


FORM OF ORDER SHEET

Court of _____

Appeal No. 996/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/07/2024	<p>The appeal of Mr. Muhammad kafeel re-filed today by registered post through Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 25.07.2024. Counsel for the appellant has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Kafeel received today i.e on 26.06.2024 is incomplete on the following score which is returned to the appellatant for completion and resubmission within 15 days.

- ✓ Copy of rule/notification bearing no. 32102/Admn.1/135/SSCR dated 26.12.2008 which has been amended is not attached with the appeal, be placed on file.
- ✓ Copy of rejection order of departmental appeal is not attached with the appeal be placed on it.


No. 264 /Inst./2024/KPST,

Dt. 27/6 /2024.


27/6/24
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Arshad Khan Tanoli Adv.
High Court A.Abad.

Sir
case is re-submitted
after removing the objection.


M. Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

6/7/2024

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR
CHECK LIST

M. Kafeel Khan Hvc
 Appellant

Versus

SMBR etc
 Respondents

S NO	CONTENTS	YES	N
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>		
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?		
13.	Whether copy of appeal is delivered to AG/DAG?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cutting/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	x	
18.	Whether case relate to this court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? On _____	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled

Name: Muhammad Shad Khan Paneli
 ASC of Rawal Pindi Shad Khan Paneli at Rawal Pindi
 Signature: [Signature]
 Office: 73 A, District High Court
 District: Abbottabad
 Dated: _____

BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 996 /2024

Muhammad Kafeel HVC (Revenue) Commissioner Office Hazara Division
 Abbottabad.

...APPELLANT

VERSUS

SMBR Khyber Pakhtunkhwa Peshawar & others.

....RESPONDENTS

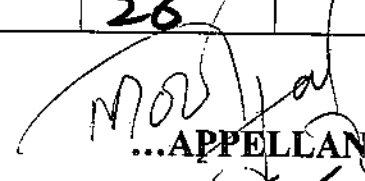
SERVICE APPEAL
INDEX


S. #	Description	Page #	Annexures
1.	Service appeal alongwith affidavit	1 to 9	
2.	Copy of order showing date of appointment/ promotion of the appellant as HVC	10	"A"
3.	Copy of circulation letter dated 30/04/2024 and joint seniority list stood on 04/04/2024	11-16	"B"
4.	Copies of impugned notification dated 08/11/2023, Section 8(1) of KP Civil Servant Act 1973 and Rule No. 17 of Appointment, Promotion, Transfer Rules 1989	17-19	"C" & "D"
5.	Copy of departmental application of the appellant dated 02/05/2024 and rejection letter dated 31/05/2024	20-25	"E"
6.	Wakalatnama	26	

...APPELLANT

Dated: _____/2024

Through


 Muhammad Arshad Khan, Advocate High Court
 Office No. 33 Adjacent
 (Muhammad Arshad Khan Taholi)
 Advocate Supreme Court of Pakistan


 (Muhammad Ibrahim Khan)
 Advocate High Court Abbottabad

BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 996 /2024

Muhammad Kafeel HVC (Revenue) Commissioner Office Hazara Division
Abbottabad.

...APPELLANT

VERSUS

Khyber Pakhtukhwa
Service Tribunal

Diary No. 13802

Dated 26-06-2024

1. SMBR Khyber Pakhtunkhwa Peshawar.
2. Commissioner Hazara Division Abbottabad.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 FOR DECLARATION TO THE EFFECT
THAT THE AMENDMENT MENTIONED IN THE
APPENDIX AGAINST SERIAL NO.1 IN COLUMN
NO.7 CLAUSE (B) NOTE AT THE BOTTOM TO THE
EFFECT THAT HEAD VERNACULAR CLERK
(HVC) SHALL BE PLACED AT THE BOTTOM OF
JOINT SENIORITY LIST OF NAIB TEHSILDAR,
DISTRICT REVENUE ACCOUNTANT, DISTRICT
KANUNGO AND SUB REGISTRAR TO THE
EXTENT OF PLACING THE APPELLANT AT THE

Filed to-day
Registrar
26/6/24.

**Re-submitted to-day
and filed.**
Registrar
18/7/24.

BOTTOM OF JOINT SENIORITY LIST IS ULTRA-VIRES THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973, AS WELL AS AGAINST SERVICE RULES AND THE SAME IS LIABLE TO BE STRUCK DOWN AND THE SENIORITY OF THE APPELLANT IS TO BE FIXED AS PER SECTION 8 (1) OF KP CIVIL SERVANT ACT 1973 AND RULE 17 OF APPOINTMENT, PROMOTION, TRANSFER RULES 1989.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED AMENDMENT MENTIONED IN THE APPENDIX AGAINST SERIAL NO.1 IN COLUMN NO.7 CLAUSE (b) NOTE at bottom MAY GRACIOUSLY BE DECLARED ULTRA-VIRES THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973, AND MAY BE ORDER TO BE STRUCK DOWN AND THE RESPONDENTS MAY BE DIRECTED TO FIX THE SENIORITY IN JOINT SENIORITY LIST AS PER SECTION 8 (1) OF KP CIVIL SERVANT ACT 1973 AND RULE 17 OF KP APPOINTMENT, PROMOTION, TRANSFER RULES 1989. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL MAY DEEM

APPROPRIATE BE GRANTED TO THE
APPELLANT.

Respectfully Sheweth;-

1. That the appellant is serving as Head Vernacular Clerk (HVC) w.e.f 01-06-2009 Copy of order showing date of appointment/promotion of the appellant as HVC is attached as Annexure "A".
2. That the seniority of the appellant has been fixed at the bottom of joint seniority list of Naib Tehsildar, District Revenue Accountant, Kanoungo and Sub-Registrar vide joint seniority list stood on 04/04/2024. Copy of circulation letter dated 30/04/2024 and joint seniority list stood on 04/04/2024 are attached as Annexure "B".
3. That impugned amendment issued on 08/11/2023 in the Appendix against Serial No.1 in Column No.7 Clause (b) a note at the bottom has been inserted where in. The head vernacular clerk (HVC) is to be placed at the bottom which is perverse, discriminatory and against the law,

principle of equality against 8 (1) KP Civil Servant Act 1973 and Rule No. 17 of KP Promotion, Appointment, Transfer Rules 1989. Copies of impugned notification dated 08/11/2023, Section 8(1) of KP Civil Servant Act 1973 and Rule No. 17 of Appointment, Promotion, Transfer Rules 1989 are attached as Annexure "C" & "D".

4. That feeling aggrieved from impugned amendment notification and the final seniority list issued by the respondents' department and the appellant filed departmental appeal to concern quarter but the representation of the appellant was rejected vide letter dated 31/05/2024. Copy of departmental application of the appellant dated 02/05/2024 and rejection letter dated 31/05/2024 are attached as Annexure "E". Hence, the instant service appeal is filed inter-alia on the following grounds;-

GROUND:

- a) That the appellant is similar employee to that of other cadres. It is a golden principle of law that whenever joint seniority of

different cadres is amalgamated in joint seniority list, then the employee who is senior in service is to be placed first to that of those employees who were appointed later in time.

- b) That as per law, Section 8(1) of KP Civil Servant Act 1973 and Rule 17 of KP Appointment, Promotion, Transfer Rules 1989 the criteria for fixation of seniority is mentioned in these two provisions of law and deviation thereto, is nullity in the eye of law as well as any other notification issued contrary to law is ultra-vires to KP Civil Servant Act 1973 and KP Appointment, Promotion, Transfer Rules 1989 as well as principle of equality enshrined in Article 25 of constitution of Islamic Republic of Pakistan 1973.

- c) That the amendment notification in the appendix serial No.1 column No.7 for Clause (b) the amendment in Note at the

bottom, wherein HVC have been palced at the bottom of joint seniority list without assigning any reason and there is no raisin deter in the amendment its self and the said amendment to the extent of placing HVC at the bottom of the joint seniority list liable to be set-aside.

- d) That Good governance, fair play and natural justice demand that every employee should be treated alike in accordance with law while granting promotion to next rank but here in this case it is astonishing to note the principle of seniority have been ignored which is against principle of jurisprudence of service law as well as basic ground norms in the shape of fundamental rights mentioned in Article 8 to Article 28 of the Constitution of Islamic Republic of Pakistan 1973.


- e) That the impugned seniority list stood on 04/04/2024 is liable to be set-aside and respondents' department is to issue revise

seniority list after placing the appellant at serial No. 1 of joint seniority list according to principle of first come in service in the same scale with other employees of different cadres in the joint seniority list.

- f) That the matter relates to terms and condition of service. Hence, this Honourable Tribunal has jurisdiction to adjudicate the lis.
- g) That service appeal is well within the period of limitation and this Honourable Tribunal has jurisdiction to entertain the appeal of the appellant under Article 212 of the constitution of Islamic Republic of Pakistan 1973.
- h) That other grounds shall be urged at the time of arguments with the permission of Honourable Tribunal.

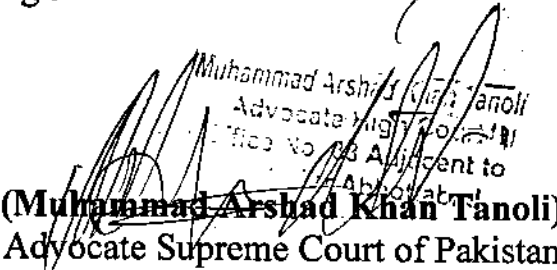
It is therefore humbly prayed that on acceptance of the instant Service Appeal, on acceptance of the instant

Service Appeal, the impugned amendment mentioned in the appendix against Serial No.1 in Column No.7 clause (b) note at bottom may graciously be declared ultra-vires the constitution of Islamic Republic of Pakistan 1973, and may be order to be struck down and the respondents may be directed to fix the seniority in joint seniority list as per section 8 (1) of KP Civil Servant Act 1973 and Rule 17 of KP Appointment, Promotion, Transfer Rules 1989. Any other relief which this Honourable Tribunal may deem appropriate be granted to the appellant

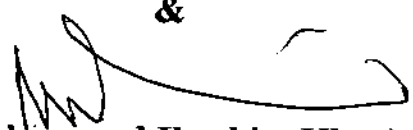

...APPELLANT

Through

Dated: _____/2024

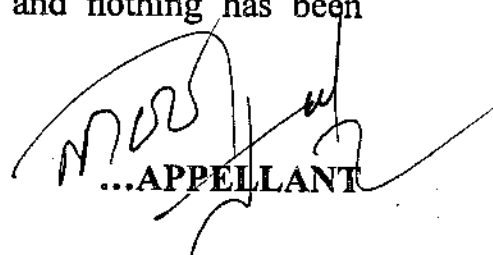

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 23 Adjacent to
Abbottabad
(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

&


(Muhammad Ibrahim Khan)
Advocate High Court Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable tribunal.


...APPELLANT

BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2024

Muhammad Kafeel HVC (Revenue) Commissioner Office Hazara Division
 Abbottabad.

...APPELLANT

VERSUS

SMBR Khyber Pakhtunkhwa Peshawar & others.

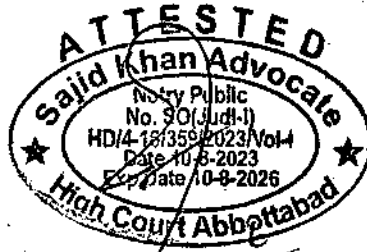
....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Muhammad Kafeel HVC (Revenue) Commissioner Office Hazara Division Abbottabad*, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.


 DEPONENT



21/24

Annex-A

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

ANNEX-B

ORDER

Consequent upon the recommendations of the Departmental Selection/Recruitment Committee Mr. Muhammad Kafeel Son of Qazi Muhammad Ismail Resident H.No.938/39, Lala zar Colony, Mansehra Road Supply Abbottabad is offered employment against the temporary post of Head Clerk (BPS-14) in Commissioner's Office on the following terms and conditions:-

1. His services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment Act, 2005). He/ will be entitled to contributory Provident Fund in such manner and at such rates as prescribed by the government.
2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay/allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will be remain on probation for a period of one year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His/her services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he/she shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. He shall be bound to accept his/her adjustment/absorption in any of the departments/offices in Hazara Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective district of domicile. (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his arrival in the office of the undersigned within seven (07) days of the receipt of this letter, otherwise, the appointment would be considered cancelled.

Sd/xxx

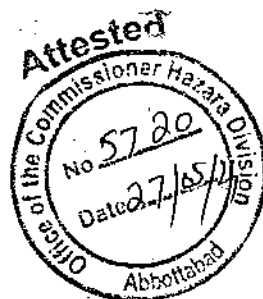
Commissioner Hazara Division
Abbottabad

Endst: No.CIID/ESab:/ 5027-29

Dated Abbottabad the 21/06/2009

Copy to the:-

1. District Comptroller of Accounts, Abbottabad.
2. Divisional Nazer (Local).
3. Mr. Muhammad Kafeel Son of Qazi Muhammad Ismail Resident H.No.938/39, Lala zar Colony, Mansehra Road Supply Abbottabad




For Commissioner
Hazara Division Abbottabad

B Annex-B



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

091-9213989

Peshawar Dated the 30/04/2024



091-9214208

P-11

ORDER

No.Estt:V/Final Joint Seniority List / 2023 _____ In pursuance of Section 8(1) of the Civil Servant Act, 1973 Final Joint Seniority List of Naib Tehsildar, District Revenue, Accountant and Sub-Registrar (BS-14) as it stood on 04.04.2024 is hereby circulated for information of all concerned.

By order of
Senior Member

No.Estt:V/ Final Joint Seniority List /2023 9854-56

Copy Forwarded to the :

1. All Divisional Commissioners in Khyber Pakhtunkhwa.
2. Office order file.
3. Officials concerned.

(Noor Khan)
Assistant Secretary (Estt)

Muhammad Arshad Khan, P.Nol.
Advocate High Court
House No. 33 Adjacent to
Abbottabad

Attested

34

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FINAL JOINT SENIORITY LIST OF NAIB TEHSILDAR, DISTRICT REVENUE ACCOUNTANT, SUB REGISTRAR, (BPS-14) AND HVC AS STOOD ON 04.04.2024

No	Name of Naib Tehsildar/qualification	Date of birth/domicile	Date of first entry into government service as	Date of appointment as Naib Tehsildar on regular basis	Remarks
1	Mr. Hummayun Khan (MA)	01.04.1967 Mardan	17.07.1990 (Registry Moharrir)	20.02.2018	Tehsildar ACB ✓
2	Mr. Riaz Muhammad (BA)	25.02.1971 Charsadda	30.04.1991 (Registry Moharrir)	20.02.2018	Sub Registrar
3	Mr. Sherzad Khan (BA)	06.05.1965 (FR Bannu)	03.12.1984 (Ex-Political Moharrir)	21.06.2018	Naib Tehsildar
4	Mr. Munir Akhar (FA)	01.05.1972 Manshra	13.01.1992 (Junior Clerk)	25.03.2019	Seniority gained as per KP Service Tribunal judgment dated 22.09.2021 and order dated 22.01.2024 in Execution Petition No. 811/2023
5	Mr. Miraj Alam (BA)	24.10.1978 Chitral	02.01.2006 (TRA)	16.10.2019	Tehsildar ACB ✓
6	Mohammad Ghufuran (F.A)	08.02.1967 Malakand	10.01.2005 (Patwari)	15.12.2021	Tehsildar ACB ✓ Re-gain seniority in light of Peshawar High Court order dated 17.10.2019
7	Muhammad Ishfaq Khan Afridi (MBA)	01.02.1986 Peshawar	04.06.2020 (Direct)	04.06.2020	Tehsildar ACB ✓
8	Mr. Amir Zeb (B.A)	05.02.1973 Mardan	08.11.1994 (Registry Moharrir)	12.11.2020	Sub Registrar
9	Mr. Muhammad Saleem (FA)	09.03.1969 Buner	22.01.1992 (Registry Moharrir)	12.11.2020	-do-
10	Mr. Raqiaz Khan (MSc/MA/LLB)	07.01.1968 Bannu	01.09.1992 (Registry Moharrir)	12.11.2020	-do-
11	Mr. Ismail Shah (F.A)	07.03.1965 Karak	20.06.1984 (Registry Moharrir)	12.11.2020	-do-
12	Mr. Zulfiqar Ali (Matic)	25.03.1980 Mardan	03.09.2005 (Registry Moharrir)	12.11.2020	-do-
13	Mr. Khalid Javad Ghazi (B.A)	12.04.1968 Abbottabad	31.12.1987 (Registry Moharrir)	12.11.2020	-do-
14	Muhammad Afsar Khan (M.A)	16.03.1973 Haripur	23.10.1994 (Registry Moharrir)	12.11.2020	-do-
15	Mr. Fakhr ul Islam (B.A)	01.10.1981 Nowshera	17.11.2008 (Registry Moharrir)	12.11.2020	-do-
16	Mr. Khalid Mehmood (B.A)	07.06.1965 Haripur	28.12.1987 (Registry Moharrir)	12.11.2020	-do-
17	Mr. Ashfaq Ahmad (B.A)	18.04.1975 Karak	30.10.1994 (Registry Moharrir)	12.11.2020	-do-
18	Miss. Hina Gul BS (HONS)	27.02.1994 Mardan	08.03.2021 (Direct)	08.03.2021	Naib Tehsildar

Attested
 [Signature]
 District Revenue Officer
 District Revenue Office
 District Mardan

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19	Mr. Sajid Ali (BSc)	08.08.1992 Peshawar	08.03.2021 (Direct)	08.03.2021	Naib Tehsildar
20	Mr. Asghar Khan (M.A)	07.03.1991 Charsadda	08.03.2021 (Direct)	08.03.2021	-do-
21	Mr. Rasheed Ahmad Faizy (BS HONS)	29.04.1994 Kohistan	08.03.2021 (Direct)	08.03.2021	-do-
22	Mr. Aftab ur Rhman (BS HONS)	05.02.1995 Karak	08.03.2021 (Direct)	08.03.2021	-do-
23	Mr. Shahan Khan (BS HONS)	14.10.1992 Nowshera	08.03.2021 (Direct)	08.03.2021	-do-
24	Mr. Shahzeb Ali Khan (BS HONS)	10.02.1993 Bannu	08.03.2021 (Direct)	08.03.2021	-do-
25	Mr. Zafar Mehmood (BSc)	10.10.1989 Abbottabad	08.03.2021 (Direct)	08.03.2021	-do-
26	Mr. Raja Ahsan Zamcer (M.S)	28.02.1994 Haripur	08.03.2021 (Direct)	08.03.2021	-do-
27	Syed Usama Sherazi (M.S)	07.05.1993 Mansehra	08.03.2021 (Direct)	08.03.2021	-do-
28	Muhammad Haroon (M.PHIL)	06.01.1989 DIKhan	08.03.2021 (Direct)	08.03.2021	-do-
29	Mr. Umer Farooq Shah (PHARM-D)	09.06.1990 DIKhan	08.03.2021 (Direct)	08.03.2021	-do-
30	Mr. Zakirullah (BSc)	11.05.1993 Swat	08.03.2021 (Direct)	08.03.2021	-do-
31	Mr. Mazhar ul Haq (B.ED)	05.04.1994 Chitral	08.03.2021 (Direct)	08.03.2021	-do-
32	Miss. Mahnoor Rafiq (M.S)	15.03.1994 Nowshera	08.03.2021 (Direct)	08.03.2021	-do-
33	Mohammad Asad Hussain (M.S)	25.02.1988 Bajaur	08.03.2021 (Direct)	08.03.2021	-do-
34	Mr. Ifrikhar Ahmad (M.BA)	19.04.1989 Mohmand	08.03.2021 (Direct)	08.03.2021	-do-
35	Syed Danyal Yousaf B.S(HONS)	26.11.1994 Mansehra	08.03.2021 (Direct)	08.03.2021	-do-
36	Miss. Sadia Mahboob (M.A)	01.01.1996 Charsadda	08.03.2021 (Direct)	08.03.2021	-do-
37	Mr. Zakir Khan (M.A)	10.02.1987 Khyber	08.03.2021 (Direct)	08.03.2021	-do-
38	Mr. Haroon ur Rashid	03.02.1986 Bajaur	08.03.2021 (Direct)	08.03.2021	-do-
39	Miss. Shomaila Bibi BS(HONS)	05.10.1992 Bannu	08.03.2021 (Direct)	08.03.2021	-do-
40	Mr. Asad Ullah (MA)	25.11.1983 Peshawar	12.06.2007 (Patwari)	04.08.2021	-do-
41	Mr. Sajjad Ahmad (F.A)	13.09.1976 Charsadda	12.06.2007 (Patwari)	04.08.2021	-do-
42	Mr. Rashed Ahmad (MBA Finance)	12.03.1985 Dir Upper	06.08.2009 (TRA)	04.08.2021	DRA
43	Mr. Amjad Farid (BA)	02.01.1979 Lower Chitral	06.01.2005 (Patwari)	04.08.2021	Naib Tehsildar
44	Mr. Saleem Ahmad (Metric)	02.11.1967 Peshawar	30.09.1986 (Registry Moharrir)	15.12.2021	Sub Registrar
45	Muhammad Ishfaq (BA)	01.01.1984 Bannu	21.09.2004 (Registry Moharrir)	15.12.2021	-do-
46	Mr. Habib ur Rehman (BA)	12.10.1974 Tank	10.10.1992 (Registry Moharrir)	15.12.2021	-do-
47	Mr. Muhammad Akhtar (F.A)	25.10.1964 Haripur	02.05.1995 (Patwari)	15.12.2021	Naib Tehsildar
48	Syed Johar (Metric)	28.02.1965 Mardan	15.12.1985 (Patwari)	15.12.2021	-do-
49	Mr. Tehseenullah (BS)	05.04.1965 Peshawar	22.04.1992 (Patwari)	15.12.2021	-do-
50	Mr. Zar Ali (BA)	13.01.1973 Nowshera	16.05.2000 (Patwari)	15.12.2021	-do-
51	Mr. Shahid Shah (Metric)	01.03.1966 Peshawar	25.08.1993 (Ex-Political Moharrir)	03.06.2022	-do-
52	Mr. Warid Khan F.Sc	04.08.1972 Kohat	07.01.1996 (Ex-Political Moharrir)	03.06.2022	-do-
53	Mr. Javed Khan (B.A)	25.12.1971 Kohat	18.01.1992 (Patwari)	03.06.2022	-do-

Attested
 Muhammad Arshad Khan Tanc
 Magistrate High Court
 Office No 33 Adjacent
 Distt. Ferozshah

P-14

54	Mr. Amjad Khan (MA)	15.02.1972 Kohat	02.06.2001 (Patwari)	03.06.2022	Naib Tehsildar
55	Mr. Abdus Sami (MA)	01.07.1971 Kohat	30.07.1990 (Patwari)	03.06.2022	-do-
56	Mr. Wazir Muhammad (MA)	10.01.1964 Kohat	08.07.1987 (Patwari)	03.06.2022	RTD
57	Mr. Muhammad Fayaz (BA)	12.03.1978 Malakand	13.03.2012 (Ex-Political Moharrir)	03.06.2022	Naib Tehsildar
58	Muhammad Danyal Ali (BA)	01.07.1980 Malakand	03.01.2007 (Patwari)	03.06.2022	-do-
59	Mr. Amir Shehzad (MA)	17.06.1985 Malakand	07.09.2009 (Patwari)	03.06.2022	-do-
60	Mr. Saecdur Rehman (MA)	18.02.1979 Malakand	19.09.2009 (Patwari)	03.06.2022	-do-
61	Mr. Jehan Zeb (B.A)	10.03.1971 Malakand	13.10.2009 (Patwari)	03.06.2022	-do-
62	Muhammad Adnan (BSc)	1.1.1993 Peshawar	20.03.2014 (TRA)	03.06.2022	DRA
63	Mr. Hussain Ali (M.A)	15.04.1984 Hazara	28.06.2004 (Patwari)	10.10.2022	Naib Tehsildar
64	Mr. Abid Ali (BSc)	04.04.1974 Peshawar	11.03.2002 (Patwari)	10.10.2022	-do-
65	Mr. Abdul Saeed (F.A)	30.03.1973 DIKhan	10.01.2003 (Patwari)	10.10.2022	-do-
66	Mr. Musharaf Khan (Matric)	07.10.1964 Bannu	11.06.1986 (Patwari)	10.10.2022	-do-
67	Mr. Abdul Majeed (F.A)	20.01.1965 DIKhan	12.12.1996 (Patwari)	10.10.2022	-do-
68	Muhammad Akram (M.A)	10.04.1973 DIKhan	05.09.2009 (Patwari)	10.10.2022	-do-
69	Mr. Ihsanullah (B.Com)	11.04.1974 DIKhan	05.09.2009 (Patwari)	10.10.2022	-do-
70	Mr. Ali Azam (B.A)	12.08.1964 Mardan	29.06.2001 (Patwari)	10.10.2022	-do-
71	Mr. Abdul Qadeem (M.A)	12.04.1973 DIKhan	27.04.2004 (Patwari)	10.10.2022	-do-
72	Mr. Aitta ur Rehman (B.A)	05.05.1972 DIKhan	27.12.2004 (Patwari)	10.10.2022	-do-
73	Mr. Muhammad Fayaz (M.A)	22.04.1987 Malakand	07.08.2019 (TRA)	10.10.2022	DRA
74	Mr. Ashraf Ali (BA)	30.12.1998 Shangla	07.02.2017 (Direct)	08.11.2022	Naib Tehsildar
75	Mr. Adnan Khan (MA)	27.06.1989 Peshawar	01.11.2014 (Direct)	08.11.2022	-do-
76	Mr. Ahtisham Rashid (MA)	06.01.1992 Abbottabad	07.04.2021 (Direct)	08.11.2022	-do-
77	Muhammad Salman (BS)	01.06.1992 DIKhan	17.03.2017 (Direct)	08.11.2022	-do-
78	Mr. Abdus Samad (MBA)	31.03.1991 Tank	14.09.2021 (Direct)	08.11.2022	-do-
79	Mr. Aftab Ahmad (MA)	23.02.1991 Peshawar	01.11.2017 (Direct)	08.11.2022	-do-
80	Muhammad Hamza (BSc)	11.03.1997 Peshawar	09.08.2021 (Direct)	08.11.2022	-do-
81	Mr. Faiz Muhammad (MA)	20.01.1992 Battagram	01.05.2017 (Direct)	08.11.2022	-do-
82	Mr. Imran Khan (MA)	19.4.1986 Malakand	28.09.2015 (Direct)	08.11.2022	-do-
83	Mr. Abid Ali (MS)	24.07.1991 Bannu	21.10.2019 (Direct)	08.11.2022	-do-
84	Mr. Arman Ullah (BS)	05.07.1994 S.W	08.11.2022 (Direct)	08.11.2022	-do-
85	Muhammad Shoaib (MA)	24.07.1987 Peshawar	08.11.2022 (Direct)	08.11.2022	-do-
86	Mr. Sahibzada Muhammad Aizaz (BS)	15.04.1995 Peshawar	07.04.2021 (Direct)	08.11.2022	-do-
87	Mr. Bilal Ahmed (M.A)	11.05.1991 Peshawar	08.11.2022 (Direct)	08.11.2022	-do-

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				Naib Teleildar
88	Mr. Anis Ul Hakim (BS)	08.12.1995 Swat	08.11.2022 (Direct)	08.11.2022
89	Mr. Iqbal Ahmed (M.A)	23.02.1991 Peshawar	08.11.2022 (Direct)	08.11.2022
90	Muhammad Saleem Khan (MA)	20.04.1987 Chitral	28.12.2017 (Direct)	08.11.2022
91	Muhammad Zafran (M.A)	30.03.1991 Bannu	08.11.2022 (Direct)	08.11.2022
92	Mr. Waqas Ahmad (M.A)	31.12.1991 Peshawar	18.01.2018 (Direct)	08.11.2022
93	Mr. Hassan Khan (M.A)	15.01.1991 S.W	08.11.2022 (Direct)	08.11.2022
94	Mr. Seemab Mubarak (BS)	02.05.1991 Dir Lower	24.05.2022 (Direct)	08.11.2022
95	Mr. Rahman Rashid (MA)	18.04.1993 Buner	05.08.2022 (Direct)	08.11.2022
96	Mr. Amjad Khan (MSc)	08.03.1992 Peshawar	15.03.2021 (Direct)	08.11.2022
97	Mr. Subeel Ahmad (B.A)	15.08.1998 Abbottabad	08.11.2022 (Direct)	08.11.2022
98	Mr. Hidayat Ur Rehman (BSc)	20.09.1993 Karak	08.11.2022 (Direct)	08.11.2022
99	Miss. Gul-e-Hina (M.A)	23.01.1992 DIKhan	08.11.2022 (Direct)	08.11.2022
100	Mr. Abdul Aziz (MA)	05.8.1995 S.W	07.05.2021 (Direct)	08.11.2022
101	Mr. Raja Saad Ahmed Khan (M.A)	27.05.1991 Abbottabad	26.01.2017 (Direct)	08.11.2022
102	Mr. Sohail Afridi (BS)	01.04.1995 Khyber	08.11.2022 (Direct)	08.11.2022
103	Mr. Asfand Yar Wazir (M.A)	17.05.1988 S.W	08.11.2022 (Direct)	08.11.2022
104	Mr. Yasir Ali Khan (BSc)	14.11.1996 Tank	08.11.2022 (Direct)	08.11.2022
105	Mr. Khalid Khan (M.Phil)	21.04.1994 Bannu	19.04.2019 (Direct)	08.11.2022
106	Miss. Sunbal Gul (BS)	31.03.1997 Mardan	22.06.2021 (Direct)	08.11.2022
107	Miss. Zohra Sharif (Msc)	05.07.1990 Peshawar	08.11.2022 (Direct)	08.11.2022
108	Miss. Momena Tariq (M.Phil)	11.01.1996 Peshawar.	08.11.2022 (Direct)	08.11.2022
109	Mr. Sarfaraz Inderyas (BS)	20.12.1991 Mardan	08.11.2022 (Direct)	08.11.2022
110	Mr. Inderyas (BA)	23.07.1996 Swabi	08.11.2022 (Direct)	21.12.2022
111	Mr. Asif Shah (MA)	01.12.1988 Swat	15.09.2018 (Direct)	21.12.2022
112	Mr. Khushal Khan Khattak (MA)	06.04.1992 Karak	21.12.2022 (Direct)	21.12.2022
113	Mr. Awais Ahmad (BSc)	25.05.1994 Mansehra	21.04.2021 (Direct)	21.12.2022
114	Mr. Awais Siddique (M.Phil)	09.06.1992 Mansehra	21.12.2022 (Direct)	21.12.2022
115	Muhammad Bashir (Matric)	28.03.1966 Kohat	04.08.1986 (Patwari)	18.01.2023
116	Mr. Gul Nawaz Khan (Matric)	02.04.1965 Hazara	21.05.1995 (Patwari)	18.01.2023
117	Mr. Atta Ullah (Matric)	16.09.1965 Bannu	23.10.1986 (Patwari)	18.01.2023
118	Mr. Asghar Khan (M.A)	10.01.1965 Bannu	18.07.1987 (Patwari)	18.01.2023
119	Mr. Mati Ullah Khan (B.A)	25.04.1968 Bannu	23.09.1987 (Patwari)	18.01.2023
120	Mr. Syed Ali Afsar (B.A)	01.01.1970 Malakand	13.11.1996 (Patwari)	18.01.2023
121	Mr. Saif Ul Malook (M.A)	20.03.1972 Malakand	12.06.2002 (Patwari)	18.01.2023

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Muhammad Kafel MA LL.B

19.03.1980 Manshra

01.06.2009 (HVC)

17.04.2013

HVC
 His name has been included in Joint Seniority list as per KP Service Tribunal judgment dated 22.02.2023 Service Appeal No. 6041/2020 and E.P No.378/2023 and in light of SSRC meeting dated 08.11.2023.

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Ahmad Ullah

20.04.1967 Upper Chitral

08.03.2004 (Patwari)

30.12.2022

Naib Tehsildar

(Signature)
 (Noor Khan)
 Assistant Secretary (Estt)

Abdullah
 Advocate High Court
 Office No. 33 Adjacent to
 District Office Abbotabad

Annex-C

	GOVERNMENT OF KHYBER PAKHTUNKHWA	
	BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
021-9214299	Peshawar Dated the 28/11/2023	021-9214299

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NOTIFICATION

No. Estt:1/SSRC/Tehsildar/2022-23/24719-31 In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment Department and the Finance Department is pleased to direct that in this Department Notification No. 32102/Admn:1/135/SSRC, dated 26.12.2008, the following further amendment shall be made, namely:

AMENDMENTS

In the APPENDIX, against Serial No. 1, in Column No. 7, for clause (b), the following shall be substituted, namely;

"(b) fifty-five percent (55%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Naib Tehsildar, District Revenue Accountant, District Kanungo, Sub-Registrar and Head Vernacular Clerk (HVC) with at least three (03) years service as such:

Provided that official promoted from the cadre of Sub- Registrar, District Revenue Accountant and Head Vernacular Clerk shall undergo six (06) months Revenue & Settlement Training as per schedule of the Department.

Note: The Head Vernacular Clerk shall be placed at the bottom of existing joint seniority list of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar."

Sd/-
Secretary to Government of Khyber Pakhtunkhwa,
Revenue & Estate Department

Attended
Advocate High Court
Office No 33 Adjacent
Distt Abbottabad

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6 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

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Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. Confirmation.---(1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post ¹[...] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. Seniority.---(1) For proper administration of a service, cadre or ²[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or ³[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or ⁴[post] as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or ⁵[cadre], whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, ⁶[cadre] or post shall be determined as may be prescribed.

⁷[(4) 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:

1. The words "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
2. Subs: for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
3. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
4. Subs. for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. Substituted for the word "grade" by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

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Office No 33 Adjacent to
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(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period.]

16. Confirmation.---After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

**PART-VI
SENIORITY**

17. Seniority.---(1) The seniority inter se of civil servants ¹[appointed to a service, cadre or post] shall be determined.--

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ²[or, as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of civil servants appointed otherwise, with reference to the dates of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I.---If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II.---If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III.---A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

1. Substituted for the words "appointment to post in the same Basic Pay Scale in a cadre" by Notification No.SOR.I(S&GAD)4-1/80,dated 17-05-1989.
2. Inserted by Notification No. SORI(S&GAD)4-1/80(V.II), dated 04-02-1996.

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Office No 33 Adjacent to
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Annex - E

REPRESENTATION BEFORE THE HONORABLE SENIOR MEMBER BOARD OF REVENUE, KHYBER PAKHTUNKHWA, PESHAWAR.

Through: PROPER CHANNEL

P-20

Subject: **OBJECTION/REPRESENTATION AGAINST IMPUGNED
ORDER NO.ESTT:V/FINAL JOINT SENIORITY
LIST/2023/9954-56 DATED 30/04/2024 ISSUED BY
THE BOARD OF REVENUE VIDE WHICH FINAL JOINT
SENIORITY LIST FOR THE YEAR 2023 IN RESPECT OF
NAIB TEHSILDAR/DK/DRA/SUB REGISTRAR AND HVC
HAS BEEN CIRCULTED**

Respectfully Sheweth:

Kindly refer to your office Order No.Estt:V/final seniority List/2023 9954-56 dated:30/04/2024 on the subject cited above and to state that the following facts are necessitating to place before your good self for your kind perusal & favorable consideration:

1. That, two posts of Head Clerks were advertised by the Commissioner Hazara Division in the year 2009. **(Annex-A)**
2. That after completion of all legal formalities, the competent authority appointed the following as Head Clerk BPS-14 **(Annex-B)**.
 - i. Miss Sonia Bibi
 - ii. Mr. Muhammad Kafeel (Applicant)
3. That in the year 2010, post of Head Clerk was re-designated as under vide Finance Department Notification No. BOV-II/FD/2-3/BE-2009-10 dated 10/05/2010 **(Annex-C)**.

Secretary
↓
Commr.
27/5/24

EXISTING POST	REDESIGNATED POST
Head Clerk (BPS-14)	i. HVC (Revenue).(BPS-14) ii. Reader/Naib Tehsildar (BPS-14)

Agr/A.E

991-
06/05/2024



4. That after aforementioned redesignation, on the advice of the Board of Revenue vide letter No.Estt/1255 dated 21/01/2011, Miss Sonia Bibi (Head Clerk) was adjusted against the vacant post of Assistant BPS-14 vide Commissioner Hazara Office Order No.1/2/CHD/Estab/1600-05 dated 15/02/2011 while to extent of the applicant it was mentioned in the said order that:

“He would also be adjusted against the post of Assistant as and when a vacancy occurs in this office, However, till that time he will continue to draw the salary against the redesignated post” (Annex-D).

5. That applicant assailed the above order dated 15/02/2011 (already placed at **Annex-D**) with the valid and reasonable ground that in Commissioner Hazara Office, Abbottabad all fresh recruitments were made due to which execution of the second para of aforementioned order was impossible in near future.

6. It is most imperative to mention here that the Board of Revenue vide letter No. Estt:II/HCR/HVC/13323 dated: 11.07.2013 advised the Commissioner Office to maintain the applicant's seniority with Assistants (BPS-14). The Commissioner Office had issued tentative seniority list of Assistants (BPS-14) for the year 2013 and incorporated the name of applicant but due to unknown reason the same had not been finalized so far (**Annex-E**).



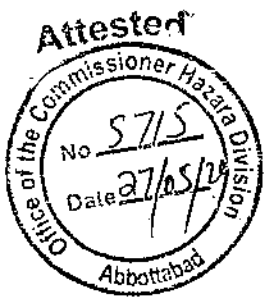
7. That in the year 2011, the applicant filed Service Appeal No. 849/2011 in Khyber Pakhtunkhwa Service Tribunal for the Adjustment against the redesignated post i.e. HVC (Revenue)(BPS-14) or Reader/NT(BPS-14).

8. That the Service Tribunal while accepting the aforementioned appeal vide judgment dated: 16.08.2016 that the applicant be considered as HVC (Revenue) w.e.f date of his appointment i.e. 01.06.2009. (**Annex-F**).

9. That the Commissioner Office was flatly transgressed the above mentioned judgment dated: 16.08.2016 and regularized the services of the applicant w.e.f 17.04.2013 instead of date of appointment (01-06-2009) vide order No. 1/2/Estab/13169-75 dated: 17.10.2016 (**Annex-G**) with the stance that the second post of Head Clerk was redesignated by the Finance Department vide letter No. BOV-II/FD/1-4/BE/2012-13 dated: 17.04.2013 (**Annex-H**).

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10. That due to above order issued by the Commissioner Office four year service carrier of the applicant had been spoiled.
11. It is pertinent to mention here that neither applicant's seniority was made during entire service nor requests in this regard were considered by the Department.
12. It is most imperative to bring in to your kind notice that Miss Sonia Bibi was adjusted as Assistant in the year 2011 vide order already placed at **(Annex-D)**. Later on, she had filed an appeal before Worthy Senior Member Board of Revenue with the pray that her seniority may be counted from date of her appointment i.e. 01.06.2009 instead of date of adjustment as Assistant. **(Annex-I)**.
13. That the Board of Revenue accepted her appeal and directed the Commissioner Office to incorporate her seniority by giving seniority from date of her appointment i.e. 01.06.2009 vide letter No. Estt:/Miss Sonia Bibi/11276 dated: 30.05.2017 **(Annex-J)**.
14. That the department had not treated the applicant's case in accordance with law, rules, policies, above quoted precedent in para 13, violated the Article-4 of the constitution of Islamic Republic of Pakistan and Section-8 (3) of KP Civil Servants Act 1973 read with Rule-17 of Civil Service (APT) Rule, 1989.
15. That the applicant again knocked the door of the Competent Court of Law and filed an appeal No. 6041/20 in KP Service Tribunal.
16. That the Honourable KP Service Tribunal accepted the appeal and directed the respondents to finalize the applicant's seniority already issued in the year 2013 vide Judgment dated: 21.09.2022 in appeal No. 6041/20 **(Annex-K)**.
17. That the respondents of the above mentioned appeal did not comply with the above judgment dated: 21.09.2022 due to which the applicant filed execution petition No. 700/22.
18. That during proceedings of the execution petition No. 700/22, the respondents shunted out from original decision of the Court dated: 21.09.2022 already placed at **Annex-K** and submitted another proposal before KP Service Tribunal vide letter No. Estt:II/HVC/V:II/M. Kafeel/2715-17 dated: 20.02.2023. Copy of the Judgment dated: 22.02.2023 is attached as **(Annex-L)**.



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19. That in pursuance of the Judgment already placed at (**Annex-L**), the SSRC has allowed to frame rules accordingly. The same has been notified by the Board of Revenue after completion of all legal formalities. Notification is attached as (**Annex-M**). The applicant personally submitted the same in KP Service Tribunal in 2nd Execution Petition No. 378/2023. Copy of order sheet dated: 14.09.2023 is attached as (**Annex-N**).

20. That the applicant while present the above amendments in Court raised certain reservations on the following impugned note at the end of the amendments made vide notification already placed at (**Annex-M**).

"NOTE:- The head vernacular clerk shall be placed at the bottom of existing joint seniority list of Naib Tehsildar, District Revenue Accountant, District Kanungo and sub-Registrar."

21. It is most imperative to bring in to your kind notice that the SSRC has lack of jurisdiction to determine the seniority of any Government servant. It is the discretionary power of the administrative department to decide the matter of seniority. Hence, impugned note at the end of above mentioned notification is unlawful, contrary to the legal norms of justice and against the rules/policies as envisaged in Civil servant Act, 1973 and APT Rules 1989.

22. That in the light of the above mentioned impugned note the Board of Revenue illegally placed the name of the applicant at bottom which is contrary to the legal norms of justice and also violation of section-8 (3) of KP Civil Servant Act 1973 read with rules-17 of APT rules 1989.

23. That the applicant has already sacrificed four precious year of service carrier when regularized as HVC (Revenue) w.e.f 17.04.2023 instead of date of appointment.

24. That during 15 years of applicant's service carrier, he did not get a single promotion but due to placement at bottom in the impugned seniority, it may take another 10 years for promotion/up-gradation, which is un-acceptable at any cost as the legal and fundamental right of the applicant has already been infringed.



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25. That the department has tangled the applicant in un necessary litigation due to which applicant's service carrier has been badly suffered, spoiled and entire service of the applicant has been raze to the ground and jeopardized.
26. That the instant case is required to be disposed of on the basis of available precedent/analogy of same nature case i.e Miss Sonia Bibi (Now she is serving in BPS-16) while applicant is still serving in BPS-14 (Already placed at **(Annex-J)**)
27. That the Board of revenue has already circulated such like joint seniorities of the different cadres and included the name of all Officers/officials from date of their regular appointment i.e joint seniorities of private Secretaries and Superintendent (BPS-17), Assistants & senior scale stenographers(BPS-16), senior Clerk & junior scale stenographers (BPs-14) etc.

NOTE:- I would like to invite your attention to the important issue that no tentative joint seniority list in respect of subject seniority has been circulated due to which instant objection has been filed after issuance of final seniority, please..

PRAYER:

Keeping in view of the above narrated facts, it is therefore, very humbly prayed that on acceptance of instant appeal, impugned seniority list in respect of the applicant may be reviewed being in valid, without lawful authority, against the fact and seniority of the applicant may be incorporated at proper place with retrospective affect and be counted from date of regularized as HVC (Revenue) i.e 17.04.2013 to avoid further complications and litigation, please..

Enclosures: 25 pages



Yours Obediently,

Muhammad Kafeel
02/05/24

Muhammad Kafeel
HVC (Revenue)
Commissioner Office
Hazara Division
Abbottabad.

Dated:-02/05/2024



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD / Estb/ 2/3/ 6069-71
Dated 31/05/2024

To

✓ Mr. Muhammad Kafeel,
HVC (Revenue), Commissioner Office,
Hazara Division, Abbottabad.

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Subject: OBJECTION/REPRESENTATION AGAINST IMPUGNED NOTIFICATION NO. ESTT:V FINAL JOINT SENIORITY LIST/9954-56/2023 DATED: 30.04.2024 ISSUED BY THE BOARD OF REVENUE VIDE WHICH JOINT SENIORITY LIST FOR THE YEAR 2023 IN RESPECT OF NAIB TEHSILDAR/DRA/SUB-REGISTRAR AND HVC HAS BEEN CIRCULATED.

Memo:

I am directed to enclose herewith a copy of letter No. Estt:V/M.Kafeel/HVC/12373-75 dated: 23.05.2024 on the subject noted above received from Assistant Secretary (Estt:), Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar along with enclosures for information, please.

Secretary to Commissioner
Hazara Division Abbottabad

Endst: Even No & Date:

Copy forwarded for information to the:

1. Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, Peshawar w/r to above.
2. PS to Commissioner, Hazara Division.

Secretary to Commissioner
Hazara Division Abbottabad

Received
MRS
31/5/24

Advocate High Court
Office No 33 Adjacent to
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GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT
 (Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

NOTIFICATION

No. 32/02 / Admn:1/135/SSRC.

Peshawar dated the 26/12/2008.

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO 457 (1) / 2001 dated 28th June 2001, in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts of cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

1 S.No	2 Nomenclature of the post	3 Appointing Authority	4 Minimum Qualification for appointment by initial recruitment or by transfer	5 Minimum Qualification for appointment by promotion	6 Age limit	7 Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of Seniority - cum - fitness from amongst the Graduate Naib Tehsildar with at least Five Years Service. The condition of Graduation will be applicable after 5 years from the date of issuance of this Notification; and (c) Twenty percent by Promotion, on the basis of Joint Seniority - cum - fitness from amongst the Graduate Assistant / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub-Registrar with at least Five Years Service as such

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2	3	4	5	6	7
Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission	21 - 30 years For initial recruitment	<p>(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and</p> <p>(b) Thirty percent by promotion, on the basis of Seniority - cum - fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applied for five years from the date of issuance of this Notification.</p> <p>(c) Twenty percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex - Deputy Commissioner / CO. [Redacted] and DOR, who are Graduate [Redacted] each.</p> <p>By transfer from [Redacted] amongst [Redacted] NT</p>
District Kanungo (Saddar Kanungo) (BPS 14)					By transfer from amongst Naib Tehsildar
Head Clerk (Revenue) (BPS 14)					By transfer from amongst Naib Tehsildar
District Revenue Accountant (BPS 14)					By transfer from amongst Naib Tehsildar

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1	2	3	4	5	6	7
6	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector,				By promotion, on the basis of joint Seniority and fitness, on District level from amongst the Patwaris Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such.
7	Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis / Additional Wasil Baqi Nawis (BPS - 05)					By transfer from amongst Patwaris
8	Patwari (BPS - 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Sd/-
Secretary to Government of NWFP
Revenue and Estate Department

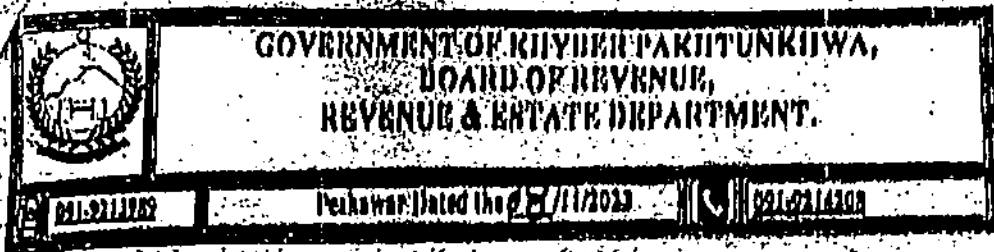
No. 32103-61 /Admin.I/135/SSRC

Copy forwarded for information and necessary action:

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department
4. Secretary NWFP Public Service Commission
5. Secretary to Governor NWFP.
6. Registrar Peshawar High Court Peshawar
7. Advocate General, NWFP
8. Accountant General NWFP Peshawar
9. Private Secretary to Chief Secretary NWFP
10. All District Coordination Officer, in NWFP
11. All District Officer (Revenue & Estate) /Collector, in NWFP
12. Director Land Record NWFP.
13. The Controller, Government Printing Press, NWFP Peshawar with the request that the notification may be published in the official gazette and to supply one hundred printed copies to the undersigned.

File

Deputy Secretary
Government of NWFP
Revenue & Estate Department



NOTIFICATION

No. Estt/SSRC/Tehsildar/2022-23/24719-31 In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment Department and the Finance Department is pleased to direct that in this Department Notification No. 32102/Admn/1/135/SSRC, dated 26.12.2008, the following further amendment shall be made, namely:

AMENDMENTS

in the APPENDIX against Serial No. 1, in Column No. 7, for clause (b), the following shall be substituted, namely;

- "(b) fifty-five percent (55%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Naib Tehsildar, District Revenue Accountant, District Kanungo, Sub-Registrar and Head Vernacular Clerk (HVC) with at least three (03) years service as such:

Provided that official promoted from the cadre of Sub-Registrar, District Revenue Accountant and Head Vernacular Clerk shall undergo six (06) months Revenue & Settlement Training as per schedule of the Department.

Note: The Head Vernacular Clerk shall be placed at the bottom of existing joint seniority list of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub-Registrar."

Hd/-
Secretary to Government of Khyber Pakhtunkhwa,
Revenue & Estate Department



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

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21571274
No. Estt:VM/Ka/Estt/IVC 18373-75
Peshawar Date: 25/5/24

To

The Secretary to Commissioner,
Hazara Division

Subject: OBJECTION/REPRESENTATION AGAINST IMPUGNED SENIORITY NOTIFICATION NO. ESTT/V FINAL JOINT SENIORITY LIST/9954-56/2023 DATED 30.04.2024 ISSUED BY THE BOARD OF REVENUE VIDE WHICH JOINT SENIORITY LIST FOR THE YEAR 2023 IN RESPECT OF NAIB TEHSILDAR/DRA/SUB-REGISTRAR AND HVC HAS BEEN CIRCULATED.

Sir,

I am directed to refer to your letter No. 2/3Estt/ACR/CHD/4682-84 dated 06.05.2024 on the subject noted above and to state that in light of Khyber Pakhtunkhwa Service Tribunal judgment the case of Muhammad Kafel Head Vernacular Clerk was placed before the SSRC wherein it has been decided to include Head Vernacular Clerk in the Joint Seniority List of Naib Tehsildar, District Kanungo, District Revenue Accountant and Sub-Registrar for further promotion to the post of Tehsildar (BS-16). However, it has further been clarified in the said notification (Copy enclosed) that Head Vernacular Clerk shall be placed at bottom of the existence Joint Seniority List of Naib Tehsildar, District Kanungo, District Revenue Accountant and Sub-Registrar please.

2/B

2/B

(NOOR KHAN)
Assistant Secretary (Estt.)

No and Date Even:

Copy forwarded to the:-

1. Ps to Commissioner Hazara Division.
2. Muhammad Kafel HVC Commissioner Office Hazara Division.

(NOOR KHAN)
Assistant Secretary (Estt.)

Secretary
30/5/24

GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
No. BUREAU/KAN/WHVC/12375-75	12/3/24
12/3/24	12/3/24

The Secretary to Commissioner,
Hazara Division

Subject: OBJECTION/REPRESENTATION AGAINST IMPUNED SENIORITY LIST/9934-56/2023 DATED 30.04.2024 ISSUED BY THE BOARD OF REVENUE VIDE WHICH JOINT SENIORITY LIST FOR THE YEAR 2023 IN RESPECT OF NAIB TRESILDAR/DRA/SUB-REGISTRAR AND HVC HAS BEEN CIRCULATED.

I am directed to refer to your letter No. 2/384/ACR/CHD/4682-84 dated 06.05.2024 on the subject noted above and to state that in light of Khyber Pakhtunkhwa Service Tribunal judgment the case of Muhammad Kafeel Head Vernacular Clerk was placed before the SRO wherein it has been decided to include Head Vernacular Clerk in the Joint Seniority List of Naib Tehsildar, District Kanungo, District Revenue Accountant and Sub-Registrar for further promotion to the post of Tehsildar (BS-16). However, it has further been clarified in the said notification (Copy enclosed) that Head Vernacular Clerk shall be placed at bottom of the existence Joint Seniority List of Naib Tehsildar, District Kanungo, District Revenue Accountant and Sub-Registrar please.

No and Date Recd:
Copy forwarded to the:
1. P. to Commissioner Hazara Division.
2. Muhammad Kafeel HVC Commissioner Office Hazara Division.

(NOOR KHAN)
Assistant Secretary (Estt)

(NOOR KHAN)
Assistant Secretary (Estt)

Handwritten signature and date: 28/5/24

Muhammad Akmal Khan
Tarnoli A. 5. 9

MUHAMMAD TRABAKIM KHAN
ADVOCATE HIGH COURT

Handwritten signature and stamp of Muhammad Akmal Khan.

Handwritten signature and stamp of Muhammad Trabakim Khan.

بھائی:

الہ قلم:

مذکورہ دستاویز کے متعلق درخواست ہے۔
اسخلافات کے نتیجے میں اسے حل کرنے کے لئے درخواست ہے۔
یہ درخواستیں منظور کی جائیں گی۔
اس کے نتیجے میں اسے حل کرنے کے لئے درخواست ہے۔
یہ درخواستیں منظور کی جائیں گی۔
اس کے نتیجے میں اسے حل کرنے کے لئے درخواست ہے۔
یہ درخواستیں منظور کی جائیں گی۔

Muhammad Waheed
Muhammad Waheed

Service Appeal

Appellant (اسٹیلنگ)

Respondent S.M.R.R

K.P. Service Tribunal
Peshawar

وکیلانہ

Handwritten signature and stamp in a box.

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