

IMPLEMENTATION REPORT/CERTIFICATE IN EXECUTION PETITION NO. 128/2019 IN LIGHT OF DIRECTIONS PASSED BY THE HON'ANLE COURT ON 29.11.2023.

Amir Bayan Naib Tehsildar (ACB)..... Appellant.

VERSUS


Government of Khyber Pakhtunkhwa and other..... Respondents.

Seniority No. 9604
Dated 30-11-2023

As per Tehsildari Rules 2015, 15% quota was reserved for Senior Clerk to the post of Naib Tehsildar at Divisional level and one Mr. Mohammad Khan Senior Clerk office of the Commissioner Bannu Division, was promoted to the post of Naib Tehsildar. In the year 2016, rules were amended and 12% quota was reserved for Senior Clerks and Junior Scale Stenographers offices of the Commissioner and Deputy Commissioners of the Division, while 03% quota was reserved for Senior Clerk and Junior Scale Stenographers office of the Board of Revenue. In the year 2019 Service Rules were again amended and the quota reserved for Junior Scale Stenographers/Senior Clerks was omitted /deleted.

As per Service Rules 2016, 2.4 posts were falling in their share against which one Mr. Muhammad Khan Senior Clerk office of Commissioner Bannu was promoted on 27.05. 2015 to the post of Naib Tehsildar leaving behind only one post of Naib Tehsildar under 12% quota. Even if the DPC meeting was convened in the year 2019, the appellant could not be promoted to the post of Naib Tehsildar being at S. No 2 of the joint seniority list.

As per record of this office 12 posts of Naib Tehsildars(BS-14) under direct quota were lying vacant. For implementation of the Judgment/Order of the Khyber Pakhtunkhwa Service Tribunal Peshawar this department has no option left but to promote the appellant as Naib Tehsildar (BS-14) on Acting Charge Basis against the Public Service Commission quota. In recent amendment in the Service Rules 6% quota is reserved for Junior Scale Stenographers/Senior Clerks therefore, as and when regular vacancy is become vacant in the share of Junior Scale Stenographers/Senior Clerks of Bannu Division, the official will be adjusted/promoted on regular basis. Furthermore, he will not be reverted till his retirement and if his rights for further promotion is accrued prior to his retirement the department will also promote him as per his seniority and prevailing law/rules in field.


Secretary-I
Board of Revenue
30/11/2023

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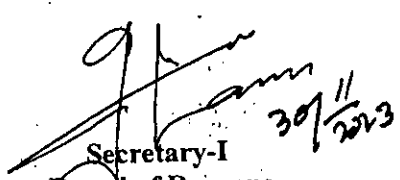
VERSUS

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As per Service Rules 2016, 2.4 posts were falling in their share against which one Mr. Muhammad Khan Senior Clerk office of Commissioner Bannu was promoted on 27.05. 2015 to the post of Naib Tehsildar leaving behind only one post of Naib Tehsildar under 2% quota. Even if the DPC meeting was convened in the year 2019, the appellant could not be promoted to the post of Naib Tehsildar being at S. No 2 of the joint seniority list.

As per record of this office 12 posts of Naib Tehsildars(BS-14) under direct quota were lying vacant. For implementation of the Judgment/Order of the Khyber Pakhtunkhwa Service Tribunal Peshawar this department has no option left but to promote the appellant as Naib Tehsildar (BS-14) on Acting Charge Basis against the Public Service Commission quota. In recent amendment in the Service Rules 6% quota is reserved for Junior Scale Stenographers/Senior Clerks therefore, as and when regular vacancy is become vacant in the share of Junior Scale Stenographers/Senior Clerks of Bannu Division, the official will be adjusted/promoted on regular basis. Furthermore, he will not be reverted till his retirement and if his rights for further promotion is accrued prior to his retirement the department will also promote him as per his seniority and prevailing law/rules in field.


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