

BEFORE THE HONBLE COURT SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

SA 6041/2020

Execution Petition No. 378/2023

Muhammad Kafeel

N-D 14-12-23
A. e. baal,
Peshawar


VERSUS


Govt. of Khyber Pakhtunkhwa through SMBR

INDEX

S#	Description of Documents	Annex	Pages
1	Submission of Additional Documents		1
2	Order sheet dated 26/10/2023		2
4	Application for Release of Salary	"A"	3
5	Note Part		4
6	Note for Chief Secretary		5
7	Minutes of the SSRC meeting dated 08/08/2023		6-10
8	Rules		11-13
9	Amendments		14
10	Notification dated 28/12/2017		15

Dated: 01/11/2023

for 
Assistant Secretary
Litigation II, BOR

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT. (Establishment Section)	
091-9213989	No. Estt: V/ E.P/378/2023/ <u>24/38</u> Peshawar Dated the <u>31</u> /10/2023	091-9214208

To

The Registrar
Khyber Pakhtunkhwa Service Tribunal Peshawar

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 8763

Dated 1-11-2023

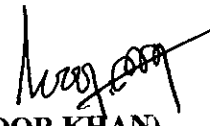
Subject: **SUBMISSION OF ADDITIONAL DOCUMENT FOR ATTACHMENT
WITH APPLICATION FOR RELEASE OF SALARY OF SENIOR MBER
BOARD OF REVENUE AND OTHERS IN SERVICE APPEAL
NO.6041/2020.**

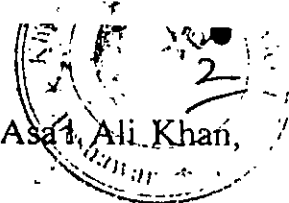
Sir,

It is submitted that an implementation report in the E.P No. 378/2023 of Mohammad Kafeel HVC, Commissioner Office Abbottabad already submitted with application for detachment of salary of respondents No. 1,2 and 3 in the subject case on 30.10.2023 **(Annex-A).**

However, some documents was left for want of signature of the Competent Authority which have now been done and attached for additional attachment with the implementation report/application for release of salary vide bearing No. 8685 dated 30.10.2023.

It is therefore, requested to include/attached the additional documents with the application of detachment of salary for further consideration of the request for release of salary.


(NOOR KHAN)
Assistant Secretary (Estt)



25th Sept. 2023

1. Petitioner alongwith his counsel present. Mr. Asaf Ali Khan, Assistant Advocate General present.
2. There is nobody present on behalf of the respondents nor implementation report has been filed, therefore, salaries of the respondents are attached in the manner as prescribed under Section-60(1)(i) of the code of Civil Procedure, 1908. The Accountant General Khyber Pakhtunkhwa and the District Accounts Officer, Abbottabad are directed to attach the salaries of respondents No.1 to 3 till implementation of the judgment of this Tribunal. To come up for implementation report on 26.10.2023 before S.B. P.P given to the parties.

(Handwritten signature)

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

**SCANNED
KPST
Peshawar**

Adnan Shah

26th Oct. 2023

01. Counsel for the petitioner present. Mr. Asif Masood Ali Shah, DDA alongwith Ghulam Shabir Ahmad, Assistant Secretary and Bahadar Khan, Assistant for the respondents present.

02. Representative of the respondents produced photocopy of implementation report and stated at the bar that original has been submitted at principal seat. Copy be provided to learned counsel for the petitioner. To come up for further proceedings on 14.12.2023 before the S.B at camp court, Abbottabad. Parcha Peshi given to the parties.

Date of Presentation of ... 26/10/23
 Number of Words ... 119
 Copying Fee ... 5/-
 Urgent ... 5/-
 Total ... 5/-
 Name of Copy ...
 Date of ... 31/10/23
 Date of ... 31/10/23

Certified to be true copy

(Handwritten signature)
Khyber Pakhtunkhwa
Service ...

*Faizle Subhan, P.S. D. ...

(Farzana Paul)
Member(E)

Camp Court, A/Abb

(Handwritten signature)

(Handwritten signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA

BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

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

Twitter ID: @RevenueBoardkp

No. Lit -II/ Master File/2023/ 14577

Peshawar Dated the 25/10/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT
ABBOTTABAD.

Execution Petition No.378/2023.

Muhammad Kafeel, HVC, DC Office, Abbottabad.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through SMBR.....Respondents.

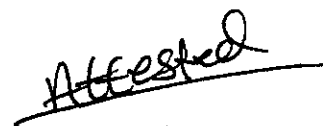
SUBJECT: APPLICATION FOR RELEASE OF SALARY.

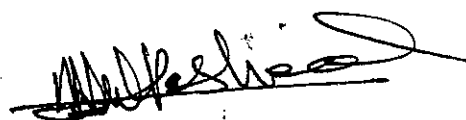
1. That the Execution Petition No 378/2023 was fixed for hearing on 25.09.2023 for submission of implementation report and attached the salaries of respondents No. 01, 02 and 03 till for implementation of directions of the Khyber Pakhtunkhwa, Service Tribunal.
2. That in the instant case, the case of the appellant was taken up with the Establishment Department for inclusion of his name in Joint Seniority List of DK, DRA, Sub-Registrar and Naib Tehsidlar for promotion to the post of Tehsildar (BS-16), which has been approved. Accordingly draft amended notification in Tehsildar/Naib Tehsildar Service Rules, 2015 prepared and sent to Law department for vetting. Hence, as and when the vetted notification is received from the Law Department, the name of the appellant will be included in the joint Seniority list as noted above.

Keeping in view the above, it is requested to release salary of the above noted respondents please.



Secretary-I
Board of Revenue
Respondent No.01,02





The Assistant Drafting Officer-VI, Law, Parliamentary Affairs and Human Rights Department vide PUC with reference to this Department letter dated 05.10.2023 (Flag-A) has forwarded draft notification duly vetted and stamped by Assistant Drafting Officer-VI, Law Department (Flag- B).

If approved, we may move note for Chief Secretary for approval of the said vetted draft notification. Draft note for Chief Secretary is submitted for perusal / approval and signature of Senior Member, Board of Revenue please.

AS(Estt)

26/2/23
Estt. II

~~AS(Estt)~~

26/2/23

Draft Note for Chief Secretary regarding placement of Mohamud Hospital is in joint seniority of NT, SR, DR, DSR, which is duly vetted by Law Dept, is submitted for signature, please.

M.B.R.I./

Draft Note for Chief Secretary, Khyber Pakhtunkhwa submitted for signature.

22

MBR

26.2.23

Signed

Attested

M.B.R.I./ Secy

30/2/2023

30.2.22

MBR

246/10/19

5

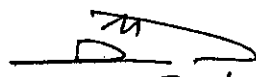
NOTE FOR CHIEF SECRETARY

SUBJECT: AMENDMENT IN THE TEHSILDAR / NAIB TEHSILDAR SERVICE RULES.

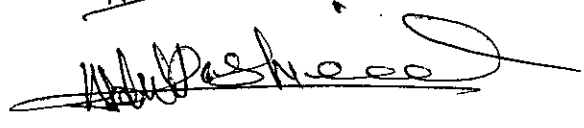
The Revenue & Estate Department proposed amendments in the Tehsildar and Naib Tehsildar Service Rules, 2015 in light of Judgment dated 22.02.2023 passed by Khyber Pakhtunkhwa Service Tribunal in Execution Petition No. 700/2022 titled Muhammad Kafeel Versus Senior Member, Board of Revenue Khyber Pakhtunkhwa. The same were discussed in Centralized Standing Service Rules Committee (SSRC) meeting held on 08.08.2023. The forum deliberated and unanimously agreed upon the proposed Service Rules. Minutes of the meeting are at **(Annexure-I)**.

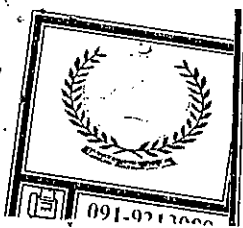
2. Draft notification in this regard was forwarded to Law Department for vetting which has accordingly been vetted by the Law Department **(Annexure-II)**.

3. In light of Notification No. SO(Policy)/E&AD/2-69/2017 dated 28.12.2017 **(Annexure-III)**, draft amendment notification of Tehsildar / Naib Tehsildar Service Rules duly vetted by Law Department is submitted for approval of the Chief Secretary Khyber Pakhtunkhwa please.

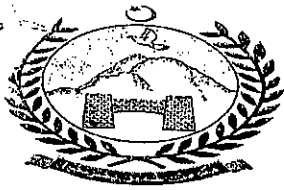

Senior Member ^{30/10/2023}
Board of Revenue
Khyber Pakhtunkhwa

Secretary Establishment

Attested




ANNEX-A
6
GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(REGULATION WING)

MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE
HELD ON 08.08.2023.

Meeting of the Standing Service Rules Committee (centralized) was held on 08.08.2023 at 03:00 PM under the Chairmanship of Special Secretary (Regulation), Establishment Department in his office in order to discuss framing of service rules as well as to look into the proposed amendments in the existing service rules of the following Departments:-

1. Board of Revenue, Revenue & Estate Department.
2. Elementary & Secondary Education Department.
3. Home & Tribal Affairs Department.
4. Zakat, Usher and Women Empowerment Department.

Following attended the meeting:

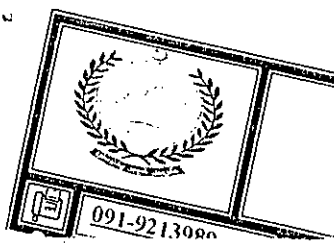
Sr.#	Name of officer	Designation	Department/office
1.	Muhammad Saeedullah	Additional Secretary	Establishment Department
2.	Mr. Zaheer Uddin Babar	Additional Secretary	Law Department
3.	Mr. Abdul Akram	Additional Secretary	Elementary & Secondary Education Department
4.	Hafiz Ataul Monim	Secretary-I, BOR	Revenue & Estate Department
5.	Mr. Asghar Asad	Deputy Secretary	Home & TAs Department
6.	Mr. Noor ul Haq	Dy. Secretary (Policy)	Establishment Department.
7.	Muhammad Saeed	Deputy Director	KP PSC
8.	Mr. Sajid	Section Officer	Finance Department

The Chair welcomed participants and formally spelled out the purpose of the meeting. Thereafter, agenda items of the following departments were discussed in detail and the representatives of the departments were asked to brief the forum on their respective agenda items as under.

Board of Revenue, Revenue & Estate Department.

The representative of Board of Revenue, Revenue & Estate Department apprised the forum that as per existing Service Rules of Tehsildar (BPS-16), fifty five percent (55%) share of promotion on the basis of seniority-cum-fitness goes to Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar with at least three (03) years' service as such. However, there is only one (01) post viz. Head Vernacular Clerk (HVC) (BPS-15), in Commissioner Office Hazara having no service structure. It is therefore, imperative that avenue of promotion may be provided to Head Vernacular Clerk (HVC) on account of having the same scale as that of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar; thus the same may be included in the fifty five percent (55%) share for the purpose of promotion of the incumbent to the post of Tehsildar (BPS-16). In the wake of promotion of the incumbent, the post of Head Vernacular Clerk (HVC) shall be abolished as HVC is the only post in the whole Revenue & Estate Department.

[Handwritten signatures and stamps]
Attested by
[Signature]
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE

7
12

One of the members raised a query that in case the post of Head Vernacular Clerk (HVC) is included in the joint seniority list of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar what would be the position of seniority of the incumbent Head Vernacular Clerk (HVC). In reply to which majority of the members opined that in that scenario the incumbent Head Vernacular Clerk (HVC) would be placed at the bottom of the joint seniority list.

After threadbare discussion, the forum unanimously agreed to the proposed amendments in the existing Service Rules of Tehsildar (BPS-16) as (Appendix-I)

Elementary & Secondary Education Department.

Agenda No. 01.

The representative of Elementary & Secondary Education Department briefed the forum regarding proposed amendments in the existing Service Rules of the Librarian Cadre following the orders/directions of Hon'ble Peshawar High Court Peshawar in WP No. 668-A/2020, case titled Muahmmad Ayaz etc vs. Government of Khyber Pakhtunkhwa and subsequent approval accorded by Provincial Cabinet in its 6th meeting held on 08.06.2023 to the Service Structure under four Tier (4-Tier) formula, the representative of E&SED proposed amendments in the existing Service Rules of Librarian of Elementary & Secondary Education Department under the four Tier (4-Tier) formula.

After threadbare discussion, the forum unanimously agreed to the proposed amendments in the existing Service Rules as per (Appendix-II)

Agenda No. 02.

The representative of the Elementary & Secondary Education Department briefed the forum referring to the previous SSRC meeting dated 25.01.2023 for framing of Service Rules for the post of Assistant Programmer (BS-17) wherein E&SED was advised to approach Finance Department for changing of nomenclature of Assistant Programmer into Assistant Director (IT) and re-submit the case in the upcoming meeting of SSRC.

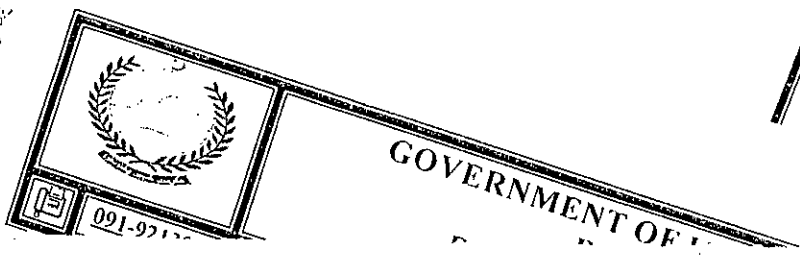
The representative further added that since the said post has been re-designated as Assistant Director (IT) (BPS-17) by Finance Department vide its letter No. SO(FR)/10-22/2023/17-23/E&SED dated 27.03.2023.

After threadbare discussion and deliberation, the forum unanimously agreed upon Service Rules for the re-designated post of Assistant Director (IT) (BPS-17) in Elementary & Secondary Education Department as (Appendix-III)

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]
[Handwritten signature]



B1

3

Home & Tribal Affairs Department.

The Representative of Home & Tribal Affairs Department explained that there are two cells operating under the Administrative Department namely Tribal Research Cell and TA Cell & Wireless Cell, Home and TAs Department. He further added though Service Rules of Tribal Research Cell do exist but too old as the same has not been updated in the wake of upgradation of many posts. Thus, the existing Service Rules need to be amended.

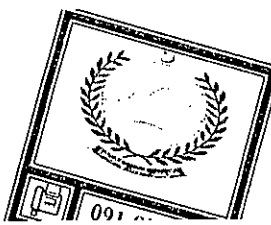
During discussion, it got revealed that the post of Senior Accountant/Supptt as reflected in the Working Paper does not exist in the available copy of budget book. Perusal of available record and ensuing discussion also revealed that there are basically two Cells for which administrative department has proposed combined Service Rules by merging two cells together. Merging of two Cells is not the domain of Standing Service Rules Committee (SSRC) rather the same falls within the ambit of Restructuring Committee.

After threadbare discussion, the forum unanimously agreed to advise the administrative department to move working paper for O&M study regarding restructuring/merging of the two cells and at the same time to take up the case with Finance Department for creation of the post of Senior Accountant/Supptt(BS-17).

Zakat, Usher, Social Welfare, Special Education & Women Empowerment Department.

Since, the representative of Administrative Department did not show up in the meeting, therefore, the agenda item was deferred.

At-Steel
M. D. Shinde



GOVERNMENT OF PUNJAB

ATTENDANCE SHEET

Subject: MEETING OF STANDING SERVICE RULES COMMITTEE (SSRC).

Dated: 08.08.2023

Time: 03:00 P.M.

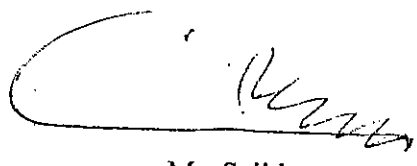
Venue: Special Secretary (Regulation), Establishment Department.

S#	Name	Designation/Department	Mobile/Whatsapp #	Signature
1.	Asghar Ahmad	DS (TAC) HEAD	0333-9116046	[Signature]
2.	Abdul Khram	A. S. ESSAD	0345-1505885	[Signature]
3.	Hafiz Ataul Monium	Secretary BOR-U	0334-8879668	[Signature]
4.	M. Saeed	Deputy Director/ KP, PSC	0331-9197650	[Signature] 08/08/23
5.	Nusr. ul haq	Deputy Secy (P) Estab Deptt	-	[Signature]
6.	Fajid	SO (R-1) Finance Deptt	0333-2147845	[Signature]
7.	M. Torbeen Uddin Baber	Addl. Secretary Law Deptt:		[Signature]
8.				
9.				
10.				[Signature]

(Annex-II)

5

MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON
15.08.2023



Mr. Sajid,
Section Officer,
Finance Department



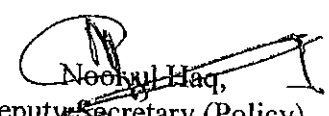
Hafiz Ataul Monim,
Secretary-I,
Revenue & Estate Department



Muhammad Saeed,
Deputy Director,
Public Service Commission
FOR SSRC HELD ON 2-8-2023



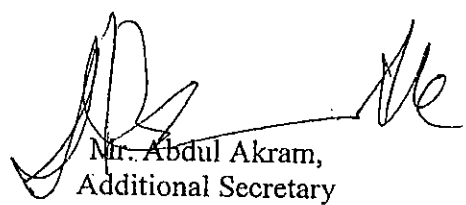
Asghar Asad,
Deputy Secretary
Home & TAs Department



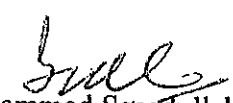
Neeraj Haq,
Deputy Secretary (Policy),
Establishment Department



Mr. Zakeer Uddin Babar,
Additional Secretary,
Law Department.



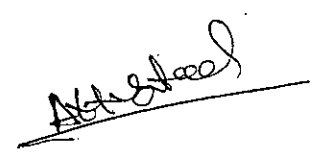
Mr. Abdul Akram,
Additional Secretary
Elementary & Secondary
Education Department




Muhammad Saeedullah
Additional Secretary,
Establishment Department



Akhtar Saeed Turk
Special Secretary (Reg),
Establishment Department



 <p>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.</p>	
091-9213989	Peshawar Dated the ___/10/2023
091-9214208	

NOTIFICATION

No. Estt:V/SSRC/HVC/2023/_____ In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment Department and the Finance Department is pleased to direct that in this Department Notification No. 32102/Admn:1/135/SSRC, dated 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX, against Serial No. 1, in Column No. 7, for clause (b), the following shall be substituted, namely:

- “(b) fifty five percent (55%) by promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Naib Tehsildar, District Revenue Accountant, District Kanungo, Sub-Registrar and Head Vernacular Clerk (HVC) with at least three (03) years service as such:

Provided that official promoted from the cadre of Sub-Registrar, District Revenue Accountant and Head Vernacular Clerk shall undergo six (06) months Revenue & Settlement Training as per schedule of the Department.

Note: The Head Vernacular Clerk shall be placed at the bottom of existing joint seniority list of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar.”

**Secretary to Government of Khyber Pakhtunkhwa,
Revenue & Estate Department**

No. & Date Even.

Copy forwarded for information and necessary action to the: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Chairman Khyber Pakhtunkhwa Public Service Commission.
3. Special Secretary (Regulation) Establishment Department, Khyber Pakhtunkhwa.
4. All Divisional Commissioners in Khyber Pakhtunkhwa.
5. Additional Secretary (Reg-II), Establishment Department, Khyber Pakhtunkhwa.
6. Additional Secretary (Reg), Finance Department, Khyber Pakhtunkhwa.
7. Additional Secretary, Law Department, Khyber Pakhtunkhwa.
8. Director Land Records, Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. Deputy Secretary (Policy), Establishment Department, Khyber Pakhtunkhwa.
11. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply hundred printed copies thereof to the undersigned for record.
12. SPS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
13. PS to Member-III, Board of Revenue, Khyber Pakhtunkhwa.

Attested

[Handwritten Signature]

**Secretary-I,
Board of Revenue, Revenue & Estate Department,
Khyber Pakhtunkhwa**

13

(7)

						years service as such.	
						<p>Provided that on promotion they will be placed under Revenue/Settlement Training for a period of six (06) months as required under Rule-53 of the Tehsildar and Naib Tehsildar Department Examination and Training Rules-1969.</p>	

[Handwritten signature]

Smile

[Handwritten mark]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

AB1

no

S. No	Nomenclature of Post	Appointing Authority		Minimum Qualification for initial recruitment		Age Limit	Method of Recruitment	
		Existing	Proposed	Existing	Proposed		Existing	Proposed
1.	Tehsildar (BPS - 16)	SMBR	No change	a) At least 2 nd class Graduation from any University recognized by Higher Education Commission	No change	21 - 30 Years for initial recruitment	<p>a) Twenty percent (20%) by initial recruitment and</p> <p>Provided that under Rule-52 of the West Pakistan Tehsildar and Naib Tehsildar Departmental Examinations and Training Rules, 1969, the newly selected Tehsildars by the Public Service Commission after appointment will under-go the Pre-Service <u>Training of Tehsildars</u> would be for a period of six (06) months which would include four (04) months training at the <u>Pakistan Provincial Services Academy (PPSA)</u>, 01 month Settlement Training and 01 month Revenue Training.</p> <p>b) Fifty Five percent 55% by promotion on the basis of Seniority - cum - Fitness from amongst Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar with at least three (03) years service as such.</p> <p>Provided that the official promoted from the cadre of Sub Registrar and District Revenue Accountant shall undergo 06 months Revenue & Settlement Training as per schedule of Department.</p>	<p>a) No Change.</p> <p>b) Fifty Five percent 55% by promotion on the basis of Seniority - cum - Fitness from amongst Naib Tehsildar, District Revenue Accountant, District Kanungo, Sub-Registrar and Head Vernacular Clerk with at least three (03) years service as such.</p> <p>Provided that the official promoted from the cadre of Sub Registrar, District Revenue Accountant and Head Vernacular Clerk shall undergo 06 months Revenue & Settlement Training as per schedule of Department.</p> <p>Note:- Inclusion of Head Vernacular Clerk in the Rules are only to the extent of promotion of the incumbent who would be placed at the bottom of the joint seniority list of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar. After promotion of the incumbent Head Vernacular Clerk, the same post shall be abolished through Finance Department.</p>

De.
the SSK
notification.

[Handwritten signatures and initials]



						<p>b-i) Five percent 05% in service quota by selection on merit on the basis of competitive examination, to be conducted by the Public Service Commission from amongst Assistants, Senior Scale Stenographers, Computer Operators, Junior Scale Stenographers, Senior Clerks, Junior Clerks, Naib Tehsildars, District Kanungos, District Revenue Accountants and Sub Registrars, offices of the Board of Revenue, Director Land Records, Commissioners and Deputy Commissioners who have 2nd Class Bachelor's Degree from a recognized University and having three (03) years service.</p> <p>Provided that under Rule-52 of the West Pakistan Tehsildar and Naib Tehsildar Departmental Examinations and Training Rules, 1969, the newly selected Tehsildars by the Public Service Commission after appointment will under-go the Pre-Service <u>Training of Tehsildars</u> would be for a period of six (06) months which would include four (04) months training at the <u>Pakistan Provincial Services Academy (PPSA)</u>, 01 month Settlement Training and 01 month Revenue Training.</p> <p>c) Fifteen percent 15% by promotion on the basis of seniority-cum-fitness from amongst Assistants and Senior Scale Stenographer of the office of Commissioners and Deputy Commissioners having five years service as such; and</p> <p>Provided that on promotion they will be placed under Revenue/Settlement Training for a period of six (06) months as required under Rule-53 of the Tehsildar and Naib Tehsildar Department Examination and Training Rules-1969.</p> <p>d). Five percent by promotion on the basis of Seniority-cum-Fitness from amongst Assistants, Senior Scale Stenographers and Computer Operators offices of the Board of Revenue and Director Land Records having five</p>	<p>b-i) No change.</p> <p>c) No change.</p> <p>d) No change.</p>
--	--	--	--	--	--	--	--

D
the S
notificati

[Handwritten signatures and initials]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]