

906/2014

22.02.2019

Counsel for the appellant and Addl. AG
alongwith Javed Khan, Asstt. for the respondents
present.

Learned counsel for the appellant states that the
appellant has since been promoted as Assistant
Secretary Board of Revenue ~~and~~ he is under
instructions to request for withdrawal of instant appeal.

Dismissed as withdrawn. File be consigned to
record room.



Member

ANNOUNCED

22.02.2019



Chairman

12.09.2018

Since 12 September 2018 has been declared as public holiday on account of Muharam Ul'Haram. Therefore, the case is adjourned. To come up for the same on

8-11-18


Reader

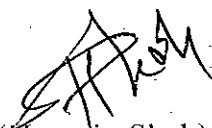
08.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018.


READER

21.12.2018

Learned counsel for the appellant Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Muhammad Arif Superintendent for the respondents present. Learned counsel for the appellant requested, for adjournment. Adjourned. To come for arguments on 20.02.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

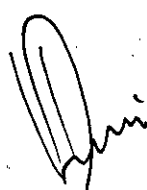
20.02.2019

Learned counsel for the appellant and Mr. Usman Ghani leaned District Attorney for the respondents present.

In view of office order dated 04.06.2015, whereby the appellant was promoted in BPS-17, Learned counsel for the appellant requests for time to seek fresh instructions in the matter.

Adjourned to 22.02.2019 before D.B.


Member



Chairman

Service Appeal No. 906/2014

27.03.2018

Appellant present. Learned counsel for the appellant is absent. Mr. Usman Ghani, District Attorney alongwith Mr. Javed Iqbal, Assistant for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 16.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

16.05.2018


Appellant in person and Mr. Zia Ullah, learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 18.07.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

18.07.2018

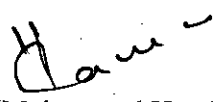
Counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member


14. 04.07.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 27.10.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

27.10.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. To come up for arguments on 19.1.2018 before the D.B.


Member


Chairman

19.01.2018 Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Clerk of the counsel seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 27.03.2018 before D.B.


(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

17.06.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 28.10.2016.



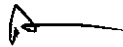
Member



Member

28.10.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Request accepted. To come up for arguments on ~~2.3.17~~ before D.B.



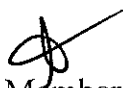
(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

02.03.2017

Counsel for the appellant and Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. To come up for final hearing on 04.07.2017 before the D.B.



Member



Chairman

26.08.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 24.11.2015 before S.B


Chairman

24.11.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 3.3.2016 before S.B.


Chairman

03.03.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Assistant AG for respondents present. Para-wise comments submitted. Cost of Rs. 500/- paid and receipt thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 17.6.2016.


Chairman

12.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Superintendent in the Ministerial Establishment of SMBR when promoted as Tehsildar on the strength of notification dated 02.12.2011 and subsequently posted as Tehsildar Daggar. That vide impugned order dated 23.01.2014 the appellant was reverted to his previous position without any lawful justification as he was promoted keeping in view his seniority. That against the impugned order appellant preferred departmental appeal on 20.02.2014 which remained un-responded and hence the present service appeal on 13.06.2014.

That the appellant is entitled to retain the position of Tehsildar on the strength of the amendment reflecting in the notification referred to above dated 02.12.2011.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.06.2015 before S.B.


Chairman

26.06.2015

Agent of counsel for the appellant and Mr. Naeem Khan, Assistant alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 26.8.2015 before S.B.


Chairman


Approved
Security & Process Fee



3

26.09.2014

Counsel for the appellant present. Preliminary arguments partly heard. The matter required further clarification, therefore, pre-admission notice be issued to the learned AAG/GP with the direction to produce complete record of the appellant. To come up for preliminary hearing on 21.11.2014.

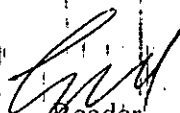

Member

4

Reader Note:

21.11.2014


Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 29.01.2015 for the same.


Reader

5

29.01.2015

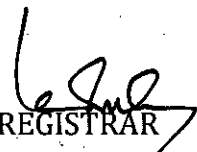

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Clerk of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 12.03.2015.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 906/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/07/2014	<p>The appeal of Mr. Attaullah resubmitted today by Mr. Noor Muhammad Khattak 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	9-7-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>26-9-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Attaullah Tehsildar received today i.e. on 13.06.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of promotion order dated 18.6.2013 on acting charge basis mentioned in para-4 of the memo of appeal (Annexure-G) is not attached with the appeal which may be placed on it.
- 2- Annexure-I of the appeal is illegible which may be replaced by legible/better one.
- 3- Copy of appointment order mentioned in para-I of the memo of appeal is not attached with the appeal which may be placed on it.

No. 956 /S.T,

Dt. 16/6 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

*Sir, All objections has been removed,
hence resubmitted today dated 2/7/2014.*

MJ
9.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 906 /2014

ATTAULLAH

VS

Govt: of KPK

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Promotion order	B	5.
4.	Promotion order	C	6.
5.	Promotion orders	D	7- 8.
7.	judgment	E	9- 12.
8.	Rules	F	13.
9.	Promotion order	G	14.
10.	Training schedule	H	15.
11.	Posting order	I	16.
12.	Impugned orders	J	17- 18.
13.	Review petition	K	19- 21.
14.	Vakalat nama	22.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 906 /2014

890
13-6-2014

Mr. Attaullah, Tehsildar (BPS-16),
Tehsil office Daggar, District Bunir **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar **Respondents**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDERS DATED 23/01/2014 AND 24/01/2014 WHEREBY THE PROMOTION ORDER OF THE PETITIONER TO THE POST OF TEHSILDAR (BPS-16) HAS BEEN WITHDRAWN AND THE PETITIONER WAS POSTED AS TEHSILDAR (BPS-16) ON CURRENT CHARGE BASIS ILLEGALLY AND IN VIOLATION OF LAW AND PRAILING RULES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD

PRAYER:

That on acceptance of this appeal the impugned orders dated 23/01/2014 and 24/01/2014 may very kindly be set aside and the respondents may be directed to retain/brought back the appellant to the post of Tehsildar (BPS-16) on regular basis from the date when the appellant was promoted as Tehsildar (BPS-16) on regular basis i.e. 18/06/2013. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

That appellant was appointed as junior clerk in the Board of Revenue vide order dated 26.5.1981 and later on the appellant was promoted to the post of Senior clerk vide order dated 16/05/1996. Copies of the appointment order and promotion order are attached as annexure **A & B.**

As-submitted to the
and filed,

13/6/14
2/7/14

- 2- That appellant after serving for more than thirteen years on the post of senior clerk the appellant was promoted to the post of Assistant (BPS-14) vide order dated 1/3/2009. That during his entire service career the appellant has served the board of Revenue quite efficiently and up to the entire satisfaction of his superiors. Copy of the promotion order is attached as annexure **C.**
- 3- That appellant was promoted to the post of Superintendent (BPS-16) from the post of Assistant (BPS-14) vide order dated 31/05/2011 w.e.f. 16.6.2010 on the directions of this august Tribunal vide judgment dated 31.10.2013. Copies of the judgment and promotion orders are attached as annexure **D & E.**
- 4- That in the light of respondent Department Notification dated 02/12/2011 the appellant was promoted to the post of Tehsildar (BPS-16) on regular basis on the recommendation of proper Departmental Selection Committee constituted in the light of APT Rules 1989 vide order dated 01/07/2013 w.e.f. 18/06/2013. That it is very pertinent to mention that appellant participated in the course of Tehsildar (BPS-16) and cleared the same successfully. Copies of the rules, promotion order and training schedule are attached as annexure **F, G & H.**
- 5- That vide order dated 31/12/2013 the appellant was posted as Tehsildar Peshawar Circle Peshawar. That in compliance of the order the petitioner submitted his charge report and started performing his duties as Tehsildar Peshawar Circle Peshawar. That astonishingly vide order dated 23/01/2014 and 24/01/2014 the promotion order of the appellant as Tehsildar (BPS-16) has been withdrawn and the appellant was placed on acting charge basis Tehsildar (BPS-16). Copies of the posting order and impugned orders are attached as annexure **I & J.**
- 6- That appellant feeling aggrieved from the impugned orders dated 23.1.2014 and 24.1.2014 filed review petition before the respondent No.2 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the review petition is attached as annexure **K.**

GROUND:

- A- That the impugned orders dated 23/01/2014 and 24/01/2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant was promoted to the post of Tehsildar (BPS-16) on regular basis on the recommendations of proper Departmental promotion Committee and after serving the Department for more than thirty years, therefore his reversion/withdrawal of promotion orders, is against the canon of natural justice.
- D- That the appellant has been discriminated on the point noted above and as such the respondent Department violated the law and prevailing rules.
- E- That the impugned order dated 23/01/2014 and 24/01/2014 has been issued in violation of the principle of "locus poenitentiae".
- F- That the respondent Department acted in arbitrary and malifide manner while issuing the impugned order dated 23/01/2014 and 24/01/2014.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10.6.2014

APPELLANT



ATTAULLAH

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

No. *Ahmadullah*

Affghan

3. Last name

Fazal Ahmad Gul Bahar No. 2, Takla Bakhsh Peshawar

4. Father's name and residence

Ahmadullah, sis abad

5. Date of birth, by Christian era as nearly as can be ascertained

15-10-1959 (Fifteen Oct. one thousand nine hundred & fifty nine)

Exact height by measurement

5-5

Personal marks for identification

A cut mark on right sole of shoe

Left hand thumb and finger impression of (right-hand thumb)

1st Finger



Ring Finger



2nd Finger



3rd Finger



4th



Signature of Government's agent

Ahmad

Attested

Name and designation of the Officer, or other Attending

ATTESTED

M. S. Khan
Assistant Secretary
Board of Revenue P.W.D.
Peshawar

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
<p>Board of Revenue, Senior Clerk, in R.P.S No. 5 270-10-250/12-470.</p>	off. Temporary		-	290/-	-	26 5/81	A. Quill
do	do		-	300/-	-	1 7/81	A. Quill
do	do		-	310/-	-	1 12/81	A. Quill
<p>do Revised R.P.S No-5 520-18-880.</p>	do		-	320/-	-	1 12/82	A. Quill
do	do		-	574/-	-	1 7/83 (F.N.)	A. Quill
do	do		-	592/-	-	1 12/83 (F.N.)	A. Quill
do	do		-	610/-	-	1 12/85 (F.N.)	None
<p>Senior Clerk 540-20-940</p>	do		-	640/-	-	1 7/85	A. Quill
<p>Revised & posted as B.C. B.P.S. No. 5 520-18-880</p>	do		-	610/-	-	1 10/85	A. Quill
do	do		-	628/-	-	1 12/85	A. Quill

26 5/81
1888

+ 857-9/85

B-5

Board of Revenue,
North West Frontier Province.

Peshawar dated the 16/05/1996.

OFFICE ORDER.

No. _____ /Admn:IV/21.- On recommendation of the Departmental Promotion Committee, N/S S.Aaghar Shah, Attaullah and Muhammad Ajeal Junior Clerks, Board of Revenue, N.W.F.P., are hereby promoted as Senior Clerks on regular basis with immediate effect.

sd/-
Secretary,
Board of Revenue, N.W.F.P.

No. 7920-82 /Admn:IV/21.

Copy forwarded to the :-

- 1. Accountant General, N.W.F.P., Peshawar.
 - 2. Bill Assistant.
 - 3. Officials concerned.
 - 4. Personal files.
 - 5. Office order file.
- |
|
|
|
|
|
- Board of Revenue, N.W.F.P., Peshawar.

sd/-
Assistant Secretary (Admn.)
Board of Revenue, N.W.F.P.

ATTESTED

Attested
[Signature]

16-5-1996
promoted as s/clerk

C-6

Board of Revenue,
North West Frontier Province.

Peshawar dated the // 03/2000.

O R D E R .

No. /Admn:IV.- On the recommendation of Departmental Promotion Committee, the following Senior Clerks (BPS-7) are promoted to the post of Assistants (BPS-11) on regular basis with immediate effect.

- 1. ✓ Mr. Attaullah.
- 2. Mr. Muhammad Ajmal.

Sd/-
Senior Member,
Board of Revenue, NWFP.

Endst: No. 5029-32 /Admn:IV.

Copy forwarded to :-

- 1. Accountant General, NWFP.
- 2. Bill Assistant.
- 3. ✓ Officials concerned.
- 4. Personal Files.

Board of Revenue, NWFP.

[Handwritten signature]

Secretary,
Board of Revenue, NWFP.

*11-3-2000
Promoted to the post of
Assistant (BPS-11)*

Attested
[Signature]

ATTESTED

[Signature]

~~24/5/11~~

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.

D-7

Dated: 31/05/2011.

NOTIFICATION.

No. Admn: IV/II/Supdt:Promotion/2011/ On recommendation of Departmental Promotion Committee held on 24.05.2011, the Competent Authority has been pleased to promote the following Assistant of Board of Revenue as Superintendent, with immediate effect as per details noted against each:

S. No.	Name of Assistants.	Remarks.
1.	Mr. Attaullah.	Promoted to the post of Superintendent (BPS-16) on regular basis.
2.	Mr. Sharifullah.	Promoted to the post of Superintendent (BPS-16) on regular basis.
3.	Mr. Tila Mohammad.	Promoted to the post of Superintendent (BPS-16) on regular basis.

2. On their promotion they will be on probation for a period of one year.

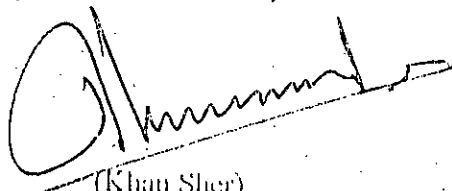
By order of
Secretary/SMBR.

Ends: No: Admn: IV/II/Supdt:Promotion//2011/17623-27

Copy for information to:

1. Accountant General, Khyber Pakhtunkhwa.
2. Bill Assistant, Board of Revenue.
3. Superintendents Concerned.
4. Personal file.
5. Office Order file.

31.5.2011 he was
the right to be
promoted from
retrospective effect
i.e. 16/6/2010.


(Khan Sher)

Assistant Secretary (Admn)
Tele: No.9210463

ATTESTED

8

GOVERNMENT OF KHYBER PAKHTUNKHWA.
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 16/06/2010.

OFFICE ORDER.

NO. _____ /Admn:IV/II/2010. On the recommendation of Departmental Promotion Committee the Competent Authority has been pleased to order promotion of the following Assistants as Superintendents with the following details noted against each:

Sl.No.	Name	Present post held by the official	Promoted to the next higher post.	Remarks.
1.	Muhammad Dawood. Assistant (BPS-14)	Acting Charge Superintendent (BPS-16).	Superintendent (BPS-16) on regular basis with immediate effect.	
2.	Muhammad Hamayun, Assistant (BPS-14)	Acting Charge -DO-	Superintendent (BPS-16) on regular basis with immediate effect.	
3.	S. Ayub Shah. Assistant (BPS-14)	-DO-	Superintendent (BPS-16) on regular basis with immediate effect.	
4.	Mr. Attaullah,	Assistant (BPS-14)		Deferred due to pending disciplinary proceedings against him which have not yet been finalized.
5.	Mr. Muhammad Ajmal	Assistant (BPS-14)	Superintendent (BPS-16) on regular basis with immediate effect.	
6.	Mr. Muhammad Nawaz,	Assistant (BPS-14)		Deferred due to shortage of ACR.
7.	MR. Muhammad Nazir.	Assistant (BPS-14)	Superintendent (BPS-16) on regular basis with immediate effect.	

By Order Of
Senior Member,
Revenue & Estate Department,
Khyber Pakhtunkhwa.

11904-15
NO. _____ /Admn: IV/II/2010.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Assistant Director (Admn & Accounts) PDMA/PaRRSA, Peshawar.
3. Bill Assistant, Board of Revenue, Khyber Pakhtunkhwa.
4. Official concerned.
5. Personal file.
6. Office order file.

Attested
[Signature]

[Signature]
Assistant Secretary (Admn :)
Revenue & Estate Department,
Khyber Pakhtunkhwa.

ATTESTED
[Signature]

10/11/13 PR Uodh (1)

E-9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



Appeal No. 1673/2011

Date of Institution. ... 08.10.2011
Date of Decision ... 31.10.2013

Mr. Attaulah, Superintendent (BPS-16), Board of Revenue,
Khyber Pakhtunkhwa Peshawar ... (Appellant)

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Muhammad Ajmal, Superintendent, Board of Revenue, Peshawar.
3. Mr. Muhammad Nazir, Superintendent, Board of Revenue, Peshawar. (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate. For appellant.

MR. MUHAMMAD JAN,
Government Pleader For respondents.

MR. MUHAMMAD AAMIR NAZIR, MEMBER
MR. SULTAN MAHMOOD KHATTAK, MEMBER

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER.- Attaulah, the appellant, through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, has impugned order dated 31.5.2011, whereby the appellant has been promoted to the post of Superintendent BPS-16 with immediate effect rather than with retrospective effect and also against not taking any action on his departmental appeal within the statutory period of ninety days.

2. Briefly stated the facts giving rise to the appeal in hand are that the appellant was appointed as Junior Clerk in the Board of Revenue on

ATTESTED
Khyber Pakhtunkhwa Service Tribunal

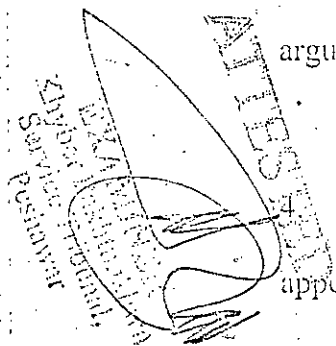
ATTESTED

26.5.1981 and was subsequently promoted as Senior Clerk and thereafter as Assistant BPS-14 on 16.5.1996 respectively. That despite the fact that the appellant was senior most amongst his colleagues, he was not considered for promotion as Superintendent BPS-16 and was deferred on the basis of a baseless enquiry. Later on the appellant was exonerated from the charges levelled against him by the enquiry officer. That the appellant was subsequently promoted as Superintendent BPS-16 on 31.5.2011 with immediate effect rather than with retrospective effect despite the fact that he was exonerated from the charges after proper enquiry. That against the order dated 31.5.2011, the appellant filed a departmental appeal but of no avail, hence the instant appeal.

3. After institution of the instant appeal, it was admitted to regular hearing and the respondents were summoned by the Tribunal. The respondents contested the appeal and submitted their written reply. We have heard the arguments of the learned counsel for the parties and perused the record:

4. The learned counsel for the appellant argued before the court that the appellant has served the department devotedly for more than 30 years and was entitled and eligible for promotion as Superintendent BPS-16 being senior most, yet he was deprived from promotion on the pretext that an enquiry was pending against him; that subsequently the appellant was exonerated from the charges by the enquiry officer even then he was not given ante-dated promotion which was his right rather than he was promoted with immediate effect; that this act of the respondents is based on malafide and without legal justification, therefore, the appellant be given ante-dation promotion from the date his other colleagues have been promoted as Superintendent BPS-16.

(10)



[Handwritten signature]

5. The learned Government Pleader in rebuttal argued before the court that the appellant has rightly been promoted as Superintendent BPS-16 with immediate effect because previously when his name was sent for consideration for promotion at that time he was facing an enquiry, therefore, was rightly deferred; that the appeal filed by the appellant is without any legal footing, hence the same may be dismissed.

6. From perusal of the record it is evident that the appellant had joined the respondent department as Junior Clerk in the year, 1981, and was gradually promoted to the post of Assistant BPS-14. He was performing his duties as Assistant Litigation-II in the Board of Revenue, Khyber Pakhtunkhwa, Peshawar. In the meanwhile certain posts of Superintendent BPS-16 were available in the respondent department for which the names of the prospective candidates were considered including the name of the present appellant. However, vide impugned order dated 16.6.2010, the competent authority on the recommendation of Departmental Promotion Committee promoted as many as five officials to the next higher post i.e. Superintendent BPS-16 with immediate effect while deferred the promotion of the present appellant due to pending disciplinary proceedings against him. After-wards the enquiry officer concluded his enquiry against the present appellant and recommended that the appellant cannot be exclusively held responsible for negligence and opined that the accused official/appellant is apparently innocent and may be exonerated from the charges levelled against him. Keeping into consideration findings of the enquiry officer, the competent authority vide office order dated 21.6.2010 withdrawn the charges levelled against him.

ATTESTED
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

ATTESTED

[Signature]


7. The appellant later on got promoted as Superintendent vide impugned order dated 31.5.2011, however, his promotion was with immediate effect rather from the date on which his colleagues were promoted and he was deferred due to the enquiry pending against him vide impugned order dated 16.6.2010. Since the appellant has already been exonerated from the charges levelled against him, therefore, he was entitled to be given ante-dated promotion i.e from the date when his colleagues were promoted and he was deferred and not with immediate effect as the charges have not been proved against him during the enquiry and he has been exonerated from the charges.

8. Hence, on acceptance of the instant appeal, the respondents are directed to give ante-dated promotion to the appellant i.e. from the date on which his other colleagues were promoted. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
31.10.2013

[Signature]
(SULTAN MAIMOON KHATTAK)
MEMBER

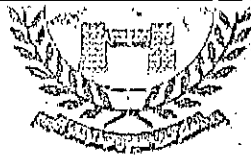
[Signature]
(MUHAMMAD AAMIR NAZIR)
MEMBER

Certified to be true copy

 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Application 29.11.2013
 Number of Words 1600
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F-13

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 00000000000, 00TH SEPTEMBER, 2012.

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE/REVENUE & ESTATE DEPARTMENT

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:1/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of Rule 2 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Notification No. 32102/Admn:1/135/SSRC, dated 26-12-2008 read with Notification No. 12389/Admn:1/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix:-

1.	Tehsildar (BPS-16)	<p>Against S.No. 1, in column No. 7, for the existing entries, at clauses (a), (b) and (d), the following shall be substituted, namely:</p> <p>(a) Twenty percent by initial recruitment, through Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and</p> <p>(b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service.</p> <p>(c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Superintendents of the office of Board of Revenue (Revenue & Estate and Land Settlement & Consolidation Department) Commissioners, DOR and Political Agents and Senior Scale Stenographers of the offices of Board of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents having five years service.</p>
2.	Naib Tehsildar (BPS-14) (Divisional Cadre)	<p>Against S.No. 2, in column No. 7, for the existing entries, at clause (b), (c) and (d), the following shall be substituted, namely:</p> <p>(b) Twenty five percent by promotion, on the basis of seniority-cum-fitness from amongst Kanungos with at least five years service as such and have passed the departmental examination of Naib Tehsildar.</p> <p>(c) Twenty-five percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of BOR, Commissioners, Additional Commissioners, DCOs, DOR office and Executive District Officers (F&F), with at least five years service, Political Moharrirs of the office of Political Agent/Assistant Political Agents, with 10 years service.</p>

ATTESTED

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p>EXPLANATION:- Ministerial employees of the Board of Revenue eligible for appointment to the post of Naib Tehsildar under the provision of clause (c) shall, for the purposes of the said clause, be deemed to belong to the division and zone respectively in which their home district is situate.</p> <p>Note:- Vacancy in a division will be filled on respective divisional basis.</p>
3	District Kanungo (BPS-14)	<p>Against S.No. 3, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By selection on seniority-cum-fitness with due regard to seniority from amongst Intermediate passed Kanungos with at least 03 years.</p>
4.	Head Clerk (Revenue) BPS-14 (Divisional cadre)	<p>Against S.No. 4, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>Assistant having dealt with revenue or acquisition matters for at least 03 years.</p>
5.	District Revenue Accountant (BPS-14)	<p>Against S.No. 5, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of selection on seniority from amongst Kanungos with at least 03 years-service.</p>
6.	Kanungo (BPS-9)	<p>Against S.No. 6, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of joint seniority-cum-fitness, on District level from amongst the patwaris/Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.</p>
7.	Patwari (BPS-5)	<p>Against S.No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:</p> <p>(a) By initial appointment from amongst the Patwari passed candidates entered in the Register maintained by the District Collector of the district concerned having one year certificate in information technology from any Institution Recognized by Board of Technical Education.</p> <p>(b) Successfully completed 09 months Settlement training. This condition will be applicable w.e.f. January, 2014.</p>

Sd/-x-x-x
SECRETARY.

Memo:

Subject:

To

From:

GP-9



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 18/06/2013

NOTIFICATION

No.Estt:1/26/ _____ Consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the appointment of the following Superintendents of the Board of Revenue Khyber Pakhtunkhwa to the post of Tehsildar (BPS - 16) on Acting Charge Basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Syed Muhammad Ayub Shah.
2.	Mr. Attaullah
3.	Mr. Tila Muhammad

2. On promotion they are placed under Revenue / Settlement Training for a period of six (06) months as required under Rule - 53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules - 1969. In this context, Training programme is attached.

By order of
Secretary to Government of
Revenue & Estate Department

No.Estt:1/26/ 13327-41

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Settlement Officer Abbottabad.
3. Assistant Secretary (Admin) Board of Revenue Khyber Pakhtunkhwa
4. Budget & Accounts Officer Board of Revenue Khyber Pakhtunkhwa for necessary action.
5. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
6. P.A to Secretary - I, Board of Revenue Khyber Pakhtunkhwa.
7. Officers concerned.
8. Officer Order File.
9. Personal File.

Deputy Secretary to Government of
Revenue & Estate Department.

ATTESTED

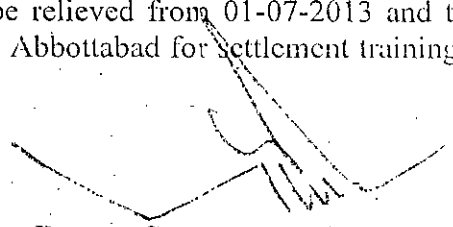


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SIX MONTHS TRAINING PROGRAMME IN RESPECT OF TEHSILDARS, WITH EFFECT FROM 20.06.2013 to 16.12.2013

1.	SETTLEMENT TRAINING IN SETTLEMENT ABBOTTABAD.	3 - MONTHS WITH BREAK - UP AS UNDER W.E.F 20.06.2013 to 27.09.2013
i).	Preliminary / preparation work pertaining to Settlement Operation.	2 days.
ii).	Measurement work on the spot	1 month & 14 days.
iii)	Preparation	1 month & 14 days.
2.	REVENUE TRAINING IN TEHSIL PESHAWAR	3- MONTHS WITH BREAK -UP AS UNDER W.E.F 28.09.2013 TO 16.12.2013
i).	To acquire work knowledge of Revenue record and also undergo on attachment with Kanungo Office	One month.
ii).	To acquire working knowledge of Revenue record and also undergo on attachment with Wasil Baqi Nawis.	One month.
iii)	To acquire working knowledge of revenue record also undergo on attachment with Sub-Registrar	10 days.
iv).	To acquire working knowledge of revenue record also undergo on attachment with Moharrir to Tehsil.	10 days.
v).	To learn as to how the crop inspection is carried out on the spot, they should work with an efficient Patwari, during the coming harvest if it is on far.	10 days.

M/S Muhammad Ayub Shah and Abdul Hadi will be relieved from 01-07-2013 and they will submit their arrival reports to Settlement Officer, Abbottabad for settlement training on 01-07-2013.



Deputy Secretary to Government
Revenue & Estate Department

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 30/12/2013

NOTIFICATION

No.Estt:I/PF/PT/24083. The Competent Authority is pleased to under the following posting /transfer amongst Tehsildars with immediate effect and in public interest:-

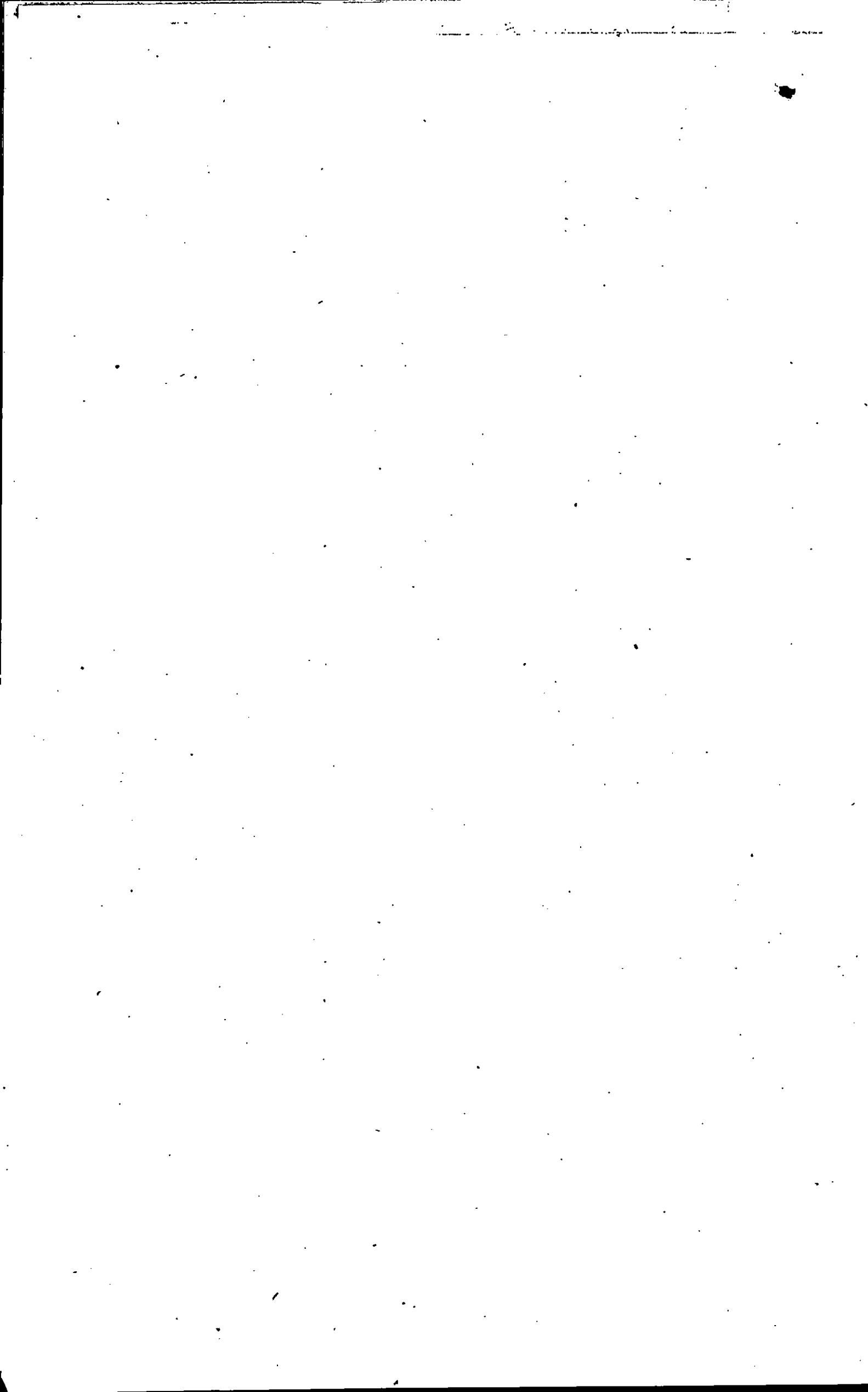
S.No.	Name of Tehsildar	From	To
1.	Mr. M. Rafique	On Completion of training	Tehsildar Takht Bhai
2.	Sher Qadir	= = =	Tehsildar Shabqadar
3.	Mr. Attaullah	= = =	Tehsildar Daggar
5.	M. Qamar	= = =	Tehsildar Khwazakhela
9.	Tila Mohammad	= = =	Tehsildar Booni
18.	M. Younas	Tehsildar Lal Qila (OPS)	Report to Board of Revenue

No. Estt:I/PF/PT/24084-25065

Sd/-
Secretary

Copy forwarded to all concerned:

Mesled
17
21.





GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

I-16

Peshawar dated the 31/12/2013

NOTIFICATION

No. Estt: I/PF/PT / 24023. The Competent Authority is pleased to order the following posting /transfers amongst Tehsildars with immediate effect and in public interest:-

S.No	Name of Tehsildar	From	To
1.	Mr. Muhammad Rafique	On completion of training.	Tehsildar Takht Bhai
2.	Mr. Sher Qadir	On completion of training.	Tehsildar Shabqadar.
3.	Mr. Attaullah	On completion of training.	Tehsildar Daggar
4.	Mr. Abdul Hadi	On completion of training.	Tehsildar Charbagh
5.	Mr. Muhammad Qamar	On completion of training.	Tehsildar Khawazakhela
6.	Mr. Jamal Ahmad	On completion of training.	Tehsildar Balambat
7.	Mr. Abdul Farooq	On completion of training.	Tehsildar Allai
8.	Mr. Bakht Jamir	On completion of training.	Tehsildar Chitral
9.	Mr. Tifa Muhammad	On completion of training.	Tehsildar Booni
10.	Syed Muhammad Ayub Shah	On completion of training.	Tehsildar on Special Duty BOR.
11.	Mr. Habib-ur-Rehman	On completion of training.	Tehsildar Torghar
12.	Mr. Rehmani Mulk	On completion of training.	Tehsildar Pattan
13.	Mr. Tariq Usman	On completion of training.	Tehsildar Palas
14.	Mr. Hazrat Yousaf	Tehsildar Torghar (OPS)	Report to Commissioner, Hazara. Further posting order to follow
15.	Mr. Ziafat Khan	Tehsildar Pattan (OPS)	Report to Commissioner, Hazara. Further posting order to follow
16.	Mr. Muhammad Fayyaz	Tehsildar Palas (OPS)	Report to Commissioner, Hazara. Further posting order to follow.
17.	Mr. Ejaz Ahmad	Tehsildar Allai (OPS)	Report to Commissioner, Hazara. Further posting order to follow
18.	Mr. Muhammad Younas	Tehsildar Lal Qila (OPS)	Report to Board of Revenue

Sd/-
Secretary

No. Estt: I/PF/PT / 24023

Copy forwarded to the:-

1. Commissioners of the respective division.
2. Deputy Commissioners of respective districts.
3. District Accounts Officers of respective districts.
4. Officers/officials concerned.
5. Personal Files.

ATTESTED

[Handwritten signature]

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Peshawar dated the 12/2015 سوال نمبر - 606

منجانب ارباب اکبر حیات صاحب رکن صوبائی اسمبلی۔

NOTIFICATION

No.Estt:/PF/PT / 21083

The Competent Authority is pleased to order the following posting /transfers amongst Tehsildars with immediate effect and public interest:-

S.No	Name of Tehsildar	From	To
1.	Mr. Muhammad Rafique	On completion of training.	Tehsildar Takht Bhai
2.	Mr. Sher Qadir	On completion of training.	Tehsildar Shabqadar
3.	Mr. Altaullah	On completion of training.	Tehsildar Daggar
4.	Mr. Abdul Hadi	On completion of training.	Tehsildar Charbagh
5.	Mr. Muhammad Qamar	On completion of training.	Tehsildar Khawazakhela
6.	Mr. Jamal Ahmad	On completion of training.	Tehsildar Balambat
7.	Mr. Bakht Jamir	On completion of training.	Tehsildar Chitral
8.	Mr. Fida Muhammad	On completion of training.	Tehsildar Bboom
9.	Syed Muhammad Shah	On completion of training.	Tehsildar on Special Duty BOR.
10.	Mr. Rehmani Mulk	On completion of training.	Tehsildar Torghar
11.	Mr. Hazrat Yousaf	On completion of training.	Tehsildar Pattan
12.	Mr. Ejaz Ahmad	On completion of training.	Tehsildar Palas
13.	Mr. Muhammad Younas	On completion of training.	Tehsildar Torghar (OPS)
14.	Mr. Muhammad Younas	On completion of training.	Tehsildar Pattan (OPS)
15.	Mr. Muhammad Younas	On completion of training.	Tehsildar Palas (OPS)
16.	Mr. Muhammad Younas	On completion of training.	Tehsildar Allai (OPS)
17.	Mr. Muhammad Younas	On completion of training.	Tehsildar Lal Qila (OPS)
18.	Mr. Muhammad Younas	On completion of training.	Tehsildar Lal Qila (OPS)

Sd/-
Secretary

No.Estt:/PF/PT / 21083

- Copy forwarded to the:-
1. Commissioners of the respective division.
 2. Deputy Commissioners of respective districts.
 3. District Accounts Officers of respective districts.
 4. Officers/officials concerned.
 5. Personal Files.

(Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

J-17

Peshawar dated the 01/2014

NOTIFICATION

No. Estt:1/26/_____ Upon acceptance of appeal filed by Mr. Shaqirullah & others, the Competent Authority held the promotion order to post of Tehsildar issued vide this department Notifications No. Estt:1/26/11338 dated 04.06.2013, No Estt:1/26/12401 and No. Estt:1/26/12342 dated 18.06.2013 in respect of following officials as not having the prescribed qualification for the post of Tehsildars. Accordingly, the promotion orders of the officials listed below are withdrawn and they are reverted to the post held before prior to their promotion.

S.NO	NAME OF OFFICIAL
1.	Mr. Misri Khan
2.	Mr. Bashir Ahmad
3.	Mr. Abdul Halceem
4.	Mr. Asghar Shah
5.	Mr. Muhammad Taj
6.	Mr. Said Rehman
7.	Mr. Muhammad Hayat
8.	Mr. Waheed Ahmad
9.	Mr. Muhammad Hamayun
10.	Mr. Sarir Ahmad
11.	Mr. Muhammad Riaz
12.	Muhammad Nawaz
13.	Mr. Mir Laiq
14.	Mr. Ghulam Sarwar
15.	Mr. Farzand Ali
16.	Mr. Said Rahim
17.	Mr. Fazli Raziq
18.	Mr. Asmat Ullah
19.	Mr. Hussian Bakhsh
20.	Mr. Abdur Rashid
21.	Mr. Fateh Ullah
22.	Mr. Mulazim Hussain
23.	Mr. Afzal Khan
24.	Mr. Kutab Khan
25.	Mr. Gul Ghazi Khan

ATTESTED

S.NO	NAME OF OFFICIAL
26.	Mr. Mukhtiar Ali
27.	Mr. Mushtaq Ahmad
28.	Mr. Liaqat Ali
29.	Mr. Naz Amin
30.	Mr. Shafi-ur-Rehman
31.	Mr. Attaullah
32.	Mr. Musadiq Hussain
33.	Mr. Abdul Qayum
34.	Muhammad Bashir
35.	Mr. Ifikhar Ahmad
36.	Muhammad Akram
37.	Mr. Ghulam Qasim
38.	Mr. Attaullah
39.	Mr. Tila Muhammad

By order of
Secretary

No. Estt: 1/26/ 1784-2061

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Commissioners, in Khyber Pakhtunkhwa.
3. All Deputy Commissioners, in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Deputy Secretary (Law & Order) FATA Secretariat Khyber-Pakhtunkhwa.
6. Official concerned.

Secretary-I

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

18

Peshawar dated the 24 /01/2014

No. Estt./1/26/..... On issuance of Notification No. Estt./1/26/1983, dated 23.01.2014 the Competent Authority is pleased to post the following Naib Tehsildars, District Kanungos, District Revenue Accountants, Sub-Registrars and Superintendents as Tehsildar on Current Charge Basis with immediate effect and in public interest: -

S.No.	NAME	DESIGNATION & PRESENT POSTING	To
	Mr. Misri Khan	Tehsildar Lahor, District Swabi	Retained on the same post (On current Charge basis)
1.	Mr. Bashir Ahmad	Tehsildar Swabi	Retained on the same post (On current Charge basis)
3.	Mr. Abdul Haleem	Tehsildar Battagram	Retained on the same post (On current Charge basis)
4.	Mr. Asghar Shah	Tehsildar Mardan	Retained on the same post (On current Charge basis)
5.	Mr. Muhammad Taj	Tehsildar Manselra	Retained on the same post (On current Charge basis)
6.	Mr. Said Rehman	Tehsildar Anti-Corruption	Retained on the same post (On current Charge basis)
7.	Mr. Muhammad Fayal	Tehsildar Tangi District Charsadda	Tehsildar Tangi District Charsadda (C.C.B.)
8.	Mr. Waheed Ahmad	Tehsildar Haripur	Retained on the same post (On current Charge basis)
9.	Mr. Muhammad Hanayun	Tehsildar Upper Dir	Retained on the same post (On current Charge basis)
10.	Mr. Sarir Ahmad	Tehsildar Nowshera	Tehsildar Nowshera (C.C.B.)
11.	Mr. Muhammad Rizvi	Tehsildar Pabbi	Retained on the same post (On current Charge basis)
12.	Muhammad Nawaz	Tehsildar Charsadda	Retained on the same post (On current Charge basis)
13.	Mr. Mir Laiq	Tehsildar Peshawar	Retained on the same post (On current Charge basis)
14.	Mr. Ghulam Sarwar	Tehsildar Behrain	Retained on the same post (On current Charge basis)
15.	Mr. Farzand Ali	Tehsildar Mandar	Retained on the same post (On current Charge basis)
16.	Mr. Said Rahim	Tehsildar Timergara	Retained on the same post (On current Charge basis)
17.	Mr. Fazli Raziq	Tehsildar Gagra	Retained on the same post (On current Charge basis)
18.	Mr. Asma Ullah	Tehsildar Bannu	Retained on the same post (On current Charge basis)
19.	Mr. Hussian Bakhsh	Tehsildar Land Acquisition DIK	Retained on the same post (On current Charge basis)
20.	Mr. Abdur Rashid	Tehsildar Kulachi	Retained on the same post (On current Charge basis)
21.	Mr. Fateh Ullah	Political Tehsildar Dossali (NWA)	Retained on the same post (On current Charge basis)
22.	Mr. Mulazim Hussain	Tehsildar Pabarpur	Retained on the same post (On current Charge basis)
23.	Mr. Afzal Khan	Tehsildar Khadu Khel	Retained on the same post (On current Charge basis)

19

24.	Mr. Kutab Khan	Tehsildar Havelian	Retained on the same post (On current Charge basis)
25.	Mr. Gul Ghazi Khan	Tehsildar/RO Khyber Bank Peshawar	Retained on the same post (On current Charge basis)
26.	Mr. Mukhtiar Ali	Tehsildar Inspector Stamp Mardan	Retained on the same post (On current Charge basis)
27.	Mr. Mushtaq Ahmad	Tehsildar/Reader to SMBR	Retained on the same post (On current Charge basis)
28.	Mr. Liaqat Ali	Tehsildar Razzar	Retained on the same post (On current Charge basis)
29.	Mr. Naz Amin	Tehsildar Kalkot	Retained on the same post (On current Charge basis)
30.	Mr. Attaullah	Tehsildar /RO PESCO Peshawar Circle	Retained on the same post (On current Charge basis)
31.	Mr. Musadiq Hussain	Tehsildar Thall	Retained on the same post (On current Charge basis)
32.	Muhammad Bashir	Tehsildar Katlang	Retained on the same post (On current Charge basis)
33.	Mr. Fikhar Ahmad	Tehsildar/LAC NFIA Hazara	Retained on the same post (On current Charge basis)
34.	Muhammad Akram	Tehsildar Babuzai Swat	Retained on the same post (On current Charge basis)
35.	Mr. Ghulam Qasim	Tehsildar Irrigation DIK	Retained on the same post (On current Charge basis)
36.	Mr. Attaullah	Tehsildar Daggar	Retained on the same post (On current Charge basis)
37.	Mr. Tifa Muhammad	Tehsildar /RO PESCO Khyber Circle	Retained on the same post (On current Charge basis)

No. Estt: 1/26/ 2271-37

By order of
Secretary

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Commissioners in Khyber Pakhtunkhwa.
3. All Deputy Commissioners in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Official Concerned.
6. Personal Files.

Secretary-I

K-19

BEFORE THE SENIOR MEMBER BOARD OF REVENUE
PESHAWAR

REVIEW PETITION NO. _____/2014

Mr. Attaullah, Tehsildar (BPS-16),
Tehsil Office Daggar, District Bunir **Petitioner**

VERSUS

The Board of Revenue, Khyber Pakhtunkhwa,
Peshawar **Respondent**

REVIEW PETITION AGAINST THE IMPUGNED
ORDERS DATED 23/01/2014 AND 24/01/2014
WHEREBY THE PROMOTION ORDER OF THE
PETITIONER TO THE POST OF TEHSILDAR (BPS-16)
HAS BEEN WITHDRAWN AND THE PETITIONER WAS
POSTED AS TEHSILDAR (BPS-16) ON CURRENT
CHARGE BASIS ILLEGALLY AND IN VIOLATION OF
APPOINTMENT, PROMOTION AND TRANSFER RULES
1989

PRAYER:

That on acceptance of this review petition the impugned orders dated 23/01/2014 and 24/01/2014 may very kindly be set aside and the petitioner may be retained/brought back to the post of Tehsildar (BPS-16) on regular basis from the date when the petitioner was promoted as Tehsildar (BPS-16) on regular basis i.e. 18/06/2013. Any other remedy which this august authority deems fit may also be awarded in favor of the petitioner.

R/SHEWETH:

ON FACTS:

- 1- That petitioner was appointed as junior clerk in the Board of Revenue vide order dated 26/05/1981 and later on the petitioner was promoted to the post of Senior clerk vide order dated 16/05/1996. Copies of the appointment order and promotion order are attached as annexure **A & B.**

ATTESTED



- 2- That petitioner after serving for more than thirteen years on the post of senior clerk the petitioner was promoted to the post of Assistant BPS-14 vide order dated 01/03/2009. That during his entire service carrier the petitioner has served the board of Revenue quite efficiently and up to the entire satisfaction of his superiors. Copy of the promotion order is attached as annexure **C.**
- 3- That petitioner was promoted to the post of Superintendent (BPS-16) from the post of Assistant (BPS-14) vide order dated 31/05/2011 w.e.f. 16/06/2010 on the directions of the Hon'ble Service Tribunal Peshawar judgment vide dated 31/10/2013. Copies of the promotion orders and judgment are attached as annexure **D & E.**
- 4- That in the light of Board of Revenue notification dated 02/12/2011 the petitioner was promoted to the post of Tehsildar (BPS-16) on regular basis on the recommendation of proper Departmental Selection Committee constituted in the light of APT Rules 1989 vide order dated 01/07/2013 w.e.f. 18/06/2013. That it is very pertinent to mention that petitioner participated in the course of Tehsildar (BPS-16) and cleared the same successfully. Copies of the rules, promotion order and training schedule are attached as annexure **F, G & H.**
- 5- That vide order dated 31/12/2013 the petitioner was posted as Tehsildar Daggar District Buner. That in compliance of the order the petitioner submitted his charge report and started performing his duties as Tehsildar Daggar. That astonishingly vide order dated 23/01/2014 and 24/01/2014 the promotion order of the petitioner as Tehsildar (BPS-16) has been withdrawn and the petitioner was placed on acting charge basis Tehsildar (BPS-16). Copies of the posting order and impugned orders are attached as annexure **I & J.**
- 6- That petitioner feeling aggrieved from this injustice filed this review petition before your good self on the following grounds amongst the others.

GROUND:

ATTESTED
A-
M
Q

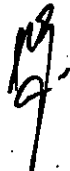
That the impugned orders dated 23/01/2014 and 24/01/2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

- B- That the petitioner has not been treated in accordance with law and rules on the subject noted above and as such article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973 has been violated.
- C- That the petitioner was promoted to the post of Tehsildar (BPS-16) on regular basis on the recommendations of proper Departmental promotion Committee and after serving the Department for more than thirty three years, therefore his reversion/withdrawal of promotion orders, is against the canon of natural justice.
- D- That the petitioner has been discriminated on the point noted above and as such the respondent Department violated the law and prevailing rules.
- E- That the impugned order dated 23/01/2014 and 24/01/2014 has been issued in violation of the principle of "locus poenitentiae".
- F- That the respondent Department acted in arbitrary and malifide manner while issuing the impugned order dated 23/01/2014 and 24/01/2014.
- G- That the petitioner seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the review petition of the petitioner may be accepted as prayed for.

Dated: 20.2.2014

ATTESTED



PETITIONER



ATTUALLAH

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2014

Attaullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPK

(RESPONDENT)
(DEFENDANT)

I/We Attaullah

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. ___/___/2014



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

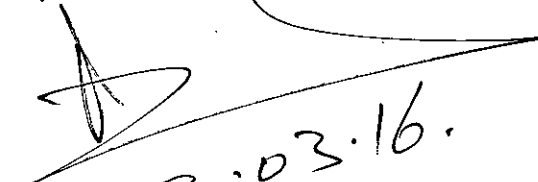
Receipt

I have received Rs. 500/- of fine in appeal of Mr. Attallah vs SMBR in appeal No. 906/2014 today on 3/3/2016.

Dated: 3/3/2016.

Appellant
Through, Of
counsel

Attested


03.03.16.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 906/2014

Mr. Attaullah, Tehsildar (BS-16) Tehsil office Dagar, District Buner.....Appellant

VERSUS

1. Senior Member, Board of Revenue and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2 ARE AS UNDER:-

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That appellant is estopped by his own conduct to institute the appeal.
3. That the appeal is not maintainable in its present form.
4. The appellant has no grounds in support of his Appeal and no cause of action.
5. That this Hon'ble Tribunal has no Jurisdiction to entertain the appeal.

RESPECTFULLY SHEWETH.

ON FACTS.

- 1 Pertains to record.
- 2 Pertains to record.
- 3 Pertains to record.
- 4 Pertains to record. However, appellant did not possess the required qualification.
- 5 Incorrect. The appellant has never been posted as Tehsildar Peshawar. The appellant being not having the required qualification i.e. B.A, was reverted and posted as Tehsildar (CCB).
- 6 Incorrect. The appellant has not filed any review application.

ON GROUNDS

- A. Incorrect. Orders dated 23.01.2014 and 24.01.2014 were issued with the approval of Competent Authority.
- B. Incorrect. The appellant has been treated in accordance with law.
- C. Incorrect. The appellant has now been promoted as Assistant Secretary (BS-17) on his willing (order Annexed).
- D. Incorrect. No discrimination has been done with the appellant.
- E. Incorrect. The orders dated 23.01.2014 and 24.01.2014 have been issued in accordance with rules.
- F. Incorrect. As in Para-C above.
- G. The respondent also seek permission to advance additional grounds at the time of arguments.

Keeping in view of the above, the appeal may please be dismissed with costs.

Hazrat Masood Mian
Respondent No. 1 & 2
29/11/2018
Si

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 906/ 2014

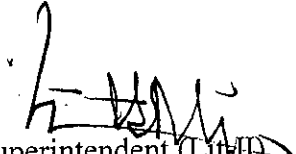
Mr. Attaullah Tehsildar (BPS-16) Tehsil office Dagar, District Buner..... Appellant

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhwa & Others Respondents

AFFIDAVIT

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


Superintendent (Lit-II)
Board of Revenue

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated 04/06/2015

OFFICE ORDER.

No. Admn IV/II/Promotion/A.S/R&E/_____. The competent authority in light of recommendations of the Departmental Promotion Committee Meeting has been pleased to order promotion of Mr. Attaullah Superintendent (BPS-17) Revenue and Estate Department Khyber Pakhtunkhwa to the post of Assistant Secretary (BPS-17) on regular basis with immediate effect.

The officer on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.


Consequent upon his promotion the officer is posted as Assistant Secretary (Litigation-I) Revenue and Estate Department Khyber Pakhtunkhwa.

With the approval of
Competent Authority

Encls: No. Admn IV/II/Promotion/A.S/R&E/12657-65

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Deputy Commissioner Bunner.
3. Assistant Secretary (Estt) Board of Revenue.
4. D.D.O Revenue and Estate Department Khyber Pakhtunkhwa.
5. Bill Assistant, Revenue and Estate Department Khyber Pakhtunkhwa.
6. PS to Senior Member, Board of Revenue.
7. Officer concerned.
8. Personal file.
9. Office order file.


Secretary-I.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 906/2014

ATTAULLAH

VS

SMBR & OTHERS

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

PRELIMINARY OBJECTIONS:

(1 To 6):

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the case.

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Admitted correct by the respondents hence need no comments
- 4- Incorrect and not replied accordingly. That in the light of respondent Department Notification dated 02/12/2011 the appellant was promoted to the post of Tehsildar (BPS-16) on regular basis on the recommendation of proper Departmental Selection Committee constituted in the light of APT Rules 1989 vide order dated 01/07/2013 w.e.f. 18/06/2013. Moreover the appellant participated in the course of Tehsildar (BPS-16) and cleared the same successfully and as such the appellant have fulfilled all the requisites in light of the mentioned Rules.
- 5- Incorrect and not replied accordingly. That vide order dated 31/12/2013 the appellant was posted as Tehsildar Peshawar Circle Peshawar. That in compliance of the order the petitioner submitted his charge report and started performing his duties as Tehsildar Peshawar Circle Peshawar. That astonishingly vide order dated 23/01/2014 and 24/01/2014 the promotion order of the appellant as Tehsildar (BPS-16) has been withdrawn and

the appellant was placed on acting charge basis Tehsildar (BPS-16).

- 6- Incorrect and not replied accordingly. That appellant feeling aggrieved from the impugned orders dated 23.1.2014 and 24.1.2014 filed review petition before the respondent No.2 but no reply has been received so far.

GROUND:
(A TO G):

All the grounds of main writ petition of the petitioner are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That the impugned orders dated 23/01/2014 and 24/01/2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973. That the appellant was promoted to the post of Tehsildar (BPS-16) on regular basis on the recommendations of proper Departmental promotion Committee and after serving the Department for more than thirty years, therefore his reversion/withdrawal of promotion orders, is against the canon of natural justice. That the appellant has been discriminated on the point noted above and as such the respondent Department violated the law and prevailing rules. That the impugned order dated 23/01/2014 and 24/01/2014 has been issued in violation of the principle of "locus poenitentiae". That the respondent Department acted in arbitrary and malifide manner while issuing the impugned order dated 23/01/2014 and 24/01/2014.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be accepted in favor of the appellant.

APPELLANT

ATTAULLAH

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE