

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No. 1497 /2023

Abdul Ghafoor

Appellant

Versus

Government of KPK through Chief Secretary Peshawar and others

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15-1-24

Respondent No. 8 to 11

Through



Toufeeq ullah
Advocate
Peshawar High Court

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BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No. 1497 /2023

Khyber Pakhtunkhwa
Service Tribunal

Abdul Ghafoor

Appellant

Diary No. 9747

Dated 07-12-2023

Versus

Government of KPK through Chief Secretary Peshawar and others

Respondents

Para wise comments on behalf of respondent No. 8 to 11

Respectfully Sheweth

Preliminary objection

1. That the appellant has got no cause of action
2. That the appellant has not come to this Hon'ble court with clean hand.
3. That the instant appeal is barred by law
4. This Hon'ble Court lacks jurisdiction in presence of Article 212 of the constitution of Islamic Republic of Pakistan, 1973
5. That the respondents acted as per law, rules and regulation of the subject
6. That the respondents have the regularization process fairly and without any discrimination
7. That the appellant failed to point out any illegality and irregularity in the regularization process.

Reply ON FACTS

1. Para No. 1 of the appeal is correct to the extent that the appellant is bonafide resident of District Chitral.

2. Para NO. 2 of the appeal pertain to respondent No.7 (settlement officer Chitral). Moreover, the appellant is the employee of settlement department since their initial recruitment.
3. Para NO. 3 of the appeal pertain to respondent No. 7
4. Para NO. 4 of the appeal pertain to Respondent No. 7
5. Para No. 5 of the appeal also pertain to Respondent No. 7
6. Para No. 6 of the appeal is pertaining to Respondent No. 4 & 7, the appellant was appointed on contract basis because he was initially recruited in settlement department while the respondent No. 8 to 11 are regular employees and belong to Revenue Department
7. Para No. 7 of the appeal pertaining to Respondent NO. 4 & 7. Detail reply is given in preceding para No. 6.
8. Para No. 8 of the appeal is pertaining to respondent NO. 4 & 7. Detail reply is given in preceding para No. 6.
9. Para No.9 pertains to records.
10. Para No. 10 pertaining to Respondent No. 4 & 5

ON FACTS

- A. Para No. 1 is incorrect, all the action taken by department according to law and rules initially the appellant has been appointment as settlement patwari BPS-05 purely on contract basis in settlement department which has been still extended till today and performing their duties till yet.
- B. Para No. 2 is incorrect, the appellant was recommended on contract and since their recruitment till date, he is deal with their relevant laws and contract agreement policy.

C. Para No. 3 is incorrect, the appellant has been treated in accordance with law and rules.

D. Para No. 4 pertains to respondent No. 4 no discrimination has been done with the appellant.

E. Para No. 5 is incorrect, the appellant has been appointed in settlement department purely on contract basis which has been extended till ~~December 2022~~ ^{December 2022} and performing their duties only.

F. Para No. 6 pertains to respondent NO. 4 all the proceedings carried out by the department according to the law and rules.

G. Para No. 7 incorrect, detail reply has been given in Para B.

H. Para No. 8 incorrect; the appellant concealed the fact as their writ petition 822-M/2017 on the same prayer is pending for adjudication before the Peshawar High Court Darul Qaza Mingora Bench Swat. **(Copy of the writ petition along with para wise comments filed by the department are annexure "A" & "B")**. in said writ petition the appellant is at Serial No. 12. The appellant is liable to be punished as they have given the certificate to the effect that no such like petition from the same petitioner upon the same subject matter has earlier been filed by the appellant before this Hon'ble court.

I. That the identical nature of writ petition No. 535-M/2022 title as "Sharif-ud-din vs Govt of KPK through chief secretary" and writ petition 5336-M/2022 title as "Inayat ullah vs Govt of KPK through chief secretary" which were subjudice before the Peshawar high court

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Mingora bench Darul Qaza Swat which were dismissed on 22.02.2023. furthermore, Inayat ullah and Sharif ud din are senior then present appellants as per the seniority list. **(attested copy of the writ petitions and seniority list are attached as annexure "C" & "D")**

J. That respondents will also submit additional grounds at the time of arguments.

It is therefore, prayed that the above appeal having no legal grounds, may kindly be dismissed with heavy costs

Respondent No. 8 to 11

Through



**Toufeeq ullah
Advocate
Peshawar High Court**

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Appeal No. 1497 /2023

Abdul Ghafoor

Appellant

Versus

Government of KPK through Chief Secretary Peshawar and others

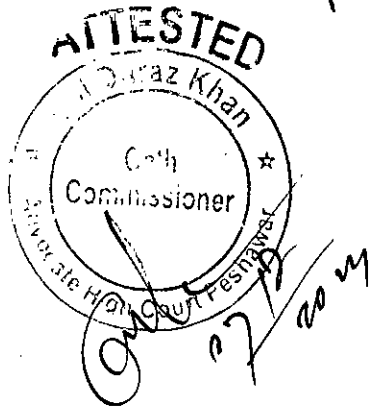
Respondents

Affidavit

I, Toufeeq ullah Advocate on behalf of the respondent No. 8 to 11 as per instruction of my client, do hereby solemnly affirm and declare on oath that the content of the para wise comments are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court. *It is further stated on oath in this appeal the answering respondents have neither been placed ex parte nor neither* *Toufeeq ullah* *defence is struck off.*

DEPONENT

Toufeeq ullah
Advocate
Peshawar High Court
BC No. 11-1231
CNIC No. 15201-1299674-9



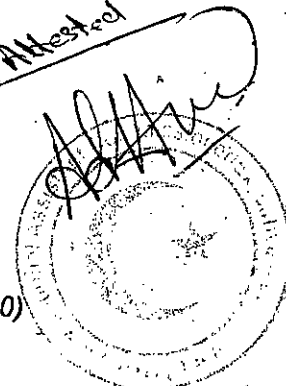
Annex (A)

BEFORE HON'BLE PESHAWAR HIGH COURT.
MINGORA BENCH/ DARUL OAZA SWAT.

W.P. No. 822 M/2017

1. Qadir Aman son of Khowaja Aman, Patwari,
(President Anjuman-e-Patwarian District Chitral);
 2. Muhammad Nawaz son of Amir Baig, Assistant;
 3. Inayatullah son of Gul Zarin, Settlement Naib Tehsildar;
 4. Saeed ur Rahman son of Abi Rahmat, Stenographer;
 5. Sharifuddin son of Jalal ud Din;
 6. Syed Ali Shah son of Syed Murad Shah;
 7. Mir Alam Khan son of Abdul Haq;
 8. Fazal Jalil son of Rahmat Jalil;
 9. Muhammad Shabir Khan son of Abdul Haq;
 10. Abdur Razaq son of Abdur Rabi;
 11. Muhammad Fateh Alam son of Maqsood Alam Khan;
 12. Abdul Ghafoor son of Mir Wazir Shah;
 13. Sher Afzal Khan son of Bulbul Wali;
 14. Abidur Rahman son of Abdur Rahman;
 15. Muhammad Alam son of Muhabat Khan;
 16. Sher Aziz Khan son of Ahmad Khan;
 17. Akhtar Murad son of Abdur Murad Khan;
 18. Abdul Nasir son of Mulaim Shah;
 19. Javed Akhtar son of Abdul Baqi;
 20. Syed Ahmad son of Server Ali Khan;
 21. Mehmood Khan son of Muhammad Zaman;
 22. Zia ud Din son of Quran Khan;
 23. Abdur Raftim Shah son of Mukaram Shah;
 24. Ghafar ud Din son of Abdul Ghafoor Khan;
 25. Samiullah son of Abdul Hameed;
 26. Shabir ud din son of Abdul Aziz;
 27. Najumddin son of Gulab Khan;
 28. Muhammad Habib Shah son of Muhammad Sahib Shah;
 29. Ashraf Hussain son of Amir Baig;
 30. Ghafar Shah son of Momin Shah;
- Field Kanoongo (From S.No.5 to 30)
31. Ihsanullah son of Sher Maula;
 32. Mumtaz Karim son of Dinar Karim;
 33. Siraj Khan son of Buzarg Shah;
 34. Khair Shah son of Shakoora Manshah
- Peshi Kanoongo (From S.No.31 to 34)
35. Nisar Ahmad son of Khair Muhammad
 36. Asif Iqbal son of Zarwali Khan
 37. Masroor Ahmad son of Bashir Ahmad
 38. Naemuddin son of Aziz ud Din

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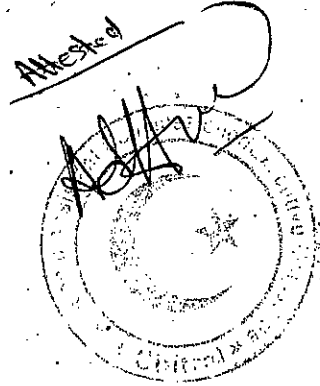
Additional Registrar

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39. ✓ Fathul Anam son of Syed ul Anam
40. ✓ Abdul Ahad son of Abdul Samad
41. ✓ Javeed Iqbal son of Noor Muhammad Khan
42. ✓ Hidyat Wali Shah son of Hidyatullah
43. ✓ Nasir Ali Shah son of Noor Wali Shah
44. ✓ Sultan Murad Khan son of Abdul Murad Khan
45. ✓ Riaz ud Din son of Muhammad Wali Khan
46. ✓ Shakir Ahmad son of Rahmat Faqir
47. ✓ Manzoor Ahmad Baig son of Abdul Qayyum Baig
48. ✓ Zafarullah Khan son of Ghulam Server
49. ✓ Shahzad Ahmad son of Jamboro Khan
50. ✓ Khalid Parvez son of Muhammad Moosa Khan
51. ✓ Sher Aziz son of Sher Ajam
52. ✓ Safiur Rahman son of Aziz ur Rahman
53. ✓ Imtiaz son of Mehrab Wali
54. ✓ Iltaf Hussain son of Nizamuddin
55. ✓ Hassan Nabi Shah son of Mirza Hussain
56. ✓ Aurang Zeb son of Manzoor Hussain
57. ✓ Ihsanul Haq Raza son of Muala Nigah
58. ✓ Mirajuddin son of Bulaan Khan
59. ✓ Anwar Khan son of Jan Khan
60. ✓ Mujeeb Ali Khan son of Mubarak Khan
61. ✓ Asghar Ali Juma son of Juma Khan
62. ✓ Ali Hazoor son of Suliman Shah
63. ✓ Habib Ur Rahman son of Sher Khan
64. ✓ Mujeebur Rahman-I son of Muhammad Khan
65. ✓ Iqbal ud Din son of Muhammad Zafar
66. ✓ Syed Abass Ali Shah son of Sultan Wali Shah
67. ✓ Abid Ahmad Baig son of Ghulam Awlia Baig
68. ✓ Riaz Ahmad son of Hakim Muhammad
69. ✓ Nisar Muhammad son of Adina Muhammad
70. ✓ Shakil Ahmad son of Muhammad Nazir
71. ✓ Tameezud Din son of Baraat Shah
72. ✓ Mehboob ur Rahman son of Inayatur Rahman
73. ✓ Murtaza Ali son of Muhammad Ali
74. ✓ Nazir ur Rahman son of Safiur Rahman
75. ✓ Muhammad Alam son of Jamat Panah
76. ✓ Aftab Rahim son of Sher Rahim
77. ✓ Waqar Ahamad son of Rahmatullah
78. ✓ Haji Murad son of Mir Zaman Shah
79. ✓ Ghulamullah son of Ghulam Hazrat
80. ✓ Abdul Majeed son of Abdullah Jan
81. ✓ Isa Wali son of Badshah Wali
82. ✓ Abdul Majeed Khan son of Wori Muhammad Khan
83. ✓ Muhammad Ayaz son of Ghulam Afsar Khan
84. ✓ Aminullah son of Tamin Khan



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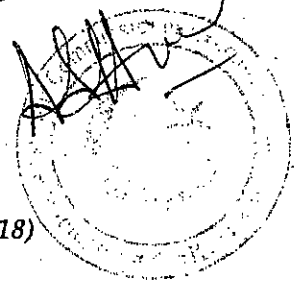
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85. ✓ Amir Ali Khan son of Ali Nawaz
 86. ✓ Imadud din son of Muhammad Yousaf
 87. ✓ Sardar Nawaz son of Fazal Madad
 88. ✓ Sajeed ur Rahman son of Abdul Jameel
 89. ✓ Aziz Ahmad son of Sher Muhammad
 90. ✓ Muhammad Ibrahim son of Wori Mast Khan
 91. ✓ Abdul Wali Shah son of Rahmat Shah
 92. ✓ Abdul Wasi son of Abdul Wakeel
 93. ✓ Shaftuddin son of Nohranuddin
 94. ✓ Mujeebur Rahman No.2 son of M. M. Sabir Khan
 95. ✓ Maqsood Azad son of Nusrat Azad
 96. ✓ Muhammad Shaukat Ali son of Muhammad Nadir Khan
 97. ✓ Saqod Ahmad Azad son of Nusrat Azad
 98. ✓ Imran Khan No.2 son of Dastan Dastan
 99. ✓ Wahid Ahmad Khan son of He Akbar Khan
 100. ✓ Shamsul Bari son of Nur Ra
 101. ✓ Zahir Abass son of A. Nau
 102. ✓ Muhammad Aftab You son of Muhammad Yunas Khan
 103. ✓ Muhammad Umar son of Nur Khan
 104. ✓ Ihtishamul Haq son of Wali Khan
 105. ✓ Saleemur Rahman son of Fazlur Rahman
 106. ✓ Shujaur Rahman son of Rahman
 107. ✓ Asadur Rahman son of
 108. ✓ Muhammad Kaleem son of A. Na. Yousaf Khan
 109. ✓ Zahid Hussain son of Zahir Khan
 110. ✓ Akramullah son of K. Allah
 111. ✓ Muhammad Munwar Zaman son of Dawagir Shah
 112. ✓ Ali Akbar Taj son of Mehri Ali Khan
 113. ✓ Muhammad Ishfaq son of Aliyar Khan
 114. ✓ Jafar Ali son of Muzafar Khan
 115. ✓ Khalil Ahmad son of Nazir Muhammad
 116. ✓ Tanweer Hayat son of Sher Zaman Khan
 117. ✓ Muhammad Miraj ud Din son of Mir Quwat Khan
 118. ✓ Toheed Jan son of Muhammad Ashraf
 Patwaris (From S.No.35 to 118)
 119. ✓ Mubashir Hassan son of Abdul
 120. ✓ Hamidullah son of Aman Khan
 121. ✓ Iyatur Rahman son of Hazrat Yousaf
 Typists (from S.No. 119 to 121)
 122. ✓ Aamir Abas son of Haji Khan, Driver
 123. ✓ Hashimullah son of Ibrahim
 124. ✓ Ali Nawaz son of Sher Nawaz Khan
 125. ✓ Abdul Wahab son of Abdul Wadood
 126. ✓ Muhammad Idrees son of Balinas Khan
 127. ✓ Habibullah son of Janat Gul

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128. ✓ Muhammad Dawood son of Suliman Khan
129. ✓ Umar Farooq son of Muhammad Ayub Khan
130. ✓ Muhammad Ali Khan son of Haji Jamidar Khan
131. ✓ Juma Khan son of Wali
132. ✓ Hamidur Rahman- I son of Abdur Rahman
133. ✓ Sikandar Khan -I son of Samandar Khan
134. ✓ Muhammad Ishaq son of Mansoor Ali
135. ✓ Rashid ud Din son of Shuja Noor
136. ✓ Nizar Ali son of Qurbari Khan
137. ✓ Qadir Wali son of Bambak
138. ✓ Sartaj Alam son of Mir Alam
139. ✓ Shamsul Bashir son of Bal Khan
140. ✓ Ghazi Amanullah son of Ghazi Hakeem Khan
141. ✓ Nadir Muhammad son of Mir Murad Khan
142. ✓ Shafiullah son of Muhammad Wazir
143. ✓ Sikandar Hayat son of Sikandar Wali
144. ✓ Attaur Rahman son of Khilur Rahman
145. ✓ Hamidur Rahman -II son of Abdul Murad
146. ✓ Sikandar Khan -II son of Karam Khan
147. ✓ Noor Ilahi son of Said Muhammad Shah
148. ✓ Asadur Rahman son of Fazlur Rahman
149. ✓ Fazal Haq son of Rahmat Jalil
150. ✓ Rashid Hussain son of Hazrat Hussain
151. ✓ Abdullah Jan son of Gulsambar Khan
152. ✓ Mahmood Riaz son of Aminul Haq
153. ✓ Ansar Elahi son of Fazlur Rahman
154. ✓ Mumtaz son of Muhammad Anwar Shah
155. ✓ Bashir Ahmad son of Fazal Muhammad
156. ✓ Shamsud Din son of Dordana Khan
157. ✓ Sanaullah son of Abdur Rahim Khan
158. ✓ Fazal Wadood son of Zar Muhammad
159. ✓ Muhammad Naeem son of Mir Zaman Khan
160. ✓ Fazal Akbar son of Ali Akbar
161. ✓ Najumullah son of Habibullah
162. ✓ Anwarud Din son of Muhammad Rozi Shah
163. ✓ Hafeez Ahmad son of Muhammad Soaban
164. ✓ Noor Akbar Shah son of Fazal Akbar Shah
165. ✓ Niazmud Din son of Iqbal Nageen
166. ✓ Sharifullah son of Hakimullah
167. ✓ Muhammad Ilyas Baig son of Muhamad Siyar Khan
168. ✓ Muhammad Hussain Shah son of Muhammad Ghulam
169. ✓ Hidayatullah son of Muhammad Wali Khan
170. ✓ Yousaf Wali Shah son of Muhammad Khan
171. ✓ Akramullah son of Eid Ghazi
172. ✓ Muhammad Hussain son of Mehrab Hussain
173. ✓ Shafiullah Shah son of Iqbal Shah

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174. Mehrabur Rahman son of Mehrab Ghulam
175. Muhammad Manzoor Son of Muhammad Sharif Khan
176. Fida Muhammad Khan son of Ali Muhammad
177. Haji Murab Son of Mir Zaman Shah
178. Sajid Jan son of Gul Yousaf
179. Sher Jehan son of Shukeriman
180. Atta Ur Rahman son of Muhammad Sharif Khan

(Naib Qasid No. 123 to 180)

..... Petitioners

Versus

- (1) Government of Khyber Pakhtunkhwa through Chief Secretary, at Peshawar.
(2) Government of Khyber Pakhtunkhwa through Secretary revenue & Estate Department at Peshawar.
(3) Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
(4) Director Land Record (Chief Settlement Officer /Director General of Registration) Khyber Pakhtunkhwa Peshawar.
(5) Commissioner Malakand Division at Saidu Sharif Swat
(6) Deputy Commissioner /Collector Chitral
(7) Settlement Officer Chitral

..... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.**

Respectfully sheweth,

1. That the petitioners are bonafide residents of Chitral.
2. That for carrying out the settlement operation in District Chitral in the year 2002, the petitioners were appointed as Assistant, Settlement Niab Tehsildar, Stenographers, Qanoogos, Settlement Patwaris, Typists, Driver, Naib Qasids/Jareeb Kash from January 2002 till January 2017. (copies of appointment orders are annexure "A")

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That the initial appointments of the petitioners were on contract basis for a period of one year but the same were extended from time to time or without any notification and the petitioners are serving till date.

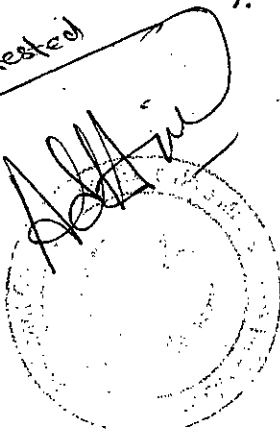
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4. That as there was no service rules for the petitioners and for this purpose, the representatives of the petitioner time and again submitted their applications to the high-ups for regularization of their services and framing of service rules.
5. That these efforts of the petitioners were honoured in the year 2008 by the then Settlement Officer Chitral vide letter No. 269/ST-2/VII dated 24/05/2008 to SMBR Khyber Pakhtunkhwa which is self-explanatory. (Copy of letter No. 269/ST-2/VII dated 24/05/2008 is annexure "B")
6. That the petitioner No.1 being president of Anjuman-e-Patwarian Chitral submitted an application to the then Chief Minister for regularization of their services and he was pleased to issue directives dated 06/01/2010 to SMBR for regularization of services of the petitioners. (Copies of letter dated 21/12/2009, copy of letter No. SOV/CMS/NWFP/Rev-01/09 dated 06/01/2010, and copy of letter No. 12/01/2012 are annexure "C")
7. That prior to the above directives of the then Chief Minister Khyber Pakhtunkhwa a committee was constituted under the chairmanship of SMBR and the committee after a lengthy discussion in the meeting dated 27/04/2009 unanimously agreed with the proposed service rules of the settlement staff. That the Khyber Pakhtunkhwa Public Service Commission also agreed with the proposed new service rules for revenue settlement, which is evident from letter dated 13/10/2010 of the Khyber Pakhtunkhwa Public Service Commission (Copy of minutes of the meeting dated 27/04/2009 and copy of letter dated 13/10/2010 is annexure "D")

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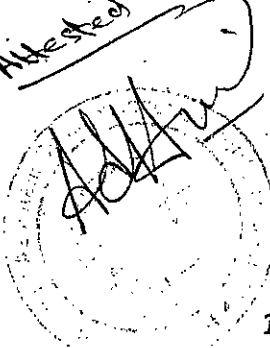
Additional Registrar

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8. That the correspondence about proposed service rules is evident from the letters dated 09/05/2011, 29/09/2011, 02/01/2011 and 20/09/2012. (Copy of letters are annexure "E")
9. That the all government employees coordination council District Chitral submitted an application dated 20/09/2012 through its president to the then Chief Secretary for their demands in which the demands of the petitioners are evident from Para No.5 thereof. Which was responded vide Government of Khyber Pakhtunkhwa Establishment & Administration Department letter dated 15/10/2012 addressed to respondent No.3 (SMBR) and others. (Copy of application dated 20/09/2012 and copy of letter dated 15/10/2012 is annexure "F")
10. That in response to the letter dated 15/10/2012 aforesaid the respondent No.4 (D.L.R) issued a letter / notification No. LR-V/SO(C)2012-13 dated 14/11/2012 wherein he categorically stated that "The service rules of the staff of settlement operations are under process. Their services will be regularized as and when Service Rules are framed /finalized and your office will be informed accordingly please." (Copy of letter dated 14/11/2012 is annexure "G")
11. That after all legal and codal formalities, the board of revenue, revenue & estate department framed rules, which were notified on 23/01/2015. (Copy of service rules are annexure "H")
12. That a meeting of Anjuman-e-Patwarian of revenue Department Khyber Pakhtunkhwa was held on 12/06/2014 at Abbottabad, wherein various demands were made, the specific demand about regularization of

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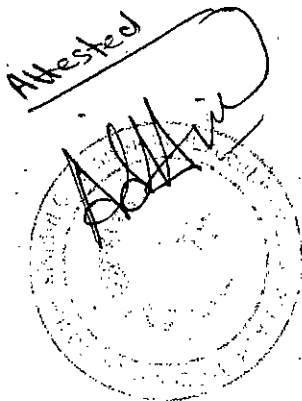
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services of the petitioners is evident from the minutes the resolution No.9. These demands in shape of a resolution was conveyed to all concerned. In this respect the Settlement Officer Chitral made recommendation in letter dated 09/07/2014 to the Deputy Commissioner Chitral. (Copy of the minutes of the meeting dated 12/06/2014, copy of letter dated 09/07/2014 and copy of letter dated 05/07/2014 is annexure "T")

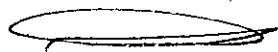
13. That in the recent visit of worthy Chief Minister to Chitral the petitioner No.1 being representative of the petitioner submitted an application dated 08/11/2017 to Chief Minister Khyber Pakhtunkhwa by which he orally agreed with the demand of regularization of the petitioners but proper directives are still awaited. (Copy of application dated 08/11/2017 is annexure "J")

14. That respondent No.6 advertised some posts of patwaris in Basic Pay Scale - 9 and invited applications for fresh recruitment which is in violation of Land Record Manual and criteria for appointment of Patwaris therein. In this respect the larger bench of Peshawar High Court Peshawar has already given a verdict to the effect that the appointments of the Patwaris will be made in accordance with the Land Record Manual and rules on the subject but the respondent No.6 is going to accommodate his blue eyed in garb of new recruitment process. (Copy of advertisement dated 15/11/2017 published in the daily Aaj Peshawar, copy of relevant provision of land record manual, letters dated 23/02/2017 & 10/04/2017 and copy of application dated 05/05/2017 is annexure "K")

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- d. That the petitioners have gained enough experience in their respective jobs while advertising the vacant posts for recruitment is gross violation of the criteria laid down in land record manual.
- e. That the discriminatory attitude of the respondents is against the fundamental rights of the petitioner as enshrined in the article 27 of the constitution of Islamic Republic of Pakistan, 1973.
- f. That due to the excellent performance of petitioners in their duties, they serves the department continuously since their initial appointments though they were appointed for one year of contract, which entitled them for the regularization of their services.
- g. That the upgradation of the posts of the Revenue / Settlement officials were also made vide cabinet decision on its 34th meeting and was notified on vide Notification No.KC/SO(FR)/ FD/7-7/2001 dated 16/11/2011 and order bearing No.2947 dated 01/12/2011. (Copies of notification dated 16/11/2011 and order dated 01/12/2011 are annexure "M")
- h. That the petitioners are drawing their salaries from the regular budget and not from the contingencies, therefore, as per law, they are entitled to be regularized. (Copies of pay slips of some of the petitioners for ready reference are annexure "N").
- i. That any other ground not specifically raised shall be argued at the time of hearing with the leave of this august Court.

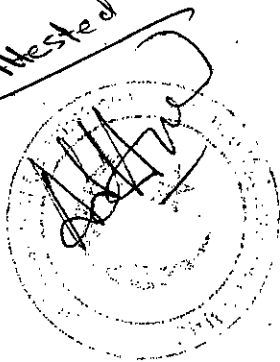
It is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously issue writs and direct the respondents to

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[Signature]
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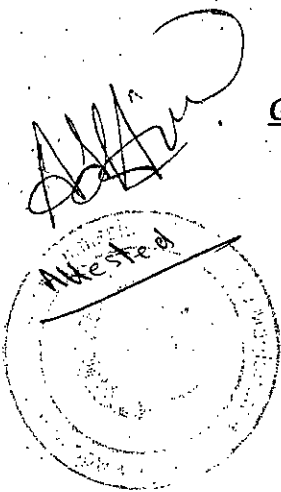


ready for their regularization but the settlement staff made hectic efforts in that respect and finally the settlement staff of district Swat were regularized and absorbed in Revenue Department. It is settle precedent before the respondents but they are reluctant to do so in case of the petitioners.

18. That the petitioners being aggrieved from the above discriminatory attitude of the respondents and also from their reluctance to regularize the services of the petitioner and to issue notification/order for their regularization while having no other adequate remedy except but to approach this Hon'ble Court by filing the instant constitutional petition, inter alia, on the following grounds:

GROUNDS:

- a. That the action and inaction of the respondents while not regularizing the services of the petitioners is ultra vires, ultra constitutional, illegal and against the established principles of law on the subject.
- b. That the petitioners have not been dealt with in accordance with law under article 4 of the Constitution of Islamic Republic of Pakistan.
- c. That the petitioners are performing their duties, honestly, zealously to the best of their efficiency with utmost satisfaction of their superiors and there is no slight complaint against them with regard to their duties. So the petitioners deserve for to regularize their services with all other benefits extended to other government regular servants.



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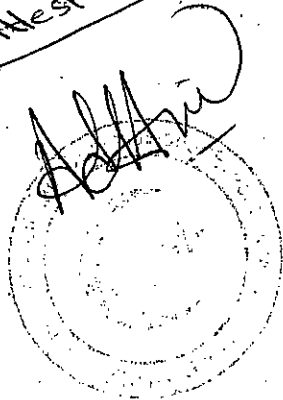
Additional Registrar

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15. That just from their appointments till date the petitioners conveyed their submission to each and every of the high ups and made their hectic efforts for their regularization but even after framing of service rules their legal demand of regularization is still awaited.
16. That various appointees with the petitioners have been regularized and inducted in revenue department only on the strength that they are the blue eyed of the high-ups of the department. In this respect one Khalilullah was appointed as Patwari for settlement operations in district Chitral who was posted as Tehsil^{Copy} Revenue Accountant Office of the D.O.R&E Chitral vide order dated 31/01/2010, Mr. Muhammad Danyal Ali appointed on 01/03/2007 while transferred / posted as Naib Tehsil Office Qanoongo office of the District Officer Revenue & Estate Chitral vide order dated 17/02/2010, Mr. Meraj Alam appointed as Patwari Settlement amongst others on 31/12/2005 and was posted as Tehsil Revenue Accountant in the office of DOR&E Chitral vide order dated 29/10/2010. And Mr. Amjad Fareed appointed as Patwari settlement vide order dated 31/05/2005 on S.No.34 and was transferred / posted as Naib Tehsil Office Qanoongo Office of the DOR&E Chitral vide order dated 17/02/2010. It is clear cut a policy of cherry picking on behalf of the respondents just to accommodate their blue eyed officials and discrimination with the petitioners. (Copies of initial appointments and latter posting orders are annexure "L").
17. That the settlement operations were completed on 31/12/1986 in district Swat and the respondents were neither ready to absorb them in revenue department nor

Attested



ATTESTED

FILED TODAY

20 NOV 2017

Additional Registrar

(12)

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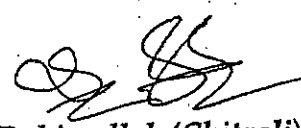
- (i) regularize the services of petitioners and to issue order/notification for regularization of services of the petitioners by extending all benefits allowed to the regular government employees of the department.
- (ii) induct the petitioners in revenue department in their respective pay scales.
- (iii) Cancel the advertisement dated 05/11/2017 and onward recruitment process.

Any other remedy which this Hon'ble Court deems fit to the circumstances of the instant case, may also be granted in favour of the petitioners against the respondents, if not specifically prayed for by the petitioners but the interest of justice demand so.

INTERIM RELIEF:

By way of interim relief the advertisement dated 05/11/2017 and onward process of recruitment thereon be suspended till the final disposal of the instant writ petition. The respondent may further be restrained from taking any adverse action against the petitioners.

Petitioners
Through counsel



Sabir Shah & Rahimullah (Chitrali)
Advocates High Court
Office: S, 8-9 Continental Plaza,
Makanbagh, Mingora, Swat
Cell # 03005746744

FILED TODAY
20 NOV 2017


Additional Registrar

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LIST OF BOOKS:

1. *The Constitution of Pakistan, 1973.*
2. *The Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2009.*
3. *Land Record Manual.*
4. *Any other relevant law books, notification and rules.*
5. *Case law on the subject.*

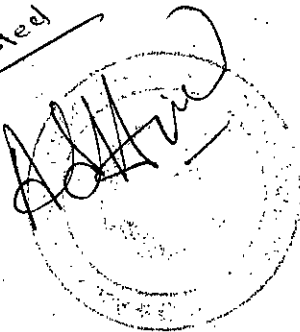

Sabir Shah & Rahimullah (Chitrali)
Advocates High Court

CERTIFICATE:

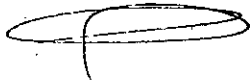
It is certified that as per instructions of my client/ petitioners, this is the first Writ Petition instituting before this Hon'ble Court and no such like other Writ Petition of the same subject matter has been earlier filed or pending adjudication before this august court.


SABIR SHAH
ADVOCATE HIGH COURT

Attested



ATTESTED



FILED TODAY

20 NOV 2017


Additional Registrar

19
1

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

Case No. of

| Date of Order or Proceedings | Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary. |
|------------------------------|---|
| 1 | 2 |
| 19-11-2019 | <p><u>W.P No. 822-M/2017 with Interim Relief</u></p> <p>Present: <i>M/S Sabir Shah and Rahimullah Chitrali, Advocates for the petitioners.</i></p> <p><i>Mr. Wilayat Ali Khan, A.A.G for the respondents along with Faiz Ali Qureshi, Additional Assistant Commissioner-II, Chitral.</i></p> <p style="text-align: center;">*****</p> <p><u>WIOAR AHMAD, J.-</u> This order is directed to dispose of Writ Petition bearing No. 822-M of 2017 filed by petitioners under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief;</p> <p><i>"It is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously issue writs and direct the respondents to:</i></p> <ol style="list-style-type: none"> <i>i. Regularize the services of petitioners and to issue order/notification for regularization of services of the petitioners by extending all benefits allowed to the regular government employees of the department.</i> <i>ii. Induct the petitioners in revenue department in their respective pay scales.</i> <i>iii. Cancel the advertisement dated 05/11/2017 and onward recruitment process.</i> <p><i>Any other remedy which this Hon'ble Court deems fit to the circumstances of the</i></p> |

Attested

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(Sd/-) HON'BLE MR. JUSTICE IYED AHMAD ALI
HON'BLE MR. JUSTICE WIOAR AHMAD

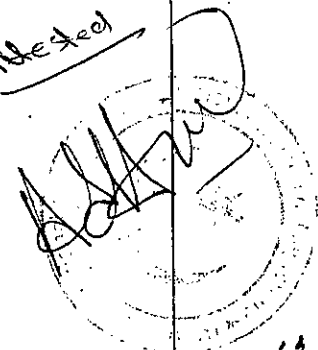
instant case, may also be granted in favour of the petitioners against the respondents, if not specifically prayed for by the petitioners but the interest of justice demand so."

2. Arguments heard and record perused.

3. Petitioners herein are the employees of the Settlement Operation at District Chitral which is about to be completed in June, 2020. They have been seeking their regularization on the newly created posts on the revenue side. The details of the newly created posts are contained in letter bearing No. 8665/T-8 (Revenue)/P.C dated 15.01.2019 of the Office of Deputy Commissioner, Chitral (respondent No. 6) which have been placed on filed along with C.M No. 1069-M/2019.

4. Accomplishment of settlement operation is an arduous task which by no means can be called as a simple and easy affair. It requires a lot of efforts particularly in a terrain like that of the hilly area of Chitral. Such a difficult and hazardous task has almost been completed by the petitioners in the supervision of their respective Officers for which they not only deserve appreciation but reward as well. Sending them home after utilizing their services for the accomplishment of such a difficult task, would not only be unbefitting of a Government which is supposed to have a gentlemanly behavior towards its citizens and employees, but would

Attested



Abdul Subhan

(D-8)

HON'BLE MR. JUSTICE FYED AHMAD ALI
HON'BLE MR. JUSTICE WISAR AHMAD

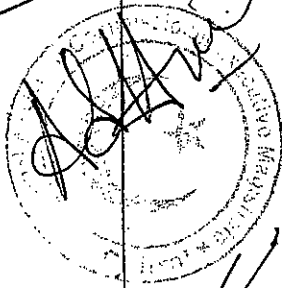
ATTESTED

also deprive the Government of the skills and expertise that the petitioners have acquired during the settlement operation. They are well trained and we do not think that the Government would be able to substitute them with any human resource of greater worth. In such a situation, when the seats are also being created on the revenue side, their regularization would not only be beneficial for them but for the department as well as people of the area in general.

5. The learned Addl:A.G also produced minutes of the meeting, regarding regularization of the petitioners, wherefrom it is clear that the Government has been considering regularization of the petitioners on the newly created posts on the revenue side. In such a situation, we would not like to intervene in the matter when same is already in progress and a final decision has not yet been taken in the matter. Learned counsel for petitioners requested this Court after arguing this case partly, that the matter may be sent to the Senior Member Board of Revenue, Khyber Pakhtunkhwa for consideration.

6. Since, the matter has already been under their active consideration, therefore the instant writ petition is also directed to be sent to the Worthy Senior

Attested



ATTESTED

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Member Board of Revenue, Khyber Pakhtunkhwa for due and sympathetic consideration and disposal according to law as soon as possible.

7. The writ petition was disposed of in the above terms.

C.M No. 1665-M/2018

Through this application, applicants namely Riaz Ahmad, Mujeeb Ullah, Inam-ur-Rahman, Imran Khan, Imtiaz Uddin, Shafaat Ullah, Syed Yasir Ali Shah, Kamran, Laiq Shah and Maqbool-ur-Rahman seek their impleadment to the Writ Petition bearing No. 822-M of 2017 in the panel of petitioners.

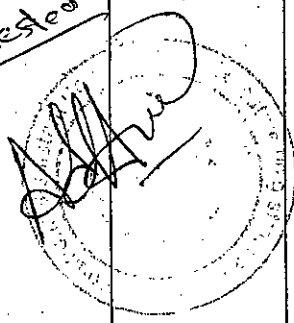
2. The present applicants as well as petitioners to the writ petition are similarly placed employees of the Settlement Establishment of Chitral. The application in hand is therefore accepted and the applicants named above be impleaded in the panel of petitioners. Office is directed to make necessary entries in this regard in the memo of writ petition.

Announced
Di: 19.11.2019


JUDGE


JUDGE

Attested



Abdul Subhan

31/12/2019

(D.S)

HON'BLE MR. JUSTICE FAYAZ AHMAD ALI
HON'BLE MR. JUSTICE WIGAR AHMAD

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT
MINGORA BENCH / DARUL QAZA SWAT.

WP NO. 822-M/2017

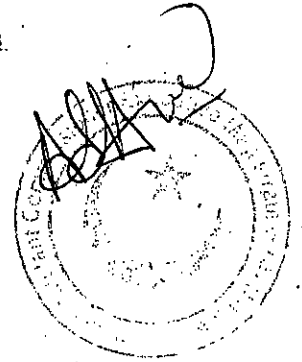
Mr. Qadir Aman Patwari (President Anjuman Parwarian
District Chitral and others,

Petitioners

Attested

Versus

1. Govt of Khyber Pakhtunkhwa through Chief Secretary at Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Revenue & Estate department
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Director Land Records (Chief Settlement Officer/ Director General of Registration, Khyber Pakhtunkhwa.
5. Commissioner, Malakand Division at Saidu Sharif Swat.
6. Deputy Commissioner, Chitral /Collector Chitral.
7. Settlement Officer Chitral.



Respondents:

Parawise comments on behalf of Respondents No. 1 to 4.

- (1) That the petition is not maintainable as it is not in proper form.
- (2) That the petitioners are stopped to file the present appeal.
- (3) That the petitioners have got no cause of action against the respondents.
- (4) That the issue involved in present appeal is purely administrative and need to be dealt with as such.
- (5) That the petition is time-barred.
- (6) That the petitioners have not come to court with clean hands.
- (7) That the petitioners have got no locus standi to prefer the appeal against respondents.

Respectfully sheweth:

1. Correct.
2. Correct.
3. Correct.
4. Correct.
5. Correct.
6. Correct.
7. Correct.
8. Correct.
9. Correct.
10. Correct.
11. Correct to the extent that Revenue and Estate department framed rules wherein some posts are required to be filled through initial recruitment and some are to be filled by transfer or through promotion from the existing staff.
12. Correct.
13. Correct.

FILED TODAY

08 OCT 2018

Additional Registrar

ATTESTED

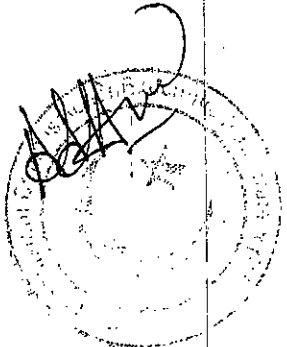
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24

3

- 14. No comments. Pertains to Respondent No. 06.
- 15. Incorrect. Settlement Operation is totally different from other routine projects. In other cases projects are commenced and executed through a PC-I while in settlement no PC-I is prepared. Settlement operations is carried out with hired staff only for the purpose of updating or constructing revenue record. Further settlement staff is meant to assist/aide Board of Revenue in revenue record updation. They work besides regular revenue field staff, hence when the settlement operation is over, the settlement staff's contract gets expired, and regular revenue staff takes over the record. It is pertinent to mention that regular staff is always less in number than settlement staff in a tract under settlement. Therefore, if settlement staff is regularized, there is no sufficient positions available so they could be adjusted against, as regular staff is always there.
- 16. Incorrect. A very few in number (3/4) of settlement staff have been inducted in revenue side keeping in view the need and exigencies of services existed in revenue side.
- 17. Correct to the extent that certain experienced settlement staff of Swat were inducted in revenue, only because, with course of time there existed vacancies and to get benefit of their services, a few of them were inducted under existed rules / policy.
- 18. Incorrect. Usually the number of settlement staff is higher, almost double to the regular revenue staff of the sub-division or district where settlement is in progress, as for one village in settlement, one patwari is deputed on contract, however in routine under the charge of one revenue patwari there are normally 5 to 6 villages. Therefore settlement staff cannot be adjusted in toto.

Attested



GROUNDS

- a. Incorrect. As per para-16 & 17 above.
- b. Incorrect. The petitioners were recruited on contract and since their recruitment till date they are dealt with relevant laws and contract agreement / policy.
- c. As per para-16 & 17 above.
- d. No comments. Relates to Government policy.
- e. Incorrect. As per para-16 & 17 above.
- f. Incorrect. Since the settlement operation is yet to complete, hence their contract was extended from time to time.
- g. No comments.
- h. Incorrect. The budget is provided only for the purpose of settlement operations / project (salary and non-salary) and once the settlement operation is completed the budget will be stopped. Further the budget is approved on yearly basis on the extension of settlement operations.
- i. No comments.

In view of the above it is therefore respectfully prayed that the writ petition may kindly be dismissed.

FILED TODAY

08 OCT 2018

Nasir Bialay
 Chief Secretary
 Government of Khyber Pakhtunkhwa
 (Respondent No. 1)

M. J. Khan
 Secretary (SMBR)
 Revenue & Estate, Khyber Pakhtunkhwa
 (Respondent No. 2&3)
 Additional Registrar

[Signature]
 Director Land Records/
 Chief Settlement Officer
 (Respondent No. 4)

ATTESTED

25

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA) SWAT**

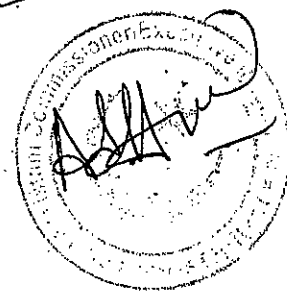
W.P. NO. 822-M/2017

Attested

Qadir Aman son of Khawaja Aman, Patwari
(President Anjuman-e-Patwarian District Chitral) etc (Petitioners)

Versus

Deputy Commissioner Chitral etc (Respondents)



Para wise Comments on behalf of Respondent No. 6 are submitted as under:-

1. Correct.
2. No comments. Related to Settlement Officer Chitral.
3. No comments. Related to Settlement Officer Chitral.
4. No Comments. Related to Board of Revenue.
5. No Comments. Related to Board of Revenue.
6. No Comments. Related to Board of Revenue.
7. No Comments. Related to Board of Revenue.
8. No Comments. Related to Board of Revenue.
9. No Comments. Related to Board of Revenue.
10. No Comments. Related to Board of Revenue.
11. No Comments. Related to Board of Revenue.
12. No Comments.
13. No comments.
14. Correct. On receipt of clarification regarding appointment of Patwari in D.C Office Chitral from Government of Khyber Pakhtunkhwa, Board of Revenue vide letter No. Estt: VII/DPC/ Chitral/ 4147 dated 10/4/2017 (copy enclosed), the vacant posts have been advertised in news paper asking application from the Patwar Pass candidates of the District Concerned.
15. No Comments. Related to Board of Revenue.
16. No Comments. Related to Board of Revenue.
17. No Comments.
18. No Comments. Related to Board of Revenue.

10/4/17
Assistant Advocate General
Khyber Pakhtunkhwa
at Dar-ul-Qaza, SWAT

[Signature]
Deputy Commissioner
Chitral (Respondents No.6)

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26

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

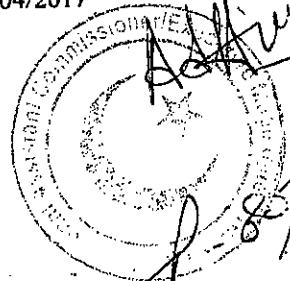
No.Estt:VII/DPC/Chitral/ 4147
Peshawar dated 10/04/2017

Attested

To

The Deputy Commissioner,
Chitral.

9951
17/4/17



Subject: CLARIFICATION REGARDING APPOINTMENT OF PATWARI IN
DEPUTY COMMISSIONER OFFICE CHITRAL.

I am directed to refer to your letter No 9029/E-3(DCC) dated 23.02 and to state that according to Patwari service rule, the post of Patwari shall be filled in by initial recruitment from amongst the patwar passed candidate entered in the patwar candidates register of Tehsil or District concerned on the basis of test and interview to be conducted after advertising the posts. Since the rules on the subject are very clear which may be followed in letter and spirit (copy of rules are attached for facilitation).

~~Signature~~
Assistant Secretary (Estt)

Supdt/SCLED

A: 17/4/17

~~Signature~~

ATTESTED

~~Signature~~

(27) Annex C

IN THE PESHAWAR HIGH COURT HIGH COURT

PESHAWAR

W.P. 535-M/2022

(Transferred from original seat)

In WP No ~~1029/2021~~ 2022.. principal seat



Inayat Ullah S/o Gul Zareen R/o Istaru Tehsil Mastooj District Upper Chitral (Tehsildar Settlement Operation Chitral).
..... Petitioner

VERSUS

1. Govt of KPK through Chief Secretary, KPK Peshawar.
2. Secretary Board of Revenue, KPK, Peshawar.
3. Secretary Revenue and Estate Dept, KPK.
4. Senior Member Board of Revenue KPK Peshawar.
5. Director Land Records, KPK, Peshawar.
6. District Officer Revenue and State Chitral.
7. Settlement Officer, Chitral.
8. Khalil Ullah (Naib Tehsildar Revenue Account Office Chitral).
9. Muhammad Danial (Naib Tehsildar Revenue Account Office Chitral).
10. Amjid Khalil (Naib Tehsildar Revenue Account Office Chitral).
11. Miraj Alam (Naib Tehsildar Revenue Account Office Chitral).

..... Respondents

RE-FILED TODAY
Deputy Registrar
01 JAN 2022

FILED TODAY
Deputy Registrar
31 DEC 2021

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

ATTESTED

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA) SWAT
(Judicial Department)**



1. W.P No. 535-M/2022 with Interim Relief (N)
(Inayat Ullah v. Government of Khyber Pakhtunkhwa through Chief Secretary and others)
2. W.P No. 536-M/2022 with Interim Relief
(Sharif-ud-din and others v. Chief Secretary, Khyber Pakhtunkhwa and others)

Present: M/S Anwar Ali Khan and Waqar Ahmad Baig, Advocates for the petitioners via video link.

Mr. Saeed Ahmad, Asst:A.G for the official respondents.

Mr. Taufeequllah, Advocate for the private respondents.

Date of hearing: 22.02.2023

JUDGMENT

Dr. Khurshid Iqbal, J.-

1. Through the instant writ petition, we intend to decide the instant writ petition as well as the connected W.P No. 536-M/2022, as similar questions of law and facts are involved in both the petitions.

2. W.P No. 535-M/2022:

The petitioner appeared in the Patwar Training School Examination held in the month of July, 1996 and July, 2004 and was declared as passed in all papers, vide Notifications dated 26.11.1996 and 30.04.2004. He was initially appointed as Patwari in BPS-5 on contract basis for three years w.e.f. 15.12.2003, vide appointment order dated 08.03.2004.

ATTESTED

Attest: _____

(D.S)

HON'BLE MR. JUSTICE MUHAMMAD NASEEM ANWAR
HON'BLE MR. JUSTICE DR. KHURSHID IQBAL

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

After passing the departmental examination of Kanungo, on 27.01.2007, he was promoted to the post of Field Kanungo (Gridawar) (BPS-09) on temporary/contract basis for the purpose of Settlement Operation Chitral only, for a period of three years w.e.f. 01.02.2007. On 02.12.2011, as per direction of the Senior Member Board of Revenue, Khyber Pakhtunkhwa, given in the appeal of the petitioner, he was reinstated to the post of Settlement Naib Tehsildar (BPS-14). The private respondents, being junior from the petitioner, were transferred and adjusted in the Revenue and Estate Department, Khyber Pakhtunkhwa, vide orders dated 06.01.2009 and 11.10.2010. He, being aggrieved of the discrimination and inaction of the respondents-department, has filed the instant writ petition under Article 199 of the Constitution. He has prayed before us for the following relief:

"It is therefore, most humbly prayed that on acceptance of the instant writ petition, this Hon'ble Court may graciously issue writ and direct the respondents:


- i. To transfer/adjust and regularize the services of the petitioner in the Revenue and Estate Department KPK and to issue order/notification for the same by extending all the benefits allowed to the regular employees of the department; and**

ATTACHED



Ahmad Sabir (O.B)

HON'BLE MR. JUSTICE MUHAMMAD NAHEEM ANWAR
HON'BLE MR. JUSTICE DR. KHURSHID JOBAL

ATTACHED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

- ii. To transfer/adjust/induct the petitioner in the Revenue Department in his pay and scale with effect from initial appointment."

3. W.P No. 536-M/2022:

The petitioners appeared in the Patwar Training School Examination held in the year 2005 and were declared as passed in all papers. They were initially appointed as Patwaris in BPS-5 on contract basis for three years vide appointment order dated 31.05.2005. On 20.07.2007, the petitioners No. 1 to 8 were promoted to the post of Field Kanungo (BPS-09) on temporary/contract basis for the purpose of Settlement Operation Chitral only, for a period of three years w.e.f. 01.08.2007. Whereas, on 23.07.2008, the petitioners No. 10, 11 and 13 were promoted to the posts of Kanungo (BPS-09) on contract basis for a period of three years w.e.f. 01.08.2008. Later, the petitioners No. 1 to 11 were posted as Settlement Tehsildar and Settlement Naib Tehsildar for the purpose of finalization of Settlement process vide office orders dated 26.02.2021 and 19.03.2021, respectively. While they were serving on their respective posts, the private respondents, being junior from them, were transferred and adjusted in the Revenue and Estate Department, Khyber Pakhtunkhwa, vide orders dated 06.01.2009 and

ATTESTED

Attest/ Signed/

(D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR
HON'BLE MR. JUSTICE DR. HOJURHUSAIN IQBAL

ATTESTED

Examiner
Peshawar High Court Bench
Muzara Dar-ul-Qaza, Swat.

(31)

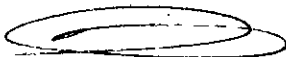
-4-

11.10.2010. They, being aggrieved of the discrimination and inaction of the respondents-department, have filed the instant writ petition under Article 199 of the Constitution.

4. We have heard arguments of learned counsel for the parties and the learned Assistant Advocate General, for the official respondents and perused the record.

5. Admittedly, the petitioners were appointed as Patwaris on contract basis for three years vide orders dated 08.03.2004 and 31.05.2005. On the strength of orders dated 27.01.2007, 20.07.2007 and 23.07.2008, they alongwith others were promoted to the post of Field Kanungo (Girdawar) on temporary/contract basis for the purpose of settlement in District Chitral for a period of three years w.e.f. 01.02.2007, 01.08.2007 and 01.08.2008. In the year 2011, by an order dated 02.12.2011, on his appeal against one Sharif-ud-din (Settlement Naib Tehsildar), the petitioner Inayatullah was reinstated to the post of Settlement Naib Tehsildar (BPS-14). It is, however, fully established that all the petitioners are still not regular employees of the respondents No. 1 to 7. Their main contention is that the private respondents No. 8 to 11, similarly placed with them, have been adjusted,

ATTESTED



Abdul Subhan

(D.B)

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR
HON'BLE MR. JUSTICE DR. KHURSHID JORAI

ATTESTED

Examiner
of High Court Bench
Tar-ul-Qaza, Swat.

which their learned counsel explained in his arguments in such a way that their services have been regularized. The learned counsel for the private respondents No. 8 to 11, while controverting the contention of the petitioners, submitted that they have been appointed against the regular posts on the recommendation of the Departmental Selection Committee in the years 2009 and 2010, as such their status is distinguishable. The petitioners have annexed copy of a seniority list of the Patwaris Settlement of District Chitral. They have not come up with any document that would show that the services of other Patwaris, including for the sake of arguments, those of the private respondents have been regularized. The learned Asst:A.G informed that the issue of regularization of the services of the petitioners is already under consideration. Be that as it may, while the respondents-department may pass any decision regarding their service as it wish according to law.

6. In light of the above discussion, we find no merit in the instant petition as well as in the connected petition. Hence, we dismiss both the petitions.

[Signature]
JUDGE

[Signature]
JUDGE

Announced
Di: 22.02.2023

HON'BLE MR. JUSTICE MUHAMMAD NAEEM ANWAR
HON'BLE MR. JUSTICE Dr. KHURRUM KHAN

S.No. 5
Name of Applicant Patwaris
Date of Presentation of Applicant 28/03/23
Date of Completion of Copies 28/03/23
No of Copies 1
Urgent Fee 1/-
Fee Charged 28/03/23
Date of Delivery of Copies 28/03/23

Certified to be true Copy

[Signature]
EXAMINER
Peshawar High Court Bench
Mingora/Dar-ul-Adab, Swat
28/03/23

Office
24/03/23

REGISTERED

(33)

BEFORE THE HON'BLE PESHAWAR HIGH COURT

WP-536-M/2022

PESHAWAR

In Re W.P. ~~469/2022~~

Transferred in
Principal seat



1. Sharif Ud Din S/o. Jalal Ud, Naib Tehsildar Settlement Operation District Upper Chitral,
2. Muhammad Fatih Alam S/o. Khan Masod Alam, Tehsildar Settlement Operation, OPS, Chitral.
3. Muhammad Shabir Khan S/o. Abdul Khaliq, Tehsildar Settlement Operation, OPS, Chitral.
4. Mir Alam Khan S/o. Abdul Khaliq, Naib Tehsildar Settlement Operation, OPS, Chitral.
5. Sher Afzal Khan S/o. Bulbul Wali, Naib Tehsildar Settlement Operation, OPS, Chitral.
6. Abid Ur Rehman S/o. Abdur Rehman, Naib Tehsildar Settlement Operation, OPS, Chitral.
7. Abdul Razaq S/o. Abdul Rabi, Naib Tehsildar Settlement Operation, OPS, Chitral.
8. Fazal Jalil S/o. Rehmat Jalil, Naib Tehsildar Settlement Operation, OPS, Chitral.
9. Zia Ud Din S/o. Quran Khan, Naib Tehsildar Settlement Operation, OPS, Chitral.
10. Ghafar Ud Din, S/o. Abdul Ghafoor Khan, Naib Tehsildar Settlement Operation, OPS, Chitral.
11. Sher Aziz Khan S/o. Ahmad Khan, Naib Tehsildar Settlement Operation, OPS, Chitral.
12. Muhammad Habib Shah S/o. Muhammad Sahib Shah, Fild Kanongo Settlement Operation, District Chitral.

RE-FILED TODAY
Deputy Registrar
07 FEB 2022

ATTESTED

FILED TODAY
Deputy Registrar
28 JAN 2022

ATTESTED
Examiner
Peshawar High Court Ber
Mingora Dar-ul-Qaza, Sw

- 13. Muhammad Alam Khan S/o. Mohabat Khan, Girdawar, Settlement Operation, Chitral.
- 14. Saeed Ahmad S/o. Sarwar Ali Khan, Girdawar, Settlement Operation, Chitral.

.....Petitioners

VERSUS

- 1. Chief Secretary, KPK, Peshawar
- 2. Secretary, Board of Revenue KPK, Peshawar.
- 3. Senior Member Board of Revenue, KPK, Peshawar.
- 4. Director Land Records, KPK, Peshawar.
- 5. District Officer, Revenue and State Chitral.
- 6. Settlement Officer, Chitral.
- 7. Khalil Ullah, Naib Tehsildar, Revenue Account Office, Chitral.
- 8. Muhammad Danial, Naib Tehsildar, Revenue Account Office, Chitral.
- 9. Amjid Khalil, Naib Tehsildar, Revenue Account Office, Chitral.
- 10. Miraj Alam, Naib Tehsildar, Revenue Account Office, Chitral.

.....RESPONDENTS

PETITION UNDER ARTICLE-199 OF
CONSTITUTION OF THE ISLAMIC REPUBLIC
OF PAKISTAN, 1973

Respectfully Sheweth;

Brief facts giving rise to the instant Writ Petition are as under:

- 1. That the petitioners are law abiding and bonafide citizens of District Chitral. (Copy of the CNIC of the petitioners are annexed as Annexure "A").

ATTESTED

FILED TODAY
 Deputy Registrar
 28 JAN 2022

ATTESTED
 Examiner
 Peshawar High Court Bench
 Mangora Dar-ul-Qaza, Swat.

35

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)



W.P No. 536-M/2022 with Interim Relief
(Sharif-ud-din and others v. Chief Secretary, Khyber
Pakhtunkhwa and others)

Present: M/S Anwar Ali Khan and Waqar Ahmad
Baig, Advocates for the petitioners via video
link.

Mr. Saeed Ahmad, Asst.A.G for the official
respondents.

Mr. Taufeequllah, Advocate for the private
respondents.

Date of hearing: 22.02.2023

JUDGMENT

Dr. Khurshid Iqbal, J.-

1. Vide our detailed judgment passed in the
connected W.P No. 535-M/2022 titled as "*Inayat*
Ullah v. Government of Khyber Pakhtunkhwa
through Chief Secretary and others", the instant
petition is dismissed.

Announced
Dt: 22.02.2023

JUDGE

Handwritten signature

S.No. 4
Name of Applicant Fadwa Aziz
Date of Presentation of Applicant 28/3/23
Date of Completion of Copies 28/3/23
No of Copies 3
Urgent Fee Nil
Fee Charged Nil
Date of Delivery of Copies 28/3/23

Handwritten signature
JUDGE

Certified to be true Copy

ATTESTED
Handwritten signature

Handwritten signature
EXAMINER
Peshawar High Court Bench
Mingora/Dar-ul-Qaza, Swat
28/3/23

Office
24/03/23

رجسٹر امیدوار پٹواریان (ہینڈ بستی) ضلع چترال

Anex-D

| سلسلہ | نام | ولدیت | سکونت | تعلیمی قابلیت | تاریخ پیدائش | پٹواریان کا سال | رول نمبر | کیفیت |
|-------|-----------------|----------------|-------------------------|---------------|--------------|---------------------|----------|----------------|
| | | | Dated 08/03/2004 | | | 413-16/ST-2/Voll-II | | |
| 01 | محمد رفیق | محمد رفیق | استاد تحصیل ستونج چترال | ایف۔ اے | 20/04/1997 | 2003 | 411 | حاصل کردہ نمبر |
| 02 | سید علی شاہ | سید ارشد شاہ | استاد تحصیل ستونج چترال | ایف۔ اے | 22/03/1972 | 2003 | 410 | |
| 03 | محمد رفیق الدین | سید جمال الدین | یوٹھ ستونج چترال | ایف۔ اے | 31/05/2005 | 639/ST-2 Vol-II | | کل نمبر 590 |
| 04 | محمد نواز عالم | محمد نور عالم | دوش چترال | ایف۔ اے | 20/04/1979 | 2005 | 97 | |
| 05 | محمد شہیر خان | محمد امان | دوش چترال | ایف۔ اے | 15/10/1977 | 2005 | 75 | 411 |
| 06 | سیر عالم خان | محمد امان | بہرورت چترال | ایف۔ ایس سی | 23/03/1975 | 2005 | 76 | 398 |
| 07 | شیر افضل خان | بلبل ولی خان | پرہاک ستونج چترال | بی۔ اے | 12/01/1975 | 2005 | 74 | 379 |
| 08 | محمد منصور | محمد روز خان | پرکوب ستونج چترال | بی۔ اے | 08/02/1980 | 2005 | 11 | 360 |
| 09 | عابد الرحمن | محمد الرحمن | دوش چترال | ایف۔ اے | 04/04/1983 | 2005 | 02 | 359 |
| 10 | محمد ارزان | محمد امان | دوش چترال | ایف۔ اے | 01/04/1982 | 2005 | 83 | 359 |
| 11 | انفیس طویل | دوست طویل | دوش چترال | بی۔ اے | 17/04/1977 | 2005 | 78 | 358 |
| 12 | محمد امجد | سرد علی خان | چارو بلانڈ دوش چترال | بی۔ اے | 01/07/1982 | 2005 | 77 | 355 |
| 13 | سید سعید شاہ | محمد سعید | دوش چترال | ایف۔ ایس سی | 01/01/1981 | 2005 | 92 | 354 |
| 14 | شیام الدین | قرآن خان | سوری چترال | ایف۔ اے | 02/02/1979 | 2005 | 88 | 352 |
| 15 | محمد انور الدین | محمد انور خان | سوری چترال | ایف۔ اے | 15/10/1980 | 2005 | 73 | 351 |
| | | | | | | 2005 | 63 | 349 |

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REGISTER

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| | | | | | | | | |
|-----|----|------|------------|--------------|-----------------------|-----------------|----------------|----|
| 348 | 80 | 2005 | 01/10/1983 | ایف۔ اے | نیر آباد دروش چترال | مجت ناز | محمد ناز | 16 |
| 347 | 18 | 2005 | 20/04/1982 | بی۔ کام | بارنون مستونج چترال | امیر خان | نیر از خان | 17 |
| 346 | 16 | 2005 | 16/06/1983 | بی۔ اے | اورنوج چترال | محمد غازی شاہ | ریاض احمد | 18 |
| 342 | 81 | 2005 | 11/09/1977 | | نعمت دروش چترال | محمد صاحب شاہ | محمد صیب شاہ | 19 |
| 341 | 23 | 2005 | 12/02/1978 | ڈی۔ کام | بروز چترال | بروز شاہ | سراج خان | 20 |
| 338 | 95 | 2005 | 10/03/1978 | ایف۔ اے | اورنوج مستونج چترال | انام شاہ | عبدالاسم | 21 |
| 338 | 25 | 2005 | 09/01/1978 | بی۔ کام | پرکوب مستونج چترال | دیار خان | ممتاز کریم خان | 22 |
| 337 | 71 | 2005 | 20/02/1979 | ایم۔ اے | زدرک ابدہ چترال | شیر تولا | احسان اللہ | 23 |
| 337 | 53 | 2005 | 03/03/1982 | بی۔ اے | موری لشت چترال | محمد زان | سکود خان | 24 |
| 336 | 82 | 2005 | 08/11/1980 | بی۔ اے | دروش چترال | عبدالغریب | شیر الدین | 25 |
| 336 | 85 | 2005 | 01/12/1981 | ایف۔ اے | دروش چترال | محمد شاہ | عبدالرحیم شاہ | 26 |
| 335 | 87 | 2005 | 02/04/1978 | ایف۔ ایس۔ سی | دروش چترال | عبدالربانی | جاوید اختر | 27 |
| 334 | 59 | 2005 | 10/06/1976 | بی۔ اے | مطلاندہ چترال | گل باب خان | محمد الدین | 28 |
| 334 | 15 | 2005 | 02/03/1980 | بی۔ اے | کریم آباد لوگوہ چترال | محمد المراد خان | انتر مراد خان | 29 |
| 334 | 89 | 2005 | 10/12/1983 | بی۔ اے | دروش چترال | خیر محمد | شاد احمد | 30 |
| 334 | 84 | 2005 | 15/12/1980 | ایف۔ اے | دروش چترال | زاد علی خان | آصف اقبال | 31 |
| 333 | 79 | 2005 | 15/08/1982 | ایف۔ اے | دروش چترال | شیر احمد | سرور احمد | 32 |
| 333 | 09 | 2005 | 03/09/1982 | بی۔ کام | لنگ چترال | سید الدین | نعم الدین | 33 |
| 333 | 55 | 2005 | 03/02/1975 | بی۔ ایس۔ سی | ایہل چترال | سید امام | محمد الامام | 34 |
| 330 | 47 | 2005 | 14/03/1978 | ایف۔ ایس۔ سی | ترغ چترال | محمد احمد | سید احمد | 35 |
| 328 | | | | | | | | |

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