

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 2213/2023

**Mr. Abdul Majeed**

(Appellant)

**VERSUS**

**Government of Khyber Pakhtunkhwa & others**

(Respondents)

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Dated: 21-11-23

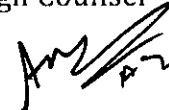
Your Humble



**ABDUL QADEEM**

Respondent No. 6

Through Counsel



**S. Abid Hussain Bukhari**

Advocate Supreme Court

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24-11-23

**RESPECTED SHEWETH:**

Joint Para-wise comments on behalf of Respondent No.6 are narrated as below.

**PRELIMINARY OBJECTIONS:**

1. That the appellant has no locus standi to file the instant appeal.
2. That the appellant has no cause of action and no locus standi to file the instant appeal.
3. That the appellant has not come to the tribunal with clean hands and has suppressed all relevant facts.
4. That the appeal has been miss-oriented, miss-constructed and mistakenly drawn in its present form and context & is liable for rejection.
5. That the appeal is based on ill will and having no footing in the eyes of Laws.

**PARA WISE REPLY TO THE APPEAL:**

1. The applicant is serving as Naib Tehsildar in D.I.Khan Division however his superannuation retirement is on 20.01.2025.
2. Para No. 2 is Incorrect.
3. The re-shuffling of Tehsildar/Naib Tehsildar was made vide order No. 4400/Estt; dated 17.08.2023 not only to the extent of appellant but the Tehsildars whose services were placed by the Board of Revenue and kept under waiting for posting have been posted on the vacant seats, resultantly the appellant was kept under waiting for posting. But later on vide this office order No. 4856/Estt; dated 01.09.2023 was posted as Naib Tehsildar Paharpur by reverting the incumbent who was working on OPS basis.
4. As discussed above.
5. The matter pertains to Director Lands Record Khyber Pakhtunkhwa.
6. The internal transfer at District level is made on the basis of Revenue experience and for the best public interest. The appellant has been correctly posted as NT Consolidation to complete the Consolidation work at the earliest.
7. This is the prerogative of the competent authority either to accept or reject any service appeal, Hence Para is misconstrued.
8. That Para No. 8 is not correct. Posting and transfers are terms and conditions of service and appellant has been correctly posted as NT at Consolidation D.I.Khan District.

**GROUNDS:**

- i. Incorrect: as discussed under Para No. 7 the respondent No. 04 being a competent authority of the appellant has prerogative to dispose of service appeal hence the contention of appellant have no Locus Standi.
- ii. Incorrect, The Civil servant as provided under Civil Service Act 1973 can be posted by the competent authority for performance of his official duty. The appellant was rightly transferred/posted as the posting and transfer are the terms and conditions of service.
- iii. Incorrect: there is no such condition under the law respondent No. 6 has been correctly posted at Paharpur according to law.
- iv. Incorrect: The appellant superannuation retirement according to his date of birth is 20.01.2025 hence the contention of appellant is incorrect. Similarly, the appellant himself has been posted in his own district.

- v. Incorrect: not admitted. The matter pertains to Director Land Records Khyber Pakhtunkhwa.
- vi. Incorrect. Transfers of two officials' i.e. respondent No. 6 and appellant are totally in public interest.
- vii. Incorrect, the posting/transfer was made in the best public interest, without any political motive.
- viii. In correct, findings of the superior courts have been miss-understand and miss-conceived.
- ix. The posting/transfer and observance of tenure policy is followed, however under special circumstances when Tehsildars/Naib Tehsildars are recruited through Public Service resultantly all the incumbents who were working on OPS basis against various positions were reverted back to their original position, hence the matter of policy violation and content of the applicant are baseless. Respondent No. 6 has been legally posted at Paharpur.
- x. No comments.

**PRAYERS:**

**THEREFORE, IT IS REQUESTED THAT THE APPEAL OF THE APPELLANT MAY PLEASE BE DISMISSED WITH COST THROUGHOUT.**

21-11-23


Your Humble



**ABDUL QADEEM**

*Respondent No. 6*

Through Counsel



**S. Abid Hussain Bukhari**

*Advocate Supreme Court*

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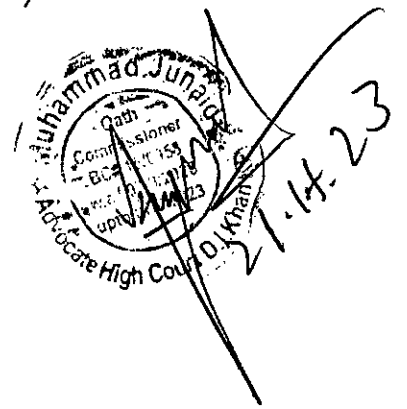
**Government of Khyber Pakhtunkhwa & others**

(Respondents)

**AFFIDAVIT**

I, Abdul Qadeem Naib Tehsildar, Paharpur Dera Ismail Khan (Respondent No. 6), do hereby solemnly affirm on oath that contents of the Para wise Comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

Dated: 21/11/2023

  
21.11.23

  
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DEPONENT  
CNIC# 12103-0859323-7  
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