

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 128/2021

Amir Bayan Stenographer.....Appellant

Versus

Senior Member Board of Revenue and othersRespondents

**PARAWISE REPLY ON EXECUTION PETITION ON BEHALF OF RESPONDENT NO.1&3
ARE AS UNDER:-**

RESPECTFULL SHEWETH.

1. That the petitioner has got no cause of action.
2. That the petition is bad for mis-joinder and non-joinder of necessary parties.
3. That the petitioner has been estopped by his own conduct to file the appeal.
4. That the petition is time barred.

ON FACTS

1. Incorrect. No junior to the appellant has been promoted as Naib Tehsildar.
2. Pertains to record.
3. Correct to the extent of judgment of this Hon'able Tribunal dated 09.01.2019 but there is no provision in Service Rules for promotion of Junior Scale Stenographer to the post of Naib Tehsildar therefore, the petitioner being not entitle cannot be considered for such promotion.
4. As in Para-3 above.
5. Incorrect. The order/Judgment dated 19.01.2019 clearly speaks that "Whenever the petitioner fulfills the criteria and right is vested in him for promotion, his case be considered in the prescribed manner, for promotion to the post of Naib Tehsildar". Since the appellant/petitioner does not fulfill the criteria, therefore cannot be considered for promotion as Naib Tehsildar.

Keeping in view of the above, since there is no provision in Service Rules for promotion of Junior Scale Stenographer to Naib Tehsildar, therefore, the Execution Petition of the petitioner having no legal grounds may be dismissed with costs.

Assistant Secretary (Establishment),
Board of Revenue
(Respondent No.3)

Senior Member
Board of Revenue,
(Respondent No. 1)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar Dated the 13/05/2019

NOTIFICATION

No. Estt:1/SSRC/2019/_____ In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue and Estate Department in consultation with Establishment Department and Finance Department, hereby directs that in this Department's Notification No. 32102-61/Admn:1/135/SSRC, dated: 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

(a) against Serial No. 1, in column No. 7, for clauses (c) and (d), the following shall be substituted, namely:

(c) fifteen percent by promotion, on the basis of seniority - cum - fitness, from amongst Assistants and Senior Scale Stenographers of the offices of Commissioner and Deputy Commissioner, having five years services as such;

Note: Joint seniority list shall be maintained at Provincial level for the purpose of promotion; and

(d) five percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the Board of Revenue and Director Land Records Office having five years' service as such.

Note:- Joint seniority list shall be maintained for the purpose of promotion.”;

(b) against Serial No. 2, in column No.7,-

(i) for clause (b), the following shall be substituted, namely:

(b) forty percent by promotion, on the basis of seniority -cum- fitness, from amongst the Kanungos with at least five years service as such, who have passed the Departmental Examination of Naib Tehsildar;”; and

(ii) clauses (c) and (e) shall be deleted.

(c) against Serial No. 3, in column No.7, for the existing entry, the following shall be substituted, namely:

“by transfer from amongst Naib Tehsildars.”

(d) against Serial No. 9, in column No. 7, the following Note to the existing entry shall be added, namely:

Note:- The posts of Naib Tehsil Accountants and Naib Tehsil office Kanungo shall be deemed as Dying Cadre. On vacation of the above posts by retirement or promotion of the incumbents, no person shall be appointed by transfer to the same and shall forthwith to take up with the Finance Department for their abolition.”.

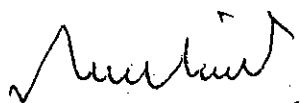
Sd/-

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

No. Estt:1/SSRC/2019/19056-63

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. All Commissioners in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
8. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply fifty printed copies thereof to the undersigned for record.


DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT.

28

132

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

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KHYBER PAKHTUNKHWA

Amendment

Published by Authority

PESHAWAR, THURSDAY, 30th JUNE, 2016.

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
BOARD OF REVENUE, REVENUE AND ESTATE DEPARTMENT.**

NOTIFICATION

Dated: 25th January, 2016.

No. 6032-42/Estt:/SSRC/Vol-II/2016. — In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue and Estate Department in consultation with Establishment and Finance Departments, hereby directs that in this Department's Notification No. 32102/Admn:/SSRC, dated 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

in the Appendix,-

- (a) against serial No. 1, in column No. 7:-
 - (i) In clause (b), the word "and" appearing at the end shall be deleted;
 - (ii) For clause (c), the following shall be substituted, namely:
 - "(c) sixteen (16) percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the offices of Commissioners, Deputy Commissioners and Political Agents having five years service as such; and"; and
 - (iii) after clause (c), as so amended, the following shall be added, namely:
 - "(d) four (4) percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the Board of Revenue having five years service as such;"; and
- (b) against serial No. 2, in column No. 7:-
 - (i) for clause (c), the following shall be substituted, namely:
 - ~~"(c) twelve (12) percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks and Stenographers of the offices of Commissioners and Deputy Commissioner in the division concerned;"; and~~
 - (ii) in clause (d), the fullstop appearing at end shall be replaced by semi colon and the word "and" and thereafter the following shall be added, namely:
 - "(e) three (3) percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks and Stenographers of the Board of Revenue.".

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Sd/-xxx
Secretary to Government of the
Khyber Pakhtunkhwa,
Revenue and Estate Department.