

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Execution Petition No.128/2021

Amir Bayan.....Appellant

**VERSUS**

Senior Member Board of Revenue & others.....Respondents

**INDEX**

S.No	Description of Documents	Annexure	Page No.
1.	Proper Reply	--	01-02
2.	DPC Meeting dated 13.06.2022	A	03-04
3.	Joint Seniority List	B	05-06

*For*  
Assistant Secretary Lit-II  
Board of Revenue



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT.



091-9213989



091-9214208

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Execution Petition No. 128/2021.**

Amir Bayan Stenographer..... Appellant.

Versus

Senior Member Board of Revenue and other..... Respondents.

**SUBJECT: PROPER REPLY IN EXECUTION PETITION NO. 128/2021 TITLE AMIR BAYAN VERSUS SENIOR MEMBER BOARD OF REVENUE AND OTHERS**

With reference to your order dated 12.10.2022 passed by the Tribunal in Execution petition No. 128/2021 proper reply is as under:-

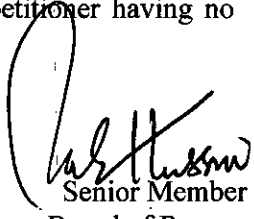
It is submitted that during the discussion in Departmental Promotion Committee Meeting held on 13.06.2022 (Annex-A), it was observed that as per Tehsildari Rules 2015, 15% quota was reserved for Senior Clerk to the post of Naib Tehsildar at Divisional level. One Mr. Mohammad Khan Senior Clerk office of the Commissioner Bannu Division, was promoted to the post of Naib Tehsildar as per joint Seniority List from Bannu Division. In the year 2016, rules were ammended and 12% quota was reserved for Senior Clerks and Junior Scale Stenographers offices of the Commissioner and Deputy Commissioners of the province, while 03% quota was reserved for Senior Clerk and Junior Scale Stenographers office of the Board of Revenue. Under 12% quota reserved for JSS/Senior Clerks offices of the Commissioner and Deputy Commissioners in Bannu Division 02 posts were falling in their share against total 17 posts reserved for Senior Clerks/ Junior Scale Stenographer offices of the Commissioner and Deputy Commissioners in Bannu Division. One Mr. Muhammad Khan Senior Clerk office of Commissioner Bannu has already been promoted to the post of Naib Tehsildar leaving behind only one post of Naib Tehsildar under 12% quota reserved for Junior Scale Stenographers/Senior Clerks of Bannu Division. Even if the DPC meeting was convened, the appellant could not be promoted to the post of Naib Tehsildar being at S. No 3 of the joint seniority list (Annex-B).

Furthermore, at present there is no provision in Service Rules for promotion of Junior Scale Stenographer to the post Naib Tehsildar, therefore the request of the petitioner for promotion as Naib Tehsildar does not cover the rules and cannot be acceded to as the appellant does not fulfill the criteria for promotion. The order/judgment dated 19.01.2019 also clearly speaks that "Whenever the applicant 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 he cannot be considered for promotion as Naib Tehsildar.

After detailed discussion in the meeting it was unanimously decided that the official was not eligible for appointment to the post of Naib Tehsildar as he was at serial No. 03

of the Joint Seniority list of Junior Scale Stenographers and Senior Clerks for the year 2018 of Bannu Division at that time.

Keeping in view the above, the Execution petition of the petitioner having no legal ground may be dismissed with costs.

  
Senior Member  
Board of Revenue

21

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF AMIR BAYAN JUNIOR SCALE STENOGRAPHER OFFICE OF THE DEPUTY COMMISSIONER LAKKI MARWAT TO THE POST OF NAIB TEHSILDAR (BS-14) IN LIGHT OF SERVICE TRIBUNAL KHYBER PAKHTUNKHWA JUDGMENT DATED 09.01.2019 AND ORDER SHEET DATED 07.06.2022 IN EXECUTION PETITION NO. 128/2020/2021 TITLED AMIR BAYAN VERSUS SENIOR MEMBER BOARD OF REVENUE AND OTHERS HELD IN THE OFFICE OF SENIOR MEMBER BOARD OF REVENUE ON 13.06.2022 AT 2.00 PM.**

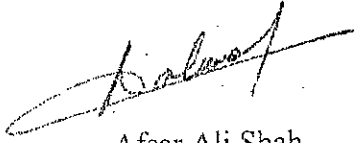
Meeting regarding Departmental Promotion Committee was held on 13.07.2022 in the office of Senior Member Board of Revenue, under his chairmanship to consider the appointment/promotion of Mr. Amir Bayan Junior Scale Stenographer office of the Deputy Commissioner Lakki Marwat to the post of Naib Tehsildar in light of Service Tribunal Judgment dated 09.01.2019 and order sheet dated 07.06.2022 in Execution Petition No. 128/2020. The following attended: -

- 1 Mr. Afsar Ali Shah,  
Secretary-I. Board of Revenue, Member
- 2 Mr. Jawad Ali  
Deputy Secretary  
Board of Revenue Member
3. Mr. Noor Khan,  
Assistant Secretary (Estt;),  
Board of Revenue, Member

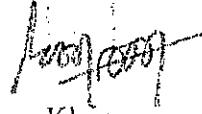
During the discussion it was observed that as per Tehsildari Rules 2015 (**Annex-A**), 15% quota was reserved for Senior Clerk to the post of Naib Tehsildar at Divisional level and one Mr. Mohammad Khan Senior Clerk office of the Commissioner Bannu Division, was promoted to the post of Naib Tehsildar as per joint Seniority List. In the year 2016, rules were again amended and 12% quota was reserved for Senior Clerks and Junior Scale Stenographers offices of the Commissioner and Deputy Commissioners of the province, while 03% quota was reserved for Senior Clerk and Junior Scale Stenographers office of the Board of Revenue. Under 12% quota reserved for JSS/Senior Clerks offices of the Commissioner and Deputy Commissioners in Bannu Division 2.4 posts were falling in their share against which one Mr. Muhammad Khan Senior Clerk office of Commissioner Bannu was already been promoted on 27.05. 2015 to the post of Naib

Tehsildar leaving behind only one post of Naib Tehsildar under 12% quota reserved for Junior Scale Stenographers/Senior Clerks of Bannu Division. Even if the DPC meeting was convened, the appellant could not be promoted to the post of Naib Tehsildar being at S. No 2 of the joint seniority list (**Annex-B**).

After detailed discussion it was unanimously decided that the official was not eligible for appointment to the post of Naib Tehsildar as he was at serial No. 02 of the Joint Seniority list of Junior Scale Stenographers and Senior Clerks for the year 2018 of Bannu Division.



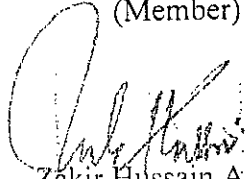
Afsar Ali Shah  
Secretary-I,  
(Member)



Noor Khan  
Assistant Secretary (Estt.)  
(Member)



Jawad Ali  
Deputy Secretary  
(Member)



Zakir Hussain Afridi  
Senior Member  
(CHAIRMAN)

F

De

ik.

1

Sh

6-c

pi

l-bc

.Na.

①

2018

5

JOINT FINAL SENIORITY LIST OF SENIOR CLERKS/JUNIOR SCALE STENOGRAPHERS OF THE OFFICES OF COMMISSIONER BANNU DIVISION AND DEPUTY COMMISSIONER BANNU AND LAKKI MARWAT AND NORTH WAZIRISTAN OF BANNU DIVISION.

S.N	Name	Designation	BPS	D.O.B.	Qualification	Date of entry into Govt. Service	Date of appointment/promotion to present post	Method of appointment	Establishment/Office to which belongs
1.	Shakib Khan	JSS	14	01/01/1964	B.A	21/10/1989	28/08/1990	Direct	DC, Bannu
2.	Muhammad Sajjid	JSS	14	15-03-1969	B.Com	01-11-1992	01-11-1992	Direct	DC, LM
3.	Amir Bayan	JSS	14	11-04-1965	M.Sc	18-11-1992	18-11-1992	Direct	DC, LM
4.	Muhammad Idrees	JSS	14	12-05-1983	M.A	26-02-2004	26-02-2004	Direct	DC, LM
5.	Naecm Ullah Khan	JSS	14	04/02/1991	M.A+D.Co m	06/01/2010	06/01/2010	Direct	DC, Bannu
6.	Shahid Naseem	S/C	14	08-05-1964		01-12-1982	17/05/2011	By Promotion	DC, NW
7.	Rehmat Ali	S/C	14	13-02-1966		01-12-1983	09/05/2012	By Promotion	DC, NW

Promoted on 7/3/10  
Net No. 1605

Promoted as  
vide Order No.  
on 25-3-

8.	Mir Abass Khan	S/C	14	11-12-1964		08-05-1984	15-05-2015	By Promotion	DC, NW
9.	Muhammad Ayub Khan	S/C	14	20-04-1963		01-09-1984	15-05-2015	By Promotion	DC, NW
10.	Hakim Khan	S/C	14	30-03-1962		01-07-1985	15-05-2015	By Promotion	DC, NW
11.	Rasool Khan	S/C	14	07-09-1963		01-07-1985	19-06-2017	By Promotion	DC, NW
12.	Mir Sadey Khan	S/C	14	21-11-1961		02/07-1985	19-06-2017	By Promotion	DC, NW
13.	Ghaffar Ali	S/C	14	2-04-1968	B.A	30-05-1991	02-11-2017	By Promotion	DC, Bannu
14.	Saeed Ur Rehman	JSS	14	15/04/1989	M.Com	11/04/2018	10/04/2018	Direct	DC, Bannu
15.	Ihsan Ullah	S/C	14	5-2-1971	M.A	1-1-1992	29-05-2018	By Promotion	DC, Bannu
16.	Jamshed Khan	S/C	14	1-1-1966	B.A	1-9-1992	29-05-2018	By Promotion	DC, Bannu
17.	Nawab Khan	S/C	14	08-04-1970	F.A	08-10-1992	20-08-2018	By Promotion	DC, LM

*(Handwritten signature)*

02/09/2020

COMMISSIONER  
BANNU DIVISION

6



OFFICE OF THE  
DEPUTY COMMISSIONER

LAKKI MARWAT (KHYBER PAKHTUNKHWA) Ph: # 0969-538330-31 Fax: # 0969-538333  
email: dclakkimarwat@hotmail.com facebook: www.facebook.com/dclakkimarwat website: www.lakkimarwat.gkp.pk

No. 706 DC/LM / Estab: / F-12

Dated: 25 / 02 / 2021

To

1. Mr. Amir Bayan JR. S. Stenographer.
2. Mr. Muhammad Idrees JR. S. Stenographer.
3. Mr. Muhammad Suleman JR. S. Stenographer

Subject: **FINAL SENIORITY LIST OF STENOGRPHER AT DISTRICT LEVEL AS STOOD ON  
31.12.2020.**

Memo

Enclosed please find herewith a copy of Final seniority list of Stenographers BPS-14 at District Level as stood on 31-12-2020 for information and record.

Deputy Commissioner  
Lakki Marwat

Deputy Commissioner  
Lakki Marwat



**FINAL JOINT SENIORITY LIST OF JUNIOR/ SENIOR SCALE STENOGRAPHER (BPS-14) AT DISTRICT LEVEL AS STOOD ON 31.12.2020.**

SN	Name of official	Designation	Establishment to which belongs	Date of Birth	Qualification	Date of 1 <sup>st</sup> Entry into Govt. Service	Date of Regular Appointment / Selection / Promotion as Stenographer	Remarks
2	Amir Bayan	Jr. S. Stenographer	DC Office Lakki Marwat	11-04-1965	M.Sc	18-11-1992	18-11-1992	
3	Muhammad Idrees	Jr. S. Stenographer	DC Office Lakki Marwat	12-05-1983	M.A	26-02-2004	31-10-2006	
4	Muhammad Suleman	Jr. S. Stenographer	DC Office Lakki Marwat	05.04.1994	B.Sc.	04.02.2019		

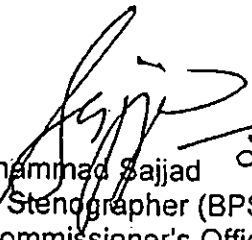
Deputy Commissioner  
Lakki Marwat

UNWILLINGNESS / FORGO

CATE

10

According to the joint final seniority list of Senior Clerks/Junior Scale Stenographers issued by the Commissioner Bannu Division, I, Muhammad Sajjad Junior Scale Stenographer (BPS-14) reflecting at Serial No.2 is not willing/forgo the promotion to the post of Naib Tehsildar (BPS-14) due to some domestic affairs.

  
Muhammad Sajjad  
Junior Scale Stenographer (BPS-14)  
Deputy Commissioner's Office  
Lakki Marwat

23/03/09

Attested



LITIGATION OFFICER  
Deputy Commission  
Office Lakki Marwat

بعد الت چاپ سروس ٹریڈ مارک صورت میں

مستجاب

عامریاں

دعویٰ

باعتبار

مستجاب مذکورہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام ایسٹ اور  
کیسٹ اسٹیشن انڈیا خزانہ دہلی سے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے ایڈوکیٹ کیا جاتا ہے کہ صاحب  
مذکورہ کو مقدمہ کی عمل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے یعنی بار و آفیشز ٹالٹ و فیصلہ برتاف  
دینے جواب دہی اور اقبال دعویٰ اور لیسٹور ڈگری کرنے اجراء اور دعویٰ چیک و ریپیہ اور مرضی دعویٰ ۴ اور درخواست  
پر تم کی قطعاً حق اور اس پر دستخط کرنے کا اختیار ہوگا نیز لیسٹور ڈگری یا ڈگری بیک طرفہ یا اپیل کی برآمدگی  
اور لیسٹور ڈگری وار کرنے اپیل ٹران و لٹریٹاری و پیروی کرنے کا اختیار ہوگا اور لیسٹور ڈگری ضرورت مقدمہ مذکورہ  
کے عمل یا لٹریٹاری کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے لٹریٹاری اختیار ہوگا  
اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم منظور  
قبول ہوگا اور دوران مقدمہ میں جو فرجیہ و تر جانہ التواہ مقدمہ کے حساب سے ہوگا اس کے مستحق وکیل صاحب  
مذکورہ ہوں گے نیز لٹریٹاری فرجیہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام مذکورہ  
پر ہو یا عدسے باہر ہو تو وکیل صاحب یا جانشین ہوں گے کہ پیروی مذکورہ کریں۔

۰۶-۰۷-۲۱ المرقوم

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔


التسکد

۱۱  
ارباب نیف انکمال  
ایڈوکیٹ

سید محمد خان مرقدت  
ایڈوکیٹ

Arif

۶۵  
محمد نواز  
ایڈوکیٹ

	<b>GOVERNMENT OF KHYBER-PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>
091-9213989	091-9214208
No.Estt:V/ DPC/2023 <b>14395-98</b>	Peshawar Dated the <b>12/06/2023</b>

To

1. The Secretary-I,  
Board of Revenue.
2. Deputy Secretary-I,  
Board of Revenue,

**Subject: PROMOTION OF MR. AMIR BAYAN JUNIOR SCALE STENOGRAPHER (BS-14) OFFICE OF DEPUTY COMMISSIONER LAKKI MARWAT TO THE POST OF NAIB TEHSILDAR (BS-14) AS PER JUDGMENT OF THE SERVICE TRIBUNAL DATED 19.01.2021 IN SERVICE APPEAL NO 1026/2011 AND EXECUTION PEITION NO. 128/ 2020.**

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting of Departmental Promotion Committee is scheduled to be held on **15.06.2023 at 11.00 AM** in the office of Senior Member Board of Revenue, Khyber Pakhtunkhwa.

It is therefore, requested to make it convenient to attend the scheduled meeting on the date, time and venue mentioned above please.

**Working paper is enclosed.**

  
Noor Khan

Assistant Secretary (Estt)

**No & date even:**

Copy with copy of working paper is forwarded to the:-

- 1 SPS to Senior Member Board of Revenue Khyber Pakhtunkhwa
- 2 PS to MBR-III, Board of Revenue, Khyber Pakhtunkhwa.

  
Noor Khan

Assistant Secretary (Estt)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

WORKING PAPER

**SUBJECT: PROMOTION OF MR. AMIR BAYAN JUNIOR SCALE STENOGRAPHER (BPS-14) OFFICE OF THE DEPUTY COMMISSIONER LAKKI MARWAT TO THE POST OF NAIB TEHSILDAR (BPS-14) AS PER JUDGMENT OF THE SERVICE TRIBUNAL DATED 19.01.2021 IN SERVICE APPEAL NO. 1026/2011 AND EXECUTION PETITION NO. 128/2020.**

Facts of the case that the appellant namely Amir Bayan initially appointed at Junior Scale Stenographer in the office of Deputy Commissioner Lakki Marwat on 18.11.1992 and was promoted as Naib Tehsildar Tajori (OPS) on 10.05.2010. Commissioner Bannu Division Bannu, issued repatriation order of the appellant to his parent office. Felling aggrieved, the appellant filed appeal before the Service Tribunal which was partially accepted on 09.01.2019 and it has been held in the said judgment that "Respondent are directed that whenever, the appellant 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"(Annex-A).

The appellant also filed execution petition. This office filed comments in light of execution petition, but the Service Tribunal directed as per order sheet dated 07.06.2022 that:- *keeping in view the judgment of this Tribunal coupled with the material available on the file, representative of respondents is strictly directed to make sure submission of implementation report. Moreover, respondent No. 3 As(E) be also put on the notice with direction to attend Service Tribunal in person in order to apprise this Tribunal in respect of implementation of judgment "the case is now fixed for 18.07.2022 (Annex-B).*

In the last order sheet dated 23.05.2023 the Chairman Service Tribunal held that :-

*There is no proper report but a misleading report was submitted. There is no representation of the department in utter disregard of the standing instruction of the Establishment Department. No well conversant officer of Grade-17 was present before the Tribunal. There is no assistance from the department side, therefore, the Tribunal is constrained to attach the salaries of the respondents till final implementation of the judgment. Copy of this order sheet be sent to the Senior Member Board of Revenue (SMBR) to look into the conduct of his subordinates. To come up for proper implementation report on 20.06.2023 before S.B.P.P given to the parties (Annex-C).*

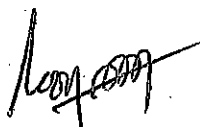
As per Tehsildar/ Naib Tehsildar Rules 2015, 15% quota was reserved for Senior Clerks offices of the Deputy Commissioners and Commissioner of the concerned Division to the post of Naib Tehsildar. M/S Abdus Salam Senior Clerk Board of Revenue, and Mohammad Khan Senior Clerk office of the Commissioner Bannu


(Annex-D).

In the year 2016, Rules were again amended and 12% quota was reserved for Senior Clerks and Junior Scale Stenographers offices of the Commissioner and Deputy Commissioner, while 03% quota was reserved for Senior Clerks and Junior Scale Stenographers of Board of Revenue (Annex-E).

Under 12% quota reserved for JSS/Senior Clerks offices of the Deputy Commissioners Commissioner of the concerned Division 2.4 post were fallen in their share against which one Mr. Muhammad Khan has already been promoted as Naib Tehsildar on 27.05.2015, leaving behind only one post of Naib Tehsildar. even if the DPC meeting was convened the appellant could not be promoted to the post of Naib Tehsildar being at S.No. 2 of the joint seniority list (Annex-F). On 13.05.2019 Rules were amended and 12% quota reserved for Senior Clerk/Junior Scale Stenographer offices of Deputy Commissioner and Commissioners of the concerned Division and omitted/deleted (Annex-G) Now rules has been amended and 06 % quota has been reserved for S/Clerks and Junior Scale Stenographers (BS-14) of the offices of the Deputy Commissioners and Commissioner of the concerned Division for promotion to the post of Naib Tehsildar (BS-14) (Annex-H). It is pertinent to mention here that there are total 23 sanctioned posts of Naib Tehsildars in Bannu Division. Under 06 % reserved quota, 1.38 post comes in the share of Senior Clerk/Junior Scale Stenographer. At present there is no post of Naib Tehsildar (BS-14) is laying vacant in Bannu Division to accommodate the appellant. However, 12 posts of Naib Tehsildars under direct quota are laying vacant. The process of Public Service Commission will take sufficient time. To implement the order/Judgment of Khyber Pakhtunkhwa Service Tribunal Acting Charge appointment could be made against the initial quota till the arrival of recommendees of the Public Service Commission.

Case is placed before the Departmental Promotion Committee to determine the suitability of Mr. Amir Bayan Junior Scale Stenographer office of the Deputy Commissioner Lakki Marwat to the post of Naib Tehsildar in light of Service Tribunal judgment dated 19.01.2021 and order sheet dated 23.05.2023.

  
Assistant Secretary (Estt:)

	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>	
091-9213989	Dated Peshawar the 22/06/2023	091-9214208

**ORDER:-**

No.Estt:V/DPC/2022/\_\_\_\_\_ In light of the Service Tribunal Khyber Pakhtunkhwa judgment dated 9.01.2019 and order dated 23.05.2023 in execution petition No. 128/2021 and on the recommendation of the Departmental Promotion Committee Mr. Amir Bayan Junior Scale Stenographer (BS-14) office of the Deputy Commissioner Lakki Marwat is hereby appointed/promoted to the post of Naib Tehsildar (BPS -14) on Acting Charge Basis against the Public Service Commission quota till the arrival of Public Service Commission recommendees.

2. On appointment as Naib Tehsildar ACB (BS-14), he is placed under Revenue/Settlement Training for a period of six (6) months as required under Rule-53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules-1969 amended in 2023 .


3. His training schedule will be issued separately.

**With approval of the  
Competent Authority**

**Endst: No. & Date Even. 15410-17**

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioner Bannu Division.
3. Deputy Commissioner Lakki Marwat.
4. District Account Officer Lakki Marwat.
5. Budget & Accounts Officer Board of Revenue Khyber Pakhtunkhwa for necessary action.
6. SPS to Senior Member, Board of Revenue.
7. Bill Assistant Board of Revenue.
8. Personal File.

  
**(NOOR KHAN)**  
Assistant Secretary (Estt)