

BEFORE THE HON'ABLE SERVICE TRIBUNAL , DIKHAN BENCH.

APPEAL No. 1436 of 2019,

Khalil Ullah. (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Senior Member Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
3. Commissioner, DIKhan Division DIKhan.
4. Deputy Commissioner, DIKhan.
5. Deputy Commissioner, South Waziristan.

Official Respondent.

6. Attaullah Mehsood, Junior Clerk c/o of DC, SWTD.
7. Tufail Muhammad, Junior Clerk c/o DC, SWTD.
8. Sheikh Allah Nawaz, Junior Clerk, c/o DC, SWTD.

Private Respondent.

Respected Sheweth:

Reply on behalf of Respondent **No.2 to 5** is as under:-

Preliminary Objections

1. That the appellant has got no locus standi because his service book upto 1.12.2003 was signed by DOR DIKhan and later-on without any transfer / adjustment order his service book was signed by the APA DIKhan which is all together illegal. The appellant is required to go back to the DOR DIKhan office and it is requested that his service in the APA Office may kindly be declared illegal.
2. That the appeal is not maintainable and incomplete in the eyes of Law in present forum.
3. The appeal is estopped due to his own conduct to file this appeal.
4. That the appeal has got no cause of action and locus standi to file instant appeal.
5. That the appellant does not come to the Hon'able court with clean hands and has suppressed all relevant facts.
6. That the appeal is bad for mis-joinder/non-joinder of necessary parties.
7. That the Hon'able court has no jurisdiction to entertain the instant appeal in its present forum.

8. That the appeal has been mis-oriented, mis-constructed & mistakenly drawn in its present frame and context & is liable for rejection.
9. That the appeal is weak having no force, fabricated and factitious base on ill will modified and having no footing in the eyes of Law.
10. That the proceedings in the instant appeal would be futile exercise and wastage of precious time of this Hon'able court.
11. That as stated in objection supra, the appeal bereft of cause of action and is liable to dismissal.
12. Divisional Seniority list of the Junior Clerks of the offices of Deputy Commissioner, South Waziristan Tribal District (ex-Political Agent SW Agency), Assistant Commissioner, Tribal Sub Divisions Drazinda & Jandola (ex-Assistant Political Agent, FR DIKhan and FR Tank (respectively) circulated vide Commissioner, DIKhan Office Letter No. 4192-96/Estt: dated 16/07/2019 is according to specified rules & regulations and was based on the date of appointment in Tribal District/Agency Offices as well as date of adjustment from **Settle District** to the Agency Offices was correct as per established Law whereby all the incumbents were given seniority as per their actual date of appointment in the Tribal District/Agency/FR Offices as well as date of adjustment.

Factual Objections:

1. This Para pertains to the record of the official concerned. Hence no comments.
2. **Incorrect** the appellant with four (4) other officials were placed at the disposal of Commissioner, DIKhan Division DIKhan for posting as Naib Tehsildar (**Own Pay & Scale**). Which was temporary arrangement for CLCP survey in SWTD, further posting on OPS does not create right of promotion or seniority.
3. **In Correct.** Posting /transfer was issued on basis of actual need basis in (OPS)
4. **In Correct.** Para not admitted and the order mentioned that it was issued in Own Pay & Scale does not create any right.


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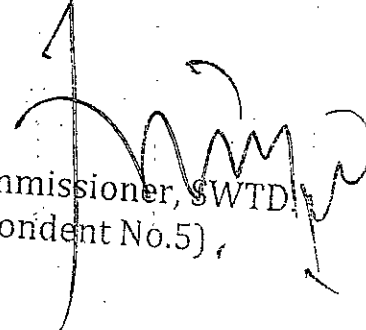
5. **In Correct.** The Seniority List mentioned in the Para was tentative Seniority list and final seniority list was issued on 18.7.2019 by the competent authority (Annexed "A").
6. **In Correct.** As per set procedure/established Rules, Tentative Seniority list was circulated among all concerned vide Commissioner, DIKhan Division DIKhan office, letter No.3923-26/Estt: dated 5.7.2019 and the observations submitted all the incumbents including the appellant on the tentative list were properly examined and finalized on 18.07.2019.
7. **Correct.** Departmental appeal of the applicant with three others were filed with cogent reasons being by the respondent No.2 (SMBR) after giving them opportunity of -personal hearing vide order dated 16.10.2019.
8. Not related, hence no comments.

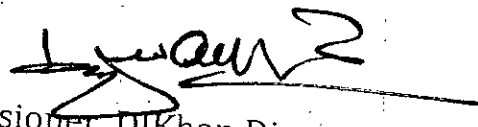
GROUND.


- a) **Incorrect.** The Seniority List is according to Law, Rule and principal of Natural Justice.
- b) **Incorrect.** As per rules/regulations, the seniority list was finalized as per Law on the adjustment of an official against the post of Political Muharrir shall be considered on the date of his adjustment/transfer in Agency Offices (FATA side).
- c) **Incorrect.** Political Muharrirs in erstwhile FATA offices will be given promotion to the post of Naib Tehsildar on their own turn as per seniority cum fitness.
- d) **Incorrect.** The final Seniority List of Junior Clerk /Political Muharrir issued vide this office No.4192-96/Estt: dated 18/07/2019 is quite correct and according to Rules.
- e) It relates to Hon'able Court, please.

Keeping in view of the position explained above, it is humbly prayed that the instant appeal/application may graciously be dismissed having no legal status /solid grounds.


Deputy Commissioner, DIKhan.
(Respondent No.4)


Deputy Commissioner, SWTD
(Respondent No.5)


Commissioner, DIKhan Divn:
(Respondent No.3)


Senior Member, Board of Revenue.
(Respondent No.2)



OFFICE OF THE
COMMISSIONER

DIKHAN DIVISION DIKHAN
Phone # 0966-9280351
Fax No. 0966-9280352
commissionerdikhan@yahoo.com
Secretarytocommissionerdik@gmail.com



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No. 4192-96 /Estt:

Dated DIKhan the 18/7 /2019

To

The Assistant Secretary (Estt)
Board of Revenue, Govt: of Khyber Pakhtunkhwa
Revenue & Estate Department,
Peshawar.

Subject: - **FINAL SENIORITY LIST OF POLITICAL MOHARRIRS / JUNIOR CLERK OF DEPUTY COMMISSIONERS SOUTH WAZIRISTAN TRIBAL DISTRICT, DIKHAN & TANK AS STOOD ON 30.06.2019**

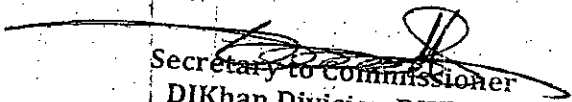
I am directed to refer to this office letter No.3923-26/Estt: dated 5.7.2019 and Khyber Pakhtunkhwa Board of Revenue letter No. Estt: V/PF/Amjad Naeem/DIK/24405 dated. 16.07.2019 on the subject noted above.

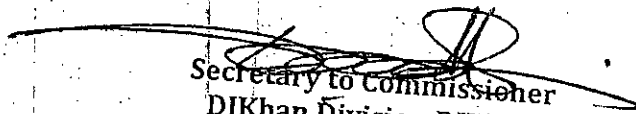
I am further directed to enclose herewith a copy of Final Joint Seniority list of Political Moharrirs / Junior Clerks in DIKhan Division up to date on 30.06.2019 duly finalized in the light of above-mentioned letter of Board of Revenue as well as Service Books of the incumbents.

Endst: No & Date Even

Copy to the:-

1. Deputy Commissioner, DIKhan.
2. Deputy Commissioner, Tank.
3. Deputy Commissioner SWTD.
4. PS to Commissioner DIKhan Division


Secretary to Commissioner
DIKhan Division DIKhan


Secretary to Commissioner
DIKhan Division DIKhan



OFFICE OF THE
COMMISSIONER
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Phone # 0966-9280351
Fax No. 0966-9280352
commissionerdikhan@yahoo.com
Secretarytocommissionerdik@gmail.com



No. 4276 /Estt:

Dated DIKhan the 22-7 /2019

To

The Assistant Secretary (Estt)
Board of Revenue, Govt: of Khyber Pakhtunkhwa
Revenue & Estate Department,
Peshawar.

Subject: - FINAL SENIORITY LIST OF POLITICAL MOHARRIRS / JUNIOR CLERK OF DEPUTY COMMISSIONERS SOUTH WAZIRISTAN TRIBAL DISTRICT, DIKHAN & TANK 4 STOOD ON 30.06.2019

In supersession of this office letter No.901-3/Estt (Seniority List) dated 01. 03.201 and in continuation of this office letter No.3923-26/Estt: dated 5.7.2019. and letter No.4192-96/Estt dated 18.7.2019 as well as Khyber Pakhtunkhwa Board of Revenue letter No. Estt: V/PF/Arja Naeem/DIK/24405 dated. 16.07.2019 I am directed to enclose herewith a copy of Final Joint Seniority list of Political Moharrirs / Junior Clerks in DIKhan Division as it stood on 30.6.2019 duly finalized in the light of above-mentioned letter of Board of Revenue as well as Service Books of the incumbents in hereby circulated.

Endst: No & Date Even

Copy to the: -

1. Deputy Commissioner, DIKhan.
2. Deputy Commissioner, Tank.
3. Deputy Commissioner SWTD.
4. PS to Commissioner DIKhan Division

Azamat
Secretary to Commissioner
DIKhan Division DIKhan

Azamat
Secretary to Commissioner
DIKhan Division DIKhan

O/C

Secretary

Final Seniority List of Political Moharrirs / Junior Clerksof Deputy Commissioners, South Waziristan Tribal District / Tribal Sub Divisions DIKhan & Tank
as it stood on 30.06.2019

S.#	Name of Official	Qualification	Name of Office	Date of Birth	Date of Entry into Govt. Service	Regular Appointment / Promotion to the present Post			Remarks
						Date	BPS	Method of Recruitment	
29	Zafar Ali J/C	B.A	DC SWTD	01/01/1979	01/04/2013	01/04/2013	11	Direct	
30	Amjad Naeem J/C	F.A	DC TSD DIKhan	24/02/1965	01/10/1989	29/05/2013	11	Direct	The official was appointed in DC Office DIKhan on 01.10.1989 and service book signed by the DC DIKhan. Than he was adjusted as Naib Tehsil Accountant vide DCO Order No. 6195-6208/DCO/SP dated. 26.07.2003 in DOR Office DIKhan. Later on trasferred / posted in APA FR Office DIKhan vide DC DIKhan order No. 3358/DC /PA dated. 29.05.2013.
31	Muhammad Saeed Ahmad J/C	B.A	DC TSD DIKhan	15/11/1971	23/10/1996	11.08.2014	11	Direct	Prior to 01/12/2001 his service book is signed by the Commissioner Office DIKhan and after 01/12/2001 the Service Book is signed by the APA FR DIKhan, but he was transferred from APA Office DIKhan to DC Office DIKhan vide order No. 2025/DC dated. 30.04.2013. Later on he was again transferred from DC office to APA Office DIKhan vide order No. 1090-94/BC (R) dated. 11.08.2014.
32	Khalid Mehmood J/C	M.Sc	DC SWTD	10/03/1983	10/06/2016	10/06/2016	11	Direct	
33	Waqas Ahmad J/C	M.A	DC SWTD	01/03/1989	10/06/2016	10/06/2016	11	Direct	
34	Asghar Ali J/C	MBA	DC SWTD	20/04/1991	10/06/2016	10/06/2016	11	Direct	
35	Meraj ud Din No.2. J/C	M.Sc	DC SWTD	05/03/1988	10/06/2016	10/06/2016	11	Direct	
36	Usman Wazir J/C	BSc Honor	DC SWTD	24/08/1990	10/06/2016	10/06/2016	11	Direct	
37	Ghulam Farid J/C	B.Com	DC TSD DIKhan	11/04/1968	30/05/1996	08/02/2018	11	Direct	Transfer from Commissioner Office vide order No. 1088/Acctt dated. 08.02.2018
38	Muhammad Saqlain J/C	B.A	DC TSD DIKhan	02/12/1972	30/05/1996	08/02/2018	11	Direct	Transfer from Commissioner Office vide order No. 1088/Acctt dated. 08.02.2018
39	Muhammad Arsalanullah J/C	MBA	DC SWTD	09/09/1993	20/11/2018	20/11/2018	9	Direct	

Secretary to Commissioner
DIKhan Division DIKhan

**Final Seniority List of Political Moharrirs / Junior Clerksof Deputy Commissioners, South Waziristan Tribal District / Tribal Sub Divisions DIKhan & Tank
as it stood on 30.06.2019**

S.#	Name of Official	Qualification	Name of Office	Date of Birth	Date of Entry into Govt: Service	Regular Appointment / Promotion to the present Post			Remarks
						Date	BPS	Method of Recruitment	
11	Ilaudin Karmaz Khel Wazir J/C	Matric	DC SWTD	08/09/1968	08/09/2005	08/09/2005	11	Direct	
12	Rehman Zada J/C	Matric	DC SWTD	01/01/1974	08/09/2005	08/09/2005	11	Direct	
13	Amirullah Khan J/C	Matric	DC SWTD	03/01/1975	08/09/2005	08/09/2005	11	Direct	
14	Muzamil Khan J/C	Matric	DC SWTD	01/07/1980	08/09/2005	08/09/2005	11	Direct	
15	Tehssen Khan J/C	F.A	DC SWTD	14/04/1983	08/12/2005	08/12/2005	11	Direct	
16	Farmanullah J/C	Matric	DC SWTD	08/04/1981	30/01/2006	30/01/2006	11	Direct	
17	Matiullah Khan J/C	F.A	DC SWTD	15/07/1985	22/05/2006	22/05/2006	11	Direct	
18	Sarwar Khan J/C	B.Sc	DC TSD Tank	09/01/1982	20/10/2006	20/10/2006	11	Direct	
19	Rehmatullah Bettani J/C	M.A	DC TSD Tank	02/05/1980	26/11/2007	26/11/2007	11	Direct	
20	Miraj ud Din J/C	F.Sc	DC SWTD	08/04/1980	31/12/2007	31/12/2007	11	Direct	
21	Ahmad Saleem J/C	F.Sc	DC TSD DIKhan	01/03/1991	08/04/2009	08/04/2009	11	Direct	
22	Zahid Khan J/C	B.A	DC SWTD	20/04/1989	11/04/2009	11/04/2009	11	Direct	
23	Samiullah Said J/C	Matric	DC SWTD	01/03/1982	17/11/2009	17/11/2009	11	Direct	
24	Muhammad Ali J/C	Matric	DC SWTD	12/05/1972	02/08/2003	17/05/2010	11	Promotee	
25	Muhammad Imran J/C	M.A	DC SWTD	08/05/1987	17/09/2010	17/09/2010	11	Direct	
26	Ijaz Khan J/C	B.A	DC TSD DIKhan	01/01/1967	01/04/1992	29/10/2010	11	Direct	The official was appointed in DC Office DIKhan on 01.04.1992 on devolution of Powers 2001 he remain surplus and service book signed by the DOR DIKhan. Later on he was adjusted in APA Office DIKhan vide order No. 9319/DCO/S-Pool-VI dated. 29.10.2010
27	Atiq-ur-Rehman J/C	B.A	DC SWTD	03/03/1984	01/07/2011	01/07/2011	11	Direct	
28	Khan Shah J/C	B.A	DC SWTD	15/03/1993	18/03/2011	14/06/2012	11	Direct	

Final Seniority List of Political Moharrirs / Junior Clerks of Deputy Commissioners, South Waziristan Tribal District / Tribal Sub Divisions DIKhan & Tank
as it stood on 30.06.2019

S.#	Name of Official	Qualification	Name of Office	Date of Birth	Date of Entry into Govt. Service	Regular Appointment / Promotion to the present Post			Remarks
						Date	BPS	Method of Recruitment	
11	Illaudin Karmaz Khel Wazir J/C	Matric	DC SWTD	08/09/1968	08/09/2005	08/09/2005	11	Direct	
12	Rehman Zada J/C	Matric	DC SWTD	01/01/1974	08/09/2005	08/09/2005	11	Direct	
13	Amirullah Khan J/C	Matric	DC SWTD	03/01/1975	08/09/2005	08/09/2005	11	Direct	
14	Muzamil Khan J/C	Matric	DC SWTD	01/07/1980	08/09/2005	08/09/2005	11	Direct	
15	Tehssen Khan J/C	F.A	DC SWTD	14/04/1983	08/12/2005	08/12/2005	11	Direct	
16	Farmanullah J/C	Matric	DC SWTD	08/04/1981	30/01/2006	30/01/2006	11	Direct	
17	Matiullah Khan J/C	F.A	DC SWTD	15/07/1985	22/05/2006	22/05/2006	11	Direct	
18	Sarwar Khan J/C	B.Sc	DC TSD Tank	09/01/1982	20/10/2006	20/10/2006	11	Direct	
19	Rehmatullah Bettani J/C	M.A	DC TSD Tank	02/05/1980	26/11/2007	26/11/2007	11	Direct	
20	Mitraj ud Din J/C	F.Sc	DC SWTD	08/04/1980	31/12/2007	31/12/2007	11	Direct	
21	Ahmad Saleem J/C	F.Sc	DC TSD DIKhan	01/03/1991	08/04/2009	08/04/2009	11	Direct	
22	Zahid Khan J/C	B.A	DC SWTD	20/04/1989	11/04/2009	11/04/2009	11	Direct	
23	Samiullah Said J/C	Matric	DC SWTD	01/03/1982	17/11/2009	17/11/2009	11	Direct	
24	Muhammad Ali J/C	Matric	DC SWTD	12/05/1972	02/08/2003	17/05/2010	11	Promotee	
25	Muhammad Imran J/C	M.A	DC SWTD	08/05/1987	17/09/2010	17/09/2010	11	Direct	
26	Ijaz Khan J/C	B.A	DC TSD DIKhan	01/01/1967	01/04/1992	29/10/2010	11	Direct	The official was appointed in DC Office DIKhan on 01.04.1992 on devolution of Powers 2001 he remain surplus and service book signed by the DOR DIKhan. Later on he was adjusted in APA Office DIKhan vide order No. 9319/DCO/S-Pool-VI dated. 29.10.2010
27	Atiq-ur-Rehman J/C	B.A	DC SWTD	03/03/1984	01/07/2011	01/07/2011	11	Direct	
28	Khan Shah J/C	B.A	DC SWTD	15/03/1993	18/03/2011	14/06/2012	11	Direct	

BEFORE THE HON'ABLE SERVICE TRIBUNAL , DIKHAN BENCH.

APPEAL No. 1436 of 2019,

(Khalilullah versus KPK)

Service Appeal.

Affidavit

I Abdul Abdul Haleem Superintendent DC office SWTD Authorized in the in appeal No.1336 of 2019 Khalilullah versus Govt: Khyber Pakhtunkha do hereby solemnly affirm and declare on oath that contents of comments are true & Correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

DEPONENT.