

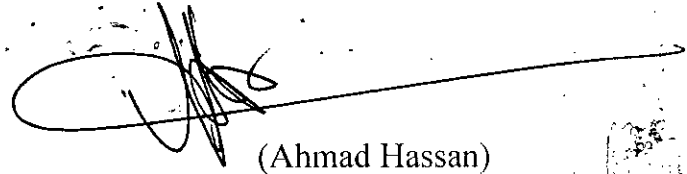
Order

25.01.2019

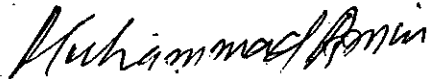
Counsels for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Dr. Fakhar Alam, SMBR (respondent no.3) and Mr. Muhammad Arif, Supdt for respondents present. Arguments heard and record perused.

This appeal is also dismissed as per detailed judgment of today placed on file in connected service appeal No. 1130/2014²⁰¹⁸ titled "Jehanzeb -vs- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and two others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:
25.01.2019



(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

15.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 17.12.2018.


READER

17.12.2018

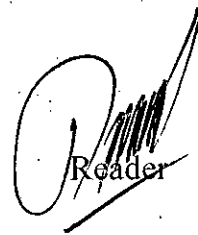
Learned Counsel for the appellant and Mr. Muhammad Jan Iqbal, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come for further proceeding/arguments on 25.01.2019 before D.P.


(Hussain Shah)
Member


(Muhammad Amin Kundi)
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

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

02.08.2018

Junior to counsel for the appellant and Learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 21.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

21.08.2018. Due to Eidul Azha vacation,
the case is adjourned to 27.9.18.

Reader

1000/16

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

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.

11.04.2018


(M. Hamid Mughal)
Counsel for the appellant,
Member-I

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.


Chairman


Member


Chairman

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

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


Chairman

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


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



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member



(Gul Zeb Khan)
Member

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

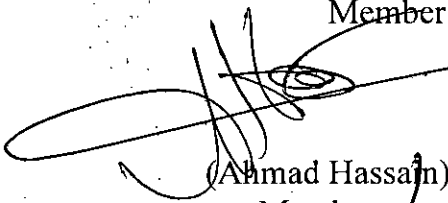
15.12.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Asstt. Secretary for the respondents present. Since some other similar appeals have been adjourned due to non-availability of their counsel, counsel for the present appellant also requested for adjournment. To come up for arguments before the Larger Bench on 11.01.2018.


(Muhammad Hamid Mughal)
Member


Chairman



(M. Amin Khan Kundi)
Member


(Ahmad Hassan)
Member

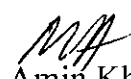

(Gul Zeb Khan)
Member

11.01.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mukhtiar Ali, Asstt. Secretary for the respondents present. Learned DDA submitted before the court that the case was prepared by Mr. Usman Ghani, District Attorney who is not available today due to meeting of Law Officers Association. Adjourned. To come up for arguments before the larger bench on 06.02.2018.


(M. Hamid Mughal)
Member


Chairman


(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member


(Gul Zeb Khan)
Member

29.11.2017


Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for respondents present. Mr. Rizwanullah, and Mr. Kamran Sarwar, Advocate filed Wakalat Nama on behalf of the appellant. All the counsels for the appellants and District Attorney for respondents unanimously requested this Tribunal that larger bench be constituted for the decision of the issue involving in the present appeal alongwith other connected appeals for the reason that some contradictory judgments have been delivered on the issue by different D.B's of this Tribunal. The request is genuine which is accepted and larger bench consisting of all Members of this Tribunal is constituted to decide the issue. To come up for arguments on 11.12.2017 before the D.B. The restraint order shall continue


Member



Chairman

11.12.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. Since some similar appeals have been adjourned due to non-availability of the learned counsel for the appellants, Counsel for the appellant in the instant appeal also requested for adjournment. Granted. To come up for arguments on 15.12.2017 before the Larger Bench.


(Muhammad Hamid Mughal)
Member


Chairman


(M. Amin Khan Kundi)
Member

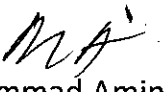

(Ahmad Hassan)
Member


(Gul Zeb Khan)
Member

07.11.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the worthy Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 28.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

28.11.2017

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mukhtiar Ali, Assistant Secretary for the respondents present. To come up for arguments tomorrow on 29.11.2017 before the D.B alongwith connected appeals.


Member


Chairman

A-No. 1044/16
Ghurecha Gul vs Govt

10. 04.07.2017 Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 04.09.2017 before D.B. ~~Restraint order shall continue~~

(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

04.09.2017

~~20/8/17~~
20/8/17

Since 4th September, 2017 has been declared as Public Holiday on account of Eid-UI-Azha. Therefore the case is adjourned for the same on 22.9.17 before D.B. Parties be informed accordingly.


(Reader)

25/09/2017

Since 22.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 07.11.2017, *for the same.*


READER

20.02.2017

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder not submitted. Requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 10.04.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

10.04.2017


Appellant in person present. Mr. Mukhtiar Ali, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents also present. Appellant submitted rejoinder and requested for adjournment on the ground that his counsel is not available. Adjourned. To come up for arguments on 10.05.2017 before D.B. The restraint order shall continue.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

10.05.2017

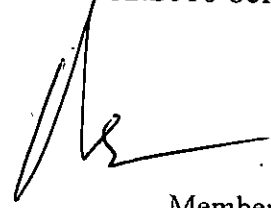
Counsel for the appellant and Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. Due to transfer of one of the undersigned as reported in daily "Aaj" dated 10.05.2017, arguments could not be heard. To come up for final hearing on 04.07.2017 before the D.B. The restrain order shall continue.


Member


Chairman

03.11.2016

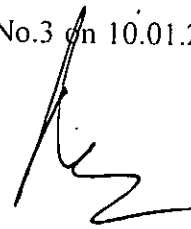
Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 05.12.2016 before S.B. Status-quo be maintained.



Member

05.12.2016

Appellant with counsel and Ms. Mukhtiar Ali, Supdt for respondent No.1, 2 and 4 alongwith Asst. AG for respondents present. Written reply on behalf of respondent No.1, 2 and 4 submitted. None present on behalf of respondent No.3. Notice be issued to him for submission of written reply. To come up for written reply/comments of respondent No.3 on 10.01.2017. Status-quo be maintained.



MEMBER

10.01.2017

Counsel for the appellant and Mr. Mukhtiar Ahmad, Supdt. alongwith Addl. AG for the respondents present. Written reply by respondents No. 1, 2 and 4 already submitted. Learned AAG relies on the same on behalf of respondent No. 3. The appeal is assigned to D.B for rejoinder and final hearing for 20.2.2017. The restraint order shall continue.



Chairman

1044/2016

Ghuncha Gul vs Revenue Deptt.

07.10.2016

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 promotion order of appellant as Naib Tehsildar has been withdrawn by respondent No. 2 without cogent justification. Against the impugned order the appellant filed departmental appeal which was also turned down vide order dated 06.10.2016, hence the instant service appeal. Learned counsel for the appellant argued before the court that the appellant was regularly promoted as Naib Tehsildar in the year 2010 and he has performed his duties to the entire satisfaction of the respondents. That after six years of his services as Naib Tehsildar, his promotion order was withdrawn by respondent No. 2 which is illegal, without any justification and in violation of Rule-7 of the E&D Rule 2011. Learned counsel for the appellant further submitted that similar nature appeals No. 781/2016 titled, Saeed Khan Vs SMBR, appeal No. 979 titled, Dildar Khan Vs SMBR, appeal No. 1032/2016 titled, Gul Shehzad Vs SMBR and appeal No. 1033/2016 titled, Asmatullah Vs SMBR and other appeals have already been admitted for regular hearing and restraining order has been issued by this Tribunal. Learned counsel for the appellant submitted that since valuable rights of the appellant are at stake, therefore, the respondents may be restrained from complying with the impugned order dated 09.09.2016.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 03.11.2016 before S.B. Till then the operation of impugned order is suspended.



(ABDUL LATIF)
MEMBER

Appellant Deposited
Security Access Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1044/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/10/2016	<p>The appeal of Mr. Ghuncha Gul resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-10-16</u>.</p> <p style="text-align: right;">MEMBER</p>
2-		

The appeal of Mr. Ghuncha Gul N.T Ambar Mohmand Agency received today i.e. on 07.10.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 1656 /S.T,

Dt. 7-10 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR. 7/10/16

Mr. Muhammad Asif Yousafzai Adv. Pesh.

Sir, Since the appeal was made to the C.S who is appellate authority and the same authority has rejected the same by agreeing with the proposal of Est. Dept. Thus the appellate authority has rejected my appeal. However, the appeal may be placed before the learned Bench. Rejection is already attached. Re-submitted.

Asif
7-10-16

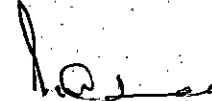
Sir,

The observation of this office is very of counsel for the appellant is submitted please.

Hafiz
Majid

To be placed before the learned

Registrar Bench.


7/10/16
7/10/16

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1046 /2016.

Ghuncha Gul, N.T, VS Chief Secretary KPK etc.

INDEX.

S.N	DOCUMENTS	ANNEXURE	PAGE.
0			
1.	Memo of appeal.	---	1-5
2.	Stay application.	---	6-7
4.	Commendation LETTER	A	8-8A
5.	Order as N.T (OPS)	B	9-10
6.	Appeal before SMBR	C	11
8.	Decision of SMBR.	D	12-13
9.	Order dt. 2.11.2010	E	14
10	Seniority lists.	F	15-21
11	Withdrawal order	G	22
12.	Appeal.	H	23
13.	Rejection order.	I	24-27
14.	Vakalat nama.	---	28


APPELLANT

Ghuncha GuL

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE SUPREME COURT,


SYED NOMAN ALI BUKHARI

ADVOCTES, PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1044 /2016.

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 1067

Dated 07-10-2016

Ghuncha Gul, N.T,

Ambar Mohmand Agency.....Appellant.

VERSUS

- 1- The Chief Secretary, KPK, Peshawar.
- 2- The SMBR, Revenue Deptt: Peshawar.
- 3- The Addl: Chief Secretary FATA Secretariat Peshawar.
- 4- The Commissioner Peshawar Division Peshawar.

.....**Respondents.**

APPEAL UNDER SECTION 4 AGAINST THE ORDER DATED. 09.09.2016 WHEREBY THE APPELLANT'S PROMOTION ORDER AS N.T HAS BEEN WITHDRAWN IN AN ILLEGAL MANNER. AND AGAINST THE ORDER DATED. 6-10-2016, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED OR NO GOOD GROUNDS.

PRAYER:

Filed to-day

Registrar

7/10/16,

That on acceptance of this appeal the order dated. 09.09.2016 and 6-10-2016 may be set-aside being passed in violation of law, rules and norms of justice. The respondents may further please be directed to restore the appellant to N.T post with all back and consequential benefits being rightly promoted. Any other remedy which this august Tribunal deems fit that may also be granted in favour of appellant.

R. SHEWETH.

- 1- That the appellant was initially appointed as political Moharrir in the year 1998. The appellant, due to his

exemplary service record was later on promoted as NT on OPS basis in the year 2009. **(Copies of order, commendation Letter and NT promotion order on OPS basis are attached as Annexure - A & B).**

- 2- That after posting/ promotion as N.T (OPS) the appellatant has performed his duties with full devotion at various stations up to the entire satisfaction of his superior.
- 3- That the appellatant had properly filed an appeal before the then SMBR for regular promotion as N.T against the Revenue Establishment in the year 2009. The said appeal was properly sent to concerned office for comments. The SMBR , after reply of the concerned office, and in presence of respondents, accepted the appeal and the appellatant was regularly promoted as N.T on 2.11.2010. **Copies of appeal, decision are attached as Annexure - C&D.**
- 4- That after the acceptance of appeal by the SMBR, the regular promotion order was issued on 2.11.2010 and since then the appellatant has enjoyed the status of regular N.T for long six years. **Copy of the order is attached as Annexure - E.**
- 5- That the appellatant's name was also enlisted the seniority lists of regular N.T for the last six years at various S.Nos. This aspect also shows that the appellatant's promotion remained in field, acted upon and never been challenged by any official of the Revenue Deptt: so far, which amounted to creation of valuable rights in favour of appellatant. **Copies of seniority lists are attached as Annexure - F.**
- 6- That to the utter surprise of appellatant the SMBR, withdrew the promotion order of appellatant on 9.9.2016 in total violation of law and rules and norms of justice. The appellatant filed departmental appeal against the said order but the same has also been rejected for no good grounds on 6-10-2016. **Copies of order,**

appeal and rejection order are attached as Annexure - G, H & I.

7- That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUND:

- A) That the notice dated. 09.09.2016 , wherein the promotion order of the appellant has been withdrawn, and the rejection order dated. 6-10-2016 are against the law, fact, norms of justice and fair play and material on record, therefore, not tenable.
- B) That the promotion order dated 2.11.2010 was passed by the then appellate authority which was fully acted upon and remained in field since 2010 (for more than 5 years) which has created valuable rights in respect of the appellant, therefore, now the appellant's promotion could not be withdrawn under the principles of **Locus Poenitentiae.**
- C) That it is also worth to mention here that the order dated 2.11.2010 was based on judicial order and interestingly in the notice dated 21.6.2016, based on notice dated 21.3.2011 also has the word "**Court matter**" which clearly shows that the worthy SMBR is trying **to review** earlier order in the Court process and that too without any review petition filed by the respondent who were available at the time of decision dated 14.7.2010 of the appeal, thus under section 24-A of the General Clauses Act as well as principle of judicial power the worthy SMBR on its own cannot take Suo Motto action to review its earlier order passed while exercising judicial power.
- D) That after the acceptance of appeal of appellant by the then SMBR in the year 2010, the SMBR became functus officio and legally he cannot reviewed his

order passed on appeal of appellant, especially, when the respondents in that appeal had not filed any appeal against the order of the then SMBR before a proper forum.

- E) That in the order passed on the appeal dated 2.11.2010 the official respondents i.e. Secretary Board of Revenue and Director Lands Record were present, but none of the respondents either challenge that order before the next appellate authority or before any competent legal forum. Thus, it is clear that the respondents Secretary Board of Revenue and Director Land Record were also in full agreement to the order passed by the then SMBR and that why the respondents are still mum over the orders passed on the appeal of the appellant.
- F) That since then (2.11.2010), the appellant has continuously enjoyed the status of regular Naib Tehsildar and also has his name in the seniority lists of Naib Tehsildar issued since 2011 till date. The appellant is at Serial No. 86 in latest tentative seniority list issued on 31.12.2015. Thus according to the judgment so of the Hon'able Supreme Court's judgments, my seniority rights could not be taken away in a fanciful manner.
- G) That while issuing order dated. 09.09.2016 ,the worthy SMBR did that without observing proper legal course as mandated in Khyber Pakhtunkhwa E&D Rules 2011 and directly issued order which is against the spirit of KPK Government Servants E&D Rules, 2011. The worthy SMBR without observing Rules-5(a), 7(c) & 14(7) of the E&D Rules, 2011 and without passing an order regarding dispensing with inquiry declared the promotion order as illegal order.
- H) That the element of discrimination is also there because neither the then SMBR, the respondent in

the Departmental Appeal are proceeded against nor other officials / offices involved in complying with the order dated 2.11.2010 have been proceeded against, and the only appellant has been pin pointed and that too in violation of E&D Rules, 2011.

- i) That the worthy SMBR has not only violated the E&D Rules in toto but also miserably failed to finalize the issue pending since the last more than 5 years. Thus the spirit of Rule-7 of E&D Rules, 2011 is violated.
- j) That the appellant has not been dealt in accordance with law and rules.
- k) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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



APPELLANT
Ghuncha Gul

THROUGH:



M.ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,

&  SYED NOMAN ALI BUKHARI
ADVOCTES, PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2016.

Ghuncha Gul, N.T, VS Chief Secretary KPK etc.

**APPLICATION FOR SUSPENDING THE OPERATION
OF ORDER DATED. 9.9.2016 AND TILL THE
DISPOSAL OF MAIN APPEAL.**

R.SHEWETH.

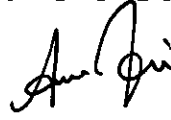
1. That the appellant has filed an appeal along with this application in which no date has been fixed so far.
2. That the grounds of main appeal may also be considered as integral part of this application.
3. That in a similar appeal NO. 979/2016, the withdrawal of promotion order has already been suspended by this august Tribunal, therefore, the appellant also deserves the same treatment.
4. That the appellant has a good prima facie case and all the ingredients are in favour of appellant.
5. That the appellant has been suffered for no fault on his part while the remaining officials are left without punishment. Thus the appellant has been discriminated.
6. That the appellant has enjoyed the status of regular N.T for long 6 years which created rights in favour of appellant and as such the said promotion order can not be so simply withdrawn in violation of law and principles of justice.

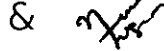
Therefore, it is humbly prayed that the operation of order dated. 9.9.2016 may be suspended till the decision of main appeal. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.



APPELLANT
Ghuncha Gul

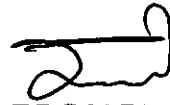
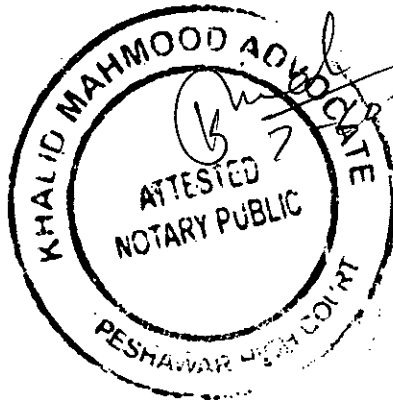
THROUGH:



M.ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,
& 
SYED NOMAN ALI BUKHARI
ADVOCTES, PESHAWAR.

AFFIDAVIT.

It is affirmed that the contents of application are true and correct.



DEPONENT
Ghuncha Gul.

A (8)

OFFICE OF THE DEPUTY DIRECTOR
FEDERAL INVESTIGATION AGENCY
IMMIGRATION AIRPORT PESHAWAR
-PWT-021-0213372

No. Immigration/ 628-29

Dated: 07/09 /2016

To

The Political Agent,
Khyber Agency.

Subject:- APPRECIATION / COMMENDABLE PERFORMANCE

Kindly refer to the subject captioned above.

On 27.08.2016, a pax namely Arshad Mehmood presented his passport for Immigration clearance to constable Khalid Khan at immigration Counter Land Route, Torkham Checkpost for travel to Afghanistan. On feeding the data, it was hit on ECI. (BI.No. 4570/2016), being involved in a murder case i.e FPR No. 229 dated 15.08.2016 of P.S Shalimar Islamabad. Constable Khalid Khan intercepted the accused / P.O and immediately brought the matter into the notice of his Checkpost Incharge ASI Shafiq Azam. As the territorial jurisdiction of FIA Act had not so far been extended to the area falling under FATA, hence the transit custody of the accused was handed over to Tehsildar Torkham.

The accused was involved in a high profile murder case of national concern and Tehsildar Mr. Ghuncha Gul had shown commendable performance in apprehending / handling and ensuring his safe custody. The attempt of the accused to escape was foiled due to his professional attitude. His performance / professional handling of the high profile accused is appreciated.



(TARIQ PERVEZ)
DEPUTY DIRECTOR / FIA
IMMIGRATION PESHAWAR

Copy to Commissioner Khyber Pakhtunkhawa Peshawar.

~~_____~~
ATTESTED

A₁ (8-A)

بسم الله الرحمن الرحيم

سیکٹر ہیڈ کوارٹرسنٹرورسک



تعریفی سند

عہدہ/نام نائب تحصیلدار غنچہ گل
خیبر ایجنسی، بطور خم

نائب تحصیلدار غنچہ گل نے اپنی اعلیٰ صلاحیتوں اور انتھک محنت سے بہت ہی قلیل عرصہ میں بطور خم بارڈر مینجمنٹ میں کامیابی حاصل کی۔
مورخہ 12 جون 2016ء کو بارڈر گیٹ کی تعمیر کے دوران جب افغان بارڈر سکیورٹی فورسز نے اچانک فائر اور بمباری شروع کی تو غنچہ گل اپنی
خاصہ فورس کے ساتھ اگلے محاذ پر یونٹ خیبر رنفلو اور آرمی کے جوانوں کے ساتھ نہ صرف بدستور موجود رہا بلکہ چار روز کی سرحدی
چپقلش میں نہایت بہادری سے افغان فورسز کا مقابلہ کیا اور ان کو ناقابل تلافی نقصان پہنچایا بلکہ بہترین انتظامی قابلیت سے
علاقہ میں موجود سول آبادی بشمول بچہ مینا کے خاندانوں کے محفوظ مقام پر پہنچایا۔

آپ کی اس جواں مردی اور بہادری پر مجھے دلی مسرت ہوئی ہے۔ جس کے لیے آپ شاباش کے حقدار ہے۔ میں امید
رکھتا ہوں کہ آئندہ بھی آپ اس طرح دلی لگاؤ اور جذبے کا مظاہرہ کریں گے۔

بریلیڈیر

سیکٹر کمانڈر سنٹر

(واجہ قیوم پراچہ)

مورخہ: جولائی 2016ء

ATTESTED

B (9)

IN THE COURT OF AHSANULLAH KHAN, SENIOR MEMBER BOARD
OF REVENUE NWFP.

.....

Case No. 128/2009.

Date of Institution 15-9-2009.

Date of Decision 28-9-2009.

Appeal against order No. 4806/APA. Dated 09.09.2009

.....

ORDER

This is an appeal filed by Mr. Ghuncha Gul Political Naib Tehsildar Ambar Mohmand Agency challenging therein FATA Secretariat Order No. 4806/APA, dated 09.09.2009..

2. Facts leading to the case are that the appellant was initially appointed as Junior Clerk / Political Moharrir in the office of Mohmand Agency on 11.06.1999 and because of his excellent and satisfactory performance his name was recommended by Assistant Political Agent Lower Mohmand and he was posted as Political Naib Tehsildar Ambar Mohmand Agency on Acting Charge basis on 09.09.2009. The Political Agent Mohmand Agency also recommended his case to Commissioner Peshawar Division for promotion as Naib Tehsildar who referred his to the Department duly recommended. He was also posted as Political Naib Tehsildar Ambar in his (Own Pay & Scale) by FATA Secretariat.

Since in the SSRC meeting held in May, 2009, the Political Moharrir have been made eligible for promotion / selection as Naib Tehsildar. The said rules are as under active consideration of the Department for issuance of Notification therefore his case seems to be genuine / deserving.

4. Under the circumstances and his meritorious and excellent service available on record his case seems to be genuine. As such, the appeal is hereby accepted and the appellant is hereby appointed as Naib Tehsildar on Acting Charge basis w.e.f 28.09.2009.

ANNOUNCED
28-09-2009


(AHSANULLAH KHAN)
SENIOR MEMBER


ATTESTED

ATTACHED

Senior Member
Board of Revenue NWFP

1. Deputy Secretary (Law & Order) PATA Secretariat Warsak Road Peshawar
2. Political Agent Mohmand Agency
3. Agency Accounts Officer Mohmand Agency
4. Official concerned
5. Personal File
6. Office Order File

Copy to:-

No. 961-66/Admn:V/P:(Ghuncha)

Senior Member
Board of Revenue NWFP

In pursuance of judicial order dated 28.09.2009, the services of Mr. Ghuncha (a Political Naib Tehsildar Amri (Own Pay & Scale) are hereby appointed / promoted on Acting Charge Basis w.e.f. 28.09.2009

No. 960 /Admn:V/P:(Ghuncha)

ORDER



GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT
Dated Peshawar the 18/01/2010

(10)

11

Subject:

**REGULARIZATION AS POLITICAL NAIB TEHSILDAR
(BPS - 14)**

.....

Respectfully submitted.

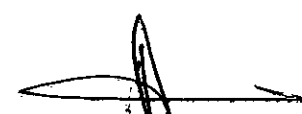
1. That the appellant serving as Political Moharrir for last twelve year, recently he has been posted as Political Naib Tehsildar in his own pay scale vide order bearing No. FS/E/100-57(Vol-7)/9105-14, dated 06.10.2009.
2. That the appellant has spent twelve years as Political Moharrir , when no one was ready to serve in these tribal areas, however I did perform my duties and never hesitated in doing my assigned job.
3. That recently that Senior Member Board of Revenue NWFP has allowed regularization as Political Naib Tehsildar to a number of employees due to their length of service.
4. That my case is identical to those employees, moreover, I have sufficient experience in running the office of Political Naib Tehsildar.

It is therefore, requested that on acceptance of this appeal, I may pleased be treated at par with those employees whose service regularization as Political Naib Tehsildar, and I may also be Regular as Political Naib Tehsildar.

Appellant



**Ghuncha Gul
Political Naib Tehsildar
(Own Pay & Scale)
Mohmand Agency**



ATTESTED

IN THE COURT OF AHSANULLAH KHAN, SENIOR MEMBER.
BOARD OF REVENUE, KHYBER PAKHTUNKHWA.

Case No. 162/2010.
Date of Institution. 16/06/2010.
Date of Decision. 14/07/2010.

Departmental Appeal of Ghuncha Gul Naib Tehsildar (BPS-14) Acting Charge Basis
-----Appellant.

ORDER

This is a Departmental Appeal filed by Ghuncha Gul Naib Tehsildar (BPS-14) on Acting Charge Basis for regularization of his service as Naib Tehsildar (BPS-14) with effect from 18/01/2010.

Brief facts of the case are that the appellant was appointed as Junior Clerk/Political Moharrir in the office of Political Agent Mohmand Agency in the year 1998 and because of his excellent and satisfactory performance his name was recommended by the Political Agent Mohmand Agency to the Commissioner, Peshawar Division for promotion as Naib Tehsildar who referred his case to the Board of Revenue, Khyber Pakhtunkhwa. He was also posted as Political Naib Tehsildar Ambar in his (Own Pay & Scale) by the FATA Secretariat. Since in SSRC Meeting held in May, 2009, wherein the Political Moharrirs had been made eligible for promotion/selection as Naib Tehsildars. The appellant was therefore appointed/promoted as Naib Tehsildar (BPS-14) on Acting Charge Basis by the Board of Revenue, Khyber Pakhtunkhwa on 18/01/2010. Hence the present appeal.

Appellant with counsel present. Arguments heard. The learned counsel while arguing the case contended that the appellant was entitled for ante-date promotion, but was deprived of his rights. In support of his submission he referred to Khyber Pakhtunkhwa Service Tribunal, Peshawar's judgment dated 11/03/2009 passed in case titled "Muhammad Iqbal Khattak APA, Khar Bajaur Agency Versus Government of Khyber Pakhtunkhwa through Secretary Establishment, Khyber Pakhtunkhwa and stressed that the appellant is also entitled for the same benefits i.e. ante-date promotion. The operative part of the said judgment is reproduced below:-

"We accept both the appeals and direct the official respondents to ante-date the promotion of each of the two appellants to the respective dates on which a vacancy became available for the respective turn of the appellant or from the respective dates of their taking charge of such

Handwritten signature
Reader to
Senior Member,
Board of
Khyber Pakhtunkhwa

ATTESTED

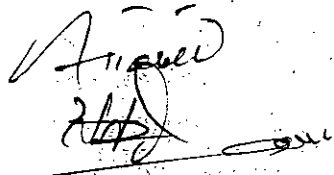
vacancy on officiating/acting charge basis which ever is later"

The learned counsel also placed reliance on 2006-SCMR 1938.

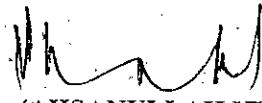
In light of the above, the appeal of the appellant is accepted and the services rendered by the appellant on acting charge basis with effect from 18/01/2010 is to be counted towards regular service and for the purpose of seniority at proper place.

ANNOUNCED:

14/07/2010



Reader to
Senior Member,
Board of Revenue,
Khyber Pakhtunkhwa.



(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE,
KHYBER PAKHTUNKHWA.



ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

PESHAWAR DATED 2/11/2010

E

14

ORDER

No. 21251 /Admn:V/(Ghuncha Gul). In pursuance of Judicial order dated 14.07.2010, passed by the court of Senior Member, Board of Revenue, Khyber Pakhtunkhwa, the services of Mr. Ghuncha Gul Naib Tehsildar (Acting Charge Basis) are hereby regularized with immediate effect.

Senior Member
Board of Revenue Khyber Pakhtunkhwa

No. 21252-56 /Admn:V/(Ghuncha Gul).

Copy to:-

1. Accountant General Khyber Pakhtunkhwa.
2. ✓ Superintending Engineering PESCO Peshawar Circle Peshawar.
3. Official Concerned.
4. Personal File.
5. Office Order File

Senior Member
Board of Revenue Khyber Pakhtunkhwa

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 13/07/2016.

OFFICE ORDER.

No. Estt:V/Revised/S.List/Naib Tehsildar/2015/_____ In compliance of Khyber Pakhtunkhwa Service Tribunal orders dated 15.04.2016 Revised tentative seniority list of Naib Tehsildar is hereby published for information/objection if any of all concerned.


By order of
Senior Member

No. Estt:V/S.List/Naib Tehsildar/2015/18288-303

Copy alongwith a copy of tentative seniority list is forwarded to

- Peshawar*
1. All Deputy Commissioners in Khyber Pakhtunkhwa
 2. Office Order

They are requested to circulate the same amongst the Naib Tehsildars working under your control for information /objection if any within 15 days positively.


Secretary - I

~~ATTESTED~~

16

1

TENTATIVE SENIORITY LIST OF NAIB TEHSILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2015

Name of Naib Tehsildar / Qualification	Date of Birth / Domicile	Date first entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
1. Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	--do--	Appointed as Tehsildar (B-16) on ACB
2. Mr. Farman Ali	04.02.1963 Mardan	16.07.2000	17.06.2006	--do--	Seniority assigned in pursuance of service tribunal order dated 15.04.2016
3. S. Mazhar Hussain Shah (F.A)	07.07.1956 DIKhan	10.05.1976	26.07.2007	--do--	Naib Tehsildar
4. Mr. Faizullah	03.01.1957 Bannu	02.02.1981	26.07.2007	--do--	Seniority assigned in pursuance of service tribunal order dated 15.04.2016
5. Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	13.09.1980	01.01.2008	--do--	--do--
6. Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	Direct	Promoted through Administrative order
7. Mr. Amanullah (Matric)	09.06.1956 Tank	-	29.05.2008	--do--	--do--
8. Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2008	--do--	--do--
9. Mr. Abdur Rashid (Matric)	1958 DIKhan	1987	29.05.2008	--do--	--do--
10. Muhammad Ayub (Matric)	04.11.1960 Tank	18.12.1986	29.05.2008	--do--	--do--
11. Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	Promotee	Naib Tehsildar
12. Mr. Shakir Ullah (MA. MBA)	15.01.1978 Khyber Agency	02.02.2009	02.02.2009	Direct	--do--
13. Mr. Munir Ahmad (MSc)	20.03.1979 SWA	02.02.2009	02.02.2009	--do--	--do--
14. Mr. Rahamd Ullah khan (MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
15. Mr. Imtiaz Ali Shah (MSc)	14.04.1980 Karak	02.02.2009	02.02.2009	--do--	--do--
16. Mr. Khalid Khan (MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	--do--	--do--
17. Mr. Fazli Wadood (BA)	04.04.1982 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
18. Mr. Irshad Ali (MA)	15.03.1978	02.02.2009	02.02.2009	--do--	--do--

ATTESTED

19.	Mr. Amir Nawaz (BSc/MBA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	--do--	--do--
20.	Mr. Shah Wazir (MSc)	30.03.1980 SWA	02.02.2009	02.02.2009	Direct	Naib Tehsildar
21.	Mr. Sikandar Khan (M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	--do--	--do--
22.	Mr. Ishtiaq Ahmad (M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
23.	Mr. Shamsul Islam (MA)	10.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
24.	Mr. Allah Noor (MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	--do--	--do--
25.	Muhammad Ilyas (MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	--do--	--do--
26.	Mr. Yasir Salman Kundi (MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
27.	Mr. Yadullah Khattak (MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	--do--	--do--
28.	Mr. Ahmad Hashmi (B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
29.	Mr. Amin Ullah Khan (BA)	07.06.1977 DIKhan	02.02.2009	02.02.2009	--do--	--do--
30.	Mr. Zahid Younis (M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	--do--	--do--
31.	Mr. Naimat Ullah (Double M.A)	26.04.1973 Dir	02.02.2009	02.02.2009	--do--	--do--
32.	Muhammad Riaz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
33.	Muhammad Yar (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
34.	Mr. Sher Ali Khan (M.A)	13.11.1974 Swat	02.02.2009	02.02.2009	--do--	--do--
35.	Mr. Munawar Shah (M.A)	12.02.1973 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
36.	Mr. Iftikhar uddin (MSc)	05.08.1973 Charsadda	02.02.2009	02.02.2009	--do--	--do--
37.	Mr. Younis Khan (M.A)	15.06.1981 Upper Dir	02.02.2009	02.02.2009	--do--	--do--
38.	Mr. Mujahid Ali (M.A)	19.04.1974 Nowshera	02.02.2009	02.02.2009	--do--	--do--
39.	Syed Abdul Akbar Shah (MSC/M.A)	11.04.1981 Mardan	02.02.2009	02.02.2009	--do--	--do--

ATTESTED

40	Syed Sultan Haider Shah (BA. LLB)	08.12.1972 Peshawar	02.02.2009	02.02.2009	Direct	Naib Tehsildar
41	Mr. Aliab Ahmad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	--do--	--do--
42	Mr. Dil Nawaz Khan (LLB)	22.03.1979 Swabi	02.02.2009	02.02.2009	--do--	--do--
43	Mr. Kifayat Ullah (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	--do--	Removed from service on 26.5.2014
44	Mr. Faqir Hussain (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	--do--	Naib Tehsildar
45	Mr. Zulfiqar Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	--do--	--do--
46	Mr. Waqar Ahmad (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	--do--	--do--
47	Muhammad Faraz Qurashi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
48	Mr. Fazal ur Rehman (M.A)	10.07.1975 Haripur	02.02.2009	02.02.2009	--do--	--do--
49	Mr. Farukh Jadoon (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
50	Mr. Fayaz Ahmad (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
51	Mr. Bilal Ahmad (BA. B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	--do--	--do--
52	Mr. Tanveer Shahzad (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	--do--	--do--
53	Mr. Ejaz Ahmad (M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
54	Muhammad Salim (BSC)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
55	Mr. Sajid Saleem (MA Political Science)	01.04.1978 Tank	06.11.1996	10.02.2009	Promotee	Promoted through Administative order of SMBR
56	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Dismissed from service on 23.7.2014
57	Mr. Tanzil-ur-Rehman (BA)	13.02.1988 NWA	14.04.2009	14.04.2009	--do--	Naib Tehsildar
58	Mr. Abdul Qayum (FA)	24.04.1974 Kohistan	27.12.1993	02.05.2009	Promotee	--do--
59	Mr. Roohul Amin (Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	--do--	--do--

60.	Mr. Qanoos Khan (BA)	14.02.1962 Kohat	01.07.1991	02.05.2009	Promotee	Naib Tehsildar
61.	Mr. Latif-ur-Rehman (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
62.	Mr. Jehan Wali (FA)	01.02.1957 Shangla	01.03.1978	02.05.2009	--do--	--do--
63.	Mr. Amir Zarin (Matric)	06.08.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
64.	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	--do--	--do--
65.	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	02.05.2009	--do--	--do--
66.	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992	02.05.2009	--do--	--do--
67.	Mr. Abdur Rashid (MSC)	05.01.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
68.	Mr. Ahmad Ali M.A (B.Ed)	17.04.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
69.	Mr. Faramosh Khan (BA)	01.12.1957 Bajaur	26.11.1975	12.05.2009	--do--	Promoted through Administrative order of SMBR,
70.	Mr. Abdul Haseeb (Matric)	01.09.1959 Bajaur	18.02.1977	12.05.2009	--do--	--do--
71.	Mr. Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	Naib Tehsildar
72.	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	--do--
73.	Mr. Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	--do--	--do--
74.	Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	02.06.2009	--do--	--do--
75.	Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	--do--	--do--
76.	Mr. Zafar Iqbal (B.A. L.L.B)	25.02.1963 Kohat	02.04.1987	02.07.2009	--do--	--do--
77.	Mr. Nawab Gul (M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	--do--	--do--
78.	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	Promotee	--do--
79.	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
80.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--

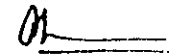
81.	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	Promotee	Naib Tehsildar
82.	Sardar Yousaf (BA)	15.03.1959 Bajaur	22.02.1978	17.09.2009	Promotee	Promoted through Administrative order of SMBR.
83.	Mr. Saz Muhammamd (BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
84.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
85.	Mr. Muhammd Saeed (FA)	Peshawar		30.09.209	--do--	--do--
86.	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
87.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
88.	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
89.	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
90.	Mr. Dildar Khan (BA)	15.05.1975 Abbottabad	01.09.2003	25.06.2010	--do--	--do--
91.	Mr. Sardar Ghulam Murtaza FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	--do--	Promoted through PHC Decision
92.	Syed Musadiq Hussain (MA. Arabic)	27.10.1962 Hanug	15.03.1980	23.07.2010	--do--	Promoted through Administrative order of SMBR,
93.	Mr. Fazle-Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	--do--
94.	Mr. Haq Nawaz (Matric)	03.07.1960 DIKhan		02.09.2010	--do--	--do--
95.	Mr. Gohar Zaman (FA)	20.04.1965 DIKhan		02.09.2010	--do--	--do--
96.	Mr. Anwar Hussain (FA)	23.03.1972 Kohat		15.10.2010	--do--	--do--
97.	Mr. Ghuncha Gul (C.com)	24.04.1967 Mohmand	22.12.1998	20.11.2010	--do--	--do--
98.	Mr. Abdul Jalil (MA)	15.01.1964 SWA		04.11.2010	--do--	--do--
99.	Mr. Muhammad Amin (Matric)	19.06.1957 Swat	06.04.1981	08.11.2010	--do--	--do--
100.	Mr. Kamailstan (Matric)	01.04.1958 Swat	06.04.1981	08.11.2010	--do--	--do--

ET

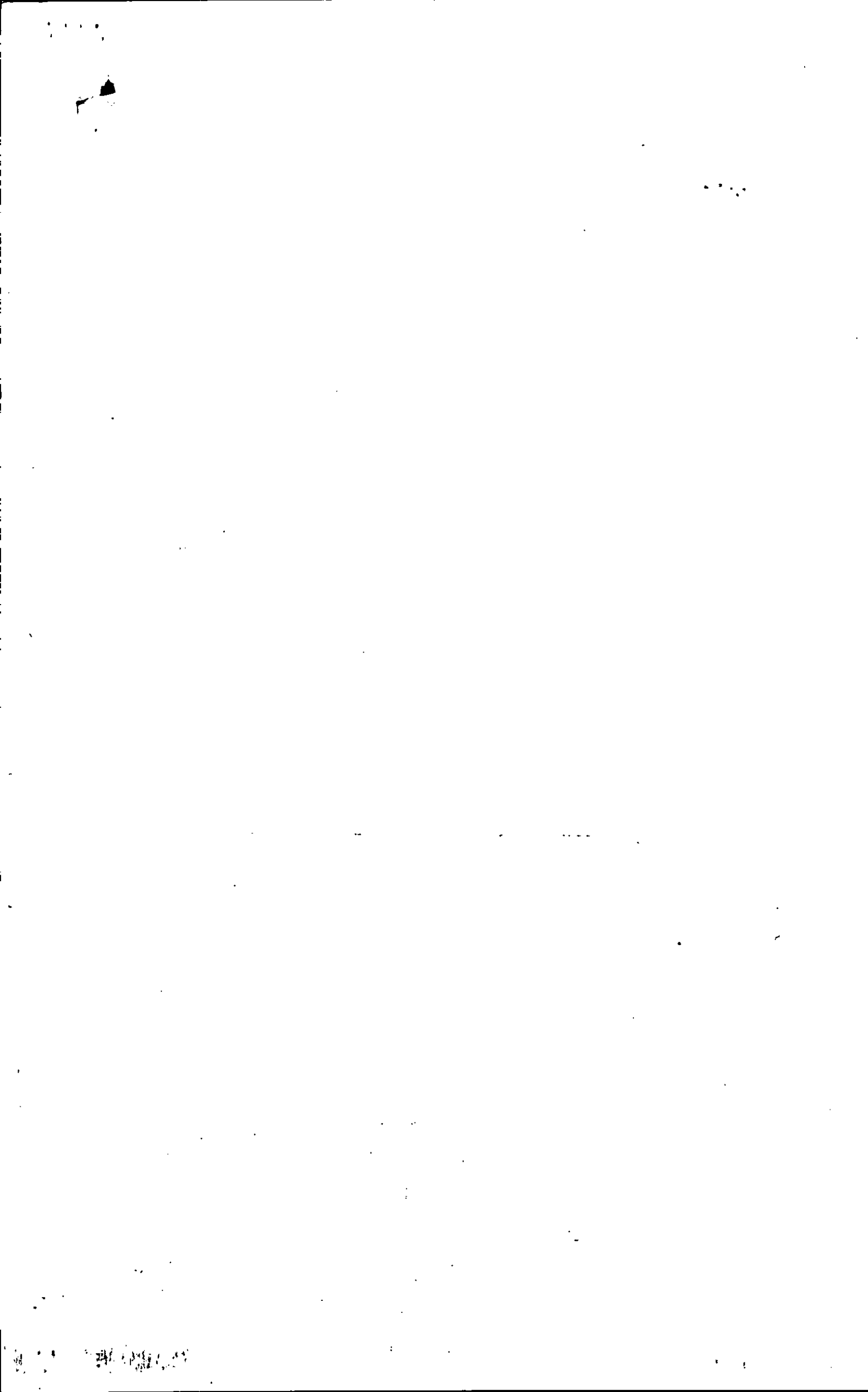
18

ATTESTED

101.	Mr. Hazrat Yousaf (MA)	06.04.1959 Battagram	01.01.1977	11.11.2010	Promotee	Naib Tehsildar
102.	Mr. Haqdad Khan (F.A)	01.09.1956 Bannu	22.04.1981	27.05.2015	--do--	--do--
103.	Mr. Abdul Salam (FA)	04.11.1981 Lakki Marwat	01.09.2004	27.05.2015	--do--	--do--
104.	Mohammad Khan (FA)	06.02.1980 Mardan	24.04.2008	27.05.2015	--do--	--do--
105.	Mohammad Naeem (BA)	02.02.1961 Abbottabad	15.04.1985	27.05.2015	--do--	--do--
106.	Mr. Jehan Ali (FA)	05.03.1962 Malakand	11.08.1993	27.05.2015	--do--	--do--
107.	Mr. Adam Khan (Matric)	03.06.1956 Dir Lower	01.10.1980	27.05.2015	--do--	--do--
108.	Mr. Bakht Jehan (MA)	15.03.1964 Dir Lower	05.06.1986	27.02.2015	--do--	--do--
109.	Mr. Alamzeb (Matric)	20.04.1959 Dir Lower	01.06.2006	27.05.2015	--do--	--do--
110.	Mr. Nisarullah (Matric)	01.11.1959 Mardan	04.11.1984	27.05.2015	--do--	--do--
111.	Mr. Inayatullah (BA)	27.09.1958 Bannu	12.02.1982	21.08.2015	--do--	--do--
112.	Mr. Rashid Khan (FA)	19.03.1958 Bannu	28.11.1982	21.08.2015	--do--	--do--


Secretary - I


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 7/09/2016

61
22

ORDER

No. Estt:V/PF/(Guncha)/ 22680 Whereas, Mr. Guncha Gul was appointed as Naib Tehsildar on 28.09.2009 on acting charge basis through Administrative order.

AND WHEREAS, he was regularized as Naib Tehsildar through an administrative order dated 14.07.2010 without holding of Departmental Promotion Committee meeting.

NOW THEREFORE, in pursuance of order passed by the Senior Member, Board of Revenue on 01.09.2016 the promotion / regularization order dated 28.09.2009 and order dated 14.07.2010 read with notification bearing No. 21251-56/Admn:V/(Guncha Gul), dated 02.11.2010 being made in violation of Service Rules and instructions governing promotions is withdrawn with immediate effect.

By Order of
Senior Member

No. Estt:V/PF/(Guncha)/ 22691-94

Copy forwarded to the:-

1. Commissioner, Peshawar Division.
2. Political Agent, Mohmand Agency.
3. Agency Accounts Officer, Mohamand.
4. Official concerned.


Assistant Secretary (Estt)


ATTESTED

H
2 (23)

To:-

Office: 8408
Date: 19-9-2016

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.

Subject: - APPEAL AGAINST THE IMPUNGED ORDER DATE 09.09.2016,
WHERE BY REGULARIZATION ORDER DATED 14.07.2010 VIDE
CASE NO.162/2010 WITHDRAW WITH IMMEDIATE EFFECT.

R/sir,

Ghuncha Gul, Political Naib Tehsildar submits most respectfully the following for your kind consideration and favor of acceptance.

That the appellant was initially selected and appointed as Political Muharrir in the office of the Political Agent, Mohmand Agency in the year 1998.

That the appellant was posted as Political Naib Tehsildar Ambar Mohmand Agency in his own pay scale vide FATA Secretariat order No.FS/E/100-57(Vol-7)/9105-14 Dated 06.10.2009, on the recommendations of Political Agent, Mohmands at Ghallani. The appellant is serving to the department with the utmost satisfaction of his superiors. The appellant has not been served any adverse remarks nor any sort of complaint till date.

That the case of the appellant was recommended by the Political Agent, Mohmand Agency to the Commissioner Peshawar Division vide letter No.4495/Acctt dated 29.09*.2009 who recommended his case to the Board of Revenue.

That under the circumstances and his meritorious and excellent service available on record the appellant was appointed as Naib Tehsildar on Acting Charge basis w.e.f 28.09.2009.

That, the appeal of the appellant was accepted vide order No. 162/2010 Dated 14.07.2010 and the service of the applicant was regularized w.e.f.18.01.2010. The name of the appellant was placed in the seniority list of Naib Tehsildar.

The applicant received a notice dated 21.06.2016 issued by the Board of Revenue to appear before the SMBR on 23.06.2016. The court was attended by the appellant.

That surprisingly, instead of withdrawal the applicant was served with order dated 09.09.2016, whereby the order dated 14.07.2010 was cancelled on the basis of unlawful promotion.

That the service of the applicant were regularized through order dated 18.01.2010 passed an appeal vide 162/2010 by SMBR, KPK. That the appellant has served more than 07 years as Naib Tehsildar and has been served the deptt: to his utmost satisfaction of his superiors.

It is therefore, most respectfully requested that by accepting this appeal, the order dated 09.09.2016, issued by SMBR may kindly be cancelled/set aside.

SMBR
19/9

Your Obedient Servant,

(Ghuncha Gul,)
Naib Tehsildar Khyber Agency.

Dated: 18-09-2016



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

"I"

(29)

NOTE FOR CHIEF SECRETARY

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER DATED 09.09.2016
WHEREBY REGULARIZATION ORDER DATED 14.07.2010 VIDE CASE
NO. 102/2010 WITHDRAWN WITH IMMEDIATE EFFECT

Attention is requested to representation filed by Mr. Ghuncha Gul, Ex- Political
Naib Tehsildar, Khyber Agency (Annexure - A).

Parawise comments are as under:-

1. Pertains to record.
2. Correct to the extent that the appellant was posted as Naib Tehsildar in (OPS) by FATA Secretariat.
3. Correct to the extent that his case was sent to Board of Revenue by Commissioner, Peshawar Division for appointment as Naib Tehsildar in (OPS).
4. Correct to the extent that the appellant was promoted / appointed as Naib Tehsildar on Acting Charge Basis by the then SMBR on 28.09.2009 through Administrative Order in adopting proper procedure and against the rules. service conditions of official and not for out of turn promotion.
5. Incorrect. Departmental Appeal against the order that effect the promotion.
6. Correct. As his promotion as Naib Tehsildar was made through Administrative Order in contravention of rules. Therefore, he was put on notice to explain his illegal promotion.
7. Incorrect. His reply to the notice was examined and found unsatisfactory therefore his illegal promotion order was withdrawn by the Competent Authority on 09.09.2016.
8. Incorrect. As his promotion was made through Administrative Order which does not cover the provision of Khyber Pakhtunkhwa Civil Servants (Appointment and Transfer) Rules 1989.
9. The reversion order dated 09.09.2016 is in accordance with rules.
3. It is requested that the appeal having no merit may be rejected.

AC Khyber Pakhtunkhwa
No. 3790
Date 5/10/2016

Date: 15/11/16

Senior Member

~~ATTESTED~~

Better copy

Page (24)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

NOTE FOR CHIEF SECRETARY

SUBJECT: APPEAL AGAINST THE IMPUNGED ORDER DATED 09.09.2016 WHEREBY REGULARIZATION ORDER DATED 14.07.2010 VIDE CASE NO. 160/2010 WITHDRAWN WITH IMMEDIATE EFFECT

Attention is requested to representation filed by Mr. Ghuncha Gul, Ex- Political Naib Tehsildar, Khyber Agency (Annexure - A).

Parawise comments are as under:-

1. Pertains to record.
2. Correct to the extent that the appellant was posted as Naib Tehsildar in (OPS) by FATA Secretariat.
3. Correct to the extent that his case was sent to Board of Revenue by Commissioner, Peshawar Division for appointment as Naib Tehsildar in (OPS).
4. Correct to the extent that the appellant was promoted / appointed as Naib Tehsildar on Acting Charge Basis by the then SMBR on 28.09.2009 through Administrative Order without adopting proper procedure and against the rules.
5. Incorrect. Departmental Appeal is filed against the order that effect the terms and service conditions of an official and not for out of turn promotion.
6. Correct. As his promotion as Naib Tehsildar was made through Administrative Order in contravention of rules. Therefore, he was put on notice to explain his illegal promotion.
7. Incorrect. His reply to the notice was examined and found unsatisfactory therefore his illegal promotion order was withdrawn by the Competent Authority on 09.09.2016.
8. Incorrect. As his promotion was made through Administrative Order which does not cover the provision of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) Rules 1989.
9. The reversion order dated 09.09.2016 has been issued in accordance with rules. Therefore it is requested that the appeal having no legal footing may be rejected.

Chief Secretary

ATTESTED

Senior Member

3. Examine please. FOR VIEWS/ COMMENTS PLEASE.

25

PS70 SECY: ESTAB
DATED 6/18/2016

Secretary Establishment

SSE
ASE
SOE-I

SOP-IV

Draft note added pl

3
6/18

Saul
06/18/16

~~DSR-III~~

AB(R) on Training
Spl: Secretary Regulation

S-O Rec-IV
ASGAD, Diary No. 7/1/16
06/19/16

3790
6-10-16

ASB-III BOARD
Diary No. 6/2/16
Date 6/10/16

Diary No. 1877
Dated 6/10/16

~~ATTESTED~~

5. Note for Chief Secretary, Khyber Pakhtunkhwa submitted by Revenue Department in connection with departmental appeal of Mr. Ghuncha Gul, Junior Clerk/Political Moharrir (Annex-A), against the order dated 09.09.2016 wherein orders dated 18/1/2010 & 02/11/2010 (Annex-B & C) were withdrawn, has been examined.

6. It is found that:

- a. the appellant was promoted by the former SMBR through an administrative order exercising powers of Revenue Court who has no jurisdiction to process service matters.
- b. Appointment by promotion is required to be made in the prescribed manner under the relevant rules.
- c. Promotion from respective category was to be made on "seniority- Cum- fitness basis with five years' service".
- d. promotion is always made on the recommendation of Competent Forum/ Departmental Promotion Committee.

7. Since, the prescribed method for promotion had not been adopted, therefore, the promotion order was without lawful authority. The Administrative department has rightly withdrawn the said order.

8. Establishment Department supports the proposal of administrative department contained in para-3 of the Note.

(Mian Muhammad)
Special Secretary (Regulation)
Establishment Department
October 20, 2016

Chief Secretary
Khyber Pakhtunkhwa

As proposed
[Signature]
6/10/16

~~ATTESTED~~

2455
6.10.16

27

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: V/PF/Ghuncha Gul/124481

Peshawar dated the 06/10/2016

To

Mr. Ghuncha Gul,
Political Naib Tehsildar.

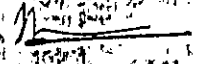
Through

Political Agent, Khyber Agency.

SUBJECT:

APPEAL AGAINST THE IMPUGNED ORDER DATED 09.09.2016
WHEREBY REGULARIZATION ORDER DATED 17.07.2010 IN CASE
NO. 160/2010 WITHDRAWN WITH IMMEDIATE EFFECT.

Reference your appeal dated 18.09.2016 on the subject has been examined
and rejected by the appellate Authority.


Secretary - I



VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P.K Service Tribunal, Peshawar

Guncha Gul

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Deptt


(Respondent)
(Defendant)

I/We, Guncha Gul


Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

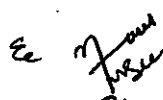

Guncha Gul
(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)


S. Joman Ali Bulehawi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1044/2016

Ghuncha Gul Naib TehsildarAppellant

VERSUS

Chief Secretary and othersRespondents

PRELIMINARY OBJECTIONS.

1. That the appellant has no cause of action or locus standi.
2. That the appeal is bad for non- joinder and mis- joinder of unnecessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. The appellant has not come to the Tribunal with clean hands.
5. That the appeal is not maintainable in its present form.

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

RESPECTFULLY SHEWETH.

ON FACTS

1. Pertains to record of the office of Political Agent Mohmand Agency.
2. Pertains to record, needs no comments.
3. Incorrect. Departmental appeal is filed against order that effect the terms and conditions of an official and not for out of turn promotion. Beside, at that time there was no provision in the Service Rules for promotion of Political Muharrir to the post of Naib Tehsildar.
4. As in para – 3 above, the Senior Member Board of Revenue has no authority to regularize the services of an official in judicial capacity without adopting proper procedure i.e holding of Departmental Promotion Committee meeting as well as other formalities.
5. Incorrect. The name of the applicant has been included in the seniority list but in the column of remarks it has clearly been mentioned that his promotion was made through Administrative order without proper procedure.
6. Incorrect. The illegal promotion order of the appellant was rightly withdrawn by the Competent Authority on 09.09.2016 and departmental appellate authority has rightly been dismissed his Departmental appeal.
7. Appeal of the appellant is not maintainable.

GROUND

- A. Incorrect. The order dated 09.09.2016 and 06.10.2016 is according to law and rules.
- B. Incorrect at the time of promotion of the appellant there was no provision in service rules for promotion of Political Muharrirs to the post of Naib Tehsildar.

- C. Incorrect. As his promotion order was made through Administrative Order without proper procedure, therefore illegal and void order can any time be withdrawn.
- D. Incorrect. As his promotion was made through an illegal order therefore the appointing authority / Competent Authority has rightly withdrawn his illegal promotion order.
- E. Incorrect. Director Land Record and Secretary – I Board of Revenue has no authority of agreement with the illegal promotion order of the appellant.
- F. Incorrect. In the seniority list of Naib Tehsildar it has clearly been mentioned that he has been promoted through Administrative order which means that his promotion was made through an illegal order which does not cover under the rules and rightly been withdrawn.
- G. Incorrect. The illegal order was withdrawn after observing all legal formalities and according to law / rules.
- H. Incorrect. No discrimination has been done with the appellant. As his promotion was not made under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 which was rightly withdrawn.
- I. Incorrect. There was no (E&D) proceedings but the question involve in the promotion order that has not been issued under the provision of Appointment Promotion and Transfer Rules.
- J. Incorrect. The appellant was treated in accordance with law / rules.
- K. The respondent shall also seek permission to advance additional grounds at the time of hearing.

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

9.1 / 1.12 29/11/2016
Respondent No. 1 & 2


Respondent No. 4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1044/2016

Ghuncha Gul Naib TehsildarAppellant

VERSUS

Chief Secretary KPK and others.....Respondents

COMMENTS ON BEHALF OF RESPONDENT NO. 1 AND 2 ARE AS UNDER: -

1. No comments.
2. Facts and ground of appeal cannot be considered as part of stay application.
3. Every case hearing different grounds and facts.
4. Incorrect. Balance of ~~convince~~ ^{convenience} is in favour of Respondent.
5. Incorrect. All of his colleagues have already been reverted to their original positions.
6. Incorrect. Illegal and void order can any time be reviewed / withdrawn.

Keeping in view the above, stay application having no legal ground may be rejected.

Handwritten signature and date
Respondent No. 1 & 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1044/2016

Ghuncha Gul, Naib Tehsdildar.....Appellant

VERSUR

Senior Member Board of Revenue, Khyber Pakhtunkhwa & 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

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

Service Appeal No. 1044/2016

Ghuncha Gul

VS

Chief Secretary KPK etc:

REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Para-1 of the appeal is admitted by the respondent's department, as a service record of the appellant in the custody of the respondent's department.
2. Para-2 of the appeal is admitted by the respondent's department, as a service record of the appellant in the custody of the respondent's department.
3. Incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant has properly filed departmental appeal and on the acceptance of the departmental appeal by SMBR as secretary of the revenue department passed order for the regularization of the appellant as Naib Tehsildar and the department shows discriminatory attitude towards the appellant by withdrawal of order because there is some other official which were also promoted and regularized from the post of Junior clerk/political moharrar to the post of Naib Tehsildar but the said official were not reverted and they still working and got promotion to the next higher post.
4. Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant has properly filed departmental appeal and on the acceptance of the departmental appeal by SMBR as secretary of the revenue department passed order for the regularization of the appellant as Naib Tehsildar and the

- J. Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal, of the appellant.
- K. Legal.

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

APPELLANT

Through:

**(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,**

**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.**

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.



DEPONENT

ATTESTED
Oath Commissioner
Zafior Khan Advocate
Distt: Court Peshawar

10 APR 2017

Service Appeal No 1044/2016

2 جناب
بنام

بنام

VS

Chief Secretary

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Ghuncha Gul

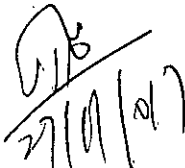
20/17

لو صبر

ماہ

27

المرقوم



العہدہ

کے لئے منظور ہے۔

مقام

