

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No 1155/16

Date of Institution... 16.11.2016
Date of decision... 09.08.2017

Muhammad Amin Ex-Naib Tehsildar Matta, District Swat. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others. ... (Respondents)

MR. AZIZUR RAHMAN,
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was shown at S.No. 19 in the seniority list of Kanungos issued on 31.12.2008. Thereafter he was promoted as Naib Tehsildar on 08.11.2010 by the order of the Senior Member Board of Revenue, purportedly on the basis of a judicial order dated 20.10.2010. Then another seniority list was prepared on 26.4.2013 and he was shown at S.No. 166 in the seniority list of Naib Tehsildars as it stood on 31.12.2012. But on 09.09.2016 an order was passed by the Senior Member Board of Revenue by withdrawing the order of promotion

dated 20.10.2010 on the ground that the promotion/regularization was made in violation of the service rules and instructions without holding the meeting of the Departmental Promotion Committee. Against this order a departmental appeal was preferred by the appellant on 19.9.2016 which was dismissed on 03.11.2016 and thereafter the present appeal was filed on 16.11.2016.

ARGUMENTS

3. The learned counsel for the appellant argued the appeal on two scores. That an order of promotion once passed cannot be withdrawn on the ground that the promotion was made in violation of rules or law and in this respect the learned counsel for the appellant relied upon judgments reported as 1996-SCMR-1350 and 2004-SCMR-630. The second argument was that on the principle of *locus poenitentiae* the authority withdrawing the order must adhere to the minimum standard of due process. In this regard the learned counsel for the appellant relied upon a judgment reported as 1992-SCMR- 1420. According to the learned counsel for the appellant no chance of hearing or any notice was ever served on the appellant.

4. On the other hand the learned District Attorney argued that the original order dated 20.10.2010 was illegal and the SMBR has rightly withdrawn his earlier order.

CONCLUSION

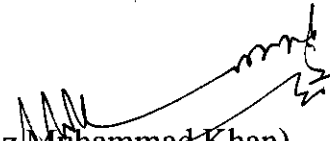
5. There can be no two opinion^s about this settled proposition of law that if any irregularity or illegality is committed by the department then the sufferer should not be the civil servant and in this respect the two former reported judgments pressed into service by the learned counsel for the appellant are very much clear. Though defence of *locus-poenitentiae* is available only in those orders

which are not void but before withdrawing any order the minimum standard of due process, at least, should be honored which has not been done in the instant case.

6. The nutshell of the above discussion is that the present appeal is accepted and the order dated 09.09.2016 is set aside. The appellant shall be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.



(Gul Zeb Khan)
Member



(Niaz Muhammad Khan)
Chairman
Camp Court, Swat


ANNOUNCED


09.08.2017

1155/2016

03.07.2017

Appellant alongwith counsel and Mr. Muhammad Zubair, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Rejoinder submitted. Learned District Attorney requested for adjournment as he is not in possession of complete enquiry file. Adjourned. To come up for final hearing on 9-8-2017 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

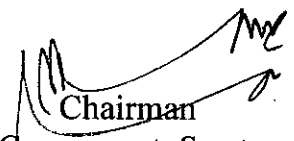
09.08.2017

Appellant alongwith counsel Mr. Muhammad Zubair, District Attorney alongwith Mukhtiar Ali, Supdt. for the respondents present. Arguments heard and record perused.

~~This appeal is accepted as per detailed judgment.~~

Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp court, Swat


ANNOUNCED
09.08.2017

08.12.2016

Appellant with counsel present. Learned counsel for the appellant argued that identical service appeals including service appeal No. 1128/2016 have already been admitted for regular hearing.

In view of the above the instant appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days notices be issued to the respondents. To come up for written reply/comments on 06.01.2017 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, Swat

06.1.2017

Appellant in person and Mian Amir Qadar, GP for the respondents present. Written reply not submitted. Learned GP requested for adjournment. To come up for written reply/comments on 09.03.2017 before S.B at camp court, Swat.


Chairman
Camp court, Swat

09.03.2017

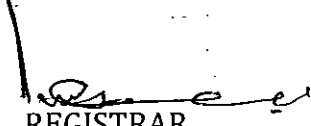
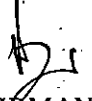
Appellant with counsel and Mukhtar Ali, Supdt. alongwith Mian Amir Qadar, GP for the respondents present. Written reply already submitted. The appeal is assigned to D.B for rejoinder and final hearing for 03.07.2017 at camp court, Swat.


Chairman
Camp Court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1155 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/11/2016	<p>The appeal of Mr. Muhammad Amin presented today by Mr. Aziz-Ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	17-11-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>08-12-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1155 of 2016

Muhammad Amin Ex- Naib Tehsildar Matta, District Swat.

...Appellant

VERSUS

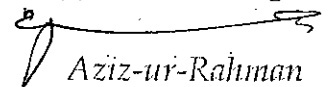
The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and Others.

...Respondents

INDEX

S. No.	Description of documents	Annexure	Pages
1.	Memo of Appeal	1-4
2.	Affidavit	5
3.	Addresses of the parties	6
4.	Copy of the Seniority List	A	7-8
5.	Copy of the Promotion Order	B	9
6.	Copies of the Seniority List	C	10-18
7.	Copy of the Order dated 09-09-2016	D	19
8.	Copies of the Departmental Appeal	E	20
9.	Copy of the Order dated 03-11-2016	F	21
10.	Vakalat Nama	22

Appellant Through



Aziz-ur-Rahman
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0300 907 0671

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1155 of 2016

Muhammad Amin Ex- Naib Tehsildar Matta, District
Swat.

**Khyber Pakhtunkhwa
Service Tribunal**

...Appellant Diary No. 1189

Dated 16-11-2016

VERSUS

1. The Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa,
Revenue and State Department, Civil Secretariat,
Peshawar.
3. The Senior Member Board of Revenue, Peshawar.

...Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER NO. ESTT:V/PF(AMIN)/22730 READ
WITH ENDST: NO. ESTT: V/PF (M. AMIN)/
22731-34 DATED 09-09-2016, WHEREBY THE
APPELLANT IS REVERTED AGAINST THE
LAW, RULES AND FACTS IS LIABLE TO BE
SET ASIDE, AGAINST WHICH ORDER THE
APPELLANT PREFERRED
DEPARTMENTAL APPEAL WHICH WAS
ALSO REJECTED IN A SUMMARY
MANNER VIDE ORDER NO. ESTT:V/
M.AMIN/ 26704 PESHAWAR DATED
03-11-2016 AND IS LIABLE TO BE SET
ASIDE.

Filed to-day

Registrar
16/11/16

Prayer:

It is very respectfully prayed that on acceptance of
this appeal both the impugned orders may very kindly be
set aside being against the law, rules and facts and let

2

the appellant perform his duties as Naib Tehsildar from the date of issuance of the impugned order.

Respectfully Sheweth:

Facts:

- i. That the appellant was initially appointed as "Patwari" on 06-04-1981, promoted to the post of "Kanungo" on 29-06-2007 and assigned Serial No. 19 at the Divisional level in the Final Seniority List of "Kanungo" by the respondent No. 3 in the year 2008. Copy is enclosed as Annexure "A".
- ii. That vide order Endstt: No. 24590-96/Admin:V/(Amin) dated 08-11-2010 the appellant was promoted as Naib Tehsildar on regular basis by the respondent No. 2 and his name appeared at Serial No. 174 of the Final Seniority List of Regular Naib Tehsildars as stood on 31-12-2011 followed by another Seniority list of 2012, which also reflects his name. Copy of the promotion order is enclosed as Annexure "B" and that of the seniority list is enclosed as Annexure "C", respectively.
- iii. That without any fault / lapse the appellant was made to suffer by the respondent No. 2 vide his order No. Estt:V/PF(Amin)/ 22730 read with Endst: No. Estt: V/PF (M. Amin)/ 22731-34 dated 09-09-2016. Copy of the order dated 09-09-2016 is enclosed as Annexure "D".

iv. That the appellant feeling aggrieved the appellant preferred departmental appeal, but the same was decided in summary manner against the law and rules vide order No. Estt:V/M.Amin/ 26704 Peshawar dated 03-11-2016. Feeling aggrieved of both the orders impugned, thus this departmental appeal on the following grounds. Copy of departmental appeal is enclosed as Annexure "E" and that of the order dated 03-11-2016 is enclosed as Annexure "F", respectively.

Grounds:

- a. That the respondents are sitting at the helm of affairs, having the absolute administrative control over the service affairs of the appellant. That according to the settled principles and due course, the promotion once made by the competence authority after due consideration of the seniority cum fitness of the appellant, it cannot be reviewed after a lapse of six years and nine months by the same authority and that too on the basis of the same record available with them on 08-11-2010.
- b. That the competent authority has already regularized the promotion of the appellant as Naib Tehsildar, which order has been since acted upon and certain rights accrued to the appellant on the basis thereof, therefore, taking up the case for regularization if against the law.
- c. That the respondents has withdrawn the regularization order of the appellant and has

reverted him i.e. imposed one of the major penalty in a manner not provided by the law.

- d. That the appellant is eligible, fit and duly promoted as Naib Tehsildar, hence without any reasons or on owing to the change of the incumbent of the office of the respondents the appellant is not be made suffer for no fault of him.
- e. That the appellant is in the last 15 months of his service and deserves a piece of mind to manage his retirement affairs.
- f. That the impugned order is based on mala fide and against the law, therefore, is liable to be set aside.

It is, therefore, very respectfully prayed that on acceptance of this appeal both the impugned orders may very kindly be set aside and the appellant restored to the position of Naib Tehsildar from the date of issuance of the impugned order.

Appellant

Muhammad Amin
Through Counsels,

Aziz-ur-Rahman

Imdad Ullah

Advocates Swat

(5)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2016

Muhammad Amin Ex- Naib Tehsildar Matta, District Swat.

...Appellant

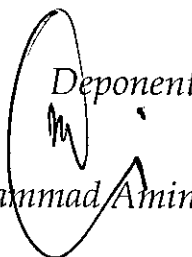
VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and Others.

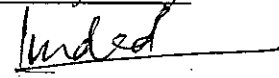
...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has either been misstated or kept concealed before this Honourable Tribunal.

Deponent

Muhammad Amin

Identified By:


Imdad Ullah
Advocate Swat


UMAR SADIQ Advocate,
OATH COMMISSIONER,

Distt. Court
No. 517 Date 14/11/2016

⑥

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2016

Muhammad Amin Ex- Naib Tehsildar Matta, District
Swat.

...Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES

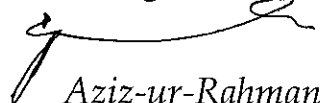
Appellant:

Muhammad Amin Ex-Naib Tehsildar Matta, District
Swat.

Respondents:

1. The Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa,
Revenue and State Department, Civil Secretariat,
Peshawar.
3. The Senior Member Board of Revenue, Peshawar.

Appellant
Through Counsel,


Aziz-ur-Rahman
Advocate Swat

Amir A
Bawa A

(S) (7)

FINAL SENIORITY LIST OF KANUNGO OF DEFUNCT MALAKAND DIVISION UPTO 31.12.2008

No.	Name of Kanungo	Date of birth	Date of Ist Entry into Govt: Servant	Qualification	Present office	Date of Regular appointment on present post
1.	Mr. Amir Jhang	03.09.1950				
2.	Mr. Khurshid Ali	19.01.1956	16.08.1975	FA		
3.	Mr. Laifur Rehman	01.07.1956	05.12.1991	Matric	DOR Buner	18.12.1995
4.	Mr. Jehan Wali	01.02.1957	01.03.1979	Matric	DOR Malakand	20.03.2001
5.	Mr. Amir Zarin	06.08.1959	01.03.1978	Matric	DOR Shangla	30.06.2001
6.	Mr. Shah Wazir	02.02.1960	01.03.1978	Matric	DOR Shangla	30.06.2001
7.	Mr. Ibrahim Shah	04.04.1967	05.04.1981	Matric	DOR Shangla	30.06.2001
8.	Mr. Jehan Ali	05.03.1962	17.09.1990	FA	DOR Swat	30.06.2001
9.	Mr. Fazal Wahid	12.07.1967	12.08.1993	FA	DOR Malakand	29.01.2003
10.	Mr. Iqbal Hussain	05.02.1961	12.08.1993	FA	DOR Malakand	26.06.2003
11.	Mr. Amir Jhang	28.08.1952	05.08.1980	BA	DOR Malakand	26.06.2003
			13.08.1975	Matric	DOR Swat	30.06.2006
					DOR Buner	19.06.2008. Seniority assigned vide Service Tribunal Judgment dated 16.04.2008
12.	Mr. Ghani Gul	17.04.1955	13.08.1975	FA	DOR Buner	11.10.2006
13.	Mr. Abdul Wahid	04.05.1955	16.08.1975	Matric	DOR Buner	23.01.2007
14.	Mr. Adam Khan	03.06.1956	01.10.1980	Matric	DOR Dir Lower	05.03.2007

Attested

[Signature]
Advocate

Attested

[Signature]
Advocate

8

S.No.	Name of Kanungo	Date of birth	Date of Ist. Entry into Govt. Servant	Qualification	Present office	Date of Regular appointment on present post
15	Mr. Bakht Jehan	15.05.1964	05.06.1986	MA	DOR Dir Lower	05.03.2007
16	Mr. Iqbal Karim	01.07.1968	01.06.2006	FA	DOR Dir Lower	05.03.2007
17	Mr. Dera Wadan	01.04.1955	07.04.1981	Matric	DOR Swat	29.06.2007
18	Mr. Kamalistan	01.04.1958	06.04.1981	Matric	DOR Swat	29.06.2007
19	Muhammad Amin	19.06.1957	06.04.1981	Matric	DOR Swat	29.06.2007
20	Mr. Abdul Majeed	15.11.1950	20.05.1976	FA	DOR Buner	28.07.2007
21	Mr. Sher Hassan	20.07.1952	20.05.1976	Matric	DOR Buner	28.07.2007
22	Mr. Naimatullah	02.02.1963	22.12.1985	Matric	DOR Dir Upper	01.10.2007
23	Mr. Akbar Badshah	11.03.1957	08.04.1981	Matric	DOR Swat	20.10.2007
24	Mr. Mr. Taj Malook	01.01.1953	05.04.1981	Matric	DOR Swat	20.10.2007
25	Mr. Sultan Zeb	15.04.1961	05.04.1981	Matric	DOR Swat	24.05.2008
26	Mr. Zakir Rehman	06.05.1958	06.04.1981	Matric	DOR Swat	24.05.2008
27	Mr. Hazrat Younis	10.04.1969	04.04.1981	Matric	DOR Swat	24.05.2008
28	Mr. Syed Zafar Ali	01.12.1961	04.04.1981	Matric	DOR Swat	24.05.2008

Attested

Advocate

Attested
Advocate

Assistant Secretary (Admin)
Board of Revenue NWFP

Annexure "B"

9




GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

PESHAWAR DATED 08/11/2010

ORDER

No. _____ /Admn:VI/(Amin). In pursuance of Judicial order dated 20.10.2010, passed by the court of Senior Member, Board of Revenue, Khyber Pakhtunkhwa Mr. Mohammad Amin Kanungo of District Swat is hereby promoted to the post of Naib Tehsildar (BPS-14) on regular basis with immediate effect.

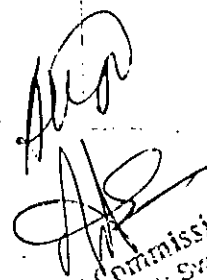

Senior Member
Board of Revenue Khyber Pakhtunkhwa


No. 24580-96 /Admn:VI/(Amin).

Copy to the:-

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

Senior Member
Board of Revenue Khyber Pakhtunkhwa


Assistant Commissioner
Matta, Distt. Swat.


Attested
Advocate

Annexure C

[Signature] 10

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 26/04/2013

OFFICE ORDER

No. Estt: V/S.L/ 4270

In pursuance of Section 8(1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, Final Seniority List of Naib Tehsildars (BPS 14) in Khyber Pakhtunkhwa, as stood on 31.12.2012, is hereby published for information of all concerned.

By Order of,
Senior Member

No. Estt: V/S.L/ 1971-72

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Officials concerned.
3. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars working under concerned working under their jurisdiction w/control.

[Signature]
Assistant Secretary (Estt)

Attested

[Signature]
Advocate

Attested

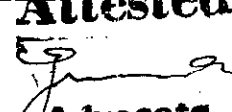
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Advocate

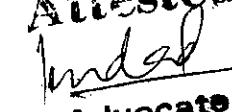
(11) (12) (13)

FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2012

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
1	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
2	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	--do--
3	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
5	Mr. Naz Amin Khan (Metric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
6	Mr. S. Asghar Shah (Metric) -	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
7	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
8	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	Naib Tehsildar
9	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
10	Mr. Said Rehman (Metric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
11	Mr. Kiramat Ullah Kundi B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--
12	Mr. Akbar Iftikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	--do--	--do--
13	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
14	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	27.02.2006	27.02.2006	--do--	--do--
15	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
16	Mr. Abdur Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
17	Mr. Sarir Ahmad (Metric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
18	Muhammad Riaz (Metric)	22.05.1958 Nowshera	05.08.1978	31.05.2007	--do--	--do--
19	Mr. Atta Ullah (Metric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
20	Mr. Musadiq Hussain (Metric)	21.03.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--

Seniority list of Naib Tehsildar

Attested

Advocate


Attested

Advocate

(12)

No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
21	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
22	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
23	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
24	Mr. Nouman Ali Shah BCS(Hons)	17.09.1984 Bannu	06.07.2007	06.07.2007	Direct	--do--
25	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	Promotee	--do--
26	Mr. Hidayat Ullah (BA)	28.04.1962 Malakand	13.03.1991	20.07.2007	--do--	Naib Tehsildar
27	Mr. Ifikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--
28	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	--do--	--do--
29	Mr. Farzand Ali (Matric)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
30	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
31	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--
32	Mr. Shah Nawaz (B.A)	01.10.1959 Lakki Marwat	11.11.1998	26.07.2007	--do--	--do--
33	Mr. Asmat Ullah (Matric)	13.03.1959 Lakki Marwat	28.04.1982	26.07.2007	--do--	--do--
34	S. Mazhar Hussain Shah (F.A)	07.07.1956 DIKhan	10.05.1976	26.07.2007	--do--	--do--
35	Mr. Hussian Bakhsh (Matric)	13.04.1956 DIKhan	01.09.1976	26.07.2007	--do--	--do--
36	Mr. Abdur Rashid (F.A)	01.09.1955 Tank	01.07.1984	26.07.2007	--do--	--do--
37	Mr. Fateh Ullah (F.A)	10.10.1958 Tank	01.07.1984	26.07.2007	--do--	--do--
38	Muhammad Akram (Matric)	03.10.1959 Tank	01.12.1983	26.07.2007	--do--	--do--
39	Mr. Mulazim Hussain (Matric)	01.01.1957 Tank	05.07.1984	26.07.2007	--do--	--do--
40	Muhammad Israr (B.A)	19.05.1959 Bannu	18.07.1985	26.07.2007	--do--	--do--
41	Mr. Afzal Khan (F.A)	15.03.1959 Swat	05.04.1981	01.09.2007	--do--	--do--
42	Mr. Anwar ul Haq (B.A)	01.02.1959 Swat	05.04.1981	31.12.2007	--do--	--do--
43	Muhammad Farooq Anwar (Matric)	10.09.1958 Tank	23.12.1985	01.01.2008	--do--	--do--
44	Mr. Kutab Khan (F.A)	22.05.1956 Tank	02.07.1986	01.01.2008	--do--	--do--
45	Mr. Ghulam Qasim (F.A)	28.08.1958 DIKhan		01.01.2008	--do--	--do--

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 Advocate

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 Advocate

13

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
46	Mr. Quadratullah (Matric)	20.02.1959 DIKhan	01.09.1977	01.01.2008	Promotee	Naib Tehsildar
47	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	13.09.1980	01.01.2008	--do--	--do--
48	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	05.01.2008	--do--	--do--
49	Mr. Ghulam Abbas (Matric)	15.02.1958 Lakki Marwat	11.11.1982	05.01.2008	--do--	--do--
50	Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	--do--	Promoted through Administative order of SMBR
51	Mr. Raqibas Khan (FA)	01.09.1956 Bannu	05.03.1982	02.04.2008	--do--	Naib Tehsildar
52	Mr. Habib Ahmad B.A	04.04.1955 Swat	06.04.1981	02.04.2008	--do--	--do--
53	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	10.01.1978	02.04.2008	--do--	--do--
54	Mr. Abdullah Jan (FA)	17.10.1958 Charsadda.	01.09.1977	08.05.2008	--do--	--do--
55	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	--do--	--do--
56	Mr. Nazir Ahmad (Matric)	12.03.1954 Mansehra	18.08.1979	08.05.2008	--do--	--do--
57	Mr. Muhammad Ziafat (F.A)	12.02.1955 Abbottabad.	06.10.1976	08.05.2008	--do--	--do--
58	Mr. Naimat Ullah Khan (BA)	11.08.1967 Tank	16.06.1990	08.05.2008	--do--	--do--
59	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	--do--	--do--
60	Mr. Amanullah (Matric)	09.06.1956 Tank		29.05.2008	--do--	Promoted through Administative order of SMBR
61	Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2008	--do--	--do--
62	Mr. Abdur Rashid (Matric)	1958 DIKhan	1987	29.05.2008	--do--	--do--
63	Muhammad Ayub (Matric)	04.11.1960 Tank	18.12.1986	29.05.2008	--do--	--do--
64	Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	--do--	Naib Tehsildar
65	Mr. Maqbool-ur- Rehman (F.A)	02.05.1959 Bannu	07.04.1980	13.01.2009	Promotee	Promoted through Administative order of SMBR
66	Mr. Shakir Ullah S/O Khan Mir (MA, MBA)	15.01.1978 Kohat Agency	02.02.2009	02.02.2009	Direct	Naib Tehsildar

Seniority list of Naib Tehsildar

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Advocate

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14

14

S.No	Name of Naib Tehsildar	Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
67	Mr. Munir Ahmad S/O Jhangi Khan	(MSc)	20.03.1979 SWA	02.02.2009	02.02.2009	Direct	Naib Tehsildar
68	Mr. Rahmat Ullah Khan S/O Ahmad Khan	(MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
69	Mr. Imtiaz Ali Shah S/O Muhammad Ali Shah	(MSc)	14.04.1980 Karak	02.02.2009	02.02.2009	--do--	--do--
70	Mr. Khalid Khan S/O Ifitikhar Hussain	(MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	--do--	--do--
71	Mr. Fazli Wadood S/O Fazli Mahmood	(BA)	04.04.1982 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
72	Mr. Irshad Ali S/O Dost Muhamamd	(MA)	15.03.1978 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
73	Mr. Amir Nawaz S/O Gul Daraz	(BSc/MBA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	--do--	--do--
74	Mr. Shah Wazir S/O Abdul Khan	(MSc)	30.03.1980 SWA	02.02.2009	02.02.2009	--do--	--do--
75	Mr. Sikandar Khan S/O Sar Zamin Khan	(M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	--do--	--do--
76	Mr. Ishtiaq Ahmad Khan S/O Allaudin	(M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
77	Mr. Shamsul Islam S/O Faqir Gul	(MA)	10.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
78	Mr. Allah Noor S/O Hazrat Noor	(MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	--do--	--do--
79	Muhammad Ilyas S/O Shah Nasim Khan	(MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	--do--	--do--
80	Mr. Yasir Salman Kundi S/O Hamid Khan Kundi	(MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
81	Mr. Yadullah Khan Khattak S/O Mohibullah Khattak	(MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	--do--	--do--
82	Mr. Ahmad Hashmi S/O Fazli Rabbi	(B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
83	Mr. Amin Ullah Khan S/O Dost Muhammad Khan	(BA)	07.06.1977 DIKhan	02.02.2009	02.02.2009	--do--	--do--
84	Mr. Islahuddin S/O Syed Badshah	(BA.LLB)	15.04.1982 Mardan	02.02.2009	02.02.2009	--do--	--do--
85	Mr. Zahid Younis S/O Muhamamd Younis	(M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	--do--	--do--

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15

	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
86	Mr. Naimat Ullah S/O Khanim Ullah (Double M.A)	26.04.1973 Dir	02.02.2009	02.02.2009	Direct	Naib Tehsildar
87	Muhammad Riaz S/O Fazal Aziz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
88	Muhammad Yar S/O Faqir Gul (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
89	Mr. Sher Ali Khan S/O Sahibzar Gul (M.A)	13.11.1974 Swat	02.02.2009	02.02.2009	--do--	--do--
90	Mr. Munawar Shah S/O Abdur Rashid (M.A)	12.02.1973 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
91	Mr. Inikhar uddin S/O Zewar Din (MSc)	05.08.1973 Charsadda	02.02.2009	02.02.2009	--do--	--do--
92	Mr. Younis Khan S/O Waqif Khan (M.A)	15.06.1981 Upper Dir	02.02.2009	02.02.2009	--do--	--do--
93	Mr. Mujahid Ali S/O Khalil-ur-Rehman (M.A)	19.04.1974 Nowshera	02.02.2009	02.02.2009	--do--	--do--
94	Syed Abdul Akbar Shah S/O Syed Gul Chaman (MSc M.A)	11.04.1981 Mardan	02.02.2009	02.02.2009	--do--	--do--
95	Syed Sultan Haider Shah S/O Syed Gulzar Hussain Shah (BA. LLB)	08.12.1972 Peshawar	02.02.2009	02.02.2009	--do--	--do--
96	Mr. Aftab Ahmad S/O Javed Muhammad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	--do--	--do--
97	Mr. Dil Nawaz Khan S/O Alam Zeb (LLB)	22.03.1979 Swabi	02.02.2009	02.02.2009	--do--	--do--
98	Mr. Kifayat Ullah S/O Haji Akbar (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	--do--	--do--
99	Mr. Faqir Hussain S/O Muhammad Younis (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	--do--	--do--
100	Mr. Zulfiqar Khan S/O Arsala Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	--do--	--do--
101	Mr. Waqar Ahmad S/O Muhammad Irfan (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	--do--	--do--
102	Muhammad Faraz Qurashi S/O Muhammad Riaz Qureshi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
103	Mr. Fazal ur Rehman S/O Habib-ur-Rehman (M.A)	10.07.1975 Haripur	02.02.2009	02.02.2009	--do--	--do--
104	Mr. Farukh Jadoon S/O Anwar Ahmad Khan (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
105	Mr. Fayaz Ahmad S/O Pir Khan (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
106	Bilal Ahmad S/O Farid-ud-Din (BA. B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	--do--	--do--
107	Mr. Tanveer Shahzad S/O Muhammad Sahif (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	--do--	--do--
108	Mr. Ejaz Ahmad S/O Muhammad Riaz (3 - M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
109	Muhammad Salim S/O Muhammad Sadiq (BSC)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	--do--	--do--

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S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
110	Mr. Sajid Saleem (BA)	01.04.1978 DIKhan	06.11.1996	10.02.2009	Promotee	Promoted through Administrative order of SMBR
111	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Naib Tehsildar
112	Mr. Tanzil-ur-Rehman	13.02.1988 NWA	14.04.2009	14.04.2009	--do--	--do--
113	Qazi Muhammad Aslam (Matric)	25.11.1953 Abbottabad	05.07.1980	02.05.2009	Promotee	--do--
114	Mr. Abdul Qayum (BA)	24.04.1984 Kohistan	27.12.1993	02.05.2009	--do--	--do--
115	Mr. Roohul Amin (Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	--do--	--do--
116	Mr. Qanoos Khan (BA)	14.02.1962 Kohat	01.07.1991	02.05.2009	--do--	--do--
117	Mr. Khurshid Ali (Matric)	19.01.1959 Malakand	05.12.1991	02.05.2009	--do--	--do--
118	Mr. Latif-ur-Rehman (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
119	Mr. Jehan Wali (Matric)	01.02.1957 Shangla	01.03.1978	02.05.2009	--do--	--do--
120	Mr. Amir Zarin (Matric)	06.08.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
121	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	--do--	--do--
122	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	02.05.2009	--do--	--do--
123	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992	02.05.2009	--do--	--do--
124	Mr. Abdur Rasheed (MSC)	05.01.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
125	Mr. Ahmad Ali M.A (B.ed)	17.04.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
126	Mr. Faramosh Khan (BA)	01.12.1957 Bajaur	26.11.1975	12.05.2009	--do--	Promoted through Administrative order of SMBR
127	Mr. Abdul Haseeb (Matric)	01.09.1959 Bajaur	18.02.1977	12.05.2009	--do--	--do--
128	Mr. Shakeel Ahmad (MA)	03.07.1971 Charsadda	13.09.1992	12.05.2009	--do--	--do--
129	Mr. Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	Naib Tehsildar
130	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	--do--
131	Mr. Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	--do--	--do--
132	Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	02.06.2009	--do--	--do--
133	Mr. Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	--do--	--do--
134	Mr. Zafar Iqbal (B.A. L.L.B)	25.03.1963 Kohat	02.09.1987	02.07.2009	--do--	Naib Tehsildar

16

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S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
135	Mr. Nawab Gul (M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	Promotee	Naib Tehsildar
136	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	--do--	--do--
137	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
138	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
139	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
140	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
141	Mr. Shehryar Khan (Matric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Promoted through Administrative order of SMBR.
142	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand Agency	08.10.1986	10.09.2009	--do--	--do--
143	Sardar Yousaf (BA)	15.03.1969 Bajaur	22.02.1978	17.09.2009	--do--	--do--
144	Mr. Saz Muhammad (BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
145	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
146	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
147	Mr. Muhammad Saeed	Peshawar		30.09.209	--do--	--do--
148	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
149	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
150	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
151	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
152	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
153	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
154	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
155	Mr. Abbas Ali Shah (FA)	06.08.1957 Battagram	14.05.1979	24.06.2010	--do--	--do--
156	Mr. Dilidar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
157	Mr. Sardar Ghulam Murtaza FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	--do--	--do--
158	Mr. Fazl-e-Hakeem (Matric)	02.09.1953 Swabi	09.05.1979	14.07.2010	--do--	--do--
159	Mr. Musadiq Hussain (BA)	27.10.1962 Hanug	15.03.1980	23.07.2010	--do--	--do--
160	Mr. Fazle-Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	--do--

Seniority list of Naib Tehsildar

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Advocate

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Name of Naib Tehsildar	Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
161	Mr. Haq Nawaz (Matric)	03.07.1960 DIKhan		02.09.2010	Promotee	Promoted through Administrative order of SMBR,
162	Mr. Gohar Zaman (FA)	20.04.1965 DIKhan		02.09.2010	--do--	--do--
163	Mr. Anwar Hussain (FA)	23.03.1972 Kohat		15.10.2010	--do--	--do--
164	Mr. Ghuncha Gul (C.com)	24.04.1967 Mohmand	22.12.1998	20.11.2010	--do--	--do--
165	Mr. Abdul Jalil (MA)	15.01.1964 SWA		04.11.2010	--do--	--do--
166	Mr. Muhammad Amin (Matric)	19.06.1957 Swat	06.04.1981	08.11.2010	--do--	--do--
167	Mr. Kamailstan (Matric)	01.04.1958 Swat	06.04.1981	08.11.2010	--do--	--do--
168	Mr. Hazrat Yousaf (MA)	06.04.1959 Battagram	01.01.1977	11.11.2010	--do--	--do--

Assistant Secretary (Estt)
Board of Revenue

Attested

Advocate

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Advocate

Annexure D

19

02

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 9/09/2016

ORDER

No. Estt:V/PF/(M.Amin)/ 22730 Whereas, Muhammad Amin was promoted to the post of Naib Tehsildar on 20.10.2010 on regular basis through administrative order without holding of Departmental Promotion Committee meeting.

NOW THEREFORE, in pursuance of order passed by Senior Member, Board of Revenue on 01.09.2016 the promotion / regularization order dated 20.10.2010 being made in violation of Service Rules and instructions governing promotions is hereby withdrawn with immediate effect.

By Order of
Senior Member

No. Estt:V/PF/(M.Amin)/ 22731-34

Copy forwarded to the:-

1. Commissioner, Malakanad Division.
2. Deputy Commissioner, Swat.
3. District Accounts Officer, Swat.
4. Official concerned.

[Signature]
Assistant Secretary (Estt)

Attested
[Signature]
Advocate

Attested
[Signature]
Advocate

بعدالت جناب چیف سیکرٹری صاحب صوبہ خیبر پختون خواہ بمقام پشاور۔

بوساطت جناب ڈپٹی کمشنر صاحب ضلع سوات

حکامانہ اپیل برآمد منسوخ حکم نمبر 34-22731/Estt:V/PF/M.Amin مورخہ 09-09-2016

جناب عالی!

سائیل حسب ذیل عرض گزار ہے۔

یہ کہ سائیل نے مورخہ 12-01-2008 کو حکم نمبری 30405/Admn:V/PF(A) مورخہ 18-11-2009 کے خلاف

بعدالت جناب SMBR صاحب خیبر پختونخواہ اپیل دائر کی۔

یہ کہ مورخہ 18-03-2010 کو عدالت مزکور نے اپیل ہذا کو منظور کر کے برائے DPC کمشنر صاحب مالاکنڈ ڈویژن کو بھیجا۔ سات ماہ

گزرنے بعد کمشنر صاحب نے زبانی طور پر کہا کہ میرے پاس DPC کا اختیار نہیں ہے۔ لہذا آپ SMBR صاحب کے پاس واپس

جائیں۔

یہ کہ اپیلانٹ نے مورخہ 19-10-2010 کو بعدالت جناب SMBR صاحب درخواست نظر ثانی کی جو عدالت حضور نے منظور کی۔

یہ کہ بروئے حکم نمبری (Amin)V/K/Admn:96-24590 مورخہ 08-11-2010 سائیل کو ریگولر بحیثیت

نائب تحصیلدار BPS-14 میں ترقی دی گئی۔

یہ کہ اپیلانٹ نے اپیل مورخہ 12-01-2010 میں واضح طور پر لکھا ہے کہ سائیل مالاکنڈ ڈویژن Senior Most قانونگو ہے اور

قانون کے مطابق ترقی دینے کا حکم صادر فرمائیں۔

جناب عالی اگر DPC لازمی تھی تو سائیل سے Junior بندے جو کہ بعض Seniority list قانونگویان سال 2008 میں سیرکل

نمبر 22,23 پر درج ہیں اور بعض کا نام Seniority List میں بھی نہیں۔ بروئے حکم نمبر 1183-87,1179-83

مورخہ 03-04-2014 کے DPC میں شامل کر کے ترقی دی گئی ہیں۔ جبکہ اپیلانٹ Seniority List سال 2008 میں سیرکل

نمبر 19 پر درج ہے۔ اور سیرکل نمبر 17 تک نے ترقی حاصل کی ہے۔ لہذا بدیہتی پڑتی ہے۔

اب چونکہ 5 سال 10 مہینے بعد SMBR صاحب نے Judicial Order مورخہ 20-10-2010 کو Administrative

Order کا نام دے کر حکم مذکورہ بالا کو with Draw کیا ہے۔

لہذا استدعا ہے کہ آپ صاحبان مہربانی فرمائیں کہ اس استدعا سائل کو منظور کرتے ہوئے حکم نامہ محررہ 09-09-2016 کو

منسوخ کرنے کا حکم صادر فرمائیں۔

عریضہ
19/9/06
محمد امین نائب تحصیلدار مدینہ سید جونی سوات

Attested
Advocate

Annexure 'F'

21

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:V/ M. Amin/ 26704
Peshawar dated the 3/11/2016

To

Mr. Muhammad Amin,
Ex – Naib Tehsildar Matta District Swat

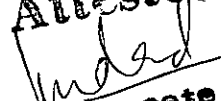
Through

Deputy Commissioner Swat

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER BEARING NO. ESTT:V/PF/M. AMIN/22731-34 DATED 09.09.2016.

Your departmental appeal dated 19.09.2016 has been examined and dismissed by the Appellate Authority.


Assistant Secretary (Estt)

Attested

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Muhammed Azeem Appellant

VERSUS

The Govt. K.P. through Respondent
Chief Secretary and Others

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 10 day of 11 2016

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1155/2016

Muhammad Amin Ex- Naib Tehsildar.....Appellant

VERSUS

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

RESPECTFULLY SHEWETH.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1,2 & 3 ARE AS UNDER.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. The appellant has not come to the Tribunal with clean hands.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 135

Dated 22-2-2017

ON FACTS

- i. Pertains to record. Need no comments.
- ii. Incorrect. The appellant was promoted as Naib Tehsildar through Administrative order without holding of Departmental Promotion Committee which is mandatory under Khyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer) Rules 1989. The name of the appellant was included in the seniority list but in the column of remarks it has clearly been mentioned that promoted through Administrative order.
- iii. Incorrect. The promotion order of the appellant was made in violation of rules therefore his illegal promotion order was rightly withdrawn on 09.09.2016.
- iv. Incorrect. The appeal of the appellant was dismissed by the appellate authority having no legal ground.

GROUNDS

- a. Incorrect. Void and illegal order can at any time be reviewed / withdrawn.
- b. Incorrect. The promotion order of the appellant as Naib Tehsildar was made in violation of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989 therefore, his illegal promotion order was withdrawn.
- c. As stated in above paras.
- d. Incorrect. At the time of his illegal promotion the appellant was not in promotion zone to the post of Naib Tehsildar.
- e. Pertains to record.
- f. Incorrect. The impugned order was according to law / rules.

Put up to the court with appeal.

Ready

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

Respondent No. 1, 2 & 3
25/1/2017

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1155/2016


Muhammad Amin Ex-Naib Tehsildar.....Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary & Others.....Respondents

AFFIDAVIT

I Mr. Mukhtiar Ali, Superintendent (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief information provided to me and nothing has been deliberately concealed from this Hon'able Tribunal.


Assistant Secretary (L.V.M.)
Board of Revenue