

Before the khyber pukhtoonkhwa service tribunal Peshawar.

Rejoinder in Appeal No 1463 of 2018

Iftihar ali.....petitioner

Vs

Deputy commissioner Buner and 5thers.....respondents

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3	Copy of the notification containing tehsildar etc service rules 2008, appointment of one kiffayatullah as patwari , seniority lis of TRA containing the name of kifiatullah , his pay slip and seniority list of 2017.	A,A1,A2,A3	5-17
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Dated: 7 /05/2019

Appellant

Through

Mushtaq Ahmad khan advocate

Office district court daggar

Cell no 03469014199

①

Before the khyber pukhtoonkhwa service tribunal Peshawar.

Rejoinder in Appeal No 1463 of 2018

Iftihar ali.....petitioner

Vs

Deputy commissioner Buner and others.....respondents

**Rejoinder to the comments of respondents No 5.**

Following replication/rejoinder is submitted on behalf of Appellant:

**Preliminary objections:**

1. that the appellant is aggrieved from the impugned letter/list dated 19 march 2018 and have rightly approached this worthy tribunal for the ventilation of his grievances and the objection of the respondents in this regard is misconceived.
2. No material has been concealed from the honorable court. the objection is without any factual and legal base.
3. No material has been concealed from the honorable court. the objection is without any factual and legal base.
4. objection no 4 is without any legal back.
5. Preliminary objection no 5 is incorrect. The appeal has been preferred within prescribed statutory period and the respondent have raised the objection without any justifiable grounds under the law.
6. Incorrect hence denied. Objection no 6 is without any factual and legal base.

**On Facts:**

1. Para no 1 of the appeal is correct and reply thereto is evasive denial which legally amount to admission of the facts mentioned in that very para of the appeal.

( P.T.O )

2

2. Para no 2 of the appeal is correct and reply thereto is without any legal base hence denied. The appellant was appointed according to the law and rules prevailing at that time and the respondent have totally misconceived the factual and legal position applicable to the facts and circumstances of the instant case. Moreover the department used to appoint patwaries on the post of TRA as per the rules ibid .the respondent no 5 was also drawing the salaries on the post of patwari and his name is also avilabe in the seniority list of 2017 at serial no 17.(copy of the notification embodying tehsildar,naib tehsildar/subordinate revenue service rules 2008,appointment of one kiffayatullah as patwari , seniority lis of TRA containing the name of kifiatullah , his pay slip and seniority list of 2017 attached as Anx A,A1 , A2 and A3 and A4 respectively).
3. Para no 3 of the appeal is correct and reply thereto is misconceived, detail answer has been given in para No 2 of the instant rejoinder.
4. Para no 4 of the appeal is correct and reply thereto is without any legal back.
5. Para no 5 of the appeal is correct and reply thereto is neither complete nor legally correct rather misconceived one. The appellant have completed his tenure on the post of TRA whereas respondent No 5 is not legally entitle to the post of TRA as per rules notified on 23/1/2015.
6. Para no 6 of the appeal have been admitted by the respondent no 5 hence need no reply.
7. Para no 7 of the appeal is correct and redply there to is misconceived.
8. Para no 8 of the appeal is correct and reply thereto is beyond the poit.
9. Para No 9 of the appeal is correct and reply thereto is incorrect.(dairy no attached as anx B).
10. Para no 10 of the appeal is correct and reply thereto is misconceived.

### Grounds

- A. Ground no 1 of the appeal is correct and reply thereto is wrong in law.As per law and rules notified on 23.1.2015,the private respondent no 5 could

( P.T.O )

(3)

not be appointed as TRA but the official respondents illegally and due to political pressure appointed him in the year 2016 and are now protecting there illegalities by misleading this worthy tribunal.

- B. Ground no 2 of the appeal is correct and reply thereto is only evasive denial which amounts to admission.
- C. Ground no 3 of the appeal is correct and reply thereto misconceived.
- D. Ground no 4 of the appeal is correct and reply thereto without any legal and factual back.
- E. Ground no 5 of the appeal is correct and reply thereto is legally incorrect.
- F. Ground no 6 of the appeal is correct and reply thereto is only evasive denial which amounts to admission.
- G. Needs no reply .

It is therefore kindly prayed that the appeal of the appellant may kindly be accepted for the end of justice.

Appellant

Through



Mushtaq Ahmad Khan advocate

Office district court daggar

Cell no 03469014199

9

Before the khyber pukhtoonkhwa service tribunal Peshawar.

Rejoinder in Appeal No 1463 of 2018

Iftihar ali.....petitioner

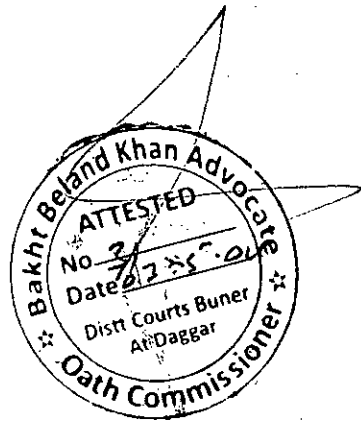
Vs

Deputy commissioner Buner and others.....respondents

**Affidavit**

I iftihar ali appellant ,do hereby solemnly affirm and declare on oath that the contents of the rejoinder are correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

**Deponent.**



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(4) (5)

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GOVERNMENT OF NORTH-WEST FRONTIER PROVINCIAL REVENUE AND ESTATE DEPARTMENT

Ann  
"A"

NOTIFICATION

(Tehsildar, Naib Tehsildar/Subordinate Revenue Service Rules, 2008)

Peshawar dated the 26/12/2008.

No. 32102/Admn:I/135/SSRC.

In Pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457 (1) /2001 dated 28<sup>th</sup> June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix.

APPENDIX

1	2	3	4	5	6	7
S. No	Nomenclature of the post	Appointing authority	Minimum Qualifications for appointment by initial recruitments or by transfer	Minimum qualifications for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS-16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by Higher Education Commission.	Second class Graduation from any recognized by the Higher Education Commission.	21-30 years For initial recruitment	(a) Twenty percent by initial recruitment: and (b) Sixty percent by promotion, on the basis of seniority-cum-fitness From amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Twenty percent by promotion, on the basis of Joint seniority-cum-fitness from amongst the Graduate Assistants/Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court/Sub-Registrar with at least Five Years Service as such.

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(5) (6)

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1.	2.	3.	4.	5.	6.	7.
2.	Naib Tehsildar (BPS-14)	Administrative Secretary (SMBR)	Second Class Graduation from any University recognized by the Higher Education Commission	Second Class Graduation from any University recognized by the Higher Education Commission.	21-30 years for initial recruitment	(a) Fifty percent by initial recruitment, through Public Service Commission based on the result of Competitive Examination conducted by it in accordance with syllabus, and  (b) Thirty percent by promotion, on the basis of seniority-cum-fitness from amongst Graduate Kanungos with least Five Years Service as such, who have passed Departmental Examination of Naib Tehsildar and the condition of Graduation will be applicable after five years from the date of issuance of this Notification.  (c) Twenty percent by promotion, on the basis of seniority-cum-fitness from amongst Junior Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Revenue Assistant/Junior Scale Stenographer of Ex-Deputy Commissioner/Commissioners officers presently working in the office of DCO/ACO/EDO (F&P) and DEO who are Graduate with five years Service as such.
3.	District Kanungo (Saddar Kanungo) (BPS-14)	-----	-----	-----	-----	B transfer from amongst Naib Tehsildar.
4.	Head Clerk (Revenue) (BPS-14)	-----	-----	-----	-----	B transfer from amongst Naib Tehsildar.
5.	District Revenue Accountant (BPS-14)	-----	-----	-----	-----	B transfer from amongst Naib Tehsildar.

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(2) (7)

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1	2	3	4	5	6	7
6	Kanungo (BPS-9) (Now BPS-11)	District Officer (Revenue & Estate)/Collector	-----	-----	-----	By promotion, on the basis of seniority cum-fitness, on District level from amongst the Patwari and Tehsil Revenue Accountants and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five years Service as such.
7	Senior Tehsil Revenue Accountant (BPS-07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis/ Additional Wasil Baqi Nawis (BPS-05).	-----	-----	-----	-----	By transfer from amongst Patwaris.
8	Patwari (BPS-05)	District Officer (Revenue & Estate)/Collector.	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution recognized by Board of technical education.	18-30	By initial recruitment	By initial appointment from amongst the Patwar passed candidates entered in Registered maintained by the District Collector of the District Concerned having on year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Sd/-

SECRETARY TO GOVERNMENT OF NWFP  
REVENUE AND ESTATE DEPARTMENT.

C.T.C

(M)

On



BETTER COPY

No. 32103-31/Admn:I/135/SSRC

Copy forwarded for information and necessary action:

1. Secretary to Government to NWFP Establishment Department.
2. Secretary to Government of NWFP Finance Department.
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department.
4. Secretary NWFP Public Service Commission.
5. Secretary to Governor NWFP.
6. Registrar Peshawar High Court Peshawar.
7. Advocate General, NWFP.
8. Accountant General NWFP Peshawar.
9. Private Secretary to Chief Secretary NWFP.
10. All District Coordination Officer, in NWFP.
11. All District Officer (Revenue & Estate)/Collector, in NWFP.
12. Director Land Record NWFP.
13. The Controller, Government Printing Press, NWFP Peshawar with request that the notification may be published in the official gazette and supply one hundred printed copies to the undersigned.

DEPUTY SECRETARY,  
GOVERNMENT OF NWFP,  
REVENUE & ESTATE DEPARTMENT.

(8) (9)

Annex A, 2

Amir D. Ali

R.T

Fair Copy

OFFICE OF THE SETTLEMENT OFFICER, SWAT SAIDU SHARIF

No. 879-82/SOS-76/2 Dated Saidu Sharif the 4<sup>th</sup> April, 81

ORDER

The following Forty-Seven persons are appointed temporarily as Patwaris in Settlement against existing temporary vacancies with effect from the date of assuming charge of their assignments. All the posts in Swat Settlement are temporary and as such their services shall be liable to termination at any time on fourteen days notice or pay in lieu thereof.

1-	Abdul Kamal S/O Muqam Khan r/o Kota - Barikot Swat.
2-	Abdul Malik S/O Mahmood Khan r/o Jowar - Buner.
3-	Abid Raza S/O Abdul Jalal Mian r/o Madyan, Swat.
4-	Akbar Badshah S/O Sher Baliadur r/o Gwaleri - Matta - Swat.
5-	Anwarul Haq S/O Pir Dad r/o Mohd Amanullah Mingora - Swat.
6-	Aziz S/O Niamat r/o Durush Khela - Swat.
7-	Bakht Mulk S/O Fatahul Mulk r/o Lalbana - Alpur.
8-	Dera Wadai S/O Shah Asad r/o Chinglai Khwaza Khela Swat.
9-	Dost Mohammad S/O Dilaram Khan r/o Dullhara - Kabal - Swat.
10-	Farid Khan S/O Faizullah Khan r/o Rega - Buner.
11-	Fateh Khan S/O Amir Chaman r/o Gharbagh - Swat.
12-	Fazal Raziq S/O Mir Wahid r/o Kotah - Swat.
13-	Fazal Wahid S/O Armoz Khan r/o Kokarai - Swat.
14-	Habib Ahmad S/O Alamgir Khan r/o Barikot - Swat.
15-	Hamidul Haq S/O Fazal Rehman r/o Agarai - Buner.
16-	Hazrat Yunas S/O Tor Ali r/o Barikot - Swat.
17-	Javed Iqbal S/O Abdul Qayum r/o Dagai Tutalai Buner.
18-	Jehan Malik S/O Arjumand r/o Minglawar - Swat.
19-	Kamalistan S/O Karim Bakhsh r/o Mera Besh Banr - Swat.
20-	Khaista Mohanunad S/O Mohanunad Sheerin r/o Kharerey Matta, Swat.
21-	Kifayatullah S/O Hazrat Jamal r/o Kulyari - Buner.
22-	Mian Gul Hilal S/O Mian Jee r/o Saidu Sharif - Swat.
23-	Midrarullah S/O Naqibullah r/o Chinglae Khudu Khel - Buner.
24-	Miran Shah S/O Ikram Shah r/o Korya - Buner.
25-	Mohammad Afzal S/O Taj Mohd r/o Takhta Band Mingora - Swat.
26-	Mohammad Anus S/O Fazal Ilahi r/o Minglawar - Swat.
27-	Mohammad Malik S/O Abdul Qadir r/o Khwaza Khela - Swat.
28-	Mohammad Rafiq S/O Khonkar r/o Khwaza Khela - Swat.
29-	Mohamdi Room S/O Sargand Khan r/o Kotah - Swat.
30-	Mohammad Shah Room S/O Behram Khan r/o Sakhra - Matta - Swat.
31-	Mohammad Zuber S/O Toti r/o Biha - Matta - Swat.
32-	Mumtaz S/O Hazrat Jamal r/o Chinglai - Buner.
33-	Mumtaz Ali S/O Manra r/o Kalpani - Buner.
34-	Nasir Gul S/O Yusuf Gul r/o Nawagai - Buner.
35-	Naubat Khan S/O Jalal Khan r/o Kalpani - Buner.
36-	Nazar Mohanunad S/O Niaz Mohanunad r/o Chinglai - Buner.
37-	Saifullah S/O Sher Mohammad r/o Chinda Khwara - Swat.
38-	Sarwar Ali S/O Syed Mohd Shah r/o Sarsardarey - Swat.
39-	Shah Wazir S/O Nausher r/o Bahrain - Swat.
40-	Siraj Mohammad S/O Abdul Ghafur r/o Chinglae - Buner.
41-	Sultan Zeb S/O Sultan Mulk r/o Kotah - Swat.
42-	Syed Zafar Ali S/O Mian Said Wahid r/o Sarsardarey - Swat.
43-	Taj Ahmad S/O Ahmad r/o Chinglai - Buner.
44-	Taj Maluk S/O Zafar Khan r/o Gwaleri Matta - Swat.
45-	Usman Shah S/O Amanullah r/o Khwaza Khela - Swat.
46-	Zakir Rehman S/O Amullah r/o Kakari - Swat.
47-	Zaman Khan S/O Mian Gul r/o Shalbandi - Buner.

(Signature)

Sd/  
Settlement Officer,  
Swat, Saidu Sharif.

No. 879-82/SOS-76/2 Dated 4<sup>th</sup> April, 1981

Copy forwarded to all for information and necessary action.

(M)

(B) (10)

Aux A<sub>2</sub><sup>3</sup> 1  
Annex: 

OFFICE OF THE  
DEPUTY COMMISSIONER,  
BUNER.

No. 367/DC/Buner/Estt.  
Aug 24, 2015.

P-43

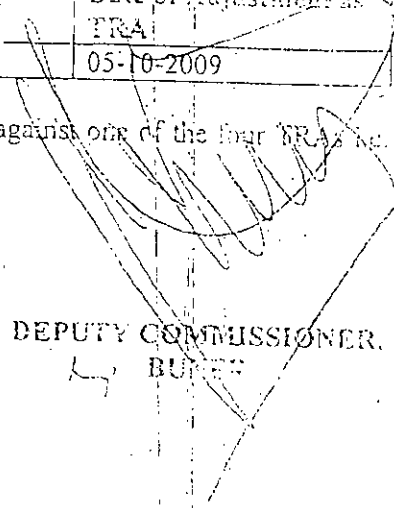
To | The Assistant Secretary (Estt-I),  
Board of Revenue,  
Revenue & Estate Department,  
Peshawar.

Subject: Seniority List of Senior Tehsil Revenue Accountants as it Stood on 31-12-2014.

Memo: Reference the subject and to send herewith the Seniority List of Tehsil Accountants as below:

S. No.	Name	Date of Birth	Date of Appointment	Date of Adjustment as TRA
1	Mr. Kifayatullah	01-12-1957	04-04-1981	05-10-2009



To mention, Mr. Kifayatullah is the only regular TRA posted against one of the four TRAs i.e. TRA Dagar. The rest 03 are lying vacant.

  
DEPUTY COMMISSIONER,  
BUNER

Encl. No. & date even.

For information to:

Commissioner, Malakand Division.

C.T.C  
   
DEPUTY COMMISSIONER,  
BUNER

(11)

Annex "A3"

Bunair at Dagga

P Sec: 001 Month: February 2013  
BD6080 -REVENUE & ETAB DEPT  
Revenue Department

File # 00271618 Buckle: 0  
Name: KIFAYAT ULLAH  
TEHSIL ACCOUNTANT  
CNIC No 11557068906  
GPF Interest Free

NTN 0  
GPF #: LES 000255  
Old #: 11557068906

	BD6080	-00
PAYS AND ALLOWANCES:		
0001-Basic Pay	14,440.00	
1000-House Rent Allowance	1,059.00	
1210-Convey Allowance 2005	1,840.00	
1300-Medical Allowance	1,000.00	
1411-Compen Allow 20% (1-15)	1,000.00	
1948-Adhoc Allowance 2010@ 50%	4,140.00	
1970-Adhoc Relief Allow 2011	1,242.00	
2118-Adhoc Relief Allow (2012)	2,888.00	
	27,609.00	

Gross Pay and Allowances		27,609.00
DEDUCTIONS:		
GPF Balance 66,228.00	Subrc:	530.00
3501-Benevolent Fund		180.00
3511-Addl Group Insurance		7.00
3504-Group Insurance		67.00

Total Deductions 784.00

26,825.00

D.O.B 01.06.1957      LFP Quota: HABIB BANK LIMITED DEWANA BABA 3979-6

31 Years 10 Months 023 Days

c.t.c.  
(M)

S#: 1 ✓

Bunair at Dagga

P Sec: 001 Month: March 2013

BD6080 -REVENUE & ETAB DEPT

Revenue Department

Pers #: 00271618

Buckle: 0

Name: KIFAYAT ULLAH

TEHSIL ACCOUNTANT

CNIC No. 11557068906

GPF Interest Free

09 Active Permanent

NTN: 0

GPF #: LES 000255

Old #: 11557068906

BD6080 -00

PAYS AND ALLOWANCES:

0001-Basic Pay	14,560.00
1000-House Rent Allowance	1,146.00
1210-Convey Allowance 2005	1,840.00
1300-Medical Allowance	1,000.00
1911-Compen Allow 20% (1-15)	1,000.00
1912-Subsidy Allowance 2010@ 50%	4,140.00
1913-Subsidy Allow 2011	1,242.00
1914-Subsidy Allow (2012)	2,912.00
1915-Subsidy Allow	2,385.00
1916-Subsidy Allowances	30,225.00

Subrc: 595.00

180.00

17.00

Insurance

deductions

C.T.C

(M)

U# : 1

Bunair at Dagga

Pers #: 00271618 Buckle: 0  
Name: KIFAYAT ULLAH  
DISTRICT REVENUE ACCOUNTA  
CNIC No. 11557068906  
GPF Interest Free  
14 Active Temporary

P Sec: 001 Month: December 2015  
BD6164 -Deputy Commissioner, Buner  
DEPUTY COMMISSIONER BUNER  
NTN: 0  
GPF #:  
Old #: 11557068906

BD6164 -00

PAYS AND ALLOWANCES:

0001-Basic Pay	21,400.00
1000-House Rent Allowance	1,476.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1555-Stationery Allowance	500.00
1617-Patwar Khana Allowance	3,100.00
1911-Compen Allow 20% (1-15)	1,000.00
1948-Adhoc Allowance 2010@ 50%	4,140.00
2148-15% Adhoc Relief All-2013	2,298.00
Gross Pay and Allowances	41,942.00

DEDUCTIONS:

IT Payable	816.45	Deducted	850.00	TAX: (3609)	164.00
GPF Balance	217,931.00			Subrc:	1,775.00
6505-GPF Loan Principal Instal	Bal:	20,000.00			5,000.00
3501-Benevolent Fund					180.00
3511-Addl Group Insurance					13.00
3604-Group Insurance					115.00

Total Deductions

7,247.00

34,695.00

D. D. B

01.06.1957

34 Years 08 Months 026 Days

LFP Quota:

HABIB BANK LIMITED DEWANA BABA  
3979-6

*C.T.C.*  
*(Signature)*

S# : 2

Bunair at Dagga

Pers #: 00271\_ Buckle: 0  
Name: KIFAYAT ULLAH  
DISTRICT REVENUE ACCOUNTA  
CNIC No. 11557068906  
GPF Interest Free  
14 Active Temporary

P Se  
BD61

NTN:  
GPF  
Old

PAYS AND ALLOWANCES:

2174-Adhoc Relief Allow-2014	
2199-Adhoc Relief Allow @10%	

Gross Pay and Allowances

DEDUCTIONS:

IT Payable	816.45	Deducted	850.00
GPF Balance	217,931.00		

Total Deductions

D. D. B

01.06.1957

34 Years 08 Months 026 Days

LFP Quota:  
HABIB BANK  
3979-6

14

Bunair at Dagga

S# 1

P Sec: 001 Month: November 2017  
BD6164 -Deputy Commissioner, Buner  
DEPUTY COMMISSIONER BUNER

Pers #: 00271618 Buckle: 0  
Name: KIFAYAT ULLAH  
DISTRICT REVENUE ACCOUNTA  
CNIC No. 1510173513687  
GPF Interest Free  
15 Active Temporary

NTN:  
GPF #:  
Old #:

BD6164

PAYS AND ALLOWANCES:

0001-Basic Pay	34,740.00
1000-House Rent Allowance	1,566.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1911-Compen. Allow 20% (1-15)	1,000.00
2148-15% Adhoc Relief All-2013	766.00
2199-Adhoc Relief Allow @10%	535.00
2211-Adhoc Relief All 2016 10%	2,919.00
2224-Adhoc Relief All 2017 10%	3,474.00
Gross Pay and Allowances	49,356.00

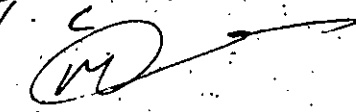
DEDUCTIONS:

IF Payable	1,286.74	Deducted	3,132.00	TAX: (3609)	184.00
GPF Balance	264,526.00			Subrc:	2,890.00
3501-Benevolent Fund					600.00
4004-R. Benefits & Death Comp:					1,052.00

Total Deductions

4,726.00

44,630.00

C.T.C. 

(14) (15)

Runair at Dagga

SR: 1

P Sec: 001 Month: March 2016  
BD6164 -Deputy Commissioner, Buner  
DEPUTY COMMISSIONER BUNER

Pers #: 0027161B Buckle: 0  
Name: KIFAYAT ULLAH  
DISTRICT REVENUE ACCOUNTA  
CNIC No. 11557068906  
GPF Interest Free

NTN: 0  
GPF #:  
Old #: 11557068906

14 Active Temporary BD6164 -00

PAYS AND ALLOWANCES:

0001-Basic Pay	21,400.00
1000-House Rent Allowance	1,476.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1911-Compen Allow 20% (1-15)	1,000.00
1948-Adhoc Allowance 2010@ 50%	4,140.00
2148-15% Adhoc Relief All-2013	2,298.00
2174-Adhoc Relief Allow-2014	1,532.00
2199-Adhoc Relief Allow @10%	2,140.00
Gross Pay and Allowances	38,342.00

DEDUCTIONS:

IT Payable	181.82	Deducted	1,124.00	TAX: (3609)	91.00
GPF Balance	238,256.00			Subrc:	1,775.00
6505-GPF Loan Principal Instal	Bal:	5,000.00			5,000.00
3501-Benevolent Fund					180.00
3511-Addl Group Insurance					13.00
3604-Group Insurance					115.00

Total Deductions 7,174.00

31,168.00

D. O. B

01.06.1957

34 Years 11 Months 026 Days

LFP Quota:

HABIB BANK LIMITED DEWANA BABA  
3979-6

C.T.C  
(Signature)



(123) (16)

Bunair at Dagga

S# : 1

P Sec: 001 Month: March 2013

Pers #: 00271618 Buckle: 0  
Name: KIFAYAT ULLAH  
TEHSIL ACCOUNTANT  
CNIC No. 11557068906  
GPF Interest Free  
09 Active Permanent

BD6080 -REVENUE & ETAB DEPT  
Revenue Department  
NTN: 0  
GPF #: LES 000255  
Old #: 11557068906

BD6080 -00

PAYS AND ALLOWANCES:

0001-Basic Pay	14,560.00
1000-House Rent Allowance	1,146.00
1210-Convey Allowance 2005	1,840.00
1300-Medical Allowance	1,000.00
1911-Compen Allow 20% (1-15)	1,000.00
1948-Adhoc Allowance 2010@ 50%	4,140.00
1970-Adhoc Relief Allow 2011	1,242.00
2118-Adhoc Relief Allow (2012)	2,912.00
5801-Adj Basic Pay	2,385.00
Gross Pay and Allowances	30,225.00

DEDUCTIONS:

GPF Balance 66,823.00	Subtr:	595.00
3501-Benevolent Fund		180.00
3511-Addl Group Insurance		7.00
3604-Group Insurance		67.00

Total Deductions 849.00

29,376.00

D. O. B 01.06.1957 31 Years 11 Months 026 Days  
LFP Quota: HABIB BANK LIMITED DEWANA BABA 3979-6

C.T.C  
(M)

(66) (17)

S#: 1 Bunair at Dagga

P Sec: 001 Month: March 2013  
BD6080 -REVENUE & ETAB DEPT

Pers #: 00271618 Buckle: 0  
Name: KIFAYAT ULLAH  
TEHSIL ACCOUNTANT  
CNIC No. 11557068906  
OPF Interest Free  
09 Active Permanent

-Revenue Department  
NTN: 0  
GPF #: LES 000255  
Old #: 11557068906

BD6080 -00

PAYS AND ALLOWANCES:

0001-Basic Pay	14,560.00
1000-House Rent Allowance	1,146.00
1210-Convey Allowance 2005	1,840.00
1300-Medical Allowance	1,000.00
1911-Compen Allow 20% (1-15)	1,000.00
Other Allowance 2010@ 50%	4,140.00
Allow 2011	1,242.00
Allow (2012)	2,712.00
	2,385.00
ances	30,225.00

Subrc: 595.00  
180.00  
1.00

Insurance

deductions

C.T.C  
(M)

(18) Application  
Received appeal file from **Ax 'B'**  
Ibrahim Ali

TRA Mandant Buker today on 15/08/2018.

Name: Rehmat Hadi.

Dispatcher  
Commissioner's Office  
Malakand Division.

Designation: Junior clerk

Signature: Rehmat Hadi

Dated: 15/08/2018. /10319

Office Seal

J/C Dist: Ri

OFFICE OF THE COMMISSIONER  
Malakand Division.

OFFICE OF THE COMMISSIONER  
Malakand Division.

C.T.C  
M



Tel# 0946-9240458  
 Email: secretarytcmd@gmail.com

OFFICE OF THE  
 COMMISSIONER MAJARA DISTRICT  
SAIDU SHARIF

No. 4916 /2018  
 Dated 19/09/2018

To:

The Deputy Commissioner, Buner.

Subject:-

DEPARTMENTAL APPEAL OF MR. IFTIKHAR ALI TR  
MANDAR, DISTRICT BUNER.

Memorandum:

A copy of the Departmental Appeal dated 15/08/2018, submitted by  
 Mr. Iftikhar Ali, TRA, Mandar, District Buner, the content of which is  
 explanatory is enclosed herewith for your view & comments to this effect  
 earliest, for further necessary action, please.

Encl: As above.

*(Signature)*  
 ASSISTANT TO COMMISSIONER  
 MAJARA DISTRICT

Account daggar

Cell no 03469014199

Before Honorable Service Tribunal K.P.K

G. Elitha ----- vs. D. e. Soma

Service Appeal.

Respectfully Sheweth.

- 1) That captioned Appeal is pending before this Honorable Tribunal
- 2) The case was sent for hearing on 27.8.2019, but on Application of Appellant it has been sent for Early hearing on 22.8.2019
- 3) The Counsel for Respondent No. 1 is engaged in Betkhalu in Model Court in case captioned State vs. Six J. H. A. & T. & Co. who have it is impossible for him to appear before this Honorable Tribunal.
- 4) It is too far humbly requested the Court of Hearing may kindly be accorded on 21.8.2019

nothing further there is  
said.

~~\_\_\_\_\_~~  
Dated 21.8.2019

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated the 21 /08/2019

O.R.D.E.R.

No.Estt:V/DPC/DRA/2019/\_\_\_\_\_ On the recommendation of Departmental Promotion Committee meeting dated 08.08.2019, the Competent Authority is pleased to order the promotion of Mr. Muhammad Irfan Tehsil Accountant of Buner as District Revenue Accountant (BPS 14) on regular basis with immediate effect.

2. On promotion, the above official shall be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion and Transfer) Rules – 1989.

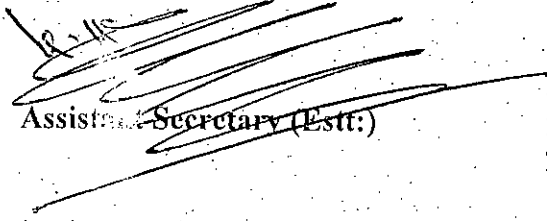
Consequent upon his promotion he is hereby posted as District Revenue Accountant Buner with immediate effect.

By order of  
Senior Member

No.Estt:V/DPC/DRA/2019/ 26934-39

Copy forwarded to the:-

1. Commissioners, Malakand Division Saidu Sharif Swat.
2. Deputy Commissioner Buner.
3. District Accounts Officers Buner
4. P.S to Senior Member Board of Revenue.
5. Official concerned.
6. Personal Files.

  
Assistant Secretary (Estt.)

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Iftikhar Ali

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Deputy Commissioner & Others

(RESPONDENT)  
(DEFENDANT)

I/We Muhammad Irfan (Private Respondent No.5)

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 30 / 08 / 2019

3  
[Signature]  
CLIENT

[Signature]  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

Sh  
**SHAHZULLAH YOUSAFZAI**

**&**

[Signature]  
**MIR ZAMAN SAFI**  
**ADVOCATES**

OFFICE:  
Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141

OFFICE OF THE  
DEPTY COMMISSIONER/  
DISTRICT COLLECTOR  
BUNER

No. 4123-27 /DC/Buner/Estt:

Dated: 26/08/2019

**AUTHORITY LETTER.**

Mr. Munawar Shah Additional Assistant Commissioner, Daggar is hereby authorized to submit the Parawise comments and defend the case on behalf of the undersigned, Commissioner Malakand Division and Senior Member Board of Revenue, in Service Appeal No.163/2018 titled "**Iftikhar Ali VS Deputy Commissioner, Buner**" in Khyber Pakhtunkhwa Service Tribunal Peshawar.

Next date for hearing has been fixed on 30.08.2019

  
DEPTY COMMISSIONER  
BUNER

**Endstt: No. & Date Even.**

Copy forwarded to.

- 1.The Senior Member, Board of Revenue, Revenue & Estate Department, Peshawar.
- 2.The Commissioner, Malakand Division w/o to his letter No.2712-14/2/54-CF/Estt: date 20.08.2019
- 3.The Additional Advocate General Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 4.The Assistant Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 5.The Mr. Munawar Shah Additional Assistant Commissioner, Daggar for compliance

  
DEPTY COMMISSIONER  
BUNER



**Before the service tribunal khyber pukhtoonkhwa Peshawar .**

Service appeal No 1463 of 2018

Iftihar ali tehsile revenue accountant,district Buner.....appellant

**Vs**

Deputy commissioner buner and others

**Written arguments on behalf of applicant in C.M for the transfer and fixation of the titled appeal with 2 other similar appeals.**

Following arguments are submitted on behalf of applicant iftahar ali:

1. That 3 appeals( i.e 1. the titled appeal no 1463 of 2018,2.appeal no 269 of 2020 and 3. Appeal no 1083 of 2020.) of similar nature are pending before this worthy tribunal and it is pertinent to mention here that the first appeal is pending before the principle seat in Peshawar whereas the remaining 2 are pending in swat bench despite the fact that parties in all the appeals are the same. the background under which these appeals were filed is given the following paras.
2. That in the captioned appeal the applicant challenged the adjustment of private respondent on the post of TRA as he was basically a patwary and could not legally hold the post of TRA.
3. That during pendency of the aforesaid appeal the respondent in the title case was promoted to the post of DRA which was again illegal promotion and the applicant also challenge the same before this worthy tribunal which appeal is fixed for 7/10/2020 before the swat bench of this worthy tribunal.
4. That during pendency of the aforesaid appeals the respondent's order of promotion was withdrawn hence he filled appeal no 1083 of 2020 before this worthy tribunal which is also fixed before swat bench of this worthy tribunal .
5. That as the applicant was also necessary party in the appeal no 1083 of 2020 hence he was also impleaded as necessary party in the same appeal.
6. That it is necessary for the end of justice that either the instant appeal be transferred to swat bench and fixed with the aforesaid appeals in order to avoid conflicting judgments or the 2 appeal fixed in swat bench may kindly be fixed with the instant appeal in order to save the precious time of the tribunal as well as the parties because all the parties are also appearing in the other two appeals before the swat bench as well.

It is therefore kindly requested that the application of the applicant be accepted for the end of justice.

  
Applicant.  
Through

Mushtaq ahmad khan alizai  
Advocate

**Before the service tribunal khyber pukhtoonkhwa Peshawar .**

Service appeal No 1463 of 2018

Iftihar ali tehsile revenue accountent,district Buner.....appellant

**Vs**

Deputy commissioner buner and others

**Written arguments on behalf of applicant in C.M for the transfer and fixation of the titled appeal with 2 other similar appeals.**

Following arguments are submitted on behalf of applicant iftihar ali:

1. That 3 appeals( i.e 1. the titled appeal no 1463 of 2018,2.appeal no 269 of 2020 and 3. Appeal no 1083 of 2020.) of similar nature are pending before this worthy tribunal and it is pertinent to mention here that the first appeal is pending before the principle seat in Peshawar whereas the remaining 2 are pending in swat bench despite the fact that parties in all the appeals are the same. the background under which these appeals were filed is given the following paras.
2. That in the captioned appeal the applicant challenged the adjustment of private respondent on the post of TRA as he was basically a patwary and could not legally hold the post of TRA.
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4. That during pendency of the aforesaid appeals the respondent's order of promotion was withdrawn hence he filled appeal no 1083 of 2020 before this worthy tribunal which is also fixed before swat bench of this worthy tribunal .
5. That as the applicant was also necessary party in the appeal no 1083 of 2020 hence he was also impleaded as necessary party in the same appeal.
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It is therefore kindly requested that the application of the applicant be accepted for the end of justice.

Applicant.  
Through

Mushtaq ahmad khan alizai  
Advocate

**Before the service tribunal khyber pukhtoonkhwa Peshawar**

**C.M in**

**Service appeal No 1463 of 2018**

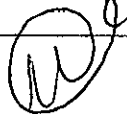
**Iftihar ali tehsile revenue accountant, district Buner.....appellant**

**Vs**

**Deputy commissioner buner and others**

**Index**

<b>S.NO</b>	<b>Description of documents</b>	<b>annexures</b>	<b>pages</b>
1	Application for transfer etc		1
2	Affidavit		2
3	Appeal no 269/2020	A	3-6
4	Appeal no 1083 /2020	B	7-11

  
Appellant  
Through

Mushtaq ahmad khan alizai  
Advocate  
Office district court buner  
Cell no 03469014199.

(1) ~~(1)~~

**Before the service tribunal khyber pukhtoonkhwa Peshawar .**

**C:M in**

**Service appeal No 1463 of 2018**

**Iftihar ali tehsile revenue accountant, district Buner.....appellant**

**Vs**

**Deputy commissioner buner and others**

**Transfer of the titled appeal to swat bench and fixation of the same with appeal no 269 of 2020 titled iftihar ali vs D.C buner and appeal no 1083 of 2020 titled *Fixed on 5-10-20* Muhammad irfan vs chief secretary kpk allready fixed in swat bench as somewhat common questions of law and facts are involved in the 3 appeals.**

**Respectfully sheweth:.**

1. That the titled appeal is pending adjudication before this hon,able Tribunal and is fixed for today i.e 21.9.2020.
2. That in the aforesaid appeal the applicant challenged the adjustment of private respondent on the post of TRA as he was basically a patwary and could not legally hold the post of TRA.
3. That during pendency of the aforesaid appeal the respondent in the title case was promoted to the post of DRA which was again illegal promotion and the applicant also challenge the same before this worthy tribunal which appeal is fixed for 7/10/2020 before the swat bench of this worthy tribunal.
4. That during pendency of the aforesaid appeals the respondent's order of promotion was withdrawn hence he filled appeal no 1083 of 2020 before this worthy tribunal which is also fixed before swat bench of this worthy tribunal .
5. That as the applicant was also necessary party in the appeal no 1083 of 2020 hence he was also impleaded as necessary party in the same appeal.
6. That it is necessary for the end of justice that the instant appeal be transferred to swat bench and fixed with the aforesaid appeals in order to avoid conflicting judgments.

It is therefore kindly requested that by accepting the present application the instant appeal be transferred and fixed with the aptioned appeals allready fixed before swat bench.

Dated 21 /09/2020

  
Appellant  
Through

Mushtaq ahmad khan alizai  
Advocate  
Office district court buner

Appellant

vs

Deputy commissioner puner and others

Transfer of the titled appeal to swat bench and fixation of the same with appeal no 203 of 2020 titled khayer ali vs O.C puner and appeal no 1083 of 2020 titled Muhammad ifan vs chief secretary kpk already fixed in swat bench as somewhat common questions of law and facts are involved in the 3 appeals.

Respectfully sheweth:

1. That the titled appeal is pending adjudication before this honorable Tribunal and is fixed for today i.e. 21.9.2020
2. That in the aforesaid appeal the applicant challenged the adjustment of private respondent on the post of TRA as he was basically a pathway and could not legally hold the post of TRA.
3. That during pendency of the aforesaid appeal the respondent in the title case was promoted to the post of DRA which was again illegal promotion and the applicant also challenge the same before this worthy tribunal which appeal is fixed for 21/09/2020 before the swat bench of this worthy tribunal.
4. That during pendency of the aforesaid appeals the respondent's order of promotion was withdrawn hence he filled appeal no 1037 of 2020 before this worthy tribunal which is also fixed before swat bench of this worthy tribunal.
5. That as the applicant was also necessary party in the appeal no 1083 of 2020 hence he was also impleaded as necessary party in the same appeal.
6. That it is necessary for the end of justice that the instant appeal be transferred to swat bench and fixed with the aforesaid appeals in order to avoid conflicting judgments.

It is therefore kindly requested that by accepting the present application the instant appeal be transferred and fixed with the aforesaid appeals already fixed before swat bench.

Dated 21/09/2020

Applicant  
Through  
Muhammad Ahmad Khan Alizai  
Associate  
Office district court puner

(2)

**Before the service tribunal khyber pukhtoonkhwa Peshawar .**

**C.M in**

**Service appeal No 1463 of 2018**

**Iftihar ali tehsile revenue accountant,district Buner.....appellant**

**Vs**

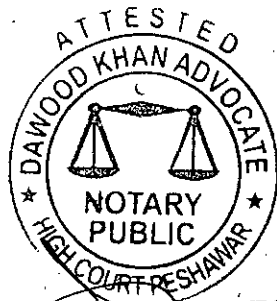
**Deputy commissioner buner and others**

**Affidavit**

I iftihar ali applicant , do hereby solemnly affirm and declare on oath that the contents of the instant application is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.

Deponent 

Iftihar ali



 21 SEP 2020

Annexure (A) (3)

Before the Khyber pukhtoonkhwa service tribunal at Peshawar .

Appeal No. 269/2020

Iftihar Ali presently serving as tehsile. revenue accountant (TRA) Mandanr district buner.....Appellant

Khyber Pakhtukhwa Service Tribunal

Vs

Disary No. 2323

Dated 24/12/19

1. Deputy commissioner Buner at daggar..
2. Commissioner Malakand at saido sharif swat
3. Senior member Board of revenue, revenue and estate department kpk at peshawar.
4. Secretary , Govt of khyberpukhtoonkhwa revenue and estate department at Peshawar.
5. , Govt of khyberpukhtoonkhwa through chief secretary Khyber pukhtoon khwa Peshawar.
6. Muhammad Irfan presently working as DRA buner, ..... Respondents

Service appeal against the impugned order dated 21/8/2019 whereby respondent no 6 was promoted to the post of DRA District Buner in total derogation of law and rules and the appellant being qualified was ignored.

The appellant submits as follows:

1. That initially the appellant was serving as patwari in revenue department but later on was appointed/posted as tehsile revenue Accountant Mandanr vide order dated 26.12.14 under an assurance that his appointment was on regular basis. (appointment order of the petitioner attached as anx A)
2. That after completion of 3 years' service length on the post of TRA, which is a prescribe service length for onward promotion to the post of District revenue Accountant (DRA), the appellant was under legitimate expectancy that he will be promoted to one of the posts of DRA laying vacant in district Buner but astonishingly respondent no 6 was shown the only TRA in district Buner despite the fact that he was not qualified for the post of TRA as per prevailing law and rules and could not legally hold the post of TRA. (adjustment order dated 15.2/2016 of respondent No 6 attached as anx B while notification dated 23/1/2015 for the recruitment and qualification etc for the post attached as anx B1).
3. That it is pertinent to mention here that the respondent No 6 was appointed as patwari vide order dated 28.9 2009 and later on he was transferred as halqa patwari in different stations such as halqa patwari Nagrai , halqa riga, halqa cheena chanar, halqa kolyarai and hlqa topi vide respectively orders dated 14.10.2009, 24.9.2010, 13.1.2012, 29.3.2014 and 29.8.2014. (appointment order of respondent No 6 and his transfer orders attached as Anx C)

Filed to day  
24/12/19  
Registrar

Re-submitted to day  
and filed.

Registrar  
08/01/20

(4)

4. That it is also worth mentioning that on 1.12.2014 the respondent no 6 had been adjusted on the post of TRA daggar but after few months he was again transferred to the post of patwari vide order dated 13.8.2015. (order of adjustment as TRA and transfer order dated 13.8.2015 of respondent no 5 attached as Anx D and E)
5. That aggrieved from the order of transfer dated 13.8.2015 as halqa patwari, the respondent No 6 filed a departmental appeal before the respondent no 2 but his appeal was rejected. He also filed a representation before the respondent No 3 but did not succeed hence as a last resort preferred an appeal before the worthy service tribunal KPK which was replied by official respondents and raised therein the preliminary objection that neither the appeal of respondent No 5 was maintainable nor he was qualified for the post of TRA. hence noticing his obvious failure the respondent No 6 ultimately withdraw his appeal and through back stair influence and political pressure in collusion with the official respondent secretly obtained a fraudulent, illegal and void order of adjustment as a TRA dated 15.2.2016 despite the fact that he was taking the salaries of the post of patwari during the period. (appeal to service tribunal, withdrawal order and payslips of respondent no 5 attached as anx F and G)
6. That despite the order dated 15.2.2016, respondent No 6 is not qualified for the post of TRA because from 13.8.2015 till 15.2.2016 he remained as patwari which is legally a break in his service as a TRA, hence he is not qualified to the post of TRA as per law and rules available on the subject matter and under no legal authority he could hold the office of TRA.
7. That the petitioner also filled several applications before his upper hierarchy for his consideration for promotion to the post of DRA as he is qualified for the same but due to political pressure and back stair influence the name of respondent No 6 was shown as TRA while the name of the petitioner was not even included in the list of TRAs and was totally ignored. (Notification for recruitment and qualification of TRAs etc before 23/1/2015 attached as anx H)
8. That when the petitioner for the first time came to know that respondent No 6 was malafidely and collusively shown the only TRA in district buner through the letter dated 19 march 2018 he filled a departmental appeal against the same and then also preferred a service appeal before the worthy service tribunal which is pending adjudication. (departmental appeal and service appeal against the letter dated 19 march 2018 attached as anx I and J)
9. That during pendency of the aforesaid appeal the respondents filled there reply and the case was fixed for final hearing but the respondent collusively and with malafide intention were going to promote the respondent No 6 and was ignoring the appellant and without issuing any seniority list of TRAs secretly prepared working papers and when the appellant came to know he immediately filed an application for stay before



(5)

the SMBR and then also filed an application before the KP service tribunal which issued a notice to the respondent for hearing the case on application on 22.8.2019 but the respondents with malafide intention and without caring for the notice of worthy tribunal have secretly issued the impugned order of promotion dated 21.8/2019 in total derogation of law and rules while the appellant was not considered. (stay application to SMBR, stay application to service tribunal, working paper, relevant order sheets of service tribunal and order dated 21/8/2019 attached as annex K, K1, K2, K3 and K4. ).

10. That, against the aforesaid order the appellant filed a departmental appeal which was not decided within the prescribed statutory period, hence this appeal. (departmental appeal is annex L)

#### GROUNDS:


1. That as per law and rules respondent No 6 was not entitled to the post of TRA and his holding of the same was illegal, void without any legal authority, result of malafide design on the part of respondents and consequently was not entitled to appointment to the post of DRA and his appointments as such is in violation of law and rules and have amounted to usurping the rights of the appellant by committing fraud and collusion with the official respondents and have illegally obtained the impugned orders which are void ab initio.
2. That holding the post of TRA by the respondent no 6 was against the law, rules, natural justice and the official respondents acted in violation of law and under colorable exercise of power and jurisdiction while appointing the respondent no 6 to the post of TRA and now vide impugned illegal order dated 21/8/2019 promoted him to the post of DRA which is ineffective upon the accrued rights of the appellant.
3. That despite the order dated 15.2.2016, respondent no 6 is junior to the appellant on the post of TRA because from 13.8.2015 till 15.2.2016 he remained as patwari which is legally a break in his service as a TRA, hence he is not qualified to the post of TRA as per law and rules available on the subject matter.
4. That as per law and rules and legitimate expectancy the appellant is entitled to be appointed to the post of DRA lying vacant, and his name be placed in the list of regular TRAs district Buner.
5. That the appellant has duly been appointed as regular TRA and serving as such for more than 3 years which is prescribed length of service for onward promotion to the post of DRA, hence being senior most TRA entitled to the post of DRA and non-inclusion of his name for consideration for onward promotion to the post of DRA is illegal and result of malafide design.

- 6. That non mentioning the name of the appellant in the working paper and list of TRAs is illegal and based on malice on the part of respondent no 1. As per law, rules and legitimate expectancy the appellant was entitled to have been included in the list of TRAs and have been considered for promotion to the post of DRA lying vacant.
- 7. That non mentioning the name of appellant in the letter dated 19 march 2018 despite the fact that he was senior most TRA and later on non-associating him in the promotion proceedings, is based on malice on the part of respondents.
- 8. That the appellant has not been treated according to the law and natural justice, hence the impugned appointment/promotion and proceedings are against the spirit of the law and the appellant should be declared the senior most TRA and entitle for promotion to the post of DRA in district Buner.
- 9. That the appellant seek the permission of this worthy tribunal to rely on additional grounds at the time of arguments.

It is therefore kindly prayed that on acceptance of this appeal the impugned promotion order of the respondent no 6 dated 21/8/2019 may kindly be set aside and the name of the appellant may kindly be placed in the list of regular TRAs and consequently be directed for considering him for promotion to the post of DRA with all back benefits.

Any other relief not specifically prayed for and which this worthy tribunal deem fit and appropriate in the facts and circumstances of the instant case may also kindly be granted for the end of justice.

Dated: 23 / 12/2019

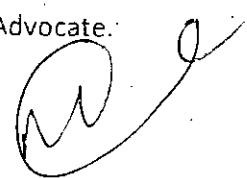
  
Appellant

Through

Mushtaq Ahmad Khan Alizai  
Advocate, office district court  
Buner. cell No 03469014199.

**Note:** office is requested to fix the instant appeal with appeal no 1463 Of 2018 Titled Iftihar Ali vs DC as these appeals are interconnected and the right to Prefer the instant appeal has arisen during pendency of the aforesaid Appeal due to illegal actions and inactions of the respondents.

Advocate:



Annexure B<sup>ce</sup>

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL No. 1083/2020

Mr. Muhammad Irfan, District Revenue Accountant (BPS-14),  
O/O the Deputy Commissioner Buner, District Buner.

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
- 3- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 4- The Commissioner Malakand Division, Saidu Shareef, Swat.
- 5- The Deputy Commissioner, District Buner.

..... RESPONDENTS

APPEAL UNDER SECTION- 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 17-12-2019  
WHERE THE PROMOTION ORDER DATED 21-08-2019  
HAS BEEN WITHDRAWN AND AGAINST THE APPELLATE  
ORDER DATED 17-02-2020 WHEREBY THE  
DEPARTMENTAL APPEAL/REVIEW PETITION HAS BEEN  
REGRETTEED/FILED WITH NO GOOD GROUNDS.

**PRAYER:**

That on acceptance of this appeal the impugned order dated 17-12-2019 and appellate order dated 17-02-2020 may very kindly be set aside and the appellant be retained as District Revenue Accountant (BPS-14) with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant was appointed as Patwari vide order dated 28-09-2009 and was later on transferred to the post of Tehsil Revenue Accountant on 01-12-2014. Copies of the order dated 28-09-2009 and 01-12-2014 are attached as annexure

..... A&B.

8

- That appellant was regularly adjusted against the post of Tehsil Revenue Accountant on 15-02-2016. Copy of the order dated 15-02-2016 is attached as annexure.....C.
- 3- That during service as Tehsil Revenue Accountant a Departmental Promotion Committee was conducted on 08-08-2019 and being on top of the seniority list issue vide order dated 01-08-2019, the appellant was regularly promoted to the post of District Revenue Accountant vide order dated 21-08-2019. Copies of the seniority list and promotion order dated 21-08-2019 are attached as annexure.....D&E.
- 4- That it is worth to mention here that a representation/ appeal was submitted against the appellant by one Sarbali Patwari with regard to the ineligibility of the appellant for promotion but this fact had also been dig out by the Deputy Commissioner Buner that the appellant is the Only Tehsil Revenue Accountant and his case for the promotion to the post of District Revenue Accountant is sent to the Senior Member Board of Revenue as per law and rules and no illegality or irregularity has been done in his case for promotion by the authorities.. Copy of the relevant record is attached as annexure..... F.
- 5- That it is pertinent to mention here that the Departmental Promotion committee and its process as well as the outcome of that D.P.C was challenged before the Peshawar High Court, Mingora Bench/Dar ul Qaza, Swat by one Sarbali Khan Patwari and the Seniority of the appellant along with other colleagues are challenged before the Khyber Pakhtunkhwa service Tribunal Peshawar by one Iftikhar Ali Patwari. That the seniority issue is still pending adjudication before the Khyber Pakhtunkhwa Service Tribunal. Copy of the W.P and Memo of Appeal is attached as annexure.....G&H.
- 6- That irrespective of the fact that appellant was an eligible person for the said post and as such has rightly been promoted. That astonishingly the promotion order of the appellant dated 21-08-2019 has been withdrawn by appellate authority on the Departmental Appeal of Mr. Sabali Patwar vide order appellate order dated 17-12-2019 despite of the fact that the writ petition of Mr. Sarbali was still pending adjudication before the circuit bench of this august court. Copy of the writ petition is already attached as annexure G while copy of the impugned order dated 17-12-2019 is attached as annexure..... I.
- 7- That feeling aggrieved from the order dated 17-12-2019, the appellant preferred a Review Petition before the Worthy Chief Secretary, Khyber Pakhtunkhwa i.e. Respondent No: 1 which was filed/regretted vide order dated 17-02-2020. Copy of the

(9)

review petition & appellate order is attached as  
annexure..... J&K.

3- That appellant feeling aggrieved and having no other remedy prefer the instant petition on the following grounds amongst the others.


GROUNDS:

- A- That the impugned order dated 17-12-2019 & appellate 17-02-2020 issued by the respondents is against the law, facts, norms of natural justice and materials on the record and are liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That act of the respondents by issuing the impugned order dated 17-12-2019 is arbitrary and mala fide and having no legal base as the promotion order of the appellant was issued after fulfilling all the legal formalities.
- D- That while issuing the impugned order dated 17-12-2019 no legal formalities had been adopted by the respondents as no right of personal hearing and personal defense had been given to the appellant.
- E- That, the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- F- That, act of the respondents is also a clear violation of Article-37 which guarantees promotion of social justice and eradication of social evils
- G- That act of the respondents is also a clear violation of Article-38 (e) of the Constitution of Islamic republic of Pakistan which guarantees to "Reduce disparity in the income and earnings of the individual including persons in the service of Pakistan".
- H- That any other grounds deem fit would be agitated at the time of arguments with the kind permission of this court.

It is, therefore, most humbly prayed that appeal of the appellant may kindly be accepted as prayed for.


Dated: 18-02-2020

APPELLANT


  
MUHAMMAD IRFAN KHAN

THROUGH:

  
NOOR MOHAMMAD KHATTAK

  
MUHAMMAD MAAZ MADNI,

  
KAMRAN KHAN

  
SHAHZULLAH YOUSAFZAI  
ADVOCATES

(2)

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

C.M NO. \_\_\_\_\_ /2020

IN

APPEAL NO. \_\_\_\_\_ /2020

MUHAMMAD IRFAN

V/S

REVENUE DEPTT:

**APPLICATION FOR SUSPENSION OF**  
**OPERATION OF THE IMPUGNED ORDER DATED**  
**17.12.2019 TILL THE DISPOSAL OF THE ABOVE**  
**MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned appeal has been filed by the appellant before this Honorable Tribunal in which no date is fixed so far.
- 2- That filed the above mentioned appeal against the impugned order dated 17.12.2019 whereby the promotion order dated 21.08.2019 has been withdrawn.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That any other ground would be taken at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant application the operation of the impugned order dated 17.12.2019 may very kindly be suspended till the disposal of the above mentioned appeal.

Dated: 18.02.2020.

APPELLANT

MUHAMMAD IRFAN

THROUGH:

NOOR MOHAMMAD KHATTA  
ADVOCATE

### ③ Ift. What also

• Transfer and Recruitment by Transfer are two entirely two different concepts. Transfer can be made from one category to another category or within the class of the rule permits interchangeability of the category within a class but any other transfer both intra category and inter category are in fact, under law is a selection and appointment by way of a transfer from one category to another category or from one class to another class or from source to another source.

Transfer in Valam to some simply means a change of a place of employment within an organization.

In the instant case appellant was simply transfer to post of T.R.A. but patwaris, because order dated 06/12/2014 reads that and reads as "The following positions amongst the patwaris are hereby ordered in the best public interest." It was made for recruitment by transfer. There must be Departmental Selection Committee who after considering all the aspects recommend recruitment.



by transfer of the appellant as joint  
Revenue accountant but neither any  
such recommendation of D.S.C. or  
its meeting minutes of the meeting  
is there or record nor this fact  
is mentioned in the order dated  
26/12/2014.

So moreover appellant is still on  
the seniority list of Patwaris and  
is obtaining his salary as Patwaris  
which ~~was~~ <sup>is</sup> ~~from~~ <sup>from</sup> seniority slip and  
seniority list ~~that~~ and appellant  
cannot also during course of  
appellate did not able to rebut  
it.

in our humble view appellant was  
not transfer to the post of T.R.A.  
~~in the post of T.R.A.~~ <sup>as</sup> Patwaris vide order  
dated 26/12/2014 and not recruited  
by transfer as Tehsil Revenue  
Accountant in accordance with 2008  
Rules. Therefore he had no  
basis stand to challenge seniority  
list of the Tehsil Revenue Accountant  
For what has been discussed  
the appeal in hand is hereby  
dismissed.

2.  
vide impugned letter dated (19/3/2014) Shikhar Ali Appeal No 1463/18  
~~the~~ Parusal of record reveals that appellant was appointed as patwari and after serving for some time, he was posted as TRA Tehsil Revenue Accountant vide order dated 26/12/2014 & vide the ~~order~~ since then appellant is serving as TRA to entire satisfaction of his superiors. After completion of three years service as Tehsil Revenue Accountant appellant is entitled to be promoted as District Revenue Accountant in District Buner which was lying vacant but respondent Shahid Chesband No 5 Mukand Ifan as the only Tehsil Revenue Accountant of the District Buner despite the fact that Mukand Ifan was adjusted on the post of Tehsil Revenue Accountant on 15/2/2016 and is junior to the appellant. Appellant contended that respondent No 5 was initially appointed as patwari Halga on 28/3/2008 and served as patwari till 1/12/2014 when he was posted as Tehsil Revenue Accountant deffer but he was of an post as patwari Halga vide order dated 13/8/2015 which order he challenged in some appeal.

(2)

on 31/12/2008

which was withdrawn by him on basis of his adjustment order dated 15/2-2016 and first decided by the Service Tribunal on merit in favour of the appellant so it create service break in the service of the respondent No 5 as Tehsil Revenue Accountant while appellant is serving as TRA since from 26/12/2014. Therefore appellant is bound to respond to No 5 ~~in accordance~~ with Rules of 2008.

Appellant claim that he was <sup>appointed</sup> posted as TRA on 26/12/2014 and he is serving as such ~~in~~ then pursuant to ~~order~~ of NWFP Revenue and Estate Deptt & notification dated 26/12/2008 which is in accordance with which method of recruitment, Qualification and other condition ~~was~~ determined.

The post of Tehsildar, Naib Tehsildar & District Kharan, District Revenue Account including Senior Tehsil Revenue Account and Junior Tehsil Revenue Account

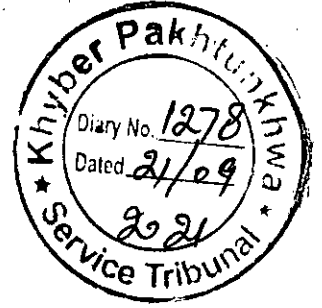
was bagi Nawis/Adilshah was bagi Nawis was determined reveals that method of recruitment for the post of TRA is by transfer from amongst the patwari.

FOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

CC \_\_\_\_\_ 2021

SA.1463/118 & 269/20/1083/20

IFTIKHAR ALI VS SMBR



*Put up to the monthly chair-cw  
with relevant appeal.*

Application for transfer of the case to Camp Court Swat.

*22/9/2021*

Respectfullay sheweth;

1. That the above noted cases is pending adjudication before this Hon'ble Tribunal, at Principal seat at Peshawar.
2. That the appellant belong to Malakand division and it is very difficult for him to attend each and every date at Principal seat Peshawar.
3. That the respondents are also belong to Malakand division.
4. That in case of 1083/20 Moammad irfan in which the applicant is private respondent. While in the applicant case he is private respondent.

It is therefore requested that the cases of the appellant may kindly be transfer and fixed in the next coming tour at Camp Court Swat for the end of justice.

*[Signature]*  
Iftihar Ali applicant

Applicant.

Date - 21/09/2021

*Fix before DB at CC Swat in  
coming tour ofw appeal  
No.1083/2020.*

Sir,


It is submitted that this Tribunal received a transfer application in Service Appeal No. 1463/18 titled Iftikhar Ali vs Revenue Department wherein appellants submitted transfer application of the tilted appeal to Swat Bench and its fixation with appeal bearing No. 269/2020 titled Iftikhar Ali vs Deputy Commissioner Buner & Appeal No 1083/2020 titled Muhamamd Irfan vs Chief Secretary KPK, which are already fixed in Swat as common question of law and facts are involved in all the three appeals. The Learned bench referred the case to your Honour for appropriate order.

Submitted for orders please.

~~30/9/2020~~  
Registrar  
30/9/2020

Hon'ble Chairman

Be transferred to Camp Court Swat at Mingora

  
30/9

Registrar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR AT CAMP COURT SWAT.**

C.M \_\_\_\_\_/2021  
IN  
APPEAL No.1463/18

**IFTIKHAR ALI**

**VS**

**SMBR**

**APPLICATION FOR ADJOURNMENT OF THE TITLE**  
**APPEAL ALONG WITH TWO OTHERS.**

**RESPECTFULLY SHEWETH:-**

- 1) That the above mention appeal along with appeal No. 269 and appeal No. 1083/20 are is pending adjudication before this Honorable tribunal which are fixed for today i.e. 04-11-2021.
- 2) That council for the applicant in the mentioned appeals is busy at Principal seat of the august Peshawar High Court, Peshawar and cannot appear in the mentioned appeals.
- 3) That due to the non-availability of the council of the applicant the cases are required to be adjourned.

It is, therefore, most respectfully prayed that on acceptance of this application, the captioned appeal along with the appeals mentioned in Para. 1 may please be adjourned to a next date.

Dated: 04-11-2021

**APPLICANT**

**MUHAMMAD IRFAN**

4

PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR THURSDAY, 04 NOVEMBER, 2021

BEFORE:-

MR. JUSTICE QAISER RASHID KHAN, CHIEF JUSTICE &  
MR. JUSTICE S.M. ATTIQUE SHAH

Court No: 1

MOTION CASES

- |  |   |   |
|--|---|---|
| 14. W.P 5250-P/2020<br>With IR()<br>(168858)                           | Amjad Ali<br>V/s<br>Govt of KPK                     | Misbahullah<br><br>Attaullah, Muhammad Anwar k<br>Banvi, Writ Petition Branch AG<br>Office        |
| 15. W.P 669-P/2021<br>With IR()<br>(172253)                            | Irshad Hammed<br>V/s<br>Federation of pak           | Rahat Ali Khan Nahqi<br><br>Deputy Attorney General   |
| 16. W.P 670-P/2021<br>With IR()<br>(172254)                            | Muhammad yaqoob Khan<br>V/s<br>Federation of pak    | Rahat Ali Khan Nahqi<br><br>Deputy Attorney General   |
| W.P 1913/2021 with IR  | Fahad Ullah<br>V/s<br>Federation of Pakistan        | Rahat Ali Khan Nahqi<br><br>Deputy Attorney General, Jang<br>Khan                                 |
| 17. W.P 1458-P/2021()<br>(174489)                                      | Syed Latif Ullah Shah & others<br>V/s<br>Govt of KP | Muhammad Isa Khan Khalil<br><br>Sadaqat Ullah, Writ Petition<br>Branch AG Office, Mian Aftab      |
| 18. W.P 1940-P/2021<br>With IR()<br>(175906)                           | Abdur Rahman<br>V/s<br>Govt of KP & others          | Noor Muhammad Khattak<br><br>Attaullah, Muhammad Anwar<br>Banvi, Writ Petition Branch A<br>Office |
| 19. W.P 2338-P/2021<br>With IR with cm<br>1363-p/2021(M)()<br>(177083) | Imad Khalil etc<br>V/s<br>Govt: of KPK etc          | Safeer Qaiser Malik<br><br>Writ Petition Branch AG Offi<br>Dr. Amer Hamid                         |

BEFORE:-

MR. JUSTICE LAL JAN KHATTAK &  
MR. JUSTICE SYED ARSHAD ALI

Court No: 3

MOTION CASES

6. W.P 6590-P/2019(  
(153124)

**Ajoon Khan**  
**V/s**  
**Government of KPK**

Noor Mohammad Khattak

Deputy Attorney General

7. W.P 2367-P/2020(  
(160526)

**Liaqat Ali Khan**  
**V/s**  
**Govt of KPK etc**

Noor Muhammad Khattak

Mirzali Khan, Shakeel Ashgha  
Abdul Rauf, Writ Petition Bran  
AG Office

Shahzada Irfan Zia

W.P 2270/2021

**Amjad Khan etc**  
**V/s**  
**Govt of KP etc**

Tahir Iqbal, Abdul Rauf, Writ  
Petition Branch AG Office, Mi  
Ainullah

8. W.P 3593-  
P/2020(Training a  
PTC)  
(164550)

**Muhammad Shakeel Police**  
**constable**  
**V/s**  
**District Police Officer Kohat**

Syed Mudasir Pirzada (Kohat

Writ Petition Branch AG Office  
Ibrar Ahmed (Focal Person IC

9. W.P 4237-  
P/2020(Upgradati  
on)  
(166356)

**Gul Roz Khan**  
**V/s**  
**Federation of pak**

M. Asif Yousafzai

Deputy Attorney General, Ka  
Ullah, Amin Khan., Zia ur Re

10. W.P 4630-P/2020(  
(167352)

**Muhammad Shahid Khan**  
**V/s**  
**Govt of KPK**

Muhammad Maaz Madni

Khalid Khan, Writ Petition Br  
AG Office, Zair Nawaz



PESHAWAR HIGH COURT, PESHAWARDAILY LIST FOR THURSDAY, 04 NOVEMBER, 2021

BEFORE:-

MR. JUSTICE LAL JAN KHATTAK &  
MR. JUSTICE SYED ARSHAD ALI

Court No: 3

MOTION CASES27. **W.P 3013-P/2021**  
**With IR with cm**  
**1969-p/2021(M)(**  
**(179312)****Khalil Ullah**  
**V/s**  
**Govt of KP & others**Noor Muhammad KhattakBaidullah Shah, Kamran Ullah,  
Miss Roohi Bannu, Writ Petition  
Branch AG Office, Ibrar Ahmeed  
(Focal Person IGP), Qalat Kha  
Muhammad Anwar Khan28. **W.P 3208-P/2021**  
**With IR()**  
**(179960)****Ali Azim Afridi Advocate**  
**V/s**  
**KP Bar Council & others**Syed Aziz ud Din Kakakhel, Al  
Azim AfridiTahir Iqbal, Writ Petition Branch  
AG Office29. **W.P 3770-P/2021()**  
**(181627)****Gul Wali**  
**V/s**  
**Govt of KP & others**Manik ShahAbdul Rauf, Muhammad Anwar  
Khan Banvi, Writ Petition Branch  
AG Office30. **W.P 3866-P/2021()**  
**(181890)****Mst. Bibi Ayesha & others**  
**V/s**  
**National Database &**  
**Registration Authority**Shah Faisal IlyasDeputy Attorney General,  
Muhammad Mubarak, Mirza Kh.  
Mahmood., Sadiq Jan, Writ  
Petition Branch AG Office,  
Muhammad Mubarak Jan31. **W.P 4263-P/2021**  
**with IR()**  
**(183271)****Mst Farzana Begum**  
**V/s**  
**Govt**Tariq Khan HotiDeputy Attorney General,  
Baidullah Shah, Nil, Writ Petition  
Branch AG Office, Mian Ainulla

PESHAWAR HIGH COURT, PESHAWARDAILY LIST FOR THURSDAY, 04 NOVEMBER, 2021JUSTICE MS. MUSARRAT HILALI &  
MR. JUSTICE IJAZ ANWAR

Court No: 4

BEFORE:-

MOTION CASES

- |   |  |   |
|---|--|---|
| 1. Cr.m 486-P/2021<br>In Cr.A 861-<br>P/2021()<br>(182712)                                      | Muhammad Arshad Khan<br>V/s<br>State                         | Noor Alam Khan<br>Tariq Kakar   |
| 2. CM 2038/2021 In<br>W.P 3725-P/2020()<br>(164948)   | Akhtar Gul<br>V/s<br>Govt                                    | Muhammad Ijaz Khan Sabi<br>Hamza.Bangash, Sadaqat Ulla<br>Writ Petition Branch AG Office,<br>Dr. Amer Hamid, Barrister Ibrail<br>Khan Afridi, Miss Alia |
| 3. W.P 3872-P/2020()<br>(165355)  | Shahid Hussain<br>V/s<br>Govt of KPK and Others              | Noor.Mohammad Khattak<br>Fazal Akbar, Writ Petition Bran<br>AG Office, Qalat Khan   |
| 4. W.P 4996-P/2020()<br>(168291)  | Fazl ullah<br>V/s<br>Govt                                    | Noor.Mohammad.Khattak<br>Muhammad Javed, Muhammad<br>Anwar Khan Banvi, Writ Petition<br>Branch AG Office, Qalat Khan                                    |
| 5. W.P 5260-<br>P/2020(Service<br>matters/Inquiry/in<br>vestigation/Corru<br>ption)<br>(168905) | Akhtar Munir<br>V/s<br>Govt of KPK                           | Bilal Ahmad Kakaizi<br>Muhammad Anwar Khan Banvi<br>Writ Petition Branch AG Office  |
| 6. W.P 5734-P/2020<br>With IR()<br>(170348)   | Azad Mining Labour Welfare<br>Association KPK<br>V/s<br>Govt | Ashfaq Ahmad Khan (Islamaba<br>Writ Petition Branch AG Office,<br>Yousaf Ali Khan, Ishfaq Ahmad<br>Saleem   |

PESHAWAR HIGH COURT, PESHAWARDAILY LIST FOR THURSDAY, 04 NOVEMBER, 2021

BEFORE:-

JUSTICE MS. MUSARRAT HILALI &  
MR. JUSTICE IJAZ ANWAR

Court No: 4

MOTION CASES13. **W.P 2164-P/2021**  
(176581)**Anwar Zeb Khan  
V/s  
Govt of KP**

M. Asif Yousafzai

Musharaf Khan Marwat,  
Muhammad Anwar Khan Banvi  
Writ Petition Branch AG Office  
Faisal Muhammad Irshad14. **W.P 2352-P/2021**  
**With IR()**  
(177128)**Muhammad Jan Mehsud  
V/s  
Govt; of KPK etc**

Aqeel Ahmad Yousafzai

Abdul Rauf, Muhammad Anwar  
Khan Banvi, Writ Petition Branch  
AG Office15. **W.P 2767-P/2021**  
**With IR()**  
(178312)**Aerab Ali  
V/s  
Govt of KP & others**

Ahsan Sardar

Muhammad Anwar Khan Banvi  
Writ Petition Branch AG Office  
Rashid Ali, Mian Ainullah16. **W.P 2794-P/2021**  
(178457)**Ehsan Jawad & others  
V/s  
Govt of KP & others**

Noor Muhammad Khattak

Muhammad Anwar Khan Banvi  
Miss Roohi Bannu, Writ Petition  
Branch AG Office, Mian Ainullah  
Muhammad Arif Khan (DD).17. **W.P 2831-P/2021**  
**With IR()**  
(178587)**Muhammad Abbas  
V/s  
Govt of Secretary LG&RD-Civil  
Secretariat Peshawar**

Amjad Ali (Mardan)

Abdul Rauf, Writ Petition Branch  
AG Office



31.01.2018

Counsel for the appellant present and Addl: AG alongwith Farhad Ullah, Computer Operator for official respondent and private respondent No. 5 in person present.

Counsel for the appellant after the arguing the case at some length has requested this Tribunal that since respondent no. 5 has attained superannuation on 14.11.2017 and the appellant has been appointed as regular TRA from 15.02.2016 and at the present the grievances of the appellant has been redressed. That he would withdraw this appeal by reserving his right to sue afresh in case his right violated in future.

In view of the above the present appeal is dismissed as withdrawn. File be consigned to the record room.

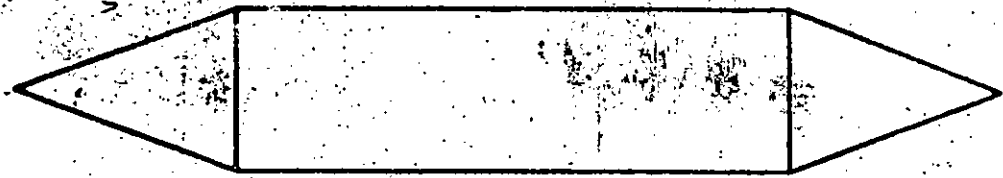
*Sd/-*  
*Munir*

*Sd/-*  
*Chairman*  
*Camp court swat*

*Sd/-*

Date of Presentation of Application	<u>6-8-2018</u>
Number of Words	<u>800</u>
Copying Fee	<u>0-0</u>
Urgent	<u>2-0</u>
Total	<u>8-0</u>
Name of Applicant	<u>Samiullah</u>
Date of Completion of Copy	<u>6-8-2018</u>
Date of Delivery of Copy	<u>6-8-2018</u>

بعد الت صاحب روح رسول کے پیارے



20ء منجانب صاحب روح رسول کے

نام ڈیٹی مسٹر

دستکار علی مقبولی

اس میں سرور

مورد

مقدمہ

دعوی

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی و جواب دہی وکل کاروائی متعلقہ آن مقام مسٹر کے لئے الوردین اور دیگر مقبولی مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے، جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و دہ پیہ، عرض دعویٰ اور درخواست ہر قسم کی تصدیق زیر اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم بیرونی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داخست منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ بیرونی مذکور کریں۔ لہذا نکالت نامہ لکھ دیا کہ سندر ہے۔

20ء  
محمد رفیق

ہا

الرقوم

کے لئے منظور ہے۔

Accepted  
Amwath  
delivered  
Sue

بیتنام