

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	19.09.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No. 1326/2013</p> <p style="text-align: center;">Date of Institution ... 04.09.2013 Date of Decision ... 19.09.2017</p> <p>Muhammad Shoaib, Naib Tehsildar (BPS-14), Kohat. Appellant</p> <p style="text-align: center;">Versus</p> <p>1. The Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar and 133 others..... Respondents</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - This single/common judgment shall also dispose of Service Appeals filed by the appellant Muhammad Shoaib (1) bearing No. 1327/2013, (2) 1328/2013 and (3) 1329/2013 being identical in nature, arising out of the same law, facts, and circumstances.</p> <p>2. Appellant with counsel present. Learned Deputy District Attorney on behalf of officials respondents present. Private respondents No. 27, 29, 31, 42, 43, 121, and 123 present.</p> <p>3. The appellant Muhammad Shoaib has filed the present appeal bearing No. 1326/2013 u/s 4 of Service Tribunal Act 1974 against</p>

the official respondents and private respondents, wherein he made impugned the seniority list of Naib Tehsildars pertaining to the year 2011 and the order dated 02.08.2013 whereby departmental appeal/representation of the appellant against the impugned seniority list was decided/regretted.

4. In appeal bearing No. 1327/2013 the appellant has also made impugned seniority list of Naib Tehsildars dated 31.12.2012.

5. In service appeal bearing No. 1328/2013 the appellant has also made impugned promotion order dated 04.06.2013 to the post of Tehsildars.

6. In appeal bearing No. 1329/2013 the appellant has also made impugned the promotion order dated 18.06.2013 to the post of Tehsildar.

7. Learned counsel for the appellant argued that the Senior Member Board of Revenue Khyber Pakhtunkhwa while relying upon the circular letter bearing No. SOR-II (S&GAD) 1(27)/86 dated 18.6.1989 issued by the Khyber Pakhtunkhwa S&GAD (Regulation Wing) correctly ordered that the service rendered by the appellant on adhoc basis w.e.f 10.04.2001 to 01.06.2009 shall be counted towards regular service as well as for the purpose of seniority and consequently the seniority of the appellant was fixed at Sr. No. 6 in the seniority list of 2009. Further argued that the appellant has not been treated in accordance with law as the order of Senior Member Board of Revenue dated 11.11.2009 was not acted upon and in the impugned seniority list the appellant was placed at

Demir

Sr. No. 140. Further argued that the appellant has not been treated in accordance with law and has been discriminated against, hence the respondent department may be directed to place the appellant at proper place of seniority list in accordance with the order of Senior Member Board of Revenue dated 11.11.2009.

8. On the other hand learned Deputy District Attorney while opposing the present appeal argued that the order dated 11.11.2009 of Senior Member Board of Revenue Khyber Pakhtunkhwa whereby he ordered the temporary/adhoc service of the appellant as Naib Tehsildar to be counted towards regular service as well as for the purpose of seniority is illegal and void ab initio. Further argued that Senior Member Board of Revenue who passed the order dated 11.11.2009 is required to the NAB authorities due to his corrupt practices. Further argued that in terms of section 8 (4) Khyber Pakhtunkhwa Civil Servants Act 1973 seniority in a post, service or cadre to which a civil servant is promoted shall effect from the date of regular appointment to that post and since the appellant was appointed as Naib Tehsildar on regular basis on 2.6.2009 hence his regular service shall be counted for the purpose of seniority w.e.f 2.6.2009. Private respondents also opposed present appeal.

9. Arguments heard. File perused.

10. The appellant being a Junior Clerk was promoted/selected as Naib Tehsildar purely on temporary basis till the arrival of nominees of KP Public Service Commission vide order dated 10.04.2001. The appellant was then promoted as Naib Tehsildar on regular basis with

D. P. 11/12

immediate effect vide order dated 02.06.2009. The appellant instituted petition before the Senior Member Board of Revenue Khyber Pakhtunkhwa, for counting his temporary/adhoc service w.e.f 10.04.2001 to 01.06.2009 for the purpose of seniority, who while accepting the petition vide order dated 11.11.2009 directed that the services rendered by the appellant on adhoc basis w.e.f 10.04.2001 to 01.06.2009 shall be counted towards regular service as well as for the purpose of seniority and then in the seniority list of Naib Tehsildar pertaining to the year 2009 the name of the appellant was placed at Sr. No. 6. However in the seniority list of Naib Tehsildars pertaining to the year 2011 the name of the appellant was placed at Sr. No. 140 and this led the appellant to file departmental appeal/representation which departmental appeal/representation was regretted hence the present appeal before this Tribunal by the appellant.

11. The circular bearing No. SOR II (S&GAD) 1(27)/86 dated 18.6.1989 relied upon by learned counsel for the appellant perused wherein nothing of any sort is mentioned to the effect that the temporary service rendered by Civil Servant shall be counted towards regular service as well as for the purpose of seniority rather the same circular pertains to a clarification that there is no bar on the adhoc service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided there has been no break between adhoc and regular appointment.

Dr. Amin

12. According to section 8 (4) Khyber Pakhtunkhwa Civil Servants Act 1973 seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.

13. It is not the case of the appellant that he was entitled for antedated promotion w.e.f 10.04.2001 when he was appointed as Naib Tehsildar on purely temporary basis.

14. In the light of above the appellant could not make out his case for the indulgence of this Tribunal. Consequently the present appeal alongwith the connected appeals mentioned in para-1 of the judgment are hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(GUL ZEB KHAN)
MEMBER


ANNOUNCED
19.09.2017

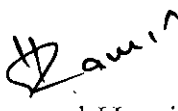
19.09.2017

Appellant with counsel present. Learned Deputy District Attorney on behalf of official respondents present. private respondents No. 27, 29,31,42,43,121 and 123 present. Vide separate judgment of today of this Tribunal placed on file, the present appeal alongwith the connected appeals mentioned in para-1 of the judgment are hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

19.09.2017


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

09.08.2017

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 1 & 2 and counsel for private respondents No. 27, 29, 31, 42, 43, 121 & 123 present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 18.08.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)

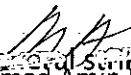


(Muhammad Hamid Mughal)
Member (J)

18.08.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 & 2 and counsel for private respondents No. 27, 29, 31, 42, 43, 121 and 123 present. Learned Deputy District Attorney seeks adjournment to produce copy of order dated 10.04.2001 whereby the appellant was allegedly appointed as Naib Tehsildar on adhoc basis. To come up for record/notification and arguments on 07.09.2017 before D.B. Till then status-quo be maintained.

07/09/2017



(Muhammad Amin Khan Kundi)



(Muhammad Hamid Mughal)

Members (J)



07/09/2017

Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 19/09/2017 before DB.



MUHAMMAD HAMID MUGHAL
MEMBER

15.03.2017

Appellant in person and Adll: AG alongwith Mr. Muhammad Ibrar, Assistant Secretary for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on 28.04.2017 before D.B. Till then status-quo be maintained with respect to DPC.



(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

28.04.2017

Counsel for the appellant, Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, Government Pleader for official respondents No. 1 to 3 and counsel for private respondents No. 27, 29, 31, 42, 43, 121 & 123 present. Counsel for other private respondents is not in attendance. Adjourned for final hearing to 19.07.2017 before D.B. Till then status-quo be maintained with respect to DPC.


Member


Chairman

19.07.2017

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 also present. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.08.2017 before D.B. Till then status-quo be maintained with respect to DPC.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

1326/2013

M. Shoaib vs Govt

30.11.2016

Counsel for the appellant, Mr. Mukhtiar Ali, Superintendent alongwith Additional AG for official respondents No. 1 to 3 and Mr. Taimoor Khan, Junior to counsel for private respondents present. Junior to counsel for private respondents stated that learned senior counsel for private respondents is busy in the Hon'ble Peshawar High Court, Peshawar. He requested for adjournment. Adjournment granted. To come up for arguments on 15-2-17 before D.B. Till then status-quo be maintained with respect to DPC.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

15.02.2017


Counsel for the appellant, Mr. Muhammad Jan, GP alongwith Mr Muhammad Ibrar, Asst: Secretary and Counsel for private respondents No. 7 and 8 present. Counsel for private respondents No. 7 and 8 requested for adjournment. Request accepted. To come up for arguments on 15.03.2017. Till then status-quo be maintained with respect to DPC.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

04.04.2016


Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: AG for official respondents No. 1 & 2 present. The learned Member (Executive) is on leave therefore, Bench is incomplete. To come up for arguments on 21-7-16 before D.B.


Member

21.07.2016


Appellant in person and Addl: AG for respondents present. Appellant requested for adjournment. Adjournment granted. To come up for arguments on 19.09.2016.


Member


Member

19.09.2016

Counsel for the appellant, Addl. AG for official respondents and Mr. Muhammad Asif Yousafzai counsel for private respondents present. Learned Addl. AG requested for time to produce before the court notification on next date. Request accepted. To come up for further proceedings on 30-11-16.


Member


Member

1326/13

26.02.2015

Counsel for the appellant, Mr. Mukhtiar Ali, Supdt. for respondent No. 2 alongwith Addl: A.G for official respondents No. 1 and 2, private respondent No.43 with counsel and counsel for private respondent No. 52 present. Requested for adjournment. Last chance granted for submission of written reply for 10.06.2015.


Chairman

10.06.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents No. 1 to 2 present. Fresh Wakalat Name on behalf of private respondent No. 52 submitted. Counsel for private respondents No. 43 and 52 present, however, written reply not submitted despite last chance. The respondents may submit the same within 7 days. The appeal is assigned to D.B for rejoinder and final hearing for 11.11.2015.


Chairman

11.11.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on

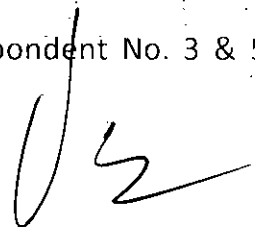
4-4-2016.


Member


Member

09.09.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 & 2 present, who already filed written reply. Private respondent No. 43 with Mr. Muhammad Asif Yousafzai, Advocate/counsel for private respondents No. 27, 19, 31, 42, 43, 121 & 123 present and written reply filed. Copy handed over to the learned counsel for the appellant. Junior to counsel for private respondent No. 3 and private respondent No. 55 with counsel present and requested for time. To come up for written reply of respondent No. 3 & 55 on 30.10.2014.



MEMBER

30.10.2014

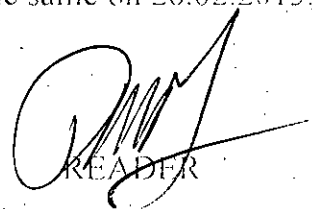
Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 and 2 and Mr. Muhammad Asif Yousafzai, Advocate for private respondents No. 27, 29, 31, 42, 43, 121 and 123 with private respondent No. 43 present, who already filed written reply. Junior to counsel for private respondent No. 3 and Arbab Saiful Kamal Advocate for respondent No. 55 present and requested for time. To come up for written reply of private respondents No. 3 and 55 on 22.12.2014.



MEMBER

22.12.2014

Counsel for the appellant and Mr Muhammad Jan, GP, with Mukhtiar Ali Supdt for the official respondents present. The Tribunal is incomplete. To come up for the same on 26.02.2015.



READER

1326/2013

6.05.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 & 2 present and reply filed. Private respondent No.3 with Syed Shahid Shah, Advocate/counsel present and Wakalatnama placed on file, Mr. Muhammad Asif Yousafzai Advocate for respondents No. 27, 29, 31, 42, 43, 121, & 123 present and Wakalatnama placed on file, Mr. Saadullah Khan, Advocate, counsel for private respondent No. 55 present and Wakalatnama placed on file, Son/attorney of private respondent No. 32, respondents No. 18, 19, 20, 39, 50, 52, 62, 117, 126, in person present and requested for further time. None is available on behalf of other private respondents, despite proper service through proclamation in Daily Aaj dated 8.4.2014, hence they are placed ex-parte. To come up for written reply on 23.6.2013.


MEMBER


MEMBER

23.6.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 & 2 present who already filed written reply. Reply of respondent No. 117 received by post. Syed Shahid Shah, Advocate/counsel for respondent No. 3, Mr. Muhammad Asif Yousafzai, Advocate/counsel for private respondents No. 27, 29, 31, 42, 43, 121 & 123, Mr. Saadullah Khan, Marwat Advocate/counsel for private respondent No. 55 present and requested for further time. None is available on behalf of other private respondents, hence placed ex-parte. To come up for written reply on 09.09.2014.


MEMBER

Appeal No. 1326/2013
Mr. Muhammad Shereef

04.12.2013

Appellant with counsel present. Preliminary arguments heard and record perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The impugned rejection order dated 02.08.2013 has been issued in violation of Rule-5 of the Civil Servants (appeal) Rules 1986. He further contended that the seniority list as stood on 31.12.2011 was issued arbitrarily without issuing any prior notice to the appellant. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 20.02.2014.

Appellant deposited
process fee & security
of Rs. 4700/- Bank Receipt
attached with file
(in no. 1326, 1327/13)

Member

04.12.2013

This case be put before the Final Bench for further proceedings.

Chairman

20.2.2014


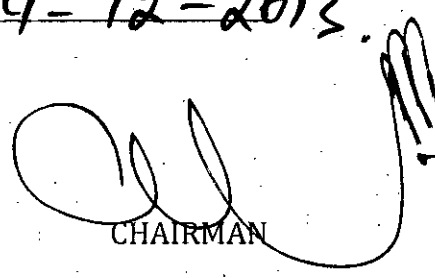
Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents present and needs time. Private respondents No. 3, 5, 27, 29, 30, 31, 32, 36, 37, 39, 40, 41, 42, 43, 50, 56, 69, 85, 86, 99, 114 and 117 in person present and need time. None is available on behalf of other respondents. Since number of respondents is large, counsel for the appellant requested for proclamation in a newspaper. Request is accepted and respondents be served through a leading newspapers of the province. To come up for written reply of all the respondents on 6.5.2014.

MEMBER

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1326 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/09/2013	<p>The appeal of Mr. Muhammad Shoaib resubmitted today by Mr. Muhammad Zafar Tahirkheli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	17-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>


The appeal of Mr. Muhammad Shouaib Naib Tehsildar Kohat received today i.e. on 04/09/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondents Nos. 8, 21, 26, 27, 28, 37, 38, 39, 42, 45, 46, 48, 50, 59, 74, 75, 77, 78, 84, 87, 89, 92, 95, 107, 110, 122, 128 to 131 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Heading of the appeal is incomplete which may be completed.
- 3- 136 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

49
sets

No. 1250 /S.T.

Dt. 4/9 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.M.Zaffar Tahirkheli Adv. Pesh.

The addresses of respondents have been completed. The heading of the appeal has also been completed. 49-sets of appeal has been submitted, the remaining would be submitted after preliminary hearing. The appeal has been completed and re-submitted with the request for fixation before primary bench.

g/h
f.u.
10-09-13

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1326/2013

Muhammad Shoaib

VERSUS

Govt of K.P etc

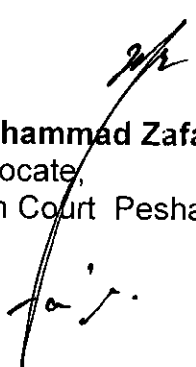
=====

I N D E X

=====

S.No	Particulars	Annexure	Dates	Pages
1	Memo of Petition			1-5
2	Impugned seniority list	"A"	31-12-2011	6-12
3	Rejection Letter	"B"	02-08-2013	13-14
4	Seniority list	"C"	31-12-2009	15-16
5	Appellant's Representation	"D"	26-04-2013	17-18
6	SMBR order	"E"	11-11-2009	19-20
7	Notification	"F"	18-06-1989	21-22
8	Orders	"G" to "G2"	02-06-2010, 02-04-2009, 09-09-2009	23-27
9	Vakalatnama			28

Date:-2nd Sep, 2013


(Muhammad Zafar Tahirkheli)
Advocate,
High Court Peshawar

1

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1326/2013

Muhammad Shoaib,
Naib Tehsildar (BPS-14),
Kohat.

..... Appellant

VERSUS

NWFP Service Tribunal
Peshawar
Case No. 1314
Dated 04-9-13

- except incircle all other respondents are placed Ex-Parte vide order sheet dated 6-5-14*
- ① Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar
 - ② Senior Member Board of Revenue, Peshawar
 - ③ Bashir Ahmad, Tehsildar Swabi
 4. Mian Sami Ullah Jan, Tehsildar Chitral
 5. Ghulam Farooq, Tehsildar FR Kohat
 6. Naz Amin Khan, Tehsildar Kalkot,
 7. S. Asghar Shah, Recovery Officer, NHA Abbottabad
 8. Ali Sher Khan, Tehsildar Takht Baj, **distt Mardan**
 9. Tariq Saleem, Tehsildar Domail, Bannu
 10. Abdul Ghaffar, Stamp Inspector D.I.Khan
 11. Said Rehman, Tehsildar, Anti Corruption Directorate Peshawar
 12. Kiramat Ullah Kundi, Tehsildar Bari Kot, Swat
 13. Akbar Iftikhar Ahmad, Political Tehsildar Ali Zai Kurram Agency Parachinar
 14. Qaisar Khan, Political Tehsildar FR Bannu
 15. Najib Ullah, Special Tehsildar, Irrigation, D.I.Khan
 16. Muhammad Ayub Khan, Tehsildar Bannu
 17. Abdul Rehman Shah, Tehsildar Daggar, Buner
 - ①⑧ Sarir Ahmad, Tehsildar Nowshera
 - ①⑨ Muhammad Riaz, Tehsildar Pabb, Nowshera
 - ②① Atta Ullah, Recovery Officer WAPDA House Shami Road Peshawar
 21. Musadiq Hussain, Tehsildar Thall, **Distt Hangu**
 22. Abdul Qayyum, Tehsildar Kohat
 23. Muhammad Nawaz, Tehsildar Batagram
 24. Mir Laiq, Tehsildar Mardan
 25. Nauman Ali Shah, Tehsildar Karak
 26. Muhammad Bashir, Tehsildar Ghazi, **distt Haripur**
 - ②⑦ Hadayat Ullah, Tehsildar Khwaza Khela, **distt Swat**
 28. Iftikhar Ahmad, Tehsildar Bala Kot, **distt Mansehra**
 - ②⑨ Ghulam Sarwar, Tehsildar Alpuri, Swat
 30. Farzand Ali, Tehsildar Mandar, Malakand Division
 - ③① Said Rehman, Tehsildar Taimargarah
 - ③② Fazle Raziq, waiting for posting Board of Revenue Peshawar
 33. Shah Nawaz, Tehsildar D.I. Khan
 34. Asmat Ullah, Tehsildar Laki Marwat
 35. S. Mazhar Hussain Shah, Head Clerk, D.C Office D.I.Khan
 36. Hussain Bakhsh, Tehsildar Nourang, Bannu
 - ③③ Abdur Rashid, Tehsildar Kulachi, **tehsil & distt D.I.Khan**
 38. Fateh Ullah, Political Tehsildar Dossali, **c/o P.A Meranshab**
 - ③⑨ Muhammad Akram, Tehsildar Babozai, **distt Swat**
 40. Mulazim Hussain, Tehsildar Tank
 - ④① Muhammad Israr, Recovery Officer PESCO Bannu
 - ④② Afzal Khan, Tehsildar Khandu Khel, **distt Buner**
 - ④③ Anwar Ul Haq, Tehsildar Bahrain
 44. Khizar Hayat, Political Tehsildar FR Tank
 45. Muhammad Farooq Anwar, N.T settlement Panyala **tehsil & distt D.I.Khan**
 46. Kutab Khan, Tehsildar Hawaliyan **distt haripur**
 47. Ghulam Qasim, Tehsildar Irrigation D.I.Khan

re-submitted to court and filed.

4/9/14

11/9/14

- 2
48. Qudrat Ullah, DT D.I.Khan, **d c office, distt qanoongeh D.I.Khan**
 49. Aftab Hussain Shah, Head Clerck D.C Office, D.I.Khan
 50. Sikandar Hayat Shah, Naib Tehsildar Domail, **distt Bannu**
 51. Ghulam Abbas, Naib Tensildar LA Lakki Marwat
 52. Saleem Asmat, Naib Tehsildar Irrigation Gomal D.I.Khan
 53. Raqibas Khan, c/o Commissioner Bannu
 54. Habib Ahmad, Naib Tehsildar Rev: Swat
 55. Himnayat Ullah Qureshi, Sub Registrar Tank
 56. Abdullah Jan, Naib Tehsildar Shabqadar
 57. Miraj Muhammad, Naib Tehsildar c/o Commissioner Peshawar
 58. Nazir Ahmad, Naib Tehsildar Mansehra
 59. Muhammad Ziafat, Tehsildar Pattan, Hazara Division, **Distt Kohistan**
 60. Abdur Rasheed, HVC Commissioner Office, D.I.Khan
 61. Niamat Ullah Khan, Political Naib Tehsildar, FR Kohat
 62. Naik Muhammad, PNT, Bara Khyber Agency
 63. Aman Ullah, Naib Tehsildar Land Acquisition Tank
 64. Shah Zaman, Naib Tehsildar Irrigation Tank
 65. Abdur Rashid, Commissioner Officer D.I.Khan
 66. Muhammad Ayub, Commissioner Officer D.I.Khan
 67. Amir Muhammad, Head Clerk Revenue Swabi
 68. Maqbool Ur Rehman, Naib Tehsildar c/o Commissioner Bannu
 69. Shakir Ullah, Awaiting for posting in Commissioner Office Peshawar
 70. Munir Ahmad, Naib Tehsildar, c/o Commissioner Bannu
 71. Rehmat Ullah Khan, Naib Tehsildar c/o D.C Lakki
 72. Imtiaz Ali Shah, Political Naib Tehsildar Central Kurram Agency
 73. Khalid Khan, Political Naib Tehsildar Bajour
 74. Fazle Wadood, Political Naib Tehsildar Mohmand, **PNT Shwa, c/o P.A Meranshab**
 75. Irshad Ali, Political Naib Tehsildar Mohmand **PNT Haleenzaic/o P.A mohmand agen**
 76. Amir Nawaz, Naib Tehsildar, c/o Commissioner Office D.I.Khan
 77. Shah Wazir, PNT South Waziristan Agency, **c/o P.A South waziristan agency**
 78. Sikandar Khan, N.T Khwaza Khela **distt Swat**
 79. Ishtiaq Ahmad Khan, N.T Darosh Chitral
 80. Shamsul Islam, N.T c/o Commissioner MALakand
 81. Allah Noor, N.T c/o Commissioner D.I.Khan
 82. Muhammad Ilyas, N.T Matta Swat
 83. Yasir Salman Kundi, N.T c/o Commissioner Bannu
 84. Yadullah-Khan Khattak, Tehsildar Katlang **distt mardan**
 85. Ahmed Hasimi, Naib Tehsildar c/o Commissioner Malakand
 86. Amin Ullah Khan, Political Naib Tehsildar D.I.Khan (FR)
 87. Islah Uddin N.T Takht Bai **distt mardan**
 88. Zahid Younas, Political Tehsildar Mahal Kurram Agency
 89. Naimat Ullah, Naib Tehsildar Mastuj **distt chitral**
 90. Muhammad Riaz, N.T Dir Lower
 91. Sher Ali Khan, Reader to Commissioner Malakand
 92. Munawar Shah, Tehsildar Balambat **distt Balach**
 93. Iftikhar Ud Din, Naib Tehsildar c/o DC Charsadda
 94. Younis Khan, Tehsildar Lal Qilla Malakand
 95. Mujahid Ali, FATA Secretariat Peshawar. **F.T upper nonand c/o P.A nonagi agency**
 96. Syed Abdul Akbar Shah, Tehsildar Rajar, Charsadda
 97. Syed Sultan Haider Shah, HVC Commissioner Office Peshawar
 98. Aftab Ahmad, Naib Tehsildar Mardan
 99. Dil Nawaz Khan, Naib Tehsildar Topi, Swabi
 100. Kifayat Ullah, Naib Tehsildar Mohmand Circle Peshawar
 101. Faqir Hussain, Naib Tehsildar Charsadda
 102. Zulfiqar Khan, D.C Office Peshawar
 103. Waqar Ahmad, Naib Tehsildar Batagram
 104. Muhammad Faraz, Naib Tehsildar Land Acquisition Abbotabad
 105. Fazal Ur Rehman, Naib Tehsildar Commissioner Office Hazara, Abbotabad
 106. Farrukh Jadoon, Naib Tehsildar Commissioner Office Hazara, Abbotabad
 107. Fayyaz Ahmad, Tehsildar Pallas **distt Haripur**
 108. Bilal Ahmad, N.T, D.C Office Haripur
 109. Tanveer Shehzad, N.T, D.C Office Mansehra

110. Ejaz Ahmad, Naib Tehsildar Allai ,distt Batagram.
 111. Muhammad Salim, Commissioner Office Hazara
 112. Muhammad Sohail, Naib Tehsildar Commissioner Office Hazara
 113. Sajid Saleem, Naib Tehsildar Parowa D.I.Khan
 114. Adil Waseem, N.T Qasba Peshawar
 115. Tanzil Ur Rehman, Political Tehsildar Orakzai Agency
 116. Qazi Muhammad Aslam, Tehsildar Consolidation D.I.Khan
 117. Abdul Qayyum, D.C Office Kohistan
 118. Rooh Ul Amin, Tehsildar B.D Shah District Karak
 119. Qainoos Khan, Political Naib Tehsildar FR Kohat
 120. Khurshid Ali, District Revenue Accountant BAtkhela
 121. Latif Ur Rehman, Naib Tehsildar D.C Office Shangla
 122. Jehan Ali, Naib Tehsildar Makhuzai, distt Shangla
 123. Amir Zarin, Naib Tehsildar Chakeser
 124. Shah Wazir, N.T Judicial Swat
 125. Sher Bahadur, Political Tehsildar Lower Orakzai
 126. Shaukat Iqbal, Sub-Registrar D.I.Khan
 127. Abdur Rashid, Commissioner Office, Mardan
 128. Ahmad Ali, Political Naib Tehsildar Bajaur c/o P.A Bajour Agency.
 129. Faramosh Khan, Political Naib Tehsildar Bajour c/o P.A Bajour Agency
 130. Abdul Haseeb, Political Tehsildar Bajour c/o P.A Bajour Agency
 131. Shakeel Ahmad, Political Tehsildar Bara camp at khyber house, Peshawar
 132. Gohar Ali, Naib Tehsildar Sarai, Bannu
 133. Mehmood Shah, HCR D.C Office Peshawar
 134. Sher Dil, Tehsildar Ogi Mansehra

..... Respondents

=====

SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974

Against Impugned orders dated 31/12/2011 & 02/08/2013
"Prayer"

- (a) By accepting this appeal and setting aside the impugned seniority list dated 31-12-2011(annex "A") and rejection order dated 02-08-2013(annex "B") where by the departmental appeal of the appellatant was refused,
- (b) and directing the respondent department to place the appellatant at his proper place of seniority of Naib Tehsildars (BPS-14) above respondents No. 3 to 135.

Respectfully Sheweth,

1. The appellatant is serving as Naib Tehsildar (BPS-14) under the Revenue and Estate Department, Govt. of Khyber Pakhtunkhwa, Peshawar.

The petitioner was initially inducted into service on 09-12-1990. He was appointed as Naib Tehsildar on 10-04-2001. His services were regularized as Naib Tehsildar (BPS-14) vide order of respondent No. 2 dated 11-11-2009 w.e.f 10-04-2001, (Annex "E"). The appellatant was thus placed at S.No: 06 of the Final Seniority List of Naib Tehsildars (BPS-14) Khyber Pakhtunkhwa as it stood on 31-12-2009. (copy annexed hereto marked "C").

2. That the respondent department issued the impugned seniority list of Naib Tehsildars (BPS-14) in Khyber Pakhtunkhwa as it stood on 31-12-2011 vide notification dated 23-04-2013. The appellatant was arbitrarily placed at S. No: 140, in-stead of his actual place of seniority at S.No: 06, by placing Respondents' No. 3 to 134 above the appellatant without issuing any prior notice or showing any valid cause. (copy annexed hereto marked "A").

3. The appellant submitted his departmental representation against the impugned seniority list on 26-04-2013. (copy annexed hereto **marked "D"**)

The departmental representation was rejected vide impugned order dated 02-08-2013, communicated to the appellant on 05-08-2013. (copy annexed hereto **marked "B"**)

4. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal, respectively, maintaining that the impugned seniority list as it stood on 31-12-2011 and impugned rejection order dated 02-08-2013, is arbitrary, malafide and as such without justification, without lawful authority and subject to correction, inter-alia on the following:

Grounds

- (a) The respondent department has acted in a surreptitious manner to issue the impugned seniority list dated 31-12-2011, in complete disregard to the earlier seniority list 31-12-2009 and the rules regulating the service.
- (b) The appellant was selected as Naib Tehsildar on ad-hoc basis on 10-04-2001 amongst the Ministerial Staff Quota and had served the department w.e.f 10-04-2001 to 01-06-2009 on various posts in the province.

The appellant filed a departmental appeal No. 271/2009, before the Senior Member Board of Revenue, requesting for counting of his ad-hoc service for the purpose of his seniority etc w.e.f 10-04-2001 to 01-06-2009. His departmental appeal was accepted vide order dated 11-11-2009. (copy annexed hereto **marked "E"**)

- (c) The appellant's departmental appeal was accepted in view of Government's notification No. SORII(S&GAD) 1(27)/86 dated 18th June 1989. (copy annexed hereto **marked "F"**).

That on the basis of said notification and order dated 11-11-2009 the appellant was placed at S.No. 06 of the seniority list of Naib Tehsildar (BPS-14) as it stood on 31-12-2009. (annex "C").

- (d) The impugned seniority list dated 31-12-2011 was issued arbitrarily without issuing prior notice upon the appellant. (Reference 1992 SCMR 1420 & 1993 PLC (CS) 195).

The Hon'ble Service Tribunal vide its recent judgment dated 17-04-2013 in service appeal No. 456/2012, "Mian Karim Shah Vs Govt. etc" has also laid down the dictum that seniority once granted can not be withdrawn without issuing prior notice.

- (e) The appellant's ad-hoc service w.e.f 10-04-2001 to 01-06-2009 was counted towards regular service as well as for the purpose of seniority by the competent authority vide order dated 11-11-2009. Resultantly his services were regularized as Naib Tehsildar w.e.f 10-04-2001 and he was placed at S. No. 06 of the seniority list 31-12-2009 of Naib Tehsildars. Non of these orders were challenged by any of the respondents and are thus still in force.

The Respondent Department was required by law to act in accordance with the well established principles of equity and justice. Their impugned action justifies interference by the Hon'ble Service Tribunal.

- 5
- (f) In a similar manner the departmental appeal No. 131/2010 of Gulshan Mehmood Naib Tehsildar was accepted vide order dated 02-06-2010, Said Rehman Naib Tehsildar's appeal No. 09/2009 was accepted vide order dated 02-04-2009 and Mr. Naik Muhammad Political Naib Tehsildar, appeal No. 92/2009 was also accepted vide order dated 09-09-2009 and their ad-hoc services were counted towards regular service and for the purpose of seniority. (copy annexed hereto marked "G" to "G2"))


None of these official's seniority was disturbed by the impugned seniority list and only the appellant has been awarded the discriminatory treatment.

- (g) The impugned action is thus arbitrary, discriminatory, against the principles of equity, justice, law and propriety, subject to correction by this Hon'ble Tribunal.

Appellant seeks permission to take several other grounds at the time of arguments.

In view of the above, it is most humbly requested that by accepting this appeal the impugned seniority list dated 31-12-2011 and rejection order dated 02-08-2013 may kindly be set aside and the respondent department may be directed to place the appellant at his proper place of seniority above respondents No. 3 to 134.

Any other relief deemed appropriate may also be granted


Appellant

Through,

Peshawar, dated
2nd Sep, 2013


(Muhammad Zafar Tahirkheli)
Advocate


(Ansa Ullah Khan)
Advocate

Affidavit

I, the appellant, do hereby stat on Oath that the contents of the above application are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT

6

ANNEXURE

A

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 23/04/2013

OFFICE ORDER

No. Estt: V/S.L/ 9046

In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of Naib Tehsildars (BPS -- 14) in Khyber Pakhtunkhwa, as stood on 31.12.2011, is hereby published for information of all concerned.

By Order of,
Senior Member

No. Estt: V/S.L/ 9047-55

Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. Officials concerned.
3. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars working under concerned working under their jurisdiction / control.

TRUE COPY

Ji

Assistant Secretary (Estt)

⑦

ANNEXURE

"A"

⑦

FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2011

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of 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	28.08.1993	28.08.1995	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
2	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	--do--
3	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	--do--	--do--
5	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
6	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
7	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	--do--	--do--
8	Mr. Javed Hussain (Matric)	13.06.1952 Haripur	27.05.1977	30.06.2003	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
9	Mr. S. Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
10	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
11	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	Naib Tehsildar
12	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
13	Mr. Said Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
14	Mr. Kiramat Ullah Kundi B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--
15	Mr. Akbar Iftikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	--do--	--do--
16	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
17	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	27.02.2006	27.02.2006	--do--	--do--
18	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
19	Mr. Abdur Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--

TRUE COPY

ANNEXURE

8

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
20	Mr. Sarir Ahamd (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
21	Mr. Hasham Gul (B.A)	01.01.1955 Peshawar	07.06.1982	31.05.2007	--do--	--do--
22	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
23	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
24	Mr. Musadiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--
25	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	--do--	--do--
26	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
27	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
28	Mr. Nouman Ali Shah BCS(Hons)	17.09.1984 Bannu	06.07.2007	06.07.2007	Direct	--do--
29	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	Promotee	--do--
30	Mr. Hidayat Ullah (BA)	28.04.1962 Malakand	13.03.1991	20.07.2007	--do--	Naib Tehsildar
31	Mr. Iftikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--
32	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	--do--	--do--
33	Mr. Farzand Ali (Matric)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
34	Mr. Muqarab Khan (F.A)	01.03.1953 Buner	13.08.1975	20.07.2007	--do--	--do--
35	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
36	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--
37	Mr. Shah Nawaz (B.A)	01.10.1959 Lakki Marwat	11.11.1998	26.07.2007	--do--	--do--
38	Mr. Asmat Ullah (Matric)	13.03.1959 Lakki Marwat	28.04.1982	26.07.2007	--do--	--do--
39	S. Mazhar Hussain Shah (F.A)	07.07.1956 DIKhan	10.05.1976	26.07.2007	--do--	--do--
40	Mr. Hussian Bakhsh (Matric)	13.04.1956 DIKhan	01.09.1976	26.07.2007	--do--	--do--
41	Mr. Abdur Rashid (F.A)	01.09.1955 Tank	01.07.1984	26.07.2007	--do--	--do--
42	Mr. Fateh Ullah (F.A)	10.10.1958 Tank	01.07.1984	26.07.2007	--do--	--do--
43	Muhammad Akram (Matric)	03.10.1959 Tank	01.12.1983	26.07.2007	--do--	--do--
44	Mr. Mulazim Hussain (Matric)	01.01.1957 Tank	05.07.1984	26.07.2007	--do--	--do--
45	Muhammad Israr (B.A)	19.05.1959 Bannu	18.07.1985	26.07.2007	--do--	--do--
46	Mr. Afzal Khan (F.A)	15.03.1959 Swat	05.04.1981	01.09.2007	--do--	--do--

COPY

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
47	Mr. Anwar ul Haq (B.A)	01.02.1959 Swat	05.04.1981	31.12.2007	Promotee	Naib Tehsildar
48	Mr. Khyzar Hayat (F.A)	01.05.1955 Tank	22.12.1985	01.01.2008	--do--	--do--
49	Muhammad Farooq Anwar (Matric)	10.09.1958 Tank	23.12.1985	01.01.2008	--do--	--do--
50	Mr. Kutab Khan (F.A)	22.05.1956 Tank	02.07.1986	01.01.2008	--do--	--do--
51	Mr. Ghulam Qasim (FA)	28.08.1958 DIKhan		01.01.2008	--do--	--do--
52	Mr. Qudratullah (Matric)	20.02.1959 DIKhan	01.09.1977	01.01.2008	--do--	--do--
53	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	13.09.1980	01.01.2008	--do--	--do--
54	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	05.01.2008	--do--	--do--
55	Mr. Ghulam Abbas (Matric)	15.02.1958 Lakki Marwat	11.11.1982	05.01.2008	--do--	--do--
56	Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	--do--	Promoted through Administrative order of SMBR
57	Mr. Raqibas Khan (FA)	01.09.1956 Bannu	05.03.1982	02.04.2008	--do--	Naib Tehsildar
58	Mr. Habib Ahmad B.A	04.04.1955 Swat	06.04.1981	02.04.2008	--do--	--do--
59	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	10.01.1978	02.04.2008	--do--	--do--
60	Mr. Abdullah Jan (FA)	17.10.1958 Charsadda	01.09.1977	08.05.2008	--do--	--do--
61	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	--do--	--do--
62	Mr. Nazir Ahmad (Matric)	12.03.1954 Mansehra	18.08.1979	08.05.2008	--do--	--do--
63	Mr. Muhammad Ziafat (F.A)	12.02.1955 Abbottabad	06.10.1976	08.05.2008	--do--	--do--
64	Mr. Abdur Rasheed (B.Com)	06.02.1952 DIKhan	01.09.1972	08.05.2008	--do--	--do--
65	Mr. Naimat Ullah Khan (BA)	11.08.1967 Tank	16.06.1990	08.05.2008	--do--	--do--
66	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	--do--	--do--
67	Mr. Amanullah (Matric)	09.06.1956 Tank		29.05.2008	--do--	Promoted through Administrative order of SMBR
68	Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2008	--do--	--do--
69	Mr. Abdur Rashid (Matric)	1958 DIKhan	1987	29.05.2008	--do--	--do--
70	Muhammad Ayub (Matric)	04.11.1960 Tank	18.12.1986	29.05.2008	--do--	--do--
71	Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	--do--	Naib Tehsildar

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
72	Mr. Maqboolur Rehman (F.A)	02.05.1959 Bannu	07.04.1980	13.01.2009	Promotee	Promoted through Administative order of SMBR
73	Mr. Shakir Ullah S/O Khan Mir (MA, MBA)	15.01.1978 Khyber Agency	02.02.2009	02.02.2009	Direct	Naib Tehsildar
74	Mr. Munir Ahmad S/O Jhangi Khan (MSc)	20.03.1979 SWA	02.02.2009	02.02.2009	--do--	--do--
75	Mr. Rahamd Ullah khan S/O Ahmad Khan (MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
76	Mr. Imtiaz Ali Shah S/O Muhammad Ali Shah (MSc)	14.04.1980 Karak	02.02.2009	02.02.2009	--do--	--do--
77	Mr. Khalid Khan S/O Ifitikhar Hussain (MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	--do--	--do--
78	Mr. Fazli Wadood S/O Fazli Mahmood (BA)	04.04.1982 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
79	Mr. Irshad Ali S/O Dost Muhamamd (MA)	15.03.1978 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
80	Mr. Amir Nawaz S/O Gul Daraz (BSc/MBA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	--do--	--do--
81	Mr. Shah Wazir S/O Abdul Khan (MSc)	30.03.1980 SWA	02.02.2009	02.02.2009	--do--	--do--
82	Mr. Sikandar Khan S/O Sar Zamin Khan (M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	--do--	--do--
83	Mr. Ishtiaq Ahmad Khan S/O Allauddin (M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
84	Mr. Shamsul Islam S/O Faqir Gul (MA)	10.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
85	Mr. Allah Noor S/O Hazrat Noor (MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	--do--	--do--
86	Muhammad Ilyas S/O Shah Nasim Khan (MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	--do--	--do--
87	Mr. Yasir Salman Kundi S/O Hamid Khan Kundi (MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
88	Mr. Yadullah Khan Khattak S/O Mohibullah Khattak (MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	--do--	--do--
89	Mr. Ahmad Hashmi S/O Fazli Rabbi (B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
90	Mr. Amin Ullah Khan S/O Dost Muhammad Khan (BA)	07.06.1977 DIKhan	02.02.2009	02.02.2009	--do--	--do--
91	Mr. Ishtiaq Ullah S/O Syed Badshah (BA, LLB)	15.04.1982 Mardan	02.02.2009	02.02.2009	--do--	--do--

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of first entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
92	Mr. Zahid Younis S/O Muhamamd Younis (M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	Direct	Naib Tehsildar
93	Mr. Naimat Ullah S/O Khanim Ullah (Double M.A)	26.04.1973 Dir	02.02.2009	02.02.2009	--do--	--do--
94	Muhammad Riaz S/O Fazal Aziz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
95	Muhammad Yar S/O Faqir Gul (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
96	Mr. Sher Ali Khan S/O Sahibzar Gul (M.A)	13.11.1974 Swat	02.02.2009	02.02.2009	--do--	--do--
97	Mr. Munawar Shah S/O Abdur Rashid (M.A)	12.02.1973 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
98	Mr. Ifikhar uddin S/O Zewar Din (MSc)	05.08.1973 Charsadda	02.02.2009	02.02.2009	--do--	--do--
99	Mr. Younis Khan S/O Waqif Khan (M.A)	15.06.1981 Upper Dir	02.02.2009	02.02.2009	--do--	--do--
100	Mr. Mujahid Ali S/O Khalil-ur-Rehman (M.A)	19.04.1974 Nowshera	02.02.2009	02.02.2009	--do--	--do--
101	Syed Abdul Akbar Shah S/O Syed Gul Chaman (MSC/M.A)	11.04.1981 Mardan	02.02.2009	02.02.2009	--do--	--do--
102	Syed Sultan Haider Shah S/O Syed Gulzar Hussain Shah (BA. LLB)	08.12.1972 Peshawar	02.02.2009	02.02.2009	--do--	--do--
103	Mr. Aftab Ahmad S/O Javed Muhammad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	--do--	--do--
104	Mr. Dil Nawaz Khan S/O Alam Zeb (LLB)	22.03.1979 Swabi	02.02.2009	02.02.2009	--do--	--do--
105	Mr. Kifayat Ullah S/O Haji Akbar (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	--do--	--do--
106	Mr. Faqir Hussain S/o Muhammad Younis (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	--do--	--do--
107	Mr. Zulfiqar Khan S/O Arsala Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	--do--	--do--
108	Mr. Waqar Ahmad S/O Muhammad Irfan (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	--do--	--do--
109	Muhammad Faraz Qurashi S/O Muhammad Riaz Qureshi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
110	Mr. Fazal ur Rehman S/O Habib-ur-Rehman (M.A)	10.07.1975 Haripur	02.02.2009	02.02.2009	--do--	--do--
111	Mr. Farukh Jadoon S/O Anwar Ahmad Khan (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
112	Mr. Fayaz Ahmad S/O Pir Khan (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
113	Bilal Ahmad S/O Farid-ud-Din (BA. B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	--do--	--do--
114	Mr. Tanveer Shahzad S/O Muhammad Sahif (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	--do--	--do--
115	Mr. Ejaz Ahmad S/O Muhammad Riaz (3 - M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
116	Muhammad Salim S/O Muhammad Sadiq (BSC)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
117	Muhammad Shahid S/O Muhammad Ayub (BA)	16.11.1979 Abbottabad	02.02.2009	02.02.2009	--do--	--do--

[Handwritten signature]

[Handwritten initials]

TRUE COPY

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
118	Mr. Sajid Saleem (BA)	01.04.1978 DIKhan	06.11.1996	10.02.2009	Promotee	Promoted through Adminstrative order of SMBR
119	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Naib Tehsildar
120	Mr. Tanzil-ur-Rehman	13.02.1988 NWA	14.04.2009	14.04.2009	--do--	--do--
121	Qazi Muhammad Aslam (Matric)	25.11.1953 Abbottabad	05.07.1980	02.05.2009	Promotee	--do--
122	Mr. Abdul Qayum (BA)	24.04.1984 Kohistan	27.12.1993	02.05.2009	--do--	--do--
123	Mr. Roolul Amin (Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	--do--	--do--
124	Mr. Qanoos Khan (BA)	14.02.1962 Kohat	01.07.1991	02.05.2009	--do--	--do--
125	Mr. Khurshid Ali (Matric)	19.01.1959 Malakand	05.12.1994	02.05.2009	--do--	--do--
126	Mr. Latif-ur-Rehman (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
127	Mr. Jehan Wali (Matric)	01.02.1957 Shangla	01.03.1978	02.05.2009	--do--	--do--
128	Mr. Amir Zarin (Matric)	06.08.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
129	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	--do--	--do--
130	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	02.05.2009	--do--	--do--
131	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992	02.05.2009	--do--	--do--
132	Mr. Abdur Rashid (MSC)	05.01.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
133	Mr. Ahmad Ali M.A (B.ed)	17.04.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
134	Mr. Faramosh Khan (BA)	01.12.1957 Bajaur	26.11.1975	12.05.2009	--do--	Promoted through Adminstrative order of SMBR
135	Mr. Abdul Haseeb (Matric)	01.09.1959 Bajaur	18.02.1977	12.05.2009	--do--	--do--
136	Mr. Shakeel Ahmad (MA)	03.07.1971 Charsadda	13.09.1992	12.05.2009	--do--	--do--
137	Mr. Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	Naib Tehsildar
138	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	--do--
139	Mr. Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	--do--	--do--
140	Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	02.06.2009	--do--	--do--
141	Mr. Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	--do--	--do--
142	Mr. Zafar Iqbal (B.A. L.L.B)	25.02.1963 Kohat	02.04.1987	02.07.2009	--do--	Naib Tehsildar

Jr
TRUE COPY

(13)

ANNEXURE B

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT


No.Estt:V/M/Shabir/14225
Peshawar dated 02/08/2013

To

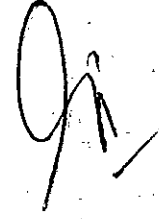
Mr. Muhammad Shoaib,
Naib Tehsildar, Kohat.

Subject:- DEPARTMENTAL APPEAL/REPRESENTATION FOR
CORRECTION OF TENTATIVE SENIORITY LIST OF NAIB
TEHSILDAR (BPS-14) FOR THE YEAR 2011 & 2012.

I am directed to refer to your application dated 08.07.2013, on the subject noted above and to say that your applications/representations were examined and filed by the Competent Authority in terms of Section 8 (4) of Khyber Pakhunkhwa Civil Servant Act, 1973, under which seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.


Assistant Secretary (Estt:)

TRUE COPY




Date 5 of 2013

ANNEXURE

ON PAKISTAN STATE SERVICES

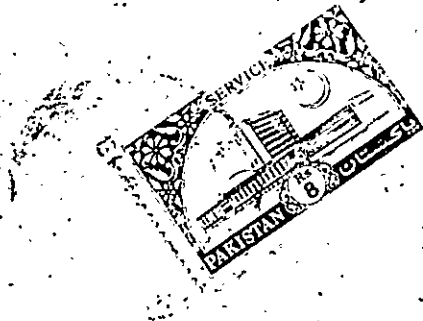
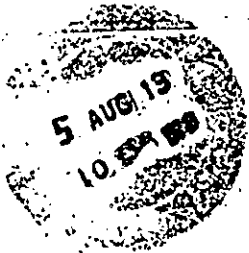
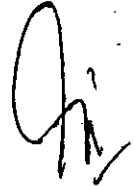
(19)

Muhammad Shoaib

Naib Tehsildar Kohat

Despatcher
Revenue & Estate
Kh. Sec. Fakhun Khata

TRACED



15

ATTENTURE

C

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 30/06/2010

OFFICE ORDER

No 12700 /Admn:V/S.I. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 31.12.2009, is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No 12701-90 /Admn:V.S.I.

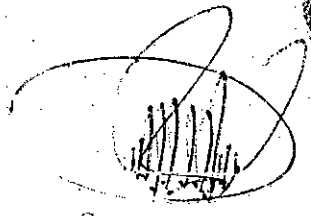
Copy alongwith a copy of Final Seniority List is forwarded to:-

- ✓ All Divisional Commissioners, in Khyber Pakhtunkhwa
- 2. Officials concerned.
- 3. Office Order File

Kohat Division

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction / control.

TRUE COPY



Assistant Secretary (I-SI)
Board of Revenue Khyber Pakhtunkhwa

DCR
...
...

Supdt
Send it to PAs, DCos and DOR.
9/7

FINAL SENIORITY LIST OF NAIB TEHSILDARS (BS-14) IN Khyber Pakhtunkhwa AS STOOD ON 31.12.2009.

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; 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	Promotee	Promoted as Tehsildar on Acting Charge Basis
2.	Mr. Muhammad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	Ditto	---
3.	Mr. Abdul Nabi F.A	05.04.1957 Kohat	12.12.1976	10.04.2001	Ditto	---
4.	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohat)	14.03.1984	10.04.2001	Ditto	---
5.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	Ditto	---
6.	Mr. Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	10.04.2001	Ditto	---
7.	Mr. Muhammad Umar (M.A)	10.03.1966 Mardan	16.07.2002	16.07.2002	Ditto	---
8.	Mr. Javed Anwar Kamal (F.A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	Ditto	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
9.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	Ditto	Ditto
10.	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	Ditto	Ditto
11.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	Ditto	Ditto
12.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	Ditto	---
13.	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	Ditto	---
14.	Mr. Muhammad Riaz Khan (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
15.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	Promote	---
16.	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	09.05.2003	Promote	---
17.	Mr. Javed Hussain (Matric)	13.06.1952 Haripur	27.05.1977	30.06.2003	Promote	---
18.	Mr. S.Asghar Shah (Matric)	15.12.1959 Haripur	25.05.1981	30.06.2003	Ditto	---

TRUE COPY

R

[Signature]

17

ATTENDURE

1

To

The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION FOR CORRECTION OF ^{FINAL} ~~TENTATIVE~~ SENIORITY LIST OF NAIB TEHSILDAR (BPS-14) AS STOOD ON 31-12-2011.

Sir,

The petitioner would like to submit the following:-

1. The Govt: of Khyber Pakhtunkhwa, Board of Revenue has circulated Final Seniority List of Naib Tehsildar (BPS-14) as stood on 31-12-2011 vide letter No. Estt: V (S.L/ 9046 dated 23-04-2013 the appellant has been placed incorrectly at S. No.140 instead of S.No.02 contrary to the prescribed Service Rules and the terms and condition of seniority/rules .
2. That earlier the Final Seniority list was issued by the Revenue Deptt:, Khyber Pakhtunkhwa vide letter No. 12700/Admn-V/S.L dated 30-06-2010. The appellant was assigned correct position in the Final Seniority List and placed at S.No.06. Thereafter no seniority List has been issued by the Board of Revenue Khyber Pakhtunkhwa till date. So, it is very shocking and injustice that incorrect seniority position has been assigned to the petitioner/appellant despite that the SMBR Khyber Pakhtunkhwa had already decided the correct position of the petitioner/appellant. In light of the above it would be in fitness of things to assign correct seniority position and place the Name of appellant at S.No.2 of the instant impugned seniority list issued on 23-04-2013. If the correct position is not brought on surface the petitioner would face numerous complications in the long runs one side he will be deprived from his due right, on other side their will great loss towards his pensionery/moneretary benefits.
3. The Seniority Position of the appellant has already been decided by the learned Court of Senior Member Board of Revenue Khyber Pakhtunkhwa vide Case No. 271/2009 dated 11-11-2009 (copy attached for perusal please).
4. According to decision of the Court of Senior Member Board of Revenue the seniority position has been reckoned for the appointment as Naib Tehsildar (BPS-14) on Adhoc basis i,e 10-04-2001. Which is in accordance with the laid down criteria and the relevant provision of service laws.
5. It is also submitted that the Court of Senior Member Board of Revenue Khyber Pakhtunkhwa has decided such like appeals/requests and awarded and fixed seniority position to the aggrieved incumbents on the basis of date(s) of adhoc appointment as per detail appended below and also for your honour perusal:-

[Handwritten signature]
20/4/13

TRUE COPY

[Handwritten signature]

Continued at page-2

No.	Name of Naib Tehsildar	Reference of case	Remarks
1	Gulshan Mehmood	Case No. 131/2010_date of decision 02-06-2010	Now promoted as PMS Officers (BPS-17)
2	Abdul Nabi	Vide order No. 2540-43/Admn:1 PF/A/SL dated 10-02-2010	-Do-
3	Said Rehman	Vide case No. 09/2009 date of decision 02-04-2009	Promoted as Tehsildar BPS-16 on acting charge basis
4	Naik Muhammad	Case No. 92/2009 date of decision 09-09-2009	Naib Tehsildar

It is well prima facie established that the seniority position of officials concerned as table mentioned above, so it is a kind of token before your honour so as to arrive it correct conclusion of the instant representation while disposing the case of petitioner in hand (copies of the above mentioned decision are enclosed).

6. That before the issuance of impugned Seniority list objections on Tentative Seniority were raised/submitted to the Senior Member Board of Revenue Khyber Pakhtunkhwa vide copy of application dated 05-08-2012 attached but no remedy was extended to the appellat. It was incumbent upon the authority concerned to hear the point of view of the petitioner, but without positive result.

In view of above, it is humbly requested that on acceptance of this appeal/representation the SMBR Khyber Pakhtunkhwa may be urged upon that correct seniority position may be assigned to the appellat on the basis of date of appointment i.e 10-04-2001 as already decided by the learned Court of Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar referred to above as well as seniority rules/policy in force, issued time to time by the Govt; of Khyber Pakhtunkhwa Establishment & Administration Deptt.; for ends of justice.

Handwritten signature

Petitioner/appellant

Handwritten signature
(MUHAMMAD SHOAIB)
 Naib Tehsildar Working as
 Reader to Commissioner Kohat.
 25/4/13

Affidavite

I do hereby solemnly affirm and declare that the contents of the instant representation/appeal are correct to the best of my knowledge and belief and nothing concealed by this esteemed authority.

Handwritten signature
 Deponent

19

ATTENDURE

E

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

Case No. 271/2009.
Date of Institution. 23/10/2009.
Date of Decision. 11/11/2009.

Muhammad Shoaib, Naib Tehsildar (Head Clerk Revenue) District
Karak

-----Appellant

ORDER

This is a petition filed by Muhammad Shoaib Naib Tehsildar, presently working as Head Clerk (Revenue), District Karak requesting for counting of his Adhoc service for the purpose of seniority etc with effect from 10-04-2001 to 01-06-2009.

Petitioner with counsel present. Arguments heard and comments offered by the department perused.

Facts leading to the case are that the appellant was selected as Naib Tehsildar on Adhoc basis on 10/04/2001 amongst the Ministerial Staff quota and has served with effect from 10/04/2001 to 01/06/2009 on various posts in the Province. On 02/06/2009, he was selected as Naib Tehsildar on regular basis. He has now come with prayer for counting of Adhoc service for the purpose of seniority etc.

The Department preferred NWFP Civil Servant Act, 1973 as well as Civil Servant Appointment, Promotion and Transfer Rules, 1989 wherein it has been mentioned that the seniority will be given to an official from the date of his regular appointment.

The learned counsel for the appellant while arguing the case, presented a circular letter bearing No. SOR-II(S&GAD) 1(27)86 dated 18/06/1989 issued by the Services and General Administration Department (Regulation Wing) NWFP, which provides as under:-

"The mater has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department. It has now been clarified that there is no bar on the Adhoc service for the purpose of calculation of minimum length of service

Handwritten signature
filed
4-12-09

TRUE COPY

Handwritten mark

promotion and move-over both provided that there has been no break between the Adhoc and regular appointment."

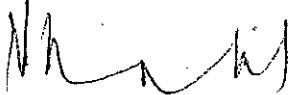
The learned counsel for the appellant further argued and pointed out that the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 was issued vide No. SRO-I (S&GAD) /4-1/80 dated 31/01/1989 while the circular was issued on 18/06/1989, which shows that the said circular was issued after the issuance of the Rules ibid, therefore action shall be taken on the said circular.


In view of the above, the petition is accepted and the service rendered on Adhoc basis with effect from 10/04/2001 to 01/06/2009 is to be counted towards regular service as well as for the purpose of seniority.

ANNOUNCED.

11/11/2009

Attested
04-12-09


(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

TRUE COPY


21

ATTENTION

F

GOVERNMENT OF NWFP
S&GAD
(REGULATION WING)

NO: SORII(S&GAD)1(27)/86

Dated Peshawar, the June 18 1989.

To

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. All Commissioners in NWFP.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
6. All Deputy Commissioners/Political Agents in NWFP.
7. All District and Sessions Judges in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Secretary, Board of Revenue, NWFP, Peshawar.
11. The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT:- COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

Sir,

I am directed to refer to this Department circular letter No. SOR-I(S&GAD)1-29/75, dated 27.11.1988 and 6.2.1989, on the subject noted above and to say that the "ad hoc appointment" has not been defined in the Fundamental Rules. However, according to the definition given in the NWFP Civil Servants Act, 1973, an "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method. The "ad hoc appointment" has always been treated as a temporary appointment and under proviso to F.R.22, the services rendered against temporary post in the identical pay scale is counted towards increments.

2- The matter has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department, NWFP. It has now been clarified that there is no bar on the ad hoc service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided there has been no break between ad hoc and regular appointment.

On **TRIP COPY**

3- I am, therefore, directed to request that the above instructions may kindly be brought to the notice of all concerned.

Your Obedient Servant,

(Signature)

(Mohammad Shoaib)
Deputy Secretary (Regulation)
S&GAD

Endst:No. SOR-II(S&GAD)1(27)/86

Dated 18.6.1989.

Copy forwarded to Secretary to Chief Minister,
NWFP, Peshawar.

(Signature)

(Mohammad Shoaib)
Deputy Secretary (Regulation)
S&GAD

Endst:No. SOR-II(S&GAD)1(27)/86

Dated 18.6.1989.

Copy to:-

- 1. Accountant General, NWFP, Peshawar.
- 2. All District/Agency Accounts Officers in NWFP.

(Signature)

(Ghulam Jilani)
Section Officer (Regulation-II)
S&GAD

Endst:No. SOR-II(S&GAD)1(27)/86

Dated 18.6.1989.

Copy forwarded to:-

- 1. All Additional Secretaries in S&GAD.
- 2. All Deputy Secretaries in S&GAD.
- 3. Private Secretary to Chief Secretary, NWFP.
- 4. All Section Officers/Estate Officer in S&GAD.
- 5. Private Secretary to Secretary, S&GAD.
- 6. Librarian, S&GAD.
- 7. Incharge Superintendent, Benevolent Fund/ACSO, S&GAD.

(Signature)

TRUE COPY

(Handwritten mark)

(X)

ATTITUDE 5

(23)

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

Case No. 131//2010.
Date of Institution. 07/05/2010.
Date of Decision. 02/06/2010.

Gulshan Mehmood Naib Tehsildar/DRA, Hangu

Appellant.

Versus

Board of Revenue, NWFP

Respondent.

ORDER

TRUE COPY

This is a departmental appeal/representation filed by Gulshan Mehmood Naib Tehsildar/DRA, Hangu against the tentative joint seniority list of Naib Tehsildar (BPS-14) as stood on 31/12/1999 whereby the appellant has been shown junior to the other Naib Tehsildars.

MA
Brief facts of the case are that the appellant Gulshan Mehmood was appointed as Patwari (BPS-05) in the Revenue Department on 01/10/1978. Later on he was promoted as Kanungo on regular basis with effect from 09/07/1989. He was promoted as Naib Tehsildar (BPS-14) vide Commissioner, Kohat Division Kohat letter No. 6032/AG-I dated 14/12/1995 on temporary basis and this order was confirmed on 10/04/2001 in pursuance of Departmental Promotion Committee Meeting held on 07/04/2001 under the Chairmanship of Commissioner, Kohat Division Kohat. Subsequently he was promoted through proper Departmental Promotion Committee Meeting held on 08/03/2004 under the Chairmanship of Senior Member, Board of Revenue, Khyber Pakhtunkhwa and was recommended for regular promotion as Naib Tehsildar in the same pay scale i.e (BPS-14) and the promotion order was issued on 03/04/2004 accordingly. Hence there is no break in the service of appellant between the adhoc and regular appointment.


Alto
14/6/2010
Appellant present and heard. Comments offered by the Assistant Secretary (Estt.), Board of Revenue, Khyber Pakhtunkhwa as well as record of the case file perused which shows that the appellant is enjoying the benefits of higher pay scale since his promotion as Naib Tehsildar (BPS-14) on adhoc basis vide Commissioner, Kohat Division Kohat, dated 14/12/1995. According to the instructions contained in Services and General Administration Department (Regulation Wing) circular letter No. SOR-I/(S&GAD)1-29 75 dated 14/12/1995 "the service rendered on adhoc basis in a post under the P.A. followed by regular appointment to a post in the same pay scale".

towards length of service prescribed for promotion to a higher post, provided there is a no break between adhoc and regular appointments to the post concerned".

In light of the above discussion the present departmental appeal is accepted and the services rendered with effect from 10/04/2001 to 03/04/2004 is to be counted towards regular service and seniority at proper place.

ANNOUNCED.

02/06/2010

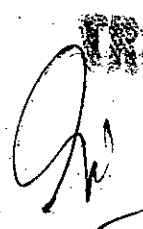


(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE,
KHYBER PAKHTUNKHWA.

Ahsanullah

Ahsanullah

14/6/2010



TRUE COPY

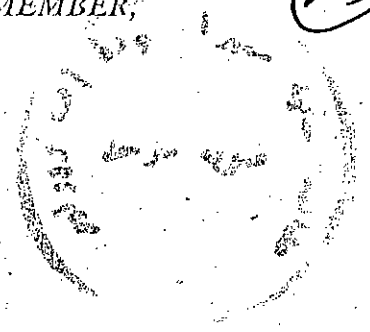


ATTENDURE

9,
25

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

Case No: 09/2009.
Date of Institution: 19/01/2007.
Date of Decision: 02/04/2009.



Said Rehman Naib Tehsildar Qasba District Peshawar

-----Petitioner.

ORDER

This is an appeal filed by Said Rehman Naib Tehsildar presently working as Naib Tehsildar Qasba District Peshawar requesting for counting of his Adhoc Service for the purpose of seniority etc with effect from 22/11/2004 to 30/05/2007.

Facts leading to the case are that the appellant was promoted as Naib Tehsildar on Adhoc basis on 22/11/2004 amongst Kanungo Quota and has served with effect from 22/11/2004 to 30/05/2007 on various posts in the Province. On 31/05/2007, he was promoted as Naib Tehsildar on regular basis. He has now come up with prayer for counting of Adhoc Service for the purpose of seniority etc.

Appellant with counsel present. Arguments heard and comments offered by the Department perused.

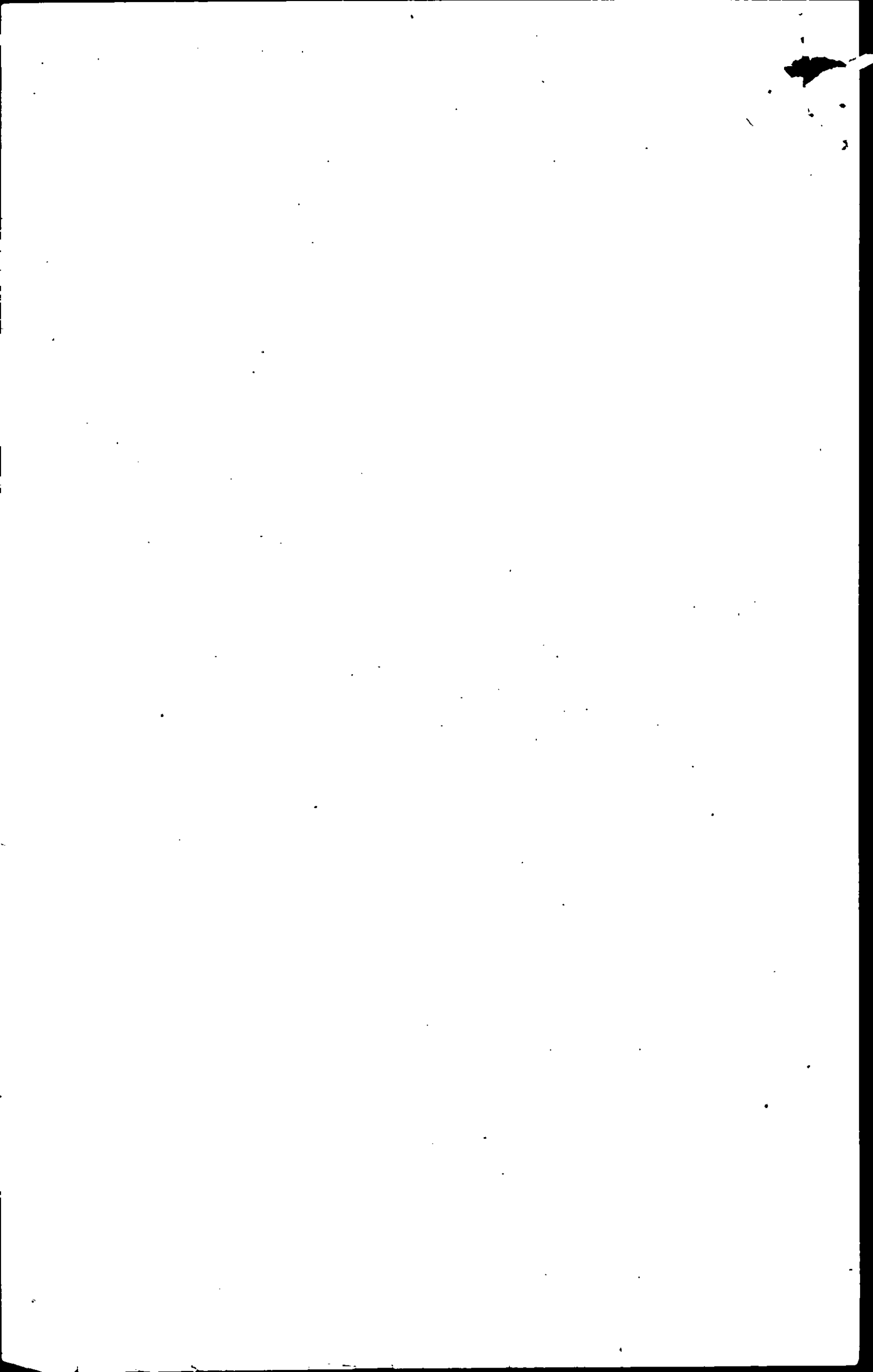
The learned counsel for the appellant while arguing the case, presented a circular letter bearing No. SOR-II(S&GAD) 1(27)86 dated 18/06/1989 issued by defunct Services and General Administration Department (Regulation Wing) NWFP, which provides as under:-

TRUE COPY

“The matter has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department NWFP. It has now been clarified that there is no bar on the Adhoc Service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided that there has been no break between the Adhoc and regular appointment”.

Attested

Reader to
Senior Member
Board of Revenue. NWFP.



The learned counsel for the appellant further argued and pointed out that the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 was issued vide No. SOR-I(S&GAG)/4-1/8, dated 31/10/1989 while the above said circular was issued on 18/06/1989, which shows that the said circular was issued after the issuance of the Rules ibid, therefore action shall be taken in light of the said circular.

In view of the above, the appeal is accepted and the service rendered by the appellant on Adhoc basis with effect from 22/11/2004 to 31/05/2007 is to be counted towards regular service as well as for the purpose of seniority.

ANNOUNCED.

02/04/2009

Attested.

[Signature]

Reader to:

Senior Member

[Small text]

3/7/77

[Signature]

(AHSANULLAH KHAN)

SENIOR MEMBER,

BOARD OF REVENUE, NWFP.

TRUE COPY

[Signature]

ANNOUNCED

92
27

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

Case No. 92/2009
Date of Institution 30.05.2009
Date of Decision 09.09.2009



Appeal against order No.11155-64/Admn-V/DPC/NT, dated 10.05.2008/Admn-V/Naik Muhammad.

ORDER

This is an appeal filed by Mr. Naik Muhammad Political Naib Tehsildar Bazar Zakha Khel challenging therein this Department order bearing Endorstatement No. 11155-64/Admn-V/DPC/NT, dated 10.05.2008/Admn-V/Naik Muhammad.

Facts leading to the case are that the appellant was initially appointed as Patwari on 26.07.1995 in the office of the then Deputy Commissioner, Kohat and remained posted in various Halqas. He was later on promoted as Kanungo (BPS - 09) on Regular basis and was thereafter posted as District Revenue Accountant in his (Own Pay & Scale) on 08.02.2005. As a result of his satisfactory performance he was posted as Political Naib Tehsildar Central Orakzai Agency on 04.05.2005 he also remained posted as Political Naib Tehsildar Bara Khyber Agency as well as Mulagori Khyber Agency and Political Naib Tehsildar Passpor Torkham Khyber Agency. Later-on he was promoted as Naib Tehsildar (BPS - 14 on Acting Charge basis on 10.05.2008.

Under the circumstances and his excellent service available on record his case seems to be genuine. As such, the appeal is hereby accepted and the services of the appellant are hereby regularized as Naib Tehsildar w.e.f 10.05.2008

ANNOUNCED
09.09.2009

Attested
15-9-2009

(Signature)
(AHSANULLAH KHAN)
SENIOR MEMBER

BOARD OF REVENUE NWFP

(Signature)
Recd. To
Senior Member

(Signature)

67

VAKALATNAMA

In the Court of

Service Tribunal

K.P., Peshawar

No. _____

of 2013

Petitioner
Plaintiff
Applicant
Appellant
Complainant
Decree-Holder

Mohammed Ghais

VERSUS

Respondent
Defendant
Opponent
Accused
Judgment-Debtor

Govt of K.P.

I / We

Mohammed Ghais

noted

Appellant

the above

do hereby appointed and constitute,

Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

[Signature]
Client

Dated

04-9-13

[Signature]
Attested & Accepted (Advocates)

Office

ATIQ LAW ASSOCIATES,
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafark.advocate@gmail.com

[Signature]

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 472 /ST

Dated 20/03/2014

To

The Editor,
Daily Aaj, Peshawar

Subject:- **COURT NOTICE.**

I am directed to forward herewith court notices in Service Appeals No 1326/2013, 1327/2013, 1328/2013 and 1329/2013, titled Muhammad Shoaib Vs Government of Khyber Pakhtunkhwa etc.

I am further directed to request that the publication charges should be recovered from the appellant or his counsel in cash. The receipt of amount and cutting of newspaper may also be sent to this office on or before 06.05.2014

Encl. As above.


REGISTRAR

KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

پیر پختونخواہ سروس ٹریبونل پشاور

سروس اپیل نمبر 2013/1326/1327 آئندہ تاریخ پیشگی 06/05/2014

محمد شعیب بنام حکومت و دیگران

- 3 بشیر احمد تحصیلدار صوابی
- 4 میان سمیع اللہ جان تحصیلدار پترال
- 5 غلام فاروق ~ ایف آر کوہاٹ
- 6 ناز امین خان ~ کوہاٹ
- 7 ایس امیر شاہ ریکوری آفسر این۔ ایچ۔ اے۔ ایڈمٹ آباد
- 8 علی شہر جان تحصیلدار تخت پش
- 9 طارق سلیم ~ ڈوویل بنوں
- 10 عبد الغفور شامی انسپٹر ڈی۔ آئی۔ خان
- 11 سید رحمان تحصیلدار اینڈ ٹریبونل ڈائریکٹوریٹ پشاور
- 12 کراوت اللہ کنڈی تحصیلدار لبری کوٹ سعوات
- 13 اکبر افتخار الہد پولیٹیکل تحصیلدار عین زئی ٹرم ایجنسی پارا چنار
- 14 قصیر خان پولیٹیکل تحصیلدار ایف آر بنوں
- 15 سعید اللہ سپٹیل تحصیلدار اینڈ ٹریبونل ڈی۔ آئی۔ خان
- 16 محمد الون خان تحصیلدار بنوں
- 17 عبدالرحمن تحصیلدار ڈگر لونڈ
- 18 سریر الہد ~ نویندرہ
- 19 محمد راجح ~ پٹی نویندرہ
- 20 عطاء اللہ ریکوری آفسر ڈائریکٹوریٹ پشاور
- 21 مقدر حق عین تحصیلدار پش
- 22 عبد القیوم ~ کوہاٹ

- | | |
|---|----------------------|
| تحصیلدار شکران | 23 محمد نواز |
| فردان | 24 میر لائق |
| سرت | 25 نمان علی شاہ |
| غازی | 26 محمد بشیر |
| فوازہ ضیلہ | 27 ہارینہ اللہ |
| شکران | 28 افتخار احمد |
| الیوری سوات | 29 غلام سرور |
| عذرہ فالانڈ ڈویژن | 30 فرزند علی |
| تھر گڑھ | 31 سپدرمان |
| انتظار براءے تھینائی ان بورڈ آف ریونیوں | 32 فضل رازق |
| تحصیلدار ڈی۔ ائی۔ خان | 33 شاہ نواز |
| بکی سروت | 34 عہدت اللہ |
| ہیڈ کلرک ڈی۔ سی آفس ڈی۔ ائی۔ خان | 35 ایس مظہر حسین شاہ |
| تحصیلدار نورنگ بنوں | 36 حسین بخش |
| کلاچی | 37 عبدالرشید |
| لوئسٹل تحصیلدار ڈسالی | 38 فتح اللہ |
| تحصیلدار بابوٹ | 39 محمد اسلم |
| ٹانک | 40 ملازم حسین |
| محمد اسرار انکوری آفسر پستون بنوں | 41 |
| تحصیلدار کندو قیل | 42 افضل خان |
| بجرون | 43 انور الحق |
| لوئسٹل تحصیلدار ایف آر ٹانک | 44 حفصہ صبا |
| ٹی سیٹمنٹ بنیالہ | 45 محمد طارق انور |

- ۱۶ قلیطان تحصیلدار ہولیاں
- ۱۷ غلام قاسم ایئرنگیشن ڈی۔ آئی۔ خان
- ۱۸ قدرت اللہ ڈی۔ ٹی ڈی۔ آئی۔ خان
- ۱۹ افتاب حسین شاہ پیڈ فلک ڈی۔ سی۔ آفس ڈی۔ آئی۔ خان
- ۲۰ سکندر صابان شاہ نائب تحصیلدار ڈومیل
- ۲۱ غلام عباس نائب تحصیلدار نکی عروٹ
- ۲۲ سلیم عہد ایئرنگیشن گومل ڈی۔ آئی۔ خان
- ۲۳ رفیق حسن خان ایئرنگیشن گومل ڈی۔ آئی۔ خان
- ۲۴ حبیب اللہ نائب تحصیلدار راجو سوہان
- ۲۵ عانت اللہ قریشی سبک تحصیلدار ٹانک
- ۲۶ عبداللہ خان نائب تحصیلدار شوقدر
- ۲۷ معراج محمد ایئرنگیشن ڈومیل
- ۲۸ نذیر احمد ایئرنگیشن ڈومیل
- ۲۹ محمد ضیافت تحصیلدار پٹن پزارہ ڈومیل
- ۳۰ عبدالرشید ایچ۔ وی۔ سی ایئرنگیشن ڈی۔ آئی۔ خان
- ۳۱ نعمت اللہ خان ٹوٹھل نائب تحصیلدار الف آرا کوہاٹ
- ۳۲ تنک محمد بی ایس۔ ٹی بارہ خیر ایجنسی
- ۳۳ امان اللہ نائب تحصیلدار لینڈ انکویزیشن ٹانک
- ۳۴ شاہ زعفران ایئرنگیشن ٹانک
- ۳۵ عبدالرشید ایئرنگیشن ڈی۔ آئی۔ خان
- ۳۶ محمد ایوب ایئرنگیشن ڈی۔ آئی۔ خان
- ۳۷ افتخار محمد پیڈ فلک راجو سوہان
- ۳۸ مقبول الرحمان نائب تحصیلدار ایئرنگیشن گومل

69. شیخ الاسلام

والمراد علیہ لکھنؤ

70. عبدالعزیز

نائب تحصیلدار

کشمیر بیون

71. احمد اللہ خان

ڈی. سی. بلی

72. افسانہ علی شاہ

لوٹیکل نائب تحصیلدار

سنٹرل کرم اچھی

73. خالد خان

بھارت

بھارت

74. فضل و دود

بھارت

بھارت

75. ارشد علی

بھارت

بھارت

76. افسانہ خواجہ

نائب تحصیلدار

کشمیر آفس ڈی. سی. بلی

77. شاہ وزیر

بی. این. ٹی. ساؤتھ

وزیرستان اچھی

78. سکندر خان

بی. این. ٹی. خواجہ

بھارت

79. اشتیاق احمد خان

بھارت

بھارت

80. شمس الاسلام

بھارت

بھارت

81. اللہ نور

بھارت

بھارت

82. محمد الیاس

بھارت

بھارت

83. یاسر سلمان کنڈی

بھارت

بھارت

84. یار اللہ خان

بھارت

بھارت

85. احمد یاسین

نائب تحصیلدار

کشمیر عالی کنڈی

86. امین اللہ خان

لوٹیکل نائب تحصیلدار

ڈی. سی. بلی - سی. سی. بلی

87. اصلاح الدین

بی. این. ٹی. تحت بی

88. زاہد تونس

لوٹیکل تحصیلدار

محل کرم اچھی

89. نعمت اللہ

نائب تحصیلدار

مستوح

90. محمد یاقین

بی. این. ٹی. ذہیر پور

- 113 ...
- 112 ...
- 111 ...
- 110 ...
- 109 ...
- 108 ...
- 107 ...
- 106 ...
- 105 ...
- 104 ...
- 103 ...
- 102 ...
- 101 ...
- 100 ...
- 99 ...
- 98 ...
- 97 ...
- 96 ...
- 95 ...
- 94 ...
- 93 ...
- 92 ...
- 91 ...

114. عبدالرحمن و سید
 115. تنزیل الرحمان لوشکل تحصیلدار اورنگزی اچکس
 116. قاضی محمد اسم تحصیلدار کنولڈیشن ڈی۔ ای۔ ای۔ خان
 117. عبد القیوم ڈی۔ سی۔ آفس پوٹھان
 118. روح الامین تحصیلدار بی۔ ڈی شاہ ڈسٹرکٹ بکرہ
 119. قبانوس خان لوشکل نائب تحصیلدار الف ار کوٹ
 120. خورشید علی ڈسٹرکٹ ریونیو اکاؤنٹنٹ بیٹھلہ
 121. سعید اسحاق نائب تحصیلدار ڈی۔ سی۔ آفس سائند
 122. جہان علی نائب تحصیلدار ماہوزئی
 123. عزیز زین ہلی سر
 124. شاہ وزیر این ڈی جوڈیشل سوان
 125. شہر بہادر لوشکل تحصیلدار نوٹر اورنگزی
 126. شولتہ اقبال سے ریلو ڈی۔ ای۔ خان
 127. عبدالرشید کسٹرن آفس سردان
 128. امد علی لوشکل نائب تحصیلدار باہور
 129. فرافوس خان
 130. عبدالحسین تحصیلدار باہور
 131. شکیل امد لوشکل تحصیلدار باہور
 132. گوٹھ علی نائب تحصیلدار سراج پور
 133. محمود شاہ ایچ۔ سی۔ آر ڈی سی آفس سیالکوٹ
 134. شہر دل تحصیلدار اوکس مانسپہ

و دعا علیہم عندہ نمبر 3 تا 136 آئی تھیں مہوٹی اور عام
طرفے سے ہونی مشکل ہے لہذا دعا علیہم کو بند کرنا شہداء پر نفاذ
کیا جاتا ہے کہ وہ عورثہ 2014/2015/2016 کو اصالہ و کالہا مہر
عدالت ہذا سے سروس ٹریبونل جوڈیشل کمپلیکس لہور میں مقدمہ
ہذا کی پیروی کے غیر طاعنی صورت میں ان کے خلاف
یکطرفہ کارروائی عمل میں لائی جائیگی۔ ثبت دستخط عمر عدالت
آج عورثہ 1/1 کو جاری کیا گیا۔

عمر عدالت
1/1

سروس ٹریبونل خیر بخشو خواہ

VAKALAT NAMA

NO. 1328 /2013.

IN THE COURT OF Service Tribunal, Peshawar.

Muhammad Shoaib (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Deptt. (Respondent)
(Defendant)

I/We Reports: 27, 29, 31, 42, 43, 121, 123.

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

محمد شایب
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

Taimur Ali Khan
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeals No: 1326 of 2013

Muhammad Shoaib, Naib Tehsildar Petitioner

VERSUS

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

COMMENTS ON BEHALF OF RESPONDENTS NO.1&2

PRELIMINARY OBJECTIONS.

1. Appellant has no cause of action.
2. The appellant has no locus standi to bring the present Service Appeal to claim seniority on the basis of adhoc appointment.
3. The appellant is estopped by his own conduct to bring the present Service Appeal.
4. The appeal is badly time barred.
5. The appellant has not come to this Hon'able Tribunal with clean hands.
6. The Appeal is not maintainable due to non joinder and mis-joinder of necessary parties.

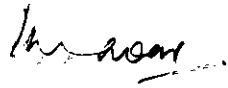
ON FACTS

1. Incorrect. The appellant was a junior clerk and was appointed as Naib Tehsildar on adhoc basis. His services were regularized on 02.06.2009 with immediate effect through Departmental Promotion Committee (Annexure-A). The then Senior Member, Board of Revenue through an administrative order had given him seniority w.e.f. 10.04.2001 (from the date of his posting on adhoc basis behind the back of officials senior to him at that time. According to rule 8(4) of the Civil Servant Act, 1973 seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post. Since the appellant has been given seniority w.e.f. the date of regular promotion as Naib Tehsildar 02.06.2009. His request for seniority w.e.f. the date from which he was appointed/ posted as Naib Tehsildar on adhoc basis i.e. w.e.f. 10.04.2001 to 1.06.2009 is not cover the rules.
2. Incorrect. the services of the appellant was regularized as Naib Tehsildar on 02.06.2009 and he was rightly placed at S.No.140 i.e. the date of his regular promotion as Naib Tehsildar.
3. Correct. Posting as Naib Tehsildar in OPS / adhoc cannot be counted towards seniority; therefore, his request for seniority w.e.f. date of his posting in OPS/adhoc basis was rightly rejected.
4. The appellant has no locus standi to claim a relief not provided by law, therefore the appeal in hand is non maintainable.

GROUND.

- a. Incorrect. The name of the appellant was placed at proper place in seniority list of 2011 in accordance with law.
- b. Correct to the extent that the appellant served in the department as Naib Tehsildar from 10.04.2001 till 01.06.2009 on adhoc basis/OPS. The administrative order of the then Senior Member, Board of Revenue was not implemented being violative of rules, as seniority in post or cadre is to be counted from the date of regular promotion.
- c. As in preceding para. A void order carries no authority or benefits.
- d. Incorrect. No prior notice was required under the rules to be issued to the appellant before issuance of tentative seniority list. The judgment of the Service Tribunal is not applicable in case of the appellant.
- e. Incorrect. Detail reply has been given in para a and b above.
- f. Correct to the extent that the then Senior Member, Board of Revenue has given seniority to the officials through administrative order against the rules. The unwarranted judgment/order of a person cannot be considered as precedent.
- G. No discrimination has been done with the appellant. However, the respondent seeks permission to advance further grounds at the time of arguments.

In view of the above, the service appeal has no merits and may be dismissed with costs.


Respondent No.1&2



(43)

**GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT**

Peshawar Dated 02 /06/2009

ORDER

No. 16740 /Admn:V/DPC/NT In pursuance of decision of Departmental Promotion Committee the Competent Authority is pleased to promote Mr. Muhammad Shoaib of Kohat Division presently working as Naib Tehsildar (BPS - 14) on (temporary basis) as Naib Tehsildar (BPS - 14) on Regular basis with immediate effect.

On promotion he will remain posted as Head Clerk (Revenue) Karak.

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

No. 16741-55 /Admn:V/DPC/NT

Copy forwarded to the: -

1. District Officer (Revenue & Estate)/Collector, Kohat / Karak
2. District Accounts Officer Kohat / Karak.
3. Officer concerned.
4. Personal File.
5. Office Order File.

**Assistant Secretary (Admn)
Board of Revenue NWFP**

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

Service Appeal No. 1326/2013

Muhammad Shaoib

VS

Revenue Deptt:

.....

**REPLY ON BEHALF OF RESPONDENTS
NO.27,29,31,42,43,121,123**

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. The appellant has no locus standi and cause of action.
2. The appellant has not come with clean hands.
3. The appeal is time barred.
4. The appeal is not maintainable.
5. The appeal is bad for non-joinder and misjoinder of parties.
6. The appeal is estopped by his own conduct to file the present appeal.

FACTS:

1. Pertain to record.
2. Incorrect and misconceived. The appellant was rightly placed at serial No. 140 according to his right in the seniority list vide notification dated 31.12.2011.
3. Pertain to record, however the departmental representation was rejected on sound reason.
4. Incorrect the seniority list of 31.12.2011 and rejection order dated 2.8.2013 is according with law and rule

GROUND:

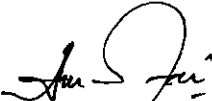
- A. Incorrect and misconceived. The seniority list dated 31.12.2011 is according to rules and law.
- B. Denied due want of knowledge.
- C. Denied due want of knowledge.
- D. Incorrect. The appellant should aware himself every thing about his service record including seniority list.
- E. Incorrect. The seniority list dated 31. 12 2013 is final seniority list and the appellant is rightly placed at S.No. 140 according to his right.
- F. Incorrect and misconceived. The cases of Gulshan Mehood, Said Rehman and Naik Muhammad are different from the appellant.
- G. Incorrect. The action of respondent department is according the principles of equity, justices and law.


Respondents 27,29,31,42,43,121,123 also seek Permission to take several other grounds at the time of arguments.

It is, therefore, most humbly prayed that the appeal in hand may be dismissed with cost through out merit less and devoid of any legal footing.

Replying respondents
27,29,31,42,43,121,123

Through:

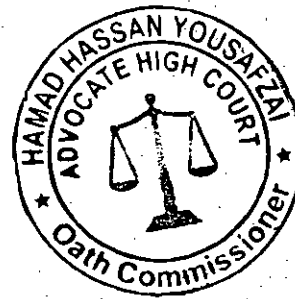

(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.


& 
(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR.

AFFIDAVIT

It is, affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief.


DEPONENT




9/9/14

Before KPK Service Tribunal

Peshawar

Resp. 52

~~Applicant~~

2 منجانب

Govt. of KPK بنام Muhammad & Shuaib
etc

1506.15

مورخہ

مقدمہ

دعویٰ

S A: 1326/13 جرم

باعث تحریر آنکہ

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

آن مقام Peshawar کے لیے Bilal Akkaizul Adv

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 بصورت 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 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 لکھ دیا کہ سندر ہے۔

2015

10 ماہ جون

الرقوم

العبد _____ العبد _____

کے لئے منظور ہے۔

مقام

Attested & Accepted

Bilal Akkaizul

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1326/2013

Muhammad Shoaib

VERSUS

Govt of K.P etc

=====

APPELLANT'S REJOINER AGAINST RESPONDENT No. 1 & 2's REPLY

=====

REPLY TO PRELIMINARY OBJECTIONS

All the preliminary objections taken in the reply are incorrect and are hence denied in detail.

REPLY ON FACTS


1. Para 1 of the appeal is correct and that of the reply is incorrect. The department itself admits that the Hon'ble SMBR vide an Administrative order has allowed seniority to the appellant w.e.f 10-04-2001. The department cannot be allowed to blow hot and cold at the same time, on the one hand by accepting appellant's seniority w.e.f 10-04-2001 and on the other hand denying the same to the appellant vide impugned seniority list.
2. Para 2 of the appeal is correct and that of the reply is incorrect. As the services of the appellant have been regularized vide order dated 11-11-2009 w.e.f 10-04-2001, therefore the appellant case merits acceptance by placing him at his actual place of seniority at S. No. 6, above respondents No. 3 to 134.
3. Admitted correct by the department.
4. Para 4 of the appeal is correct and that of the reply is incorrect.

REPLY TO THE GROUNDS

The grounds taken in paras "a" to "g" of the appeal are correct, whereas that of the reply are incorrect.

The respondent department has once allowed the seniority to the appellant w.e.f 10-04-2001, cannot be allowed to retract from their notification dated 11-11-2009, which was not challenged before any forum.

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


Appellant

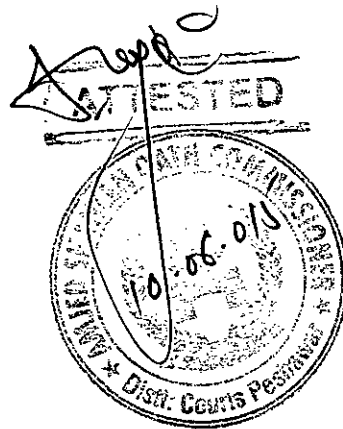
Through,


Peshawar, dated
11/11/2015


(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

Affidavit

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.




DEPONENT

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1326 /2013

Muhammad Shoaib

VERSUS

Govt of K.P etc

=====
**APPELLANT'S REJOINDER AGAINST RESPONDENT No. 27, 29, 31, 42, 43,
55, 121 & 123 REPLY**
=====

REPLY TO PRELIMINARY OBJECTIONS

All the preliminary objections taken in the reply are incorrect and are hence denied in detail.

REPLY ON FACTS

1. Para 1 of the appeal is correct and that of respondents reply is incorrect.
2. Para 2 of the appeal is correct and that of respondents reply is incorrect.
3. Para 3 of the appeal is correct and that of respondents reply is incorrect.
4. Para 4 of the appeal is correct and that of respondents reply is incorrect.

REPLY TO THE GROUNDS

The grounds taken in paras "a" to "g" of the appeal are correct, whereas that of the reply are incorrect.

The respondent department had allowed the seniority to the appellant w.e.f 10-04-2001 vide notification dated 11-11-2009, which was not challenged by any of the respondents before any forum, therefore the appellant is entitled to his seniority at S. No. 6 above the respondents.

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

Through,

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

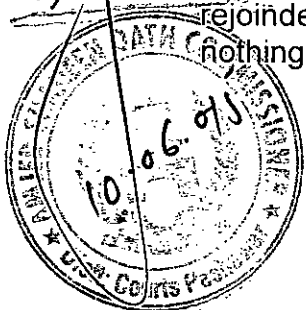
Appellant,

Peshawar, dated
11/11/2015

~~Attest~~
Attest

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.

DEPONENT



BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1326 /2015

Muhammad Shoaib

VERSUS

Govt of K.P etc

=====

APPLICATION FOR EARLY DATE OF HEARING

Respectfully Sheweth

1. That the above titled appeal is being adjudication before this Hon'ble Tribunal, which is fixed for 04-04-2016.
2. That the matter pertains to the seniority and promotion of the appellant, which needs immediate attention of this Hon'ble Tribunal. The appeal is ripe for arguments and may be fixed for an early date for its disposal on merits.

It is therefore, requested that by accepting this application, an early date of hearing may kindly be allowed to adjudicate the matter in question.

Applicant,

Through,

Peshawar, dated
08th Dec, 2015

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

MZ
12/1

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1326 /2015

Muhammad Shoaib

VERSUS

Govt of K.P etc

=====
APPLICATION FOR EARLY DATE OF HEARING

Respectfully Sheweth

1. That the above titled appeal is being adjudication before this Hon'ble Tribunal, which is fixed for 04-04-2016.
2. That the matter pertains to the seniority and promotion of the appellant, which needs immediate attention of this Hon'ble Tribunal. The appeal is ripe for arguments and may be fixed for an early date for its disposal on merits.

It is therefore, requested that by accepting this application, an early date of hearing may kindly be allowed to adjudicate the matter in question.

Applicant,

Through,

Peshawar, dated
08th Dec, 2015


(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1326 /2015

Muhammad Shoaib

VERSUS

Govt of K.P etc

APPLICATION FOR EARLY DATE OF HEARING

Respectfully Sheweth

1. That the above titled appeal is being adjudication before this Hon'ble Tribunal, which is fixed for 04-04-2016.
2. That the matter pertains to the seniority and promotion of the appellant, which needs immediate attention of this Hon'ble Tribunal. The appeal is ripe for arguments and may be fixed for an early date for its disposal on merits.

It is therefore, requested that by accepting this application, an early date of hearing may kindly be allowed to adjudicate the matter in question.

Applicant,

Through,

Peshawar, dated
08th Dec, 2015

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

OFFICE OF THE COMMISSIONER,
KOHAT DIVISION, KOHAT.

No. 1856 /AG-I

Dated: 10 April, 2001.

ORDER.

In pursuance of recommendations of DP/SC held on 7th April 2001, the following officials are hereby promoted/selected as Naib Tehsildars(BPS-14) purely on temporary basis, with immediate effect till the arrival of nominees of NWFP Public Service Commission:-

1. Mr. Abdul Samad, Asstt., Commissioner's Office Kohat
(Already working as N.T on Current Charge basis)
2. Mr. Hameed Khan, Assistant, Commissioner's Office, Kohat
(Already working as N.T on Current Charge basis)
3. Mr. Umar Hayat, Stenographer, PA's Office Kurram Agency
4. Mr. Muhammad Shoaib-II, Junior Clerk, Commissioner's Office Kohat
5. Mr. Muhammad Iqbal, Kanungo (Already working as NT/DRA)

The above promotion/appointment will not confer on them any right of regular promotion/appointment.

(AMJAD NAZIR)
COMMISSIONER,
KOHAT DIVISION, KOHAT.

Endst: No. 1857-71 /AG-I

Dated: 10 April, 2001.

Copy to the :-

- 1) Secretary, Board of Revenue, NWFP Peshawar.
- 2) Deputy Commissioners, Kohat/Karak/Hangu.
- 3) Political Agents, Kurram/Orakzai
- 4) District Accounts Officers, Kohat/Karak.
- 5) Agency Accounts Officers, Kurram/Orakzai.
- 6) Officials concerned.
- 7) Office order file.

FOR COMMISSIONER,
KOHAT DIVISION, KOHA



GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 02/06/2009

ORDER

No 16780 /Admn:V/DPC/NT In pursuance of decision of Departmental Promotion Committee the Competent Authority is pleased to promote Mr. Muhammad Shoaib of Kohat Division presently working as Naib Tehsildar (BPS - 14) on (temporary basis) as Naib Tehsildar (BPS - 14) on Regular basis with immediate effect.

On promotion he will remain posted as Head Clerk (Revenue) Karak.

By order of
Senior Member,
Board of Revenue NWFP

No 16781-85 /Admn:V/DPC/NT

Copy forwarded to the: -

1. District Officer (Revenue & Estate)/Collector, Kohat / Karak
2. District Accounts Officer Kohat / Karak.
3. Officer concerned.
4. Personal file.
5. Office Order File.


Assistant Secretary (Admn)
Board of Revenue NWFP

3

43 23

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10 /02/2010.

ORDER

No _____ /Admn:I/PF/A/SL with the approval of Competent Authority the Seniority is assigned in favour of Mr. Abdul Nabi Naib Tehsildar from the date of his promotion as Naib Tehsildar on Acting Charge basis with effect from 10.04.2001.

By order of,
Senior Member
Board of Revenue NWFP

No. 2840-43 /Admn:I/PF/ A/SL

Copy to:-

1. Commissioner Kohat, Division.
2. Officials concerned.
3. Office Order File
4. Personal File


Assistant Secretary (Estt)
Board of Revenue NWFP

54

**GOVERNMENT OF NWFP,
REVENUE & ESTATE DEPARTMENT**
No. 29050 /Admn:V/PF(Shoaib).
Peshawar dated the 7 /11/2009.

To

The Reader to Senior Member,
Board of Revenue, NWFP.

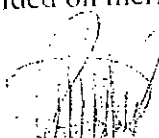
**SUBJECT: APPEAL/APPLICATION OF MUHAMMAD SHOAIB NAIB
TEHSILDAR / HEAD CLERK REVENUE DISTRICT
KARAK.**

Reference your letter No.1181/Judl:/SMBR dated 29/10/2009 on the
subject noted above.

Para-wise comments of the Department are as under:-

1. a). No Comments pertain to record.
b). Correct.
2. Correct.
3. Correct. Vide defunct Service & General Administration
Department Circular letter SOR-1/S&GAD/1-29/75 dated
27/11/1988 it was decided that with immediate effect the
service rendered on Adhoc basis in a post under the
Provincial Government, followed by regular appointment to
a post in the same pay scale shall be counted towards length
of service, prescribed for promotion to a higher post
provided there is no break between Adhoc and regular
appointments to the post concerned as per Flag-A.
4. No comments. As at Para 3 above.

In view of the above, the appeal may please be decided on merit.


**Assistant Secretary (Estt.)
Board of Revenue, NWFP.**