

**Khyber Pakhtunkhwa Service Tribunal, at Camp Court, Abbottabad**

**S.A#. 1162/2019 Muhammad Zia Vs. Government of Khyber Pakhtunkhwa**

**Date of Institution: 16.07.2020**

**Date of Decision: 28.09.2021**

**Order**

28.09.2021

Appellant present through counsel.

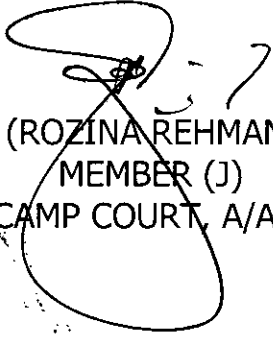
Preliminary arguments heard. Record perused.

Brief facts of the case are that appellant is serving as Patwari and has been placed at Serial No.19 of the seniority list issued on 31.12.2018, whereas, respondent No.4 was placed at Serial No.45 of the same seniority list; that despite his seniority, respondent No.4 was transferred and posted against the vacant post of Girdawar which order was challenged in departmental appeal which was rejected, hence, the present service appeal.

From the record, it is evident that the impugned order dated 25.01.2019 is a stop gap arrangement till the promotion takes place on the recommendation of departmental Promotion Committee as and when helds as there is no change in the scale of incumbent because he/Malik Muhammad Ibrar (respondent No.4) was posted against the vacant post of Girdawar in his own pay & scale (OPS).

In view of the above scenario, instant service appeal is dismissed in limine. No order as to costs. File be consigned to the record room.

**ANNOUNCED.**  
28.09.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
CAMP COURT, A/ABAD

19.10.2020

Representative of appellant on behalf of appellant present.

Lawyers are on general strike, therefore, case is adjourned to 20.01.2021 for preliminary hearing, before S.B at Camp Court, Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad


20.01.2021 Due to cancellation of tour, Bench is not available, therefore, case is adjourned to 28.09.2021 for the same as before.



Reader.


17.12.2019

Mr. Sohaib, junior counsel for the appellant present and requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Abbottabad Bench and cannot attend the Tribunal today. Adjourned to 23.01.2020 for preliminary arguments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

23.01.2020

Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 20.02.2020 before S.B at Camp Court Abbottabad.

  
Member  
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /  
at camp court abbottabad.

Reader

Due to summer vacation. case to come up for the same on /  
/ at camp court abbottabad.



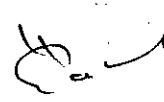
Reader

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1162/2019 \_\_\_\_\_


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2019	<p>The appeal of Mr. Muhammad Zia resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">   REGISTRAR 20/9/19 </p>
2-	22.11.2019	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22.11.2019</u></p> <p style="text-align: right;">   CHAIRMAN </p> <p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is indisposed. Adjourn. To come up for preliminary hearing on 17.12.2019 before S.B at Camp Court, A/Abad.</p> <p style="text-align: right;">   Member  Camp Court, A/Abad </p>

The appeal of Muhammad Zia Khan son Patwari Deheri, Tehsil Ghazi, District Haripur received today i.e. on 16-07-2019 is incomplete on the following score, which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of appeal may be properly flagged.
- 2- Copy of Final Seniority List dated 03-07-2018 mentioned in para-2 of the Facts of appeal is not attached which may be placed on it.

No. 1224 /S.T,

Dt. 18-7-2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arshad Tanoli.  
Adv, High Court, Abbottabad.

*Sir, case is re-submitted as the  
objection has been  
removed as desired*



Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Bar Abbottabad

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 1162 /2019

*Munsif Khan Mian*  
Muhammad Zia Khan son Patwari/Deheri, Tehsil Ghazi, District Haripur.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, SMBR KPK, Peshawar & Others.

...RESPONDENTS

**SERVICE APPEAL**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 8	
2.	Copy of Final seniority list of Patwaris of District Haripur, dated 03/07/2018	9-13	"A"
3.	Copy of impugned order dated 25/01/2019	14	"B"
4.	Copy of departmental appeal	15	"C"
5.	Copy of rejection letter dated 21/06/2019	16	"D"
6.	Copy of letter dated 19/02/2019	17	"E"
7.	Wakalatnama		

...APPELLANT

Dated: 13/07 /2019

Through *Muhammad Arshad Khan Tanoli*  
Advocate High Court  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

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**BEFORE THE CHAIRMAN SERVICE TRIBUNAL,**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 991

Dated 16-7-19

Service Appeal No. 1162 /2019

*Muhammad Zia Khan* *Mian*  
Muhammad Zia Khan son Patwari Deheri, Tehsil Ghazi, District Haripur.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, SMBR KPK, Peshawar.
2. Commissioner Hazara Division.
3. Deputy Commissioner, Haripur.
4. Malik Muhammad Ibrar, Patwari as Gardawar and on his own pay and scale District, Haripur.

...RESPONDENTS

**SERVICE APPEAL** UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT IS SENIOR PATWARI BUT  
RESPONDENTS' DEPARTMENT  
RESPONDENT NO. 4 AS GARDAWAR IN HIS  
OWN PAY AND SCALE ON VIDE IMPUGNED  
ORDER DATED 25/01/2019 AS PER LAW,

Filed to day  
Surya  
Registrar 16/7/19

Re-submitted to -day  
and filed.

*Mian*  
Registrar  
20/9/18

SENIOR PATWARI IS TO BE APPOINTMENT AS GARDAWAR ON OWN PAY SCALE. THE APPELLANT IS SENIOR TO RESPONDENT NO. 4, HENCE THE APPELLANT IS TO BE APPOINTED AS GARDAWAR ON OWN PAY SCALE INSTEAD OF RESPONDENT NO. 4.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, APPOINTMENT ORDER DATED 25/01/2019 OF RESPONDENT NO. 4 AS GARDAWAR ON PAY SCALES MAY BE SET-ASIDE AND RESPONDENT NO. 3 MAY BE DIRECTED TO APPOINT THE APPELLANT AS GARDAWAR ON OWN PAY SCALES. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS APPROPRIATE IN THE CIRCUMSTANCES MAY ALSO BE GRANTED.

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Respectfully Sheweth: -

That the facts forming the background of the instant service appeal are as follows;-



1. That the appellant is serving as Patwari in District Haripur, with due diligence and run the show smoothly.
2. That the appellant is senior then respondent No. 4, besides, the appellant is placed at serial No. 19 of the seniority list issued on 31/12/2018, whereas, respondent No. 4 is placed at serial No. 45 of the same seniority list. It is further submitted that Patwari from serial No. 9 to 18 are not willing to permitted as Gardawar on own pay scale. Final seniority list of Patwaris of District Haripur, dated ~~03/07/2018~~ <sup>31-12-2018</sup> is annexed as Annexure "A".
3. That the appellant inspite of senior then respondent No. 4, respondent No. 3 permitted respondent No. 4 as Gardaar on his own pay and scales vide impugned appointment order dated 25/01/2019. Copy of impugned order dated 25/01/2019 is annexed as Annexure "B".
4. That the appellant feeling aggrieved filed departmental appeal to respondent No. 2 for

redressal of his grievances vide application dated 31/01/2019. Copy of departmental appeal is annexed as Annexure "C".

5. That the departmental appeal of the appellant has been rejected vice rejection letter dated 21/06/2019. Copy of rejection letter dated 21/06/2019 is annexed as Annexure "D".
6. That feeling aggrieved this instant service appeal is filed, inter-alia on the following grounds:-

**GROUND:-**

- (a) That as per law senior most Patwari is to be promoted/ posted as Gardawar on own pay scale prior to the regular promotion from Patwari to Gardawar, in this regard, it was stated by respondent No. 2 in the rejection letter that list of Patwaris who have surrender and sign no objection over the posting of Malik Ibrar as Gardawar in OPS, which is against the law.

- (b) That it is further submitted that there is no law and rules where, an employ come for go his promotion prior to proper promotion order. As per law once promotion order is issued in favour of any employee he was to accept or forgo for his promotion. Therefore, promotion order of respondent No. 4 is not maintainable and the same is liable to be set-aside.
- (c) That during the pendency of departmental appeal respondent No. 3 wrote a letter to the Assistant to respondent No. 2, that seniority of the appellant shall not be effected on the basis of promotion of respondent No. 4, hence own pay and scale, vide letter dated 19/02/2019. Copy of letter dated 19/02/2019 is annexed as Annexure "E". It is further submitted that respondents bypass the law and promoted respondent No. 4 as Gardawar in his own pay scales is against the service law. Law demands

that officiating promotion, acting charge promotion and promotion to the next rank on won pay scales is to be made among employees who stand senior. Therefore, respondent No. 4 is placed at serial No. 45 of the seniority list of Patwaris issued on 31/12/2019. Therefore, he cannot be posted/ transferred/ promoted as Gardawar on OPS.

(d) That when law prescribed a thing which is to be done in a particular manner then the competent authorities are bound mode and manner prescribed by the law. In the present case a junior to the appellant has been promoted as Gardawar on OPS which is arbitrary, fanciful, against the law and the promotion order of the appellant dated 25/01/2019 is liable to be set-aside.

(e) That the matter relates to the terms and conditions of service, therefore, the Honourable Tribunal has

jurisdiction to entertain the present appeal.

- (f) That other grounds shall be urged at the time of arguments.


It is, therefore, humbly prayed that, on acceptance of the instant service appeal, appointment order dated 25/05/2019 of respondent No. 4 as Gardawar on pay scales may be set-aside and respondent No. 3 may be directed to appoint the appellant as Gardawar on own pay scales. Any other relief which this Honourable court deems, appropriate in the circumstances may also be granted.



...APPELLANT

Dated: 13/07 /2019

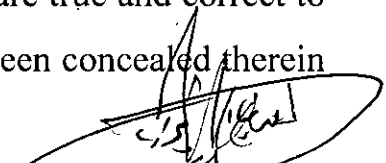
Through



(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2019

Munsif Ichan <sup>se</sup> <sup>u</sup> Mian

Muhammad Zia Khan son Patwari Deheri, Tehsil Ghazi, District Haripur.

...APPELLANT

VERSUS

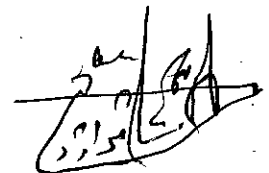
Government of Khyber Pakhtunkhwa, SMBR KPK, Peshawar & Others.

...RESPONDENTS

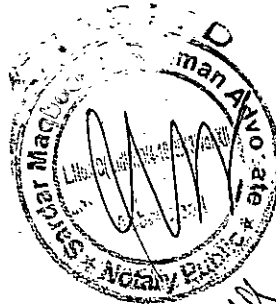
**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Zia Khan son Patwari Deheri, Tehsil Ghazi, District Haripur, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



**DEPONENT**



13/5/19

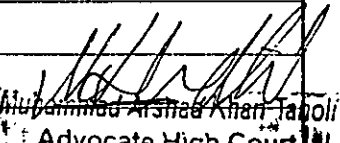
Muhammad Arshad Khan Tanoli  
Advocate High Court

Annex "A."

FINAL SENIORITY LIST OF PATWARIS OF DISTRICT HARIPUR AS IT STOOD ON DECEMBER 31, 2018

S/No	Name of Patwari	Date of Birth	Qualification	1 <sup>st</sup> Entry into Govt	Date of Regular Appointment	Remarks
1.	Mian Sajid Hussain	25.03.1964	Matric	09.10.1983	27.10.1992	P-9
2.	Mr. Taj Muhammad	21.03.1964	Matric	04.05.1995	04.05.1995	
3.	Mr. Abdul Haleem	09.02.1966	Matric	24.07.1995	24.07.1995	
4.	Mr. Aslam Khan	01.01.1963	B.A	01.10.1995	01.10.1995	
5.	Mr. Muhammad Nawaz	15.01.1961	Matric	16.08.1990	21.12.1995	
6.	Mr. Khalid Mehmood	03.04.1970	F.A	12.02.1996	12.02.1996	
7.	Mr. Muhammad Taj	07.05.1961	Matric	03.06.1996	03.06.1996	
8.	Mr. Muhammad Ishaq	25.01.1964	Matric	03.06.1996	03.06.1996	
9.	Mr. Khalid Mehmood	26.06.1964	F.A	03.06.1996	03.06.1996	
10.	Mr. Muhammad Firdos	15.04.1973	F.A	01.09.1997	01.09.1997	Attested Muhammad Arshad Khan Tanoli Advocate High Court Office No. 33 Adjacent to Distt Bar Abbottabad
11	Mr. Abdul Rahim	01.02.1972	B.A	24.10.1997	24.10.1997	
12	Mr. Dill Nawaz Khan	27.02.1973	F.A	23.05.1998	23.05.1998	
13.	Mian Muhammad Irfan	13.03.1974	Matric	23.05.1998	23.05.1998	
14.	Mr. Fakhar Nawaz	01.04.1974	F.A	23.05.1998	23.05.1998	
15.	Sardar Sohrab Khan	15.02.1972	F.A	05.10.1998	05.10.1998	
16.	Mian Abdul Qayyum	20.04.1974	F.A	30.08.1997	10.12.1998	
17.	Mr. Anwar ul Haq	03.02.1962	F.A	13.10.1987	22.03.1999	
18.	Mr. Muhammad Siddique	20.04.1976	B.A	09.04.2002	09.04.2002	
19.	Mr. Muhammad Zia Khan	26.04.1976	F.A	09.04.2002	09.04.2002	
20.	Mr. Muhammad Javed Khan	27.3.1970	F.A	15.09.1991	04.04.2003	
21.	Syed Rizwan Ali Shah	11.03.1973	F.A	18.08.2003	18.08.2003	

No.	Name of Patwari	Date of Birth	Qualification	1 <sup>st</sup> Entry into Govt	Date of Regular Appointment	Remarks
22.	Mr. Zahid Ur Rehman	28.02.1975	M.A LL.B	18.08.2003	18.08.2003	
23.	Mr. Muhammad Javed Iqbal	14.03.1975	B.A	18.08.2003	18.08.2003	P-10
24.	Mr. Zulfiqar Ali	15.06.1975	F.A	18.08.2003	18.08.2003	
25.	Mr. Khanzada Khan	06.03.1978	M.A LL.B	18.03.2004	18.03.2004	
26.	Mr. Hafeez ur Rehman	12.12.1977	B.A	18.03.2004	18.03.2004	
27.	Mr. Ihsanullah Khan	30.09.1973	F.A	18.03.2004	18.03.2004	
28.	Mr. Muhammad Farasat	01.01.1980	F.A	18.03.2004	18.03.2004	
29.	Mr. Dil Faraz Khan	20.04.1974	F.A	18.03.2004	18.03.2004	
30.	Mr. Muhammad Sajid Khan	02.12.1977	B.A	18.03.2004	18.03.2004	
31.	Mr. Mohib ur Rehman	09.12.1971	F.A	18.03.2004	18.03.2004	Attested
32.	Mr. Zahid Rashid-1	02.09.1979	B.A	18.03.2004	18.03.2004	
33.	Mr. Farman Khan	07.04.1978	B.S.C	18.03.2004	18.03.2004	
34.	Syed Zamir Haider Shah	17.02.1979	F.A	18.03.2004	18.03.2004	
35.	Mr. Muhammad Pervez	01.04.1982	B.A	18.03.2004	18.03.2004	
36.	Syed Kamran Hussain Shah	02.07.1976	B.A	18.03.2004	18.03.2004	
37.	Mr. Asad Iqbal	07.07.1979	B.A	18.03.2004	18.03.2004	
38.	Mr. Faisal Aftab	01.04.1975	F.A	18.03.2004	18.03.2004	
39.	Mr. Zamir Afzal	18.04.1982	B.A	18.03.2004	18.03.2004	
40.	Mr. Amjid Shahzad	27.05.1987	F.A	18.03.2004	18.03.2004	
41.	Mr. Amir Mehmood	21.03.1974	B.S.C	18.03.2004	18.03.2004	
42.	Mr. Azeemullah Khan	10.07.1978	B.S.C	18.03.2004	18.03.2004	
43.	Mr. Abid Sultan	06.04.1977	F.A	05.08.2006	05.08.2006	
44.	Mr. Wajid Mehmood	05.11.1979	M.A	05.08.2006	05.08.2006	

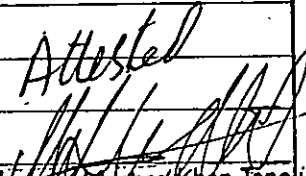
Attested  
  
 Muhammad Arshad Khan Jagori  
 Advocate High Court  
 Office No 33 Adjacent to  
 Dist. Jail Abbottabad



11-11-11

No.	Name of Patwari	Date of Birth	Qualification	Entry into Govt.	Date of Regular Appointment	Remarks
45.	Malik Muhammad Ibrar	01.10.1972	F.A	05.08.2006	05.08.2006	P-11
46.	Mr. Sajjad Ahmed Khan	03.03.1979	B.A	21.11.2007	21.11.2007	
47.	Mr. Humayun Khan	26.10.1980	B.S.C	21.11.2007	21.11.2007	
48.	Mr. Majid Khan	08.02.1979	F.A	21.11.2007	21.11.2007	
49.	Mr. Pervez Khan	04.05.1976	F.A	21.11.2007	21.11.2007	
50.	Mr. Nadir Khan	13.02.1978	F.A	21.11.2007	21.11.2007	
51.	Mr. Yasir Khan	12.03.1981	F.A	21.11.2007	21.11.2007	
52.	Mr. Majid Nawaz Khan	13.03.1982	F.A	21.11.2007	21.11.2007	
53.	Mr. Shahid Iqbal	05.01.1983	F.A	21.11.2007	21.11.2007	
54.	Mr. Imran Aziz	31.03.1980	B.A	21.11.2007	21.11.2007	
55.	Mr. Zahid Rashid-II	22.12.1982	F.A	21.11.2007	21.11.2007	
56.	Mian Muhammad Ali	01.05.1985	B. Sc	25.08.2008	25.08.2008	
57.	Mr. Waqar Ahmed	15.03.1981	F.A	22.10.2009	22.10.2009	Muhammad Afshad Khan Tanoli Advocate High Court Office No. 33 Adjacent to Distt Bar Abbottabad
58.	Mr. Gayoor Khan	28.03.1981	F.A	22.10.2009	22.10.2009	
59.	Mr. Nasir Iqbal	13.04.1983	F.A	22.10.2009	22.10.2009	
60.	Mr. Sajid Khan	11.01.1980	F.A	27.07.2007	22.10.2009	
61.	Syed Ghulam Qadir Shah	31.03.1984	B.A	22.10.2009	22.10.2009	
62.	Mr. Amir Shahzad	10.03.1985	F.A	20.10.2010	20.10.2010	
63.	Mr. Waseem ur Rehman	28.08.1983	F.S.C	20.10.2010	20.10.2010	
64.	Mr. Fayyaz Muhammad	16.01.1981	F.A	20.10.2010	20.10.2010	
65.	Mr. Asghar Khan	16.04.1984	F.A	20.10.2010	20.10.2010	
66.	Mr. Muhammad Basharat	12.04.1976	F.A	20.10.2010	20.10.2010	
67.	Mr. Jehanzeb Khan	17.03.1989	F.A	20.01.2011	20.01.2011	

No.	Name of Patwari	Date of Birth	Qualification	1 <sup>st</sup> Entry into Govt.	Date of Regular Appointment	Remarks
68.	Mr. Buland Bakht	19.03.1983	B.A	20.01.2011	20.01.2011	
69.	Mr. Habibullah Khan	10.03.1983	F.A	03.02.2011	03.02.2011	P-12
70.	Mr. Faisal Shahzad	24.04.1985	F.A	11.02.2012	11.02.2012	
71.	Mr. Asad Khan	03.03.1985	F.A	11.02.2012	11.02.2012	
72.	Mr. Majid Ali	28.02.1989	F.A	11.02.2012	11.02.2012	
73.	Mr. Umer Ghafoor	20.03.1985	F.A	11.02.2012	11.02.2012	
74.	Mr. Nadir Ali	02.02.1986	B.A	11.02.2012	11.02.2012	
75.	Mr. Atif Rabbani	20.04.1986	F.A	11.02.2012	11.02.2012	
76.	Mr. Khalid Mehmood	10.02.1984	F.A	11.02.2012	11.02.2012	
77.	Mr. Arsalan Afzal	20.11.1990	F.S.C	11.02.2012	11.02.2012	
78.	Mr. Muhammad Qasim	03.07.1988	B.A	11.02.2012	11.02.2012	
79.	Mr. Azhar Khan	01.04.1978	F.A	11.09.2012	11.09.2012	
80.	Mr. Abdul Malik	17.03.1982	F.A	11.07.2013	11.07.2013	
81.	Mr. Muhammad Riaz	01.03.1986	F.A	11.07.2013	11.07.2013	
82.	Mr. Rashid Khan	13.03.1985	B.S.C	11.07.2013	11.07.2013	
83.	Mr. Ghulam Dastagir	15.03.1985	F.A	11.07.2013	11.07.2013	
84.	Mr. Abdul Hanaan	04.04.1978	F.A	14.10.2013	14.10.2013	
85.	Mr. Zubair Khan.	23.03.1988	F.A	29.12.2015	29.12.2015	
86.	Mr. Kifayat Khan.	10.04.1988	F.A	29.12.2015	29.12.2015	
87.	Raja Taimoor ul Ibrar	02.03.1988	F.A	29.12.2015	29.12.2015	
88.	Mr. Asad Nawaz Khan	13.03.1982	F.A	16.05.2016	16.05.2016	
89.	Mr. Shah Nawaz Khan	29.03.1985	F.A	16.05.2016	16.05.2016	
90.	Mr. Mohammad Shafaqat	02.01.1983	F.A	16.05.2016	16.05.2016	

Attested  
  
 Muhammad Arshad Khan, Jano  
 Advocate High Court  
 Office No. 33 Adjacent to  
 Dist Bar Abbottabad

No.	Name of Patwari	Date of Birth	Qualification	Entry into Govt.	Date of Regular Appointment	Remarks
91.	Mr. Zahid Irshad Khan	13.11.1983	F.A	02.12.2016	02.12.2016	
92.	Mr. Bilal Bashir	02.05.1985	F.A	27.10.2017	27.10.2017	
93.	Mr. Mubashar Alam	12.10.1988	B.A	27.10.2017	27.10.2017	
94.	Malik Allah Yar Awan	15.02.1986	F.A	09.11.2018	09.11.2018	
95.	Mr. Imran Khan	01.09.1988	F.A	09.11.2018	09.11.2018	
96.	Mr. Tahir Nawaz	08.04.1985	F.A	09.11.2018	09.11.2018	

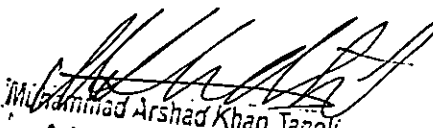
P-13

  
Deputy Commissioner  
Haripur

No. 2602-4 /1(11)/HCR/DC(H)

Dated Haripur the February 25, 2019.

Copy to the Tehsildars Haripur, Khanpur and Ghazi for circulation amongst all Patwaris of their respective Tehsils.

Attested  
  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

  
Deputy Commissioner  
Haripur

خدمت جناب کونسلر صاحب - نیا امر آرڈر نمبر 91/11/1287-1287 No:- 1287-1287

عنوان: گھانہ ایپل آرڈر نمبر 91/11/1287-1287 No:- 1287-1287  
جناب ڈپٹی کونسلر صاحب منقطع ہو گیا ہے، لہذا یہ درخواست فرما کر جانے میں مسائل بطور تدارک

جناب عالی!

تذراست قابل ہے۔

1- یہ کہ من مسائل گھانہ محل منقطع ہو گیا ہے اور اس میں بطور چھوڑا لگائے جانے اور اپنے فرائض کو خود بخود  
سے سر انجام دے رہا ہے۔ مطالبہ کیے ہوئے سٹیٹس لیسٹ پٹواریان منقطع ہو گیا ہے۔ مسائل کا سلسلہ 21  
پر درج ہے۔ نقل کیے ہوئے سٹیٹس لیسٹ مذکورہ پر ادملہ 0346-5639466 سے لیا گیا ہے۔

2- یہ کہ منک گھانہ ایپل آرڈر نمبر 91/11/1287-1287 No:- 1287-1287 سے سلسلہ 47 پر درج ہے اور وہ  
من مسائل سے کافی جوڑ ہے۔ نقل کیے ہوئے سٹیٹس لیسٹ مذکورہ قابل ادملہ 0346-5639466 ہے۔

3- یہ کہ بروڈ آرڈر نمبر 91-1287-1287 No:- 1287-1287 سے سلسلہ 25 پر دفتر جناب ڈی۔ سی صاحب سے یہ درخواست ہے، عنوان  
مذکورہ منک گھانہ ایپل آرڈر نمبر 91/11/1287-1287 No:- 1287-1287 سے سلسلہ 25 پر دفتر جناب ڈی۔ سی صاحب سے یہ درخواست ہے، عنوان  
تیا ہے جو کہ خلاف قانون ہے اور قابل معافی ہے۔ نقل کیے ہوئے آرڈر نمبر 91-1287-1287 No:- 1287-1287 سے

4- یہ کہ مطالبہ اصل سٹیٹس لیسٹ کم فٹنل کے بنیاد پر ہے اور صرف سٹیٹس لیسٹ پٹواریان کو ایکٹنگ چارج  
کرنٹ چارج اور own Pay Scale پر فوسٹ سیکل میں پر فوسٹ دی جاتی ہے۔ جبکہ مذکورہ منک گھانہ ایپل آرڈر  
لوا لگائے ہوئے تدارک من مسائل سے کافی جوڑ ہے اور سٹیٹس پٹواریان کی موجودگی میں منک گھانہ ایپل آرڈر  
مذکورہ آرڈر نمبر 91-1287-1287 No:- 1287-1287 قابل معافی ہے۔

انہریں حالات اسٹیمپ منک گھانہ ایپل آرڈر نمبر 91-1287-1287 No:- 1287-1287 سے سلسلہ 25 پر دفتر جناب ڈی۔ سی صاحب سے یہ درخواست ہے، عنوان  
کو منقطع فرمایا جاوے۔ اور مطالبہ سٹیٹس لیسٹ کسی سٹیٹس لیسٹ پٹواریان کو ایکٹنگ چارج اور اس پاس  
کو بطور تدارک لگائے جانے اور انہ کوئی سٹیٹس پٹواریان بطور تدارک پر فوسٹ نہ ہونا چاہیے اور  
من مسائل کو بطور تدارک پر فوسٹ فرمایا۔ من مسائل ایمان تدارک پاس ہے۔

نقل سے شفقت ایمان تدارک من مسائل سے لیا گیا ہے۔ نقل کیے ہوئے سٹیٹس لیسٹ مذکورہ قابل ادملہ 0346-5639466 ہے۔

الحارث  
محمد خیر خان پٹواریا منک گھانہ  
سڈنہ نئی دوری داخلی سے نقل منقطع ہو گیا ہے  
13302-0343799-3  
Phone: 0346-5639466

Attested  
Muhammad Arshad Khan Baholi  
Advocate High Court  
Office No: 33 Adjacent to  
Abbottabad

31/1/2019



OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

Annul "D,"

Dated Abbottabad: 21/6/2019

1. Mr. Muhammad Siddique Patwari Vs DC, Haripur & Others  
2. Mr. Muhammad Zia Khan Patwari Vs DC, Haripur & Others

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**DEPARTMENTAL APPEALS**

**ORDER**

17/6/2019

No. CHD/Estb:/Appeal/ 1313-15 Mr. Muhammad Siddique & Mr. Muhammad Zia Khan Patwaris District Haripur submitted their appeals on 29/01/2019 & 31/01/2019 respectively for setting aside the order of Deputy Commissioner Haripur bearing No.1287-91/HCR/DC(H) dated 25/01/2019 whereby Mr. Malik Muhammad Ibrar, Patwari was transferred and posted as Girdawar (OPS) without taking into consideration the seniority list of the Patwaris.

My this single order shall dispose off the above two appeals containing the same grounds, question of law and facts. Parties were summoned and record requisitioned. The appellants were heard in person on 17/06/2019. The representative of Deputy Commissioner Haripur office presented a list of Patwaris who have surrendered and signed no objection memo: over the posting of Mr. Malik Muhammad Ibrar as Girdawar in OPS in writing. The present appellants refused to accept their signatures and termed them as fictitious. They were further directed to put their signatures on separate paper to cross examine the same with the signatures on record. On cross examination, no contradiction/difference was observed in format and flow of signatures. Furthermore, Malik Muhammad Ibrar Girdawar (OPS) also stated on oath that the appellants put their signatures in his presence including other Patwaris of Tehsil Haripur. The statement of Malik Ibrar was not agitated/rebutted by both the appellants who preferred silence. From these facts, it has been established that appellants have not preferred the instant appeals with clean hands and now at this stage they are restricted by the law of natural justice to seek remedy against the action occurred due to their own cause/willingness.

**NOW, THEREFORE,** I, Syed Zaheer-ul-Islam Shah, Commissioner Hazara Division as appellate authority have found the instant appeals on flimsy grounds, without legal and factual substance and as such are dismissed with no order as to the costs.

*Muhammad Ashraf Khan Janoli*  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

*SO*  
Commissioner,  
Hazara Division.

Copy forwarded to the:

1. Deputy Commissioner Haripur.
2. PS to Commissioner Hazara Division, Abbottabad.
3. Mr. Muhammad Siddique & Mr. Muhammad Zia Khan Patwaris District Haripur.

S.O. No. 106350

*516*  
*Q*  
Assistant to Commissioner (Rev/GA),  
Hazara Division, Abbottabad.

Annex "E"

P-17

By Registered Post



OFFICE OF THE  
DEPUTY COMMISSIONER, HARIPUR

(0375 613371-33) | (0375-613412) | @dchannpur | #D dchannpur | M herfonchharipur@gmail.com | 0375 613370

No. 2273 /1(14)/HCR/DC(H).

Dated: 19.02.2019

To,

Assistant to Commissioner (Rev/GA),  
Hazara Division,  
Abbottabad.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 1287-  
91/HCR/DC(H) DATED 23.1.2019.

Memo:

Reference your letters No. CHD/Estb/17/1/116-17 and No. CHD/Estb/17/1/1127-28 even dated 07.02.2019, whereby two appeals / applications submitted by Mohammad Siddique Khan Patwari and Zia Khan Patwari were sent to this office for comments / report.

It is clarified that Malik Mohammad Ibrar Patwari at Sr. No. 47 of the seniority list was temporarily posted as Girdawar in his own pay scale (OPS) in the interest of public. He has good service record and better know-how of revenue work. This will not affect seniority of his senior in fixation of seniority in the higher post. Both the appellants are mentioned at Sr. No. 20 and Sr. No. 21 of the seniority list (copy attached). The appellants will be considered for regular promotion on their turn and their present as well as seniority in the higher post will remain intact as the same has been recorded in the posting order of Malik Mohammad Ibrar Patwari.

Encl: (As above)

*Attested*  
*Muhammad Arshad Khan Janjani*  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Court Abbottabad

*[Signature]*  
Deputy Commissioner  
Haripur

کورٹ فیس

# وکالت نامہ

بعدالت Service Tribunal KPIC Peshawar

عنوان: Muhammad 219 بنام Govt of KPIC

منجانب: Appellant

نوعیت مقدمہ:

## باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No- 33 Adjacent to

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

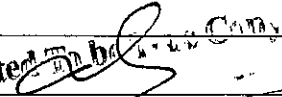
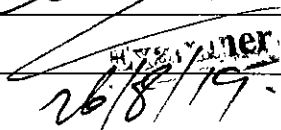
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Accepted



# FINAL SENIORITY LIST OF PATWARIS OF DISTRICT HARIPUR AS IT STOOD ON DECEMBER 31, 2018

S/No	Name of Patwari	Date of Birth	Qualification	Entry into Govt.	Date of Regular Appointment	Remarks
1.	Mian Sajid Hussain	25.03.1964	Matric	09.10.1983	27.10.1992	
2.	Mr. Taj Muhammad	21.03.1964	Matric	04.05.1995	04.05.1995	
3.	Mr. Abdul Haleem	09.02.1966	Matric	24.07.1995	24.07.1995	
4.	Mr. Aslam Khan	01.01.1963	B.A	01.10.1995	01.10.1995	
5.	Mr. Muhammad Nawaz	15.01.1961	Matric	16.08.1990	21.12.1995	
6.	Mr. Khalid Mehmood	03.04.1970	F.A	12.02.1996	12.02.1996	
7.	Mr. Muhammad Taj	07.05.1961	Matric	03.06.1996	03.06.1996	4/11
8.	Mr. Muhammad Ishaq	25.01.1964	Matric	03.06.1996	03.06.1996	26-8-19
9.	Mr. Khalid Mehmood	26.06.1964	F.A	03.06.1996	03.06.1996	Copying Rec
10.	Mr. Muhammad Firdos	15.04.1973	F.A	01.09.1997	01.09.1997	Urgent Rec
11.	Mr. Abdul Rahim	01.02.1972	B.A	24.10.1997	24.10.1997	Name of Copyest
12.	Mr. Dill Nawaz Khan	27.02.1973	F.A	23.05.1998	23.05.1998	Date of Preparation of Copy 26-8-19
13.	Mian Muhammad Irfan	13.03.1974	Matric	23.05.1998	23.05.1998	Date of Delivery of Copy 26-8-19
14.	Mr. Fakhar Nawaz	01.04.1974	F.A	23.05.1998	23.05.1998	
15.	Sardar Sohrab Khan	15.02.1972	F.A	05.10.1998	05.10.1998	To be Que Copy
16.	Mian Abdul Qayyum	20.04.1974	F.A	30.08.1997	10.12.1998	
17.	Mr. Anwar ul Haq	03.02.1962	F.A	13.10.1987	22.03.1999	26/8/19
18.	Mr. Muhammad Siddique	20.04.1976	B.A	09.04.2002	09.04.2002	
19.	Mr. Muhammad Zia Khan	26.04.1976	F.A	09.04.2002	09.04.2002	
20.	Mr. Muhammad Javed Khan	27.3.1970	F.A	15.09.1991	04.04.2003	
21.	Syed Rizwan Ali Shah	11.03.1973	F.A	18.08.2003	18.08.2003	

S/No.	Name of Patwari.	Date of Birth.	Qualification.	1 <sup>st</sup> Entry into Govt:	Date of Regular Appointment	Remarks.
22.	Mr. Zahid Ur Rehman	28.02.1975	M.A LL.B	18.08.2003	18.08.2003	
23.	Mr. Muhammad Javed Iqbal	14.03.1975	B.A	18.08.2003	18.08.2003	
24.	Mr. Zulfiqar Ali	15.06.1975	F.A	18.08.2003	18.08.2003	
25.	Mr. Khanzada Khan	06.03.1978	M.A LL.B	18.03.2004	18.03.2004	
26.	Mr. Hafeez ur Rehman	12.12.1977	B.A	18.03.2004	18.03.2004	
27.	Mr. Ihsanullah Khan	30.09.1973	F.A	18.03.2004	18.03.2004	
28.	Mr. Muhammad Farasat	01.01.1980	F.A	18.03.2004	18.03.2004	
29.	Mr. Dil Faraz Khan	20.04.1974	F.A	18.03.2004	18.03.2004	
30.	Mr. Muhammad Sajid Khan	02.12.1977	B.A	18.03.2004	18.03.2004	
31.	Mr. Mohib ur Rehman	09.12.1971	F.A	18.03.2004	18.03.2004	
32.	Mr. Zahid Rashid-1	02.09.1979	B.A	18.03.2004	18.03.2004	
33.	Mr. Farman Khan	07.04.1978	B.S.C	18.03.2004	18.03.2004	
34.	Syed Zamir Haider Shah	17.02.1979	F.A	18.03.2004	18.03.2004	Attested by 
35.	Mr. Muhammad Pervez	01.04.1982	B.A	18.03.2004	18.03.2004	
36.	Syed Kamran Hussain Shah	02.07.1976	B.A	18.03.2004	18.03.2004	 26/8/19
37.	Mr. Asad Iqbal	07.07.1979	B.A	18.03.2004	18.03.2004	
38.	Mr. Faisal Aftab	01.04.1975	F.A	18.03.2004	18.03.2004	
39.	Mr. Zamir Afzal	18.04.1982	B.A	18.03.2004	18.03.2004	
40.	Mr. Amjid Shahzad	27.05.1987	F.A	18.03.2004	18.03.2004	
41.	Mr. Amir Mehmood	21.03.1974	B.S.C	18.03.2004	18.03.2004	
42.	Mr. Azeemullah Khan	10.07.1978	B.S.C	18.03.2004	18.03.2004	
43.	Mr. Abid Sultan	06.04.1977	F.A	05.08.2006	05.08.2006	
44.	Mr. Wajid Mehmood	05.11.1979	M.A	05.08.2006	05.08.2006	

S/No.	Name of Patwari.	Date of Birth.	Qualification.	1 <sup>st</sup> Entry into Govt.	Date of Regular Appointment	Remarks.
45.	Malik Muhammad Ibrar	01.10.1972	F.A	05.08.2006	05.08.2006	
46.	Mr. Sajjad Ahmed Khan	03.03.1979	B.A	21.11.2007	21.11.2007	
47.	Mr. Humayun Khan	26.10.1980	B.S.C	21.11.2007	21.11.2007	
48.	Mr. Majid Khan	08.02.1979	F.A	21.11.2007	21.11.2007	
49.	Mr. Pervez Khan	04.05.1976	F.A	21.11.2007	21.11.2007	
50.	Mr. Nadir Khan	13.02.1978	F.A	21.11.2007	21.11.2007	
51.	Mr. Yasir Khan	12.03.1981	F.A	21.11.2007	21.11.2007	
52.	Mr. Majid Nawaz Khan	13.03.1982	F.A	21.11.2007	21.11.2007	
53.	Mr. Shahid Iqbal	05.01.1983	F.A	21.11.2007	21.11.2007	
54.	Mr. Imran Aziz	31.03.1980	B.A	21.11.2007	21.11.2007	
55.	Mr. Zahid Rashid-II	22.12.1982	F.A	21.11.2007	21.11.2007	
56.	Mian Muhammad Ali	01.05.1985	B. Sc	25.08.2008	25.08.2008	Attested To be Done
57.	Mr. Waqar Ahmed	15.03.1981	F.A	22.10.2009	22.10.2009	
58.	Mr. Gayoor Khan	28.03.1981	F.A	22.10.2009	22.10.2009	
59.	Mr. Nasir Iqbal	13.04.1983	F.A	22.10.2009	22.10.2009	
60.	Mr. Sajid Khan	11.01.1980	F.A	27.07.2007	22.10.2009	
61.	Syed Ghulam Qadir Shah	31.03.1984	B.A	22.10.2009	22.10.2009	
62.	Mr. Amir Shahzad	10.03.1985	F.A	20.10.2010	20.10.2010	
63.	Mr. Waseem ur Rehman	28.08.1983	F.S.C	20.10.2010	20.10.2010	
64.	Mr. Fayyaz Muhammad	16.01.1981	F.A	20.10.2010	20.10.2010	
65.	Mr. Asghar Khan	16.04.1984	F.A	20.10.2010	20.10.2010	
66.	Mr. Muhammad Basharat	12.04.1976	F.A	20.10.2010	20.10.2010	
67.	Mr. Jehanzeb Khan	17.03.1989	F.A	20.01.2011	20.01.2011	

S/No.	Name of Patwari.	Date of Birth.	Qualification.	1 <sup>st</sup> Entry into Govt:	Date of Regular Appointment	Remarks.
68.	Mr. Buland Bakht	19.03.1983	B.A	20.01.2011	20.01.2011	
69.	Mr. Habibullah Khan	10.03.1983	F.A	03.02.2011	03.02.2011	
70.	Mr. Faisal Shahzad	24.04.1985	F.A	11.02.2012	11.02.2012	
71.	Mr. Asad Khan	03.03.1985	F.A	11.02.2012	11.02.2012	
72.	Mr. Majid Ali	28.02.1989	F.A	11.02.2012	11.02.2012	
73.	Mr. Umer Ghafoor	20.03.1985	F.A	11.02.2012	11.02.2012	
74.	Mr. Nadir Ali	02.02.1986	B.A	11.02.2012	11.02.2012	
75.	Mr. Atif Rabbani	20.04.1986	F.A	11.02.2012	11.02.2012	
76.	Mr. Khalid Mehmood	10.02.1984	F.A	11.02.2012	11.02.2012	
77.	Mr. Arsalan Afzal	20.11.1990	F.SC	11.02.2012	11.02.2012	
78.	Mr. Muhammad Qasim	03.07.1988	B.A	11.02.2012	11.02.2012	
79.	Mr. Azhar Khan	01.04.1978	F.A	11.09.2012	11.09.2012	Attested to be Cop.
80.	Mr. Abdul Malik	17.03.1982	F.A	11.07.2013	11.07.2013	Examiner.
81.	Mr. Muhammad Riaz	01.03.1986	F.A	11.07.2013	11.07.2013	26/8/19
82.	Mr. Rashid Khan	13.03.1985	B.SC	11.07.2013	11.07.2013	
83.	Mr. Ghulam Dastagir	15.03.1985	F.A	11.07.2013	11.07.2013	
84.	Mr. Abdul Hanaan	04.04.1978	F.A	14.10.2013	14.10.2013	
85.	Mr. Zubair Khan.	23.03.1988	F.A	29.12.2015	29.12.2015	
86.	Mr. Kifayat Khan.	10.04.1988	F.A	29.12.2015	29.12.2015	
87.	Raja Taimoor ul Ibrar	02.03.1988	F.A	29.12.2015	29.12.2015	
88.	Mr. Asad Nawaz Khan	13.03.1982	F.A	16.05.2016	16.05.2016	
89.	Mr. Shah Nawaz Khan	29.03.1985	F.A	16.05.2016	16.05.2016	
90.	Mr. Mohammad Shafaqat	02.01.1983	F.A	16.05.2016	16.05.2016	


S/No.	Name of Patwari	Date of Birth.	Qualification.	1 <sup>st</sup> Entry into Govt.	Date of Regular Appointment	Remarks.
91.	Mr. Zahid Irshad Khan	13.11.1983	F.A	02.12.2016	02.12.2016	
92.	Mr. Bilal Bashir	02.05.1985	F.A	27.10.2017	27.10.2017	
93.	Mr. Mubashar Alam	12.10.1988	B.A	27.10.2017	27.10.2017	
94.	Malik Allah Yar Awan	15.02.1986	F.A	09.11.2018	09.11.2018	
95.	Mr. Imran Khan	01.09.1988	F.A	09.11.2018	09.11.2018	
96.	Mr. Tahir Nawaz	08.04.1985	F.A	09.11.2018	09.11.2018	

  
Deputy Commissioner  
Haripur

No. 2602-4 /1(11)/HCR/DC(H)

Dated Haripur the February 25, 2019.

Copy to the Tehsildars Haripur, Khanpur and Ghazi for circulation amongst all Patwaris of their respective Tehsils.

Attested To be True Copy  
  
26/2/19

  
Deputy Commissioner  
Haripur



Annex "B"

P-14

Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, 613319, FAX - 615412

No. 1287 - 91 /ICR/DC (H)

Dated: 25 / 01 / 2019

OFFICE ORDER.

Malik Mohammad Ibrar Patwari halqa Sarai Saleh is hereby transferred and posted against the vacant post of Girdawar in his own pay and scale (OPS) with immediate effect until further orders and assigned the revenue work of the Patwar Circles (except Patwar Circle Kotnajibullah), which were previously held by the then Girdawar Mr. Mohammad Ijaz. The seniority of the other Patwaris will remain intact.

Attested  
*[Signature]*  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

*[Signature]*  
Deputy Commissioner  
Haripur.  
o/c

Copy to the:-

1. Addl: Deputy Commissioner Haripur.
2. Assistant Commissioner Haripur with the direction to hand over the charge of Patwar Circle Sarai Saleh to the Patwari of adjacent Patwar Circle until further orders.
3. Tehsildar Haripur.
4. District Nazar (local)
5. Official concerned for compliance.

*[Handwritten notes]*  
R/100/01  
DT DC

Attested To be True Copy

*[Signature]*  
Examiner  
28/1/19

*[Signature]*  
Deputy Commissioner  
Haripur.  
o/c  
26/01/2019