

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 124 of 2024**

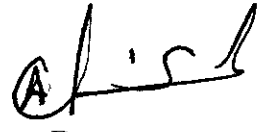
1. Mr. Said Muhammad,  
Naib Tehsildar, Mansehra-I Circle Baffa, Settlement Operation Mansehra ..... **Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary/ Senior Member, Board of Revenue,  
Civil Secretariat, Peshawar.  
2. Director Land Records/ Chief Settlement Officer, Khyber Pakhtunkhwa, Peshawar.  
3. Muhammad Saleem, Kanungo (BS-11) ..... **Respondents**

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Deponent

06-03-2024  
Peshawar  
S.B.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 124 of 2024**

1. Mr. Said Muhammad,  
Naib Tehsildar, Mansehra-I Circle Baffa, Settlement Operation Mansehra ..... **Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary/ Senior Member, Board of Revenue,  
Civil Secretariat, Peshawar.  
2. Director Land Records/ Chief Settlement Officer, Khyber Pakhtunkhwa, Peshawar.  
3. Muhammad Saleem, Kanungo (BS-11) ..... **Respondents**

**AFFIDAVIT**

I, Tariq Ali Khan, Director Land Records, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm on oath that the contents of the attached reply to the Service Appeal No. 124 of 2024 are true and correct to the best of knowledge and belief that nothing therein has been concealed or withheld from this Honorable Tribunal.

It is further stated on oath that in the instant appeal the respondents have neither been placed ex-parte nor their defense is struck off.

Deponent

Identified by

**ATTESTED**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 124/2024

**Mr. Said Muhammad**

Naib Tehsildar Mansehra-I,

Circle Baffa .....Appellant

**VERSUS**

**1. Senior Member Board of Revenue (SMBR)**  
Khyber Pakhtunkhwa..... Respondent

**2. Director Land Records**  
Chief Settlement Officer, Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar..... Respondent

**3. Muhammad Saleem**  
Kanungo (BPS-11)  
Posted at the place of Appellant (OPS)  
Naib Tehsildar Mansehra Baffa circle..... Respondent

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 11508  
Dated 1/3/24

**JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 & 02**

Respectfully Sheweth:-

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action.
2. That the appeal is not maintainable in its present form.
3. That appellant has not come to this Honourable Tribunal with clean hands.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law.

**FACTS:**

1. No comments, pertain to record.
2. Incorrect the official was temporarily assigned the additional charge of Tehsildar in his own pay scale for the early completion of Settlement Operation. However, due to lack of supervisory role / interest, he has been replaced by a knowledgeable Settlement Revenue Officer to speed up the Settlement work & to complete the task in due course of time as the said Settlement Operation has already been delayed.
3. Incorrect the Settlement Operation, Mansehra was initially approved for a period of one year, have crossed more than 12/13 years. The appellant is working in the Settlement Operation Mansehra since long & have completed his normal tenure under the existing posting / transfer policy. The appellant has focused on attestation of mutations etc, and put the Settlement work at back burner.
4. Incorrect posting/transfer is a part of service & a Government Servant is legally bound to perform his official duty as per direction of the relevant Competent Authority whenever, required.
5. As stated in Para-4 above.

6. The Appellant has got no cause of action and instant appeal is liable to be dismissed on the following grounds.

**GROUND:**


- A. Incorrect. The normal tenure of appellant was completed, as per policy of the Provincial Government.
- B. Incorrect. As stated in para-3.
- C. Incorrect the transfer order issued is strictly in accordance with the posting / transfer policy. Each Government Servant is bound to service anywhere in the Province as provided under Section-10 of Civil Servant Act, 1973.
- D. As stated in Para-C above.
- E. As stated in above Para.
- F. As stated in above Para.
- G. As stated in above Para.
- H. As stated in above Para.

It is therefore humbly prayed that the instant service appeal may please be dismissed with costs.

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa

(Respondent No. 01)

Karam Ullah Khan

  
Director Land Records  
Khyber Pakhtunkhwa

(Respondent No. 02)

Tariq Khan