

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No, 1239/2016

Date of Institution ... 08.12.2016

Date of Decision ... 02.08.2018

Syed Musadiq Hussain, Shah,
Presently Naib Tehsildar, Karak

... (Appellant)

VERSUS1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat, Peshawar and three others.

... (Respondents)

MR. HASSAN U.K AFRIDI,
Advocate

--- For appellant.

MR. MUHAMAMD RIAZ PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL... MEMBER(Executive)
... MEMBER(Judicial)JUDGMENTAHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the
parties heard and record perused.FACTS2. The brief facts of the case are that the appellant was appointed as Patwari
(BPS-5) on 15.03.1980. Thereafter, he was promoted as Kanungo. Upon acceptance
of Review Petition on 07.07.2010 the appellant was appointed as Naib Tehsildar
through administrative order on 23.07.2010. Through impugned order dated
09.09.2016 the order dated 23.07.2010 was withdrawn. That on 04.10.2016 he was
appointed as Naib Tehsildar (BPS-14) on acting charge basis. Feeling aggrieved he

filed departmental appeal on 6.10.2016, which was rejected on 16.11.2016, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that after acceptance of his Review Petition, he was regularized as Naib Tehsildar on 23.07.2010 through an administrative order. Subsequently, this order was withdrawn and he was directed to continue duty as Naib Tehsildar on current charge basis till further orders. Vide order dated 04.10.2016 he was appointed as Naib Tehsildar on acting charge basis. SMBR (Respondent No. 2) was competent to regularize his services as Naib Tehsildar through an administrative order. It was never challenged so it attained finality/acted upon, hence could not be withdrawn at this stage. As he was working as Naib Tehsildar since 2008, so should have been promoted on regular basis instated of acting charge appointment.

4. On the other hand learned Assistant Advocate General argued that order dated 23.07.2010 was issued in pursuance of approval by the then SMBR was illegal, hence, rightly withdrawn by the respondents. That order dated 09.09.2016 was issued by respondent No. 2 after affording proper opportunity of hearing to the appellant. That his case was placed before the Departmental Promotion Committee on 27.09.2016 and was cleared for appointment on acting charge basis as no regular post of Naib Tehsildar in the share of Kanungo of Kohat Division was not available at that time.

CONCLUSION

5. The appellant was appointed as Naib Tehsildar on regular basis through administrative order dated 23.07.2010. This order was withdrawn by the competent authority on 09.09.2016. Subsequently he was appointed as Naib Tehsildar on

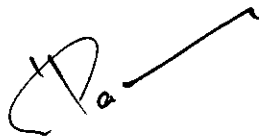
acting charge basis vide order dated 04.10.2016. Section-5 of Khyber Pakhtunkhwa Civil Servants Act, 1973 provides that appointment to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf. Similarly, the procedure for promotion is laid down in Rule-5 & 6 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. It is abundantly clear beyond doubt that there is no place for out of turn promotion through administrative order in the invogue rules. Learned counsel for the appellant was unable to provide any legal backing for the above illegal act. As such promotion of the appellant through administrative order was made in sheer violation of aforementioned rules, hence, illegal, unlawful and not tenable in the eyes of law. Moreover, at the time of promotion his name was appearing at serial no. 13 of the seniority list hence, being junior most was not even otherwise eligible for promotion. Reliance is also placed on case law reported as 2017 SCMR 192, 2017 SCMR 206 and 2016 SCMR 1525. The controversy related to promotion/appointment of officials through administrative order working under the administrative control of respondent No. 2 was deliberated at length in service appeal No. 94/2015 decided on 15.02.2018. Through this judgment detailed road map was drawn for dealing with appeals of similar nature including the appeal in hand. In para-17 of the said judgment in order to ensure fair trial, right of hearing was must before recalling any order. Learned counsel for the appellant in para-6 of the appeal and in para-5 of the departmental appeal had conceded that notices dated 15.12.2014 and 28.07.2015 were issued to him to prove his eligibility for promotion as Naib Tehsildar on regular basis. The competent authority withdrew order of his appointment on 09.09.2016 after affording opportunity of showing cause/hearing etc. We have no hesitation in concluding that opportunity of fair trial was extended

to him and action taken by the respondents was in consonance with the aforementioned para of the judgment of this Tribunal dated 15.02.2018.

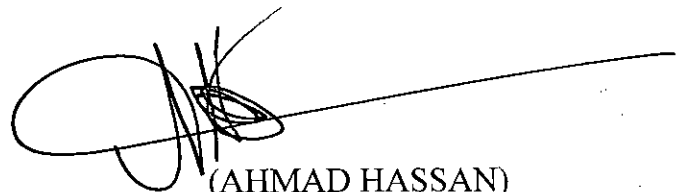
6. In the circumstances in which regular promotion\$ through administrative order was made by the then SMBR raised many questions. Element of speed money in getting undue favour could not be ruled out in these cases. It gives credence to our apprehensions that these illegal orders were obtained in which both the authority and beneficiary had colluded. The then SMBR is still an absconder. Future course of action for tackling such cases in para-18 of the said judgment.

7. His case for promotion as Naib Tehsildar was placed before Departmental Promotion Committee on 27.03.2016 and cleared for acting charge appointment, due to non-availability of regular post of Naib Tehsildar in share of Kanungo of Kohat Division. Learned counsel for the appellant was again confronted to produce any documentary evidence about availability of vacant post/eligibility of the appellant to be considered for regular promotion but was unable to defend his position.

8. As a sequel to above the appeal in hand is dismissed with no order as to costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
02.08.2018

02.08.2018

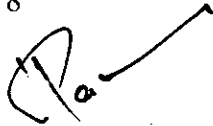
Counsel for the appellant and Mr. Riaz Ahmad Paindakhel, Assistant Advocate General alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, the appeal in hand is dismissed with no order as to costs. File be consigned to the record

room.

ANNOUNCED

02.08.2018



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

A J A

28.05.2018

Counsel for the appellant and Addl: AG alongwith Mr. Attaullah, Assistant Secretary for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 22.06.2018 before D.B.




(Muhammad Hamid Mughal)
Member

22.06.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed Iqbal, Senior Clerk for the respondents also present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.08.2018 before D.B.



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

29.03.2018

Counsel for the appellant and Addl. AG alongwith Attaullah, Assistant Secretary for the respondents present. Learned Addl. AG submitted before the court that the case was prepared by Mr. Ziaullah, DDA who has been transferred. Learned AAG requested for adjournment. Adjourned. To come up for arguments on 11.04.2018 before this D.B.



(M. Hamid Mughal)
Member-I



11.04.2018

Counsel for the appellant, Mr. Usman Ghani, District Attorney alongwith Attaullah, Assistant Secretary for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 14.05.2018 before the D.B.



Member



14.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 28.05.2018 before the D.B.



Reader

15.02.2018

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Vide our detailed judgment of today in service appeal No. 94/2015 entitled "Sher Yar Khan Vs. the Government of Khyber Pakhtunkhwa, SMBR and others", this appeal to come up for arguments on 01.03.2018 before the D.B.



(M. Hamid Mughal)
Member



Chairman



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member



(Gul Zeb Khan)
Member

01.03.2018

Clerk of counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mukhtiar Ali, Asstt. Secretary, for the respondents present. The learned DA sent an application for adjournment, which is placed in connected appeal of Sheryar. To come up for arguments before this D.B on 29.03.2018.




Member-I



Chairman

14.11.2017

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary and Malik Sajid, Supdt. for the respondents present. Rejoinder submitted. Senior counsel for the appellant is not in attendance. Seeks adjournment. Granted. To come up for arguments before the D.B on 24.1.2018.



Member


Chairman

24.01.2018

Counsel for the appellant present. Mr. Zia Ullah, DDA for the respondents present. Learned DDA informed this Tribunal that similar nature cases are fixed before larger bench on 06.02.2018 and requested that this appeal may also be clubbed with the said appeals. To come up for arguments on 06.02.2018 before Larger Bench.

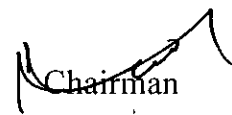

Member


Chairman


06.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents present. Arguments heard. To come up for order on 15.02.2018 before the Larger Bench.


(M. Hamid Mughal)
Member


Chairman


(M. Amin Khan Kundi)
Member


(Ahmad Hassan)
Member


(Gul Zeb Khan)
Member

17.04.2017


Counsel for the appellant, Mr. Malik Sajid, Supdt. and Mr. Muhammad Ibrar, Assistant Secretary alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 15.05.2017 before S.B.


(Muhammad Amin Khan Kundi)

Member

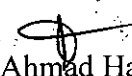
15.05.2017

Appellant in person, Mr. Muhammad Ibrar, Assistant Secretary and Mr. Malik Sajid, Supdt. alongwith Addl. AG for the respondents present. Written reply submitted. To come up for written reply/comments on 06.07.2017 before P.B.


(Ahmad Hassan)
Member

06.07.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply has already been submitted. To come up for rejoinder and final hearing on 14.11.2017 before S.B.


(Ahmad Hassan)
Member

18.01.2017

Clerk to counsel for the appellant present. Requested for adjournment. Request accepted. To come up for preliminary hearing on 06.02.2017 before S.B.



(AHMAD HASSAN)
MEMBER

06.02.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 09.09.2016 vide which the appellant promotion order was withdrawn with immediate effect. Against the impugned order appellant filed departmental appeal but the same was dismissed vide appellate order dated 04.10.2016, hence the instant service appeal.

Since the appeal pertains to terms and conditions of services of the appellant and required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 15.03.2017 before S.B.


~~Appellant Deposited
Security Process Fee~~


(Muhammad Aamir Nazir)
Member

15.03.2017

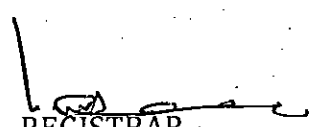


Counsel for the appellant, Mr. Muhammad Ibrar, Assistant Director and Malik Sajid, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 17.04.2017 before S.B.


(AHMAD HASSAN)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1239/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/12/2016	<p>The appeal of Syed Musadiq Hussain Shah resubmitted today by Mr. Hassan U.K Afridi 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</p>
2	16.12.2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22-12-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.12.2016	<p>Mr. Muhammad Shafiq, Advocate Junior to counsel for the appellant present. Requested for adjournment due to non-availability of his senior counsel. Request accepted. To come up for preliminary hearing on 18.01.2017 before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AAMIR NAZIR) MEMBER</p>

The appeal of Syed Musadiq Hussain Shah Naib Tehsildar Karak received today i.e. on 08.12.2016 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 the appeal may be attested.
- ② Annexures of the appeal may be flagged.
- 3- Approved file cover is not used.
- ④ Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ⑤ Page Nos. 11, 17 and 18 of the appeal are illegible which may be replaced by legible/better one.
- ⑥ Tow more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

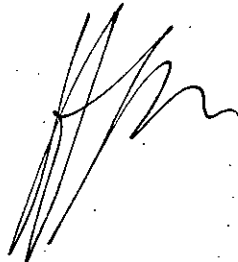
No. 2068 /S.T,

Dt. 9/12 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan U.K Afridi Adv. Kohat.

I have fulfilled all the above objection and the docs are in sequence, your wife.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1239 /2016

Syed Musadiq HussainAppellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through Chief Secretary & other.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of parties		8
4.	Initial appointment in Patwari dated 15.03.1980		9-10
5.	Senior list of Patwari 31.12.2003		11
6.	DPC of Kanungo dated 27.05.2004		12-13
7.	Final seniority list of Kanungo dated 09.05.2007		14-15
8.	Revised seniority list of Kanungo dated 03.06.2007, and Notification 27-12-07		16-17
9.	Notification of posting as Naib Tehsildar 31.05.2008		18
10.	Order of regularization dated 23.07.2010		19
11.	Order dated 09.09.2016 by the respondent No.2		20
12.	Order dated 04.10.2016 by the respondent No.2		21
13.	Department representation dated 06.10.2016		22-24
14.	Order of dismissal of the departmental representation dated 16.11.2016		25
15.	Wakalatnama		26

Appellant

Through

Dated 07.12.2016

Hassan U.K Afridi
Advocate High Court
Cell No.0300-9151963

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1239/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1272

Dated 08/12/2016

Syed Musadiq Hussain Shah,
Presently Naib Tehildar, Karak.....**Appellant**

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Senior Member Broad of Revenue Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. Assistant Secretary (Establishment) Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar
4. Commissioner Kohat Division Kohat.....**Respondent**

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER,
DATED 09.09.2016 AND 04.10.2016
PASSED BY THE RESPONDENT NO.2, WHILE
THE DEPARTMENTAL APPEAL HAS BEEN
DISMISSED BY THE RESPONDENT NO.3,
WHICH IS AGAINST LAW AND RULES.**

Filed to-day

Registrar

8/12/2016

**Re-submitted to -day
and filed.**

Registrar

15/12/16

Prayer in Appeal

On acceptance of this appeal, the impugned orders dated 09.09.2016 and 04.10.2016 may kindly be set aside and the appellant be consider as regular Naib Tehsildar since 23.07.2010 as Senior most.

And the order No.14486-91,vide dated 23.07.2010 passed by the respondent No.2, may please be restored.

Any the relief, the Honourable Court may deem fit for the safe administration of justice

Respectfully Sheweth:-

1. That the appellant has been appointed in the Department of respondents as Patwari in BPS-5 on 15.03.1980. (Copy of the service book is attached).
2. That the appellant passed his Patwari examination in July 1985 and performed his duties with devotion and being senior most Patwari in District Hangu, promoted as Kanungo.

3. That the appellant has passed the examination of Naib Tehsildar on 27.12.2007 under Notification No.40008, dated 27.12.2007. (Copy attached).
4. That the appellant as senior most Kanungo in Kohat promoted Naib Tehsildar.
5. That the appellant as being senior most Kanungo and being successor of the examination of Naib Tehsildar, filed review petition to the respondent No.2, which was accepted on 07.07.2010 and the appellant has been promoted as regular Naib Tehsildar under order No.14486-91 vide dated 23.07.2010.
6. That the appellant was serving on Naib Tehsildar, was served notices on 15.12.2014 and 28.07.2015 by the respondent No.2, requesting his eligibility as being promoted Naib Tehsildar etc.
7. That later on, the order issued by the respondent No.2, vide dated 09.09.2016, through which, the regular appointment of the appellant has been withdrawn, and the appellant has been consider as Naib Tehsildar on current charge basis.

8. That on 04.10.2016, after recommendation of department committee, the appellant has appointed as Naib Tehsildar (BPS-14) on acting charge basis in Karak, hence this service appeal on the following amongst the other grounds:

GROUND S:

- A. That the impugned orders vide dated 09.09.2016 and 04.10.2016 are against law and rules and are liable to be set aside.
- B. That the appellant is legally entitled for promotion as regular Naib Tehsildar since 23.07.2010.
- C. That the appellant is the most senior Kanungo, according to the seniority list issued by the department and also passed the examination of Naib Tehsildar since 27.12.2007.
- D. That the order of the regularization/promotion of the appellant passed on judicial side and the SMBR (respondent No.2) was competent to do so, it was never challenged by any one and had attain finality.
- E. That if is rather a bad practice that the orders of the predecessor is revised or violated, thus the

order of regularization of the appellant on 23.07.2010, is quite legal and in accordance with law.

- F. That the respondent No.2, is competent under the rules to issue promotion order, so the order was acted upon and seniority lists were issued, circulated and the appellant performed his duty as regular Naib Tehsildar about 5 years.
- G. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the law have been badly violated.
- H. That the appellant has been promoted as current charge basis, which is against law and rules.
- I. That the appellant has serving as Naib Tehsildar since 31.05.2008, while the meeting of the departmental promotion committee has held in the year 2016 and the appellant has been consider as current charge basis instead of, consider him as regular.
- J. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is ,therefore humbly prayed. that On acceptance of this appeal, the impugned orders dated 09.09.2016 and 04.10.2016 may kindly be set aside and the appellant be consider as regular Naib Tehsildar since 23.07.2010 as Senior most.

And the order No.14486-91,vide dated 23.07.2016 passed by the respondent No.2, may please be restored.

Any the relief, the Honourable Court may deem fit for the safe administration of justice

Through


Appellant

Dated 07.12.2016


Hassan U.K Afridi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

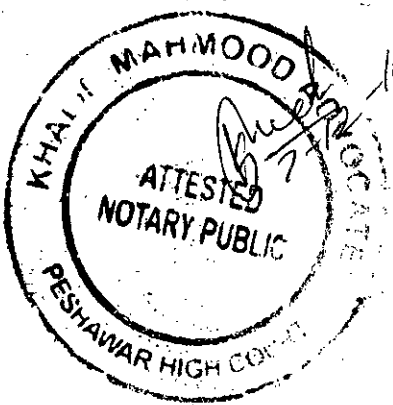
Service Appeal No. _____/2016

Syed Musafiq Hussain **Appellant**
VERSUS

Government of Khyber Pakhtunkhwa
 Through Chief Secretary & other..... **Respondents**

AFFIDAVIT

I, Syed Musadiq Hussain Shah, Presently Naib Tehildar, Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



[Signature]
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

Syed Musafiq Hussain **Appellant**
V E R S U S

Government of Khyber Pakhtunkhwa
Through Chief Secretary & other..... **Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Syed Musadiq Hussain Shah,
Presently Naib Tehildar, Karak

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Senior Member Broad of Revenue Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. Assistant Secretary (Establishment) Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar
4. Commissioner Kohat Division Kohat

Appellant
Through

Dated 07.12.2016

Hassan U.K. Afridi
Advocate High Court

(1)

9

تھل سرورس پب سید عدوی حسین ٹیوری تعیناتی سرورس 15/3/80

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating, and whether permanent or temporary	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government servant	Signature a designation the Head of the office or of the Attesting Officer in attestation of column 1 to 8
Patwari Fagla	Officially قائم مقام	Officially آرکائیو سے توجیہ دوہدیل کے مطابق پنشن کا مستحق ہے	240/-			15/3/80	سید عدوی حسین ٹیوری	
			300/-			1/12/80	سید عدوی حسین ٹیوری	
			310/-			1/2/87	سید عدوی حسین ٹیوری	
			320/-			1/12/81	سید عدوی حسین ٹیوری	
			330/-			1.12.82	سید عدوی حسین ٹیوری	
Patwari circle Banda Jat	Officially		330/-			12.1.83	سید عدوی حسین ٹیوری	
			610/-			1/12/83	سید عدوی حسین ٹیوری	
Patwari Raeesan			610/-			12/8/84 (Fore Noon)	سید عدوی حسین ٹیوری	
Patwari Raeesan Tehsil Haryana			628/-			1/12/84	سید عدوی حسین ٹیوری	

ف.زی
ضلع
پٹی

Attested

[Signature]

1. Name _____ (نام)

2. Nationality and Religion _____ (قومیت اور مذہب)

3. Residence _____ (مستقل رہائش)

4. Father's name and residence _____ (والد کا نام اور پتہ)

5. Date of birth by Christian era as nearly as can be ascertained _____ (تاریخ پیدائش مطابق سن عیسوی)

6. Exact height by measurement _____ (قد و قامت)

7. Personal mark for identification _____ (نشان شناخت)

8. Left hand/right hand thumb and finger-impressions of (None-gazetted) officer. (شکلات)

Little Finger (چھنگیا)

Ring Finger (چھنگیا کے ساتھ کی انگلی)

Middle Finger (تت میاں)

Fore Finger (انگشت شہادت)

Thum (انگوٹھا)

9. Signature of Government servant _____ (سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Office, or other Attesting Officer _____

(تصدیق کنندہ افسر کے دستخط اور مہر)

Note :-The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم ہالچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر ۹ - ۱۰ میں دستخطوں کے تاریخ پوری چاہیے۔ انگلیوں کے نشانات کیلئے ہر ہالچ سال کے بعد تصدیق کی ضرورت نہیں۔

1
S. Mussaidig Hussain
Sayed
Village Ibrahimzai Tehsil Hanjra

S. Tassadig Hussain

27-10-1962

5-4

Wound mark on left leg on front side.

Passed the Police Examination on 19/1/1985

25C-116485

Copy of certificate attached

2

19/1/85

any nish-nsure, or the nt

18

18

Handwritten signatures and marks.

1

PHILIP SMOOTHER LIST OF REGISTERED PATRIOTS, TESTIMONIALS, AND DISBURSEMENTS (PART 2)

S.No.	Name & Father's Name	Profession	Qualification	Post Office	Date of Birth	Date of Entry in Patriotic Candidate Register	Date of Entry in Patriotic Candidate Register	Dept. of Health	Departmental Qualification	Remarks
1	Alli o/o Jaa Ali.	Patwar	M.A.	Engur	02.12.1952	6.10.1971	07.5.1972	11.5.1984	Patwar	Passed.
2	Mr. S. Mubarek Hussain o/o Syed F. Ahmad	Patwar	M.A.	Engur	27.10.1962	29.10.1979	15.12.1980	15.12.1989	Patwar	Passed.
3	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	14.04.1961	05.11.1980	20.11.1980	15.07.1985	Patwar	Passed.
4	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	27.03.1951	01.8.1955	07.2.1964	15.07.1985	Patwar	Passed.
5	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	17.03.1965	25.11.1982	15.12.1982	12.07.1985	Patwar	Passed.
6	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	01.05.1962	13.11.1984	01.02.1986	15.07.1985	Patwar	Passed.
7	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	15.07.1962	11.02.1983	06.11.1987	15.07.1985	Patwar	Passed.
8	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	12.03.1965	24.2.1965	11.07.1987	15.07.1985	Patwar	Passed.
9	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	25.03.1965	20.01.1985	04.02.1985	11.07.1985	Patwar	Passed.
10	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	01.01.1971	23.11.1985	10.02.1986	15.07.1985	Patwar	Passed.
11	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	24.11.1969	23.11.1985	04.02.1986	15.07.1985	Patwar	Passed.
12	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	11.10.1967	05.11.1985	24.02.1984	15.07.1985	Patwar	Passed.
13	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	01.03.1967	14.11.1985	01.02.1986	15.07.1985	Patwar	Passed.
14	Mr. Ahmad carrier o/o Abdul Hakeem	Patwar	M.A.	Engur	15.11.1969	15.11.1989	15.11.1989	15.11.1989	Patwar	Passed.

NOTE: Not one of the names listed above has been registered as a patriot candidate before the Government of Punjab and the Government of West Punjab on 29.12.1979.

(1) Mr. Ahmad carrier o/o Abdul Hakeem has been charged on 15.11.1980 and 15.11.1980 and Mr. Ahmad carrier o/o Abdul Hakeem has been charged on 15.11.1980.

(2) Mr. Ahmad carrier o/o Abdul Hakeem has been charged on 15.11.1980.

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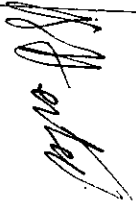

131

OFFICE OF THE DISTRICT OFFICER (Revenue & Estt) Haryana

Final Seniority list of Permanent Patwaris Tehsil and District Haryana on 31-12-2003

S-NO	Name & Father Name	Posting	Educational Qualification	Domicile	Date of Birth	Date of entry in Patwaris Candidates Register	Date of Join Entry in govt Service	Date of	Departmental Qualification	Remarks
(2)	Mr. S. Mubashir Hussain s/o Syed Tarsad Hussain	Patwaris	F.A	Haryana	27-10-1962	29-10-1979	13-3-1990	1999	190 years	

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(3)
appointed as most Senior patwari (Kanungo)
Through DPC

MINUTES OF THE DISTRICT DEPARTMENTAL PROMOTION COMMITTEE
MEETING HELD ON 27.05.2004 IN PERSONAL OFFICE OF DISTRICT
COORDINATION OFFICER HANGU.

A meeting of the Departmental Promotion Committee was held on 27.5.2004 at 10.00 in the office of the District Coordination Officer, Hangu. The following attended.

1. Mr. Abdullah Khan Masood
Distt: Coordination Officer
Hangu. Chairman.
2. Mr. Abdul Wahid Wazir,
Distt: Officer (R&E) Hangu. Member.
3. Mr. Sahar Gul,
Representative Board of Rev:
NWFP, Peshawar. Member.
4. Mr. Bahdar Nawaz,
Executive Distt: Officer,
Finance Hangu. Member.

a) PROMOTION OF KANUNGO.

Opening the discussion, the Chairman welcomed the participants and explained the object of the meeting. After through discussion, and scrutiny of the record of patwaris, it revealed that Mr. Awan Ali, who is Senior Most patwari in Distt: Hangu, categorically stated in his written statement (Placed on file) that he is not willing to be promoted for personal reasons. The next senior most patwaris Mr. Anwar Ali and Syed Musaddiq Hussain at serial No.2 and 3 of the seniority list, who have already been appointed as Kanungo in their own pay Scale were considered and found fit for Promotion. As such the Committee approved Mr. Anwar Ali and Syed Musaddiq Hussain to the post of Kanungo RPS-09 with immediate effect on regular basis.

The Committee also considered the case of Asghar Ali, the third Senior most patwari for Promotion against the vacant post due to adhoc promotion of Mr. Mirza Ali Kanungo, who is working as Naib Tehsildar Orakzai Agency and is on the strength of the District Officer (Revenue & Estate) Hangu office. His case is dropped as no clear vacant post of Kanungo/available for the time being.

CERTIFIED TO BE TRUE COPY

DT. 19-6-2013
DISTT: KANUNGO HANGU

Continued...P/2.

13

b) PROMOTION OF ASSISTANT BPS-11.

The case of Mr. Arif Ali, Senior Clerk was deferred due to reason that one Mr. Farhad Ali (Senior Clerk) of Surplus Pool at District Kohat who was adjusted against the vacant seat of Tehsil Revenue Accountant by the Distt: Coordination Officer Hangu has lodged an appeal to the Senior Member Board of Revenue NWFP against Seniority which is still pending before the court of Senior Member Board of Revenue. The Senior Member Board of Revenue NWFP will be approached through Fax to kindly clear the case so that the case of Promotion of Mr. Arif Ali is decided.

c.) SELECTION GRADE OF JUNIOR CLERKS (LEFT OVER CASE).

There are 11 Posts of Junior Clerks in the office of defunct Deputy Commissioner Hangu. According to the Instructions 33% of the sanctioned posts in order of Seniority are entitled to Selection Grade in BPS-7. According to the Seniority list Mr. Muhammad Amin, Junior Clerk, Mr. Hamraz Ali Junior Clerk and Mr. Ahmed Ghul Junior Clerk have become entitled to Selection Grade in BPS-7 w.e.f 01.07.1997.

The Committee examined their service record which has been found complete and clear and no Adverse entries were found, the Committee unanimously approve the Award of Selection Grade to three (3) officials w.e.f 01.07.1997.

- | | |
|--|--|
| 1. Mr. Abdul Wahid Wazir,
Distt: Officer (R&E) Hangu.
(Member) | 2. Mr. Sahar Gul,
Representative Board of Rev:
NWFP, Peshawar.
(Member) |
| 3. Mr. Bahdar Nawaz,
Executive Distt: Officer,
Hangu. (Member) | 4. Mr. Abdullah Khan Masood
Distt: Coordination Officer
Hangu.
(Chairman) |

CERTIFIED TO BE TRUE COPY
EXAMINER
DT. 18-6-2013
DIST: KANUNGO HANGU

[Handwritten signature]

(6)
Joint Seniority List
Kanungo Kohat
division.

GOVERNMENT OF NWFP
REVENUE AND ESTATE DEPARTMENT.

PESHAWAR DATED THE 9/05/2007.

NOTIFICATION.


No. 8778 /Admn:V/SL/Kohat. In pursuance of Section 8(1) of Civil Servants Act, 1973, and all subsequent notifications issued on the subject, a Final Seniority List of Kanungos (BS-9) of defunct Kohat Division, as stood on 31.12.2006, is hereby published for information of all concerned.


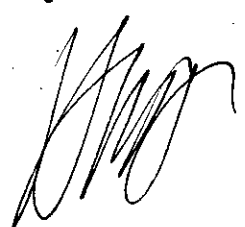
By order of
Senior Member,
Board of Revenue, NWFP.

No. 8779-83 / Admn:V/SL/Kohat

Copy forwarded to the :-

1. District Officers(R & E)/Collectors, Kohat, Hangu & Karak, with the request that the same may be circulated amongst the concerned officials working under your control.
2. Political Agent, Kurram Agency.
3. Officials concerned.


Assistant Secretary (Admn:),
Board of Revenue, NWFP.

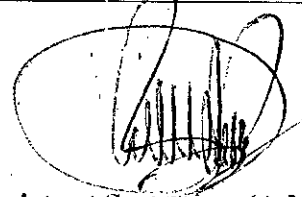



15

FINAL JOINT SENIORITY LIST OF KANUNGO OF District Officer(Revenue & Estate)/Collector, OFFICES OF DEFUNCT KOHAT DIVISION.

up to 31-12-2006

S.No	Name	Date of Birth	Date of entry into Government service	Qualification	Present office	Date of regular appointment on present post
1.	Muhammad Iqbal	22.11.1950	05.09.1968	Matric	DOR, Kohat	22.1.1990
2.	Mr. Mirza Ali	21.03.1951	01.01.1971	Matric	DOR, Hangu	17.03.1990
3.	Mr. Saifur Badshah	05.04.1947	01.08.1967	Matric	DOR, Kohat	05.05.2001
4.	Mr. Rohul Amin	25.10.1966	01.04.1985	Matric	DOR, Kohat	05.05.2001
5.	Mr. Qayanoos Khan	14.02.1962	01.07.1991	B A	DOR, Kohat	05.05.2001
6.	Mr. Nek Muhammad	04.04.1971	26.07.1995	FSc	DOR, Kohat	05.05.2001
7.	Mr. Muhammad Yunas	20.12.1949	5.02.1975	FA	Kurram Agency	3.01.2002
8.	Mr. Zafar Iqbal	25.02.1963	04.04.1987	BA	DOR, Kohat	04.04.2004
9.	Mr. Nawab Gul	15.11.1966	01.01.1995	MA	DOR, Kohat	04.04.2004
10.	Mr. Anwar Ali	05.03.1968	15.03.1980	Matric	DOR, Hangu	27.05.2004
11.	Mr. S. Musadiq Hussain	27.10.1962	15.03.1980	FA	DOR, Hangu	27.05.2004
12.	Mr. Resham Ali	1.08.1952	9.01.1975	Matric	DOR, Karak	06.10.2004
13.	Mr. Ali Abbas	15.05.1947	1.05.1974	Matric	DOR, Karak	06.10.2004
14.	Mr. Waheed Jehan	15.04.1955	9.01.1975	FA	DOR, Karak	06.10.2004
15.	Mr. Faizullah	20.03.1954	2.05.1972	FA	DOR, Karak	06.10.2004
16.	Mr. Ghulam Rabbani	2.01.1956	1.02.1975	Matric	DOR, Karak	06.10.2004
17.	Muhamad Amir	1.02.1952	1.03.1974	Matric	DOR, Karak	06.10.2004
18.	Mr. Muhammad Arif	25.04.1977	9.12.1994	BA	DOR, Karak	06.10.2004
19.	Muhammad Rafique	10.06.1956	13.11.1987	Matric	DOR, Karak	20.06.2006
20.	Mr. Inayatullah	15.01.1955	9.04.1978	FSc	DOR, Karak	20.06.2006


Assistant Secretary (Admn:),
Board of Revenue, NWFP.

CORRI GENDUM.

GOVERNMENT OF NWFP
REVENUE AND ESTATE DEPARTMENT.

PESHAWAR DATED THE 3 /06/2007.

NO IFICATION.

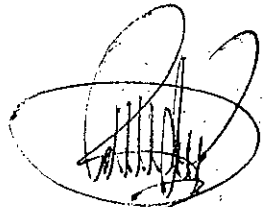
No. 11 260 /Admn:V/SL/Kohat. In partial modification of this Department Notification No. 8778/Admn:V/SL/Kohat, dated 9.05.2007, a revised Final Seniority list of regular Kanungos (BS-9) of defunct Kohat Division, as stood on 31.12:2006 is hereby published for information of all concerned.

By order of
Senior Member,
Board of Revenue, NWFP.

No. 11 20 - 64 / Admn:V/SL/Kohat

Copy forwarded to the :-

1. District Officers(R & E)/Collectors, Kohat, Hangu & Karak, with the request that the same may be circulated amongst the concerned officials working under your control.
2. Political Agent, Kurram Agency.
3. Officials concerned.


Assistant Secretary (Admn:),
Board of Revenue, NWFP.

Alerted





OFFICE OF THE
DIRECTOR LAND RECORDS/INSPECTOR
GENERAL OF REGISTRATION, NWFP.

17

NOTIFICATION

No. 4008 127/12/07

The candidates who appeared in the Departmental Examination of North Tehsildari held in the Examination of Government Higher Secondary School No.3, Khyber Bazaar Peshawar City are hereby declared to have been passed/fail the paper (s) noted against their names:-

R.NO	NAME & DESIGNATION WITH PARENTAGE	Paper I	Paper II	Paper III	Paper IV	Paper V	Paper VI
201	Akbar Iftikhar Ahmad s/o Iftikhar Ahmi PNT, F.R, Peshawar.	Pass	Pass	Pass	Pass	Pass	Pass
202	Zakirullah s/o Noor-ul-Hasan, Kanungo	Pass	Pass	Pass	Fail	Pass	-
203	Faqir Muhammad s/o Muzaffar Khan, Kanungo	-	Pass	-	Pass	Pass	Pass
204	Noor Rehman s/o Gul Rehman, Kanungo	Absent	-	-	-	-	-
205	Rahim Taj s/o Abdul Khaliq, ADK	-	-	-	Pass	-	-
206	Khurshood Alam Officer Kanungo	Absent	-	-	-	-	-
207	Ahmad Jan s/o Mian Gul Jan, DK.	Absent	-	-	-	-	-
208	Amir Hassan, NT.	-	Pass	-	-	Fail	-
209	Muhammad Rashid Khan s/o Bacha Khan, NT	Absent	-	-	-	-	-
210	Jehan Wali s/o Sher Zada, OK.	Absent	-	-	-	-	-
211	Latif-ur-Rehman s/o Shuhir, District Kanungo	Absent	-	-	-	-	-
212	Anar Zareen s/o Umar Khan, FK.	Absent	-	-	-	-	-
213	Said Qadar s/o Ghulam Bahadur, Tehsildar	Absent	-	-	-	-	-
214	Ali Sher Khan, PNT, Bazar Zakha Khel.	Pass	Pass	Pass	Pass	Pass	Pass
215	Mr. Gulam Fareeq, PNT, Mohmand	Fail	Pass	Pass	Pass	Pass	Pass
216	Mirza Ali, HCR.	-	-	-	-	Pass	Pass
217	Mr. Anwar Ali, Kanungo.	Pass	Pass	Pass	Pass	Pass	Fail
218	S. Mussadiq Hussain, ADK.	Pass	Pass	Pass	Pass	Pass	Pass
219	Muhammad Ayrb Khan s/o Muhammad Umar, HCR.	Pass	Pass	Pass	Pass	Pass	Pass
220	Sabar Khan s/o Atlas Khan, Kanungo	Absent	-	-	-	-	-

Peshawar
Nowshera
Nowshera
Mardan
Bardhan
Swat
Swat
Buner
Shangha
Buner
Buner
PA
Muhmand
Hange
Hange
Lama
Bunan

616623

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**GOVERNMENT OF NWFP,
REVENUE & ESTATE DEPARTMENT,**

PESHAWAR DATED THE 31/05/2008

NOTIFICATION:

No. _____ /Admin V.PE(J) With the approval of the Competent authority, the following posting/transfers amongst/officials are hereby ordered with immediate effect in public interest.

S.No.	Name	From	To
1.	Muhammad Irshad Tehsildar (BS-16)	Tehsildar Matta	Tehsildar Topi District Swabi
	Mr. Shokat Ali Tehsildar (BS-16)	Tehsildar Toppi	Report to Board of Revenue, NWFP
2.	Mr. Amir Hassan Naib Tehsildar (BS-14)	Naib Tehsildar Matta	Tehsildar Matta own pay scale
3.	Mr. Shah Wazir Naib Tehsildar (BS-14)	On promotion order transfer as DRA Batkhela	Naib Tehsildar Matta
4.	Mr. Mir Laiq Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue NWFP	Tehsildar Swab own pay and scale against vacant post
5.	S. Qasim Shah Naib Tehsildar (BS-14)	DRA Nowshera	Naib Tehsildar Charsadda
6.	Muhammad Riaz Naib Tehsildar (BS-14)	Naib Tehsildar Charsadda	Naib Tehsildar land acquisition Charsadda against vacant post
7.	Mr. Faqir Muhammad Naib Tehsildar (BS-14)	On promotion under Transfer as District Kanungo Nowshera	DRA Nowshera
8.	Muhammad Nawaz Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue NWFP	Tehsildar Takht Bahai own pay scale against vacant post
9.	S. Musaddiq Hussain Naib Tehsildar (BPS-14)	DRA Hangu own pay scale	Naib Tehsildar Hangu on own pay scale
10.	Mr. Ghulam Mehmood Naib Tehsildar (BS-14)	Naib Tehsildar Hangu	DRA Hangu
11.	MR. Abdul Naseer Naib Tehsildar (BS-14)	Naib Tehsildar Land Acquisition Peshawar	Sub Registrar-I, Peshawar
12.	Mr. Sarfaraz Khan Naib Tehsildar (BS-14)	On his promotion as Naib Teshildar waiting for posting in Board of Revenue NWFP	Naib Tehsildar Land Acquisition Peshawar
13.	Mr. Bakhtiyar Khan Sub Registrar (BS-14)	Sub Registrar-1, Peshawar	Sub Registrar
14.	Muhammad Ayub Sub Registrar (BS-14)	Sub Registrar Haripur	Sub Registrar, Batagram against vacant post
15.	Mr. Munarab Khan Naib Tehsildar (BS-14)	HCR Buner	Naib Tehsildar ___ Buner
16.	Mr. Bahu Mir Naib Tehsildar (BS-14)	Naib Tehsildar Gadizai	DRA Shangla against vacant post.
17.	Mr. Amir Jang, Naib Tehsildar (BS-14)	On promotion as Naib Tehsildar under transfer as HCR	HCR Buner post vacant post.

Asst
Asst

(5)

18

appointed as
Naib Tehsildar
31, 5, 2008

GOVERNMENT OF NWFP,
REVENUE & ESTATE DEPARTMENT.

PESHAWAR DATED THE 31/05/2008.

NOTIFICATION

No. _____ /Admn:V/P/1). With the approval of the Competent Authority, the following postings/transfers amongst officers/officials are hereby ordered with immediate effect in the public interest:

S.No	Name	From	To
1.	Muhammad Irshad Tehsildar (BS-16)	Tehsildar Matta	Tehsildar Topi District Swabi.
	Mr. Shokat Ali Tehsildar (BS-16)	Tehsildar Toppi	Report to Board of Revenue, NWFP.
2.	Mr. Amir Hassan Naib Tehsildar (BS-14)	Naib Tehsildar Matta	Tehsildar Matta own pay scale
3.	Mr. Shah Wazir Naib Tehsildar (BS-14)	On promotion under transfer as DRA Bakkhela	Naib Tehsildar Matta.
4.	Mr. Mir Lalq Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue, NWFP	Tehsildar Swabi own pay and scale against vacant post.
5.	S. Qasim Shah Naib Tehsildar (BS-14)	DRA Nowshera	Naib Tehsildar Charsadda.
6.	Muhammads Riaz Naib Tehsildar (BS-14)	Naib Tehsildar Charsadda	Naib Tehsildar Land Acquisition Charsadda against vacant post.
7.	Mr. Jaqir Muhammad Naib Tehsildar (BS-14)	On promotion under Transfer as District Kanungo Nowshera.	DRA Nowshera.
8.	Muhammad Nawaz Naib Tehsildar (BS-14)	Waiting for posting in Board of Revenue, NWFP	Tehsildar Takht Bahai own pay scale against vacant post.
9.	S. Musaddiq Hussain Kanungo (BS-9)	DRA Hangu own pay scale.	Naib Tehsildar Hangu own pay scale.
10.	Mr. Gulshan Mahmood Naib Tehsildar (BS-14)	Naib Tehsildar Hangu	DRA Hangu.
11.	Mr. Abcaul Naseer Naib Tehsildar (BS-14)	Naib Tehsildar Land Acquisition Peshawar	Sub Registrar-I Peshawar.
12.	Mr. Sarfaraz Khan Naib Tehsildar (BS-14)	On his promotion as Naib Tehsildar waiting for posting in Board of Revenue, NWFP.	Naib Tehsildar Land Acquisition Peshawar.
13.	Mr. Bakhtiyar Khan Sub Registrar (BS-14)	Sub Registrar-I Peshawar.	Sub Registrar II Peshawar.
14.	Muhammad Ayub Sub Registrar (BS-14)	Sub Registrar Haripur.	Sub Registrar Batagram against vacant post.
15.	Mr. Muhammad Khan Naib Tehsildar (BS-14)	HCR Buner	Naib Tehsildar Buner.
16.	Mr. Bafiq Mir Naib Tehsildar (BS-14)	Naib Tehsildar Gadizai	DRA Shungla against vacant post.
	Mr. Amir Jang Naib Tehsildar (BS-14)	On promotion as Naib Tehsildar under transfer as	HCR Buner against vacant post.

3/2/11
admission for the
DOR H...

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OFFICE OF THE
DIRECTOR LAND RECORDS/INSPECTOR.
GENERAL OF REGISTRATION NWFP

No.4008/27/12/2007

NOTIFICATION

The candidates who appeared in the Department of Naib Tehsildar held in the Examination Government Higher Secondary School No.3, Khyber Bazar, Peshawar City are hereby declared to have been passed/ the proper (s) noted against their names:

Name	R #	NAME & DESIGNATION WITH PARENTAGE	Paper I	Paper II	Paper III	Paper IV	Paper V	Paper Vi
Peshawar	201	Akbar iftikhar Ahmad S/o Iftikhar Ahmad, PNT, F.R Peshawar	Pass	Pass	Pass	Pass	Pass	Pass
Nowshera	202	Zakirullah S/o Noor ul Hassan, Hanungo	Pass	Pass	Pass	File	Pass	-
Nowshera	203	Faqir Muhammad S/o Muzaffar Khan, kanungo	-	Pass	-	Pass	Pass	Pass
Nowshera	204	Noor Rehman S/o Gul Rehman, Kanungo	Absent					
Mardan	205	Raham Taj S/o Abdul Khaliq, ADK	-	-	-	Pass	-	-
Battagram	206	Khursheed Alam, Ofice Kanungo	Absent					
Swat	207	Ahmad Jan S/o Mian Gul Jan, DK	Absent					
	208	Amir Hussain, NT		Pass	-	-	Fail	-
	209	Muhammad Rashid Khan S/o Bacha Khan NT	Absent					
	210	Jehan Wali S/o Sher Zada, OK	Absent					
Shangla	211	Latif ur Rehman S/o Shahir, District Kanungo	Absent					
	212	Amir Zareen S/o Umar Khan, FK	Absent					
	213	Said Dadar S/o Ghulam Bahadar, Tehsildar	Absent					
P.A Khyber Agency	214	Ali Sher Khan, PNT, Bazar Zakha Khel	Pass	Pass	Pass	Pass	Pass	Pass
P.A	215	Mr. Ghulam Farooq, PNT, Mohmand	Fail	Fail	Pass	Pass	Pass	Pass
Hangu	216	Mirza Ali, HCR	-	-	-	-	Pass	Pass
Hangu	217	Mir Anwar Ali, Kanungo	Pass	Pass	Pass	Pass	Pass	Fail
Hangu	218	S. Mussadiq Hussain, ADK	Pass	Pass	Pass	Pass	Pass	Pass
	219	Muhammad Ayub Khan S/o Muhammad Umar, HCR	Pass	Pass	Pass	Pass	Pass	Pass
Bunir	220	Sabar Khan S/o Atlas Khan, Kanungo	Absent					





19

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 23 /07/2010

ORDER.


No _____ /Admn:V/PF S.M In pursuance of Judicial order dated 07.07.2010 passed in case No. 149/2010 by the Senior Member Board of Revenue, Khyber Pakhtunkhwa, the services of Syed Musadiq Hussain Naib Tehsildar (Own Pay & Scale) are hereby regularized as Naib Tehsildar (BPS-14) with immediate effect



By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No 14486-91 /Admn:V/PF.A.R

Copy to:-

1. District Officer (R&E)/Collector, Kohat
2. District Accounts Officer Hangu and Kohat
3. Reader to Senior Member Board of Revenue Khyber Pakhtunkhwa
4. Official concerned.
5. Personal File.
6. Office Order File.


Assistant Secretary (Estt)
Board of Revenue Khyber Pakhtunkhwa

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 9/09/2016

ORDER

No. Estt:V/PF/(Musadiq)/ 22665 Whereas, Syed Musadiq Hussain
was promoted to the post of Naib Tehsildar on 07.07.2010 on regular basis through
administrative order without holding of Departmental Promotion Committee meeting.


NOW THEREFORE, in pursuance of order passed by Senior
Member, Board of Revenue on 01.09.2016 the promotion / regularization order dated
07.07.2010 being made in violation of Service Rules and instructions governing
promotions is hereby withdrawn with immediate effect. He will continue his duty as Naib
Tehsildar on current charge basis till further order.

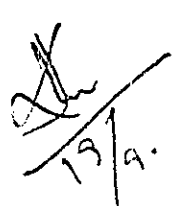
By Order of
Senior Member

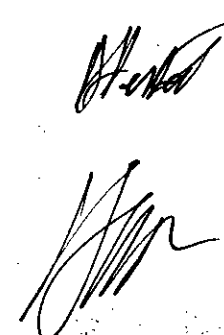
No. Estt:V/PF/(Musadiq)/ 22665

Copy forwarded to the:-

1. Commissioner, Kohat Division.
2. Deputy Commissioner, Hangu.
3. District Account Officer, Hangu.
4. Official concerned.


Assistant Secretary (Estt)


19/9.



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 04/10/2016

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O.R.D.E.R

No. Estt: V/DPC/2016/ _____ On the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the appointment the following Kanungos of Malakand and Kohat Division to the post of Naib Tehsildar (BS-14) on Acting Charge Basis with immediate effect.

1. Mr. Sultan Zeb
2. Syed Musadiq Hussain

Consequent upon his appointment on Acting Charge Basis, the following posting / transfer is hereby ordered with immediate effect.

S No.	Name of official	From	To
1.	Mr. Sultan Zeb Kanungo	Naib Tehsildar Gagra (CCB)	Retained on same post
2.	Syed Musadiq Hussain Kanungo	District Kanungo Kohat (CCB)	Naib Tehsildar Karak against the vacant post

Note:- Syed Ayub Shah Tehsildar Karak is relieved from additional charge of the post of Naib Tehsildar Karak.

By order of
Senior Member

No. Estt: V/DPC/2015/ 24172-79

Copy forwarded to the:-

1. Commissioner, Malakand and Kohat Divisions.
2. Deputy Commissioner, of the respective Districts.
3. District Accounts Officer, of the respective Districts.
4. Officials concerned.
5. Personal File.

Secretary-I

To

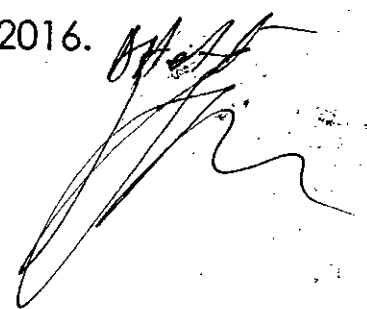
The Chief Secretary,
Civil Secretariat, Peshawar

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Subject: **DEPARTMENTAL REPRESENTATION**

Respected Sir,

1. That the appellant is senior most Kanungo in accordance with the notification issued on 03.06.2007 by the Senior Member Board of Revenue Khyber Pakhtunkhwa, Peshawar. (Copy of the Notification and Seniority list are attached).
2. That the appellant has passed the examination of Naib Tehsildar on 27.12.2007 under Notification No.4008m dated 27.01.2007 and as being a Senior Kanungo in Kohat, he has been promoted as Naib Tehsildar, on 31.05.2008.
3. That the appellant then filed Review petition before the Senior Member Board of Revenue, which was accepted and he has been appointed as regular Naib Tehsildar through judicial Order No.144-86-91/Admin V/PF.AR vide dated 23.07.2010.
4. That the appellant has been serving as Naib Tehsildar since 23.07.2010 till 09.09.2016.




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5. That notice issued to the appellant on 28.07.2015, 15.12.2014 for questioning his eligibility as being promoted regular Naib Tehsildar and later on 09.09.2016, an order has been issued by the Senior Member Board of Revenue through which the regular appointment of the appellant as Naib Tehsildar has been withdrawn and the seniority of the appellant has also been effected and the appellant has been consider as Naib Tehsildar on current charge basis.
6. That the appellant is most senior Kanungo since 03.06.2007 in Kohat region.
7. That the appellant passed the examination and he has been promoted as Naib Tehsildar on 31.05.2008 and later on by legal/judicial order he has been regularized as Naib Tehsildar, but instead of that the regular appointment of the appellant has been withdrawn, due to which his seniority also effected and the appellant has been promoted as current charge basis, which is against law and rules, while the appellant is legally eligible and entitle being as Senior most to be appointed as Regular Naib Tehsildar since 23.07.2010.





It is, therefore humbly prayed that on acceptance of this Departmental Representation, the order dated 23.07.2010, may kindly be restored and the seniority of the appellant may kindly be consider as Naib Tehsildar since 31.05.2008 or 23.07.2010.

Appellant


Syed Musadiq Hussain Shah
Naib Tehsildar, Kohat
Cell No.0333-9628287

Dated 06.10.2016

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: V/ Musadiq/ 27604
Peshawar dated the 16/11/2016

To

Mr. Syed Musadiq Hussain Shah,
Naib Tehsildar Karak.

Through Deputy Commissioner Karak.

SUBJECT: DEPARTMENTAL REPRESENTATION

Your departmental appeal dated 06.10.2016 has been examined and
dismissed by the Appellate Authority.


Assistant Secretary (Estt)

بعدالت جناب حیدر مختار خواجہ سروس ٹرانسپورٹ کمپنی

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۲۰ء منجانب Appellant

بنام گورنمنٹ ٹرانسپورٹ کمپنی

سید صدیق حسین شاہ

Service Appeal - No — /2016

مورخہ

مقدمہ

دعویٰ

جرم زبردفعہ

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی

کیلئے Hassan-Uk-Afridi
Advocate
Peshawar High Courts

آؤٹ ریسٹ

متعلقہ آن مقام سٹاؤم مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موقوف کو مقدمہ کی کل کاروائی کا مل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقریر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ بصورت ڈگری کرنے اجراء اور وصول چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرف یا اپیل کی برآمدگی اور منسوخی اور دائر کرنے اپیل نگرانی و نشر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور یہ صورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پرداخت منظور و قبول ہوگا۔ اور دوران مقدمہ میں 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 اختیار حاصل ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ یا حد سے باہر کو وکیل صاحب پابند نہ ہوں گے، کہ پیروی مقدمہ مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المقوم

العبد العبد العبد

کے لئے منظور ہے۔

Accepted

Hassan-Uk-Afridi
Advocate
Peshawar High Courts

سید صدیق حسین شاہ

مقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1239/2016

Syed Musadiq Hussain Shah Naib Tehsildar.....Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary and others..... Respondents

RESPECTFULLY SHEWETH.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2, 3 & 4 ARE AS UNDER

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

ON FACTS

1. Pertains to record. Need no comments.
2. Pertains to record. Need no comments.
3. Incorrect. Passing of Departmental examination cannot make the appellant eligible for out of turn promotion.
4. Pertains to record. However appellants was not promoted but posted in own pay scale as Naib Tehsildar. Which is against Law, Rules and even injunction of Islam (2017 SCMR 192, 2017 SCMR 206, 2016 SCMR 1525) (Copies of Supreme Court Judgment are A,B and C).
5. Incorrect. Departmental appeal / review petition is filed against order that effect the terms and service conditions of an official and not for out of turn promotion while the services of the appellant was regularized as Naib Tehsildar without holding of Departmental Promotion Committee meeting which is mendatory under Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) Rules 1989.
6. Correct to the extent on the advice of Establishment Department a notice was served upon the appellant to explain his illegal promotion order.
7. Correct to the extent that the promotion of the appellant was made through Administrative order, therefore after affording proper opportunity of hearing his illegal promotion order was withdrawn on 09.09.2016 by the Competent Authority.
8. Correct to the extent that promotion case of the appellant was placed before the Departmental Promotion Committee on 27.09.2016 and the appellant has been selected / appointed on acting charge basis.

GROUNDS

- A. Incorrect. The order dated 09.09.2016 and 04.10.2016 are according to law / rules.
- B. Incorrect. At the time to his illegal promotion, the appellant was junior most as his name was at S No .13 of the seniority list and was not eligible for promotion to the post of Naib Tehsildar.
- C. Incorrect. The appellant was junior most at that time Departmental Promotion Committee beside passing of Departmental examination cannot make eligible the appellant for out of turn promotion.
- D. The then Senior Member Board of Revenue has made illegal orders in exercise of self assumed judicial authority and not in exercise of powers under the Khyber Pakhtunkhwa Civil Servant (Appeal Rules) – 1986, therefore his illegal promotion order was rightly withdrawn.
- E. Incorrect. Illegal and void order can any time be reviewed / withdrawn.
- F. Incorrect. The Senior Member Board of Revenue is Competent Authority to make promotion / appointment as Naib Tehsildar through holding proper Departmental Promotion Committee meeting.
- G. Incorrect. The appellant has been treated according to law / rules and no violation of any rules committed.
- H. Incorrect. The appellant was only posted on current charge basis.
- I. Incorrect. His promotion case was placed before the Departmental Promotion Committee on 27.03.2016 and the appellant has been appointed on acting charge basis due to non availability of regular post of Naib Tehsildar, in the share of Kanungo of Kohat Division.
- j. The Respondents will seek permission to advance additional ground at the time of arguments.

Keeping in view of the above the appeal of the appellant having no legal grounds may be dismissed with costs.


Respondent No. 3


Respondent No. 1 & 2


Respondent No. 4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1239/2016

Syed Musadiq Hussain Shah, NTAppellant

VERSUR

Government of Khyber Pakhtunkhwa through Chief Secretary & Others.....Respondents

AFFIDAVIT

I Mr.Mukhtiar Ali, Superintendent (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief information provided to me and nothing has been deliberately concealed from this Hon'able Tribunal.


Assistant Secretary (Lit-II)
Board of Revenue