authority as his promotion was made through Administrative Order without adopting proper procedure.

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

  
Respondent No. 1 & 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1214/2016

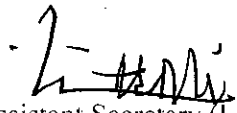
Hazrat Yousaf, Ex-NT .....Appellant

VERSUR

Government of Khyber Pakhtunkhwa through Chief Secretary & 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 KPK, SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. 1214/2016

Hazrat Yousaf

VS

Revenue Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Admitted correct by the respondents as the service record is laying in the custody of the respondents.
- 2 Para-2 of the appeal is admitted correct by the respondents. While rest of the contention of the respondent department is incorrect. The appellant was regularized by proper order in respect of implementation of judgment. There is nothing about out of turn promotion.
- 3 Incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant.
- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant.
- 5 Incorrect. While para-5 of the appeal is correct as mentioned in the main appeal of the appellant.
- 6 Incorrect. While para-6 of the appeal is correct as mentioned in the main appeal of the appellant.

Moreover impugned order is not passed according to law and rules and passed in violation of E&D Rules 2011.

- 7 Incorrect. The appellant has good cause of action to file the instant appeal which is liable to be accepted on the following grounds.

**GROUND:**

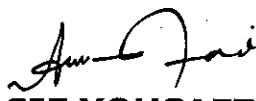
- A) Incorrect. The impugned order 9.9.2016 of the respondents was against the law, rules and norms of justice therefore not tenable and liable to be set aside.
- B) Incorrect. While para-B of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While para-C of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. While para-D of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While para-E of the ground of appeal is correct as mentioned in the main appeal of the appellant. Moreover, the regularization order of the appellant is correct and according to law and cannot be withdrawn.
- F) Incorrect. While para-F of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While para-G of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. While para-H of the ground of appeal is correct as mentioned in the main appeal of the appellant.

- I) Incorrect. While para-I of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- J) Incorrect. While para-J of the ground of appeal is correct as mentioned in the main appeal of the appellant.
- K) Legal.

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

**APPELLANT**  
Hazrat Yousaf

Through:

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

**AFFIDAVIT**

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

  
**DEPONENT**

**ATTESTER**  
Oath Commissioner  
Zahoor Khan Advocate  
Distt: Court Peshawar

**4 JUL 2017**


Before The KPK Service Tribunal Peshawar

Appeal NO. 1214/2016

Hazrat Yousof V/S Revenue Deptt.

Respect Sir,

I have received Rs 1500/- in the  
with out appeal

  
Taimur Aji Khan  
Advocate

Po F  
M.A.

11/5/2017

**ORDER**

09/04/2011

In response to the notice to explain his illegal promotion, Mr. Hazrat Yousaf Naib Tehsildar (DRA) appeared before the undersigned. The official was explained that against his service appeal the Khyber Pakhtunkhwa Service Tribunal vide its order dated 28/02/2010 directed the department to consider the promotion case of the official on merit in the next DPC. The DPC meeting was not convened at that time, hence he filed implementation application before the Service Tribunal. The Tribunal again vide its order dated 01/10/2010 issued clear cut directions to the Board of Revenue to implement the order/decision of the tribunal without further loss of time positively before the date fix<sup>ed</sup> and compliance report, otherwise appropriate legal action will be initiated against the responsible officer/officials. The learned tribunal fixed time frame i.e 29/11/2010 for submission of implementation report.

Perusal of the case reveals that the officials was promoted as Naib Tehsildar through an administrative order and no DPC procedure was adopted to implement the order of Service Tribunal in its true ~~aspect~~<sup>aspect</sup>. The case is therefore referred to Secretary-I, Board of Revenue, Khyber Pakhtunkhwa with the direction to include the name of the official in the working paper of DPC for promotion of Naib Tehsildar in Hazara Division.

The case is disposed off accordingly.

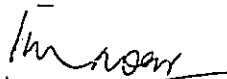
  
Senior Member,

2011/11/2011

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Senior Member