

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 5799/2021

SCANNED
KPST
Peshawar

KHALID ZAMAN

VS

SMBR DEPTT:

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APPELLANT

THROUGH:

Noor Mohammad Khattak
ADVOCATE

OFFICE:

Flat No.4, 2ND Floor,
Juma Khan plaza near
FATA Secretariat, Warsak road
Peshawar City. Mobile No. 0312-9888752

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Mr. Khalid Zaman, Petwari BPS-9,
Revenue Department, District Karak..... **APPELLANT**

VERSUS

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2- The Commissioner, Kohat division, at Kohat.
- 3- The Deputy Commissioner, District Karak.
- 4- Mr. Altaf Mehmood, Kanungo, O/O the Deputy Commissioner, District Karak.
- 5- Mr. Rafiq Ullah, Kanungo, O/O the Deputy Commissioner, District Karak.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29.06.2020 WHEREBY JUNIORS TO THE APPELLANT i.e. PRIVATE RESPONDENTS No.4 & 5 HAVE BEEN PROMOTED TO THE POST OF KANUNGO (BPS-11) WHILE THE APPELLANT HAS BEEN IGNORED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal of the appellant the impugned order dated 29.06.2020 may very kindly be set aside and the respondents may please be directed to consider the appellant for promotion to the post of Kanungo BPS-11 being at serial No.1 of the seniority list with all back benefits including seniority. Any other remedy which this august Tribunal Deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant was initially appointed as Patwari (BPS-9) in the respondent department and since appointment the appellant is

performing his duty quiet efficiently and up to the entire satisfaction of his superiors.

2- That during service a complaint was lodged against the appellant and consequent upon the same complaint the respondent No.4 imposed major penalty of dismissal from service upon the appellant. Copy of the order dated 06.03.2020 is attached as annexure.....A

3- That the appellant feeling aggrieved from the order dated 06.03.2020 filed appeal before the commissioner Kohat Division wherein the appellant was reinstated into service for the purpose of de-novo inquiry vide order dated 06.08.2020. However, prior to that the appellant preferred departmental appeal to the Respondent No.4 for stopping the upcoming promotions to (BPS-11) being appellant at the top of seniority list. Copy of the order dated 06.08.2020 and departmental appeal dated 23.06.2020 are attached as annexure.....B & C

4- That above all, and resultantly after conducting the de-novo inquiry the appellant was reinstated into service with all back benefits vide order dated 26.08.2020, the operative part of the order is reproduced as "**Re-instated as Patwari (BPS-9) on his original seniority position in service and the period of dismissal w.e.f 6.3.2020 to 6.8.2020 may be treated as period spent on duty**". Copy of the reinstatement order dated 26.08.2020 is attached as annexure.....D

5- That it is pertinent to mention that prior to the reinstatement of the appellant, the respondents held minutes of the departmental promotion/selection committee on 25.06.2020 whereby the juniors to the appellant were recommended for the promotion to the post of Kanungo (BPS-11) ignoring the appellant deliberately by the respondents unjustifiably vide dated 25.06.2020. Copy of the minutes of the meeting dated 25.06.2020 is attached as annexure.....E

6- That after that, juniors to the appellant were promoted to the post of Kanungo (BPS-11) vide impugned order dated 29.06.2020 while the appellant being at the top of the seniority list, respondent ignored the appellant for the promotion to the post of Kanungo (BPS-11) without any legal justification. Copy of the impugned order dated 29.06.2020 and seniority list are attached as annexure.....F & G

7- That the appellant feeling aggrieved from the impugned order dated 29.06.2020 preferred departmental appeal to the appellate authority

wherefrom no reply has been received till dated. Copy of the departmental appeal is attached as annexure.....H

8- That the appellant further feeling aggrieved and having no other remedy but to file this appeal on the following ground amongst others.

ON GROUND

A- That the impugned order dated 29.06.2020 issued by the respondents is against law, facts, norms of natural justice and material on record hence not tenable and liable to be set aside.

B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the respondents acted in arbitrary and malafide manner by granting promotion to the juniors to the appellant to the post of Kanungo BPS-11 while ignoring the appellant vide impugned order dated 29.06.2020.

D- That the respondents acted in discriminatory manner by granting promotion to the appellant's junior while ignoring the appellant being at the top of the seniority list vide impugned order dated 29.06.2020 is against the norms of natural justice and liable to be set aside.

E- That the appellant was at the top of the seniority list but the respondents issued impugned order dated 29.06.2020 whereby the juniors to the appellant were promoted to the post of Kanungo (BPS-11) is against the Section-8 and 9 of the Civil servants Act, 1973, hence impugned order dated 29.06.2020 is not tenable and liable to be set aside.

F- That the issuance of impugned order dated 29.06.2020 by the respondents is against the Rule-17 of the (Appointment, Promotion and Transfer) Rules, 1989 hence liable to be set aside.

G- That the action and inaction of the respondents is against the Article 38(e) of the Constitution of Islamic Republic of Pakistan, 1973 thus the appellant is entitle to all the back benefits and hence impugned order dated 29.06.2020 is liable to be set aside.

H- That the appellant seeks permission to advance any other ground and proof at the time of regular hearing.

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

Dated: 26.5.2021

APPELLANT



KHALID ZAMAN

THROUGH:



**NOOR MUHAMMAD KHATTAK
ADVOCATE**

(5)

(A)

Anxxure

ICE OF THE DEPUTY COMMISSIONER KARAK

OFFICE ORDER:

Dated Karak the 6/3/2020


Mr. 10/14 JDC/Reader. WHEREAS, Mr. Khalid Zaman, Patwari was proceeded against under Efficiency & Discipline Rules 2011 on the complaint of Mr. Abdul Muqtadir and Muhammad Wajid for concealing mutation No.7160.

AND WHEREAS, the then Deputy Commissioner Karak has already served final show cause notice through Assistant Commissioner, T/Nasrati vide letter No.2158/DC/HVC dated 28/02/2018 on Khalid Zaman, Patwari and others.

AND WHEREAS, the Additional Assistant Commissioner-I Karak was appointed as inquiry officer against the said official for the charges leveled against him in accordance with law.

AND WHEREAS, the inquiry officer after having examined the charges, evidence on record, and explanation of the accused official, submitted the report.

NOW THEREFORE, the competent authority after having considered the charges, evidence on record, findings of the inquiry officer and the statement of the official concerned, do hereby impose "Major penalty" of dismissal from service on the accused official (Mr. Khalid Zaman, Patwari) under Rule-4(b)(iv) of the Efficiency & Discipline Rules-2011.


DEPUTY COMMISSIONER
KARAK

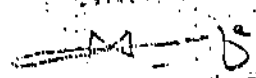
List of Even No. & Date:

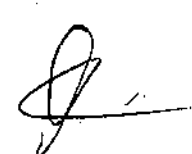
Copies forwarded to the:-

1. Commissioner Kohat Division Kohat.
2. All Assistant Commissioners in District Karak.
3. District Accounts Officer Karak.
4. Official concerned.

for n/a


DEPUTY COMMISSIONER
KARAK

Attested

6/3/2020
Muzing Bazaar Karak



6

B

COURT OF THE COMMISSIONER, KOHAT DIVISION KOHAT

Appeals No.02/2020 dated 12-03-2020 and 03/2020 dated 12-03-2020

Date of decision 06-08-2020

Khalid zaman patwari and Mumtaz khan patwari

Versus

1. Deputy Commissioner, Karak. 2. Abdul Muqtadir R/O Karak.

APPEALS AGAINST THE ORDERS NO. 1013/DC/READER DATED: 06-03-2020, ORDER NO. 1014/DC/READER DATED: 06-03-2020.

ORDER

My this order will dispose of both the appeals No. 02/2020 and 03/2020.

Brief facts of the case are that one Muhammad Wajid S/o Mamraiz Khan R/o Sogara, T/Nasrati, Karak filed a complaint against Mumtaz Khan, Patwari Halqa Khojaki and Patwari Khalid Zaman on account of allegedly illegal transfer of land owned by his grandmother and two aunts in the names of Zaridad Khan (father of Khalid Zaman) and Khalil ur Rehman vide Mutation No. 7160 entered by the patwari on 02-05-2007 at village Khojaki. Taking action on the complaint of Muhammad Wajid, AC Takhti Nasrati was appointed to carry out inquiry. Statements of all concerned were recorded and inquiry report was submitted to Deputy Commissioner, Karak.

ADC, Karak, in his summary on the inquiry report of AC Takhti Nasrati, Karak, recommended Departmental action to be taken against the following:

1. Patwari Khush Nawaz.
2. Tehsildar Gul Ghazi Khan.
3. Girdawar(R) Muhammad Rafiq.
4. Patwari Khalid Zaman.

Accordingly, Mr. Shah Behram, AAC-I Karak was appointed to proceed further and complete action on the recommendations of ADC, Karak.

Recommendations of AAC-I, Karak:

1. Mumtaz Khan, Patwari Halqa Khojaki, T/Nasrati (now girdawar) may be awarded Major Penalty for entering incorrect contents in Revenue Record.
2. Mr. Khalid Zaman, Patwari may be awarded Major Penalty for concealing Mutation No. 7160 till 2017.

In the light of recommendations of AAC-I, Karak, Mr. Mumtaz Khan (Girdawar) was demoted to the post of Patwari for 05 years vide Order No. 1013/DC/Reader dated: 06-03-2020 and Mr. Khalid Zaman Patwari was dismissed vide Order No. 1014/DC/Reader dated: 06-03-2020, under Section -4 of F&D Rules 2011.

Aggrieved with the same, the appellants namely Mumtaz Khan and Khalid Zaman filed the appeals bearing No. 03/2020 and No. 02/2020 respectively. Accordingly Notices were issued to the parties and record/ para-wise comments were requisitioned from DC, Karak.

Appellants and Mr. Abdul Muqtadir, who was later on impleaded as respondent, alongwith counsels present. Arguments heard and record alongwith para-wise comments perused. From perusal of record as well as arguments presented by the counsels for parties, the following picture of the case came to the fore.

1. Mumtaz Khan Patwari entered Mutation No. 7160 in Roznamcha Waqiyati No. 678 dated: 02-05-2007, on the report of one Arabistan (the uncle of the Complainant). Later on, two others vendors namely Muhammad Qasim and Shera Dar had their statements recorded for selling their shares in the same Khatta bearing No. 198.
2. Patwari Halqa Khojaki, Mumtaz Khan was transferred from Halqa Khojaki on 12-07-2007 and handed over the entire record including the mutation No. 7160 to Haniayun Patwari, his successor vide para wise comments para 03.



3. Mutation No. 7160 remained pending till 2017. As per statement of Altaf Patwari Halqa Khojaki, he received Parte Sarkar of mutation no 7160 from the custody of Khalid Zaman on 16-09-2017. On the contrary, the record shows that he had furnished a photocopy of parte sarkar of mutation No.7160 to Anti Corruption three months before i.e on 09-06-2017 vide pages 257-260 of the case file.
4. The land in dispute is in the possession of Khalid Zaman which is the bone of contention between the complainant and the appellants.
5. The Inquiry officer, AAC-I, as well as the competent authority has not followed proper procedure of proceeding as laid down in E&D Rules 2011.
 - I. Appellants have not been heard personally by the competent authority as required under section 15 of E & D rules 2011.
 - II. The statements of Arabistan, Muhammad Qasim and Shera Dad etc. have not been recorded by the Inquiry Officer.
 - III. Gul Ghazi Khan, in BPS 17 at the time of enquiry, ranked at par with the Inquiry officer, which is violation of section 10(1a) of Rules 2011.
6. Transaction of land in question has taken place as is evident from the statements of vendors namely Arabistan, Muhammad Qasim and Shera Dar on Mutation No. 7160 and statement of Arabistan on page 292 of case file.
7. Mumtaz Khan Patwari has been found guilty for entering incorrect contents in revenue record but the same has not been explained by the Inquiry Officer.
8. The inquiry officer, AAC-I Karak, has relied wholly on the report of AC T/Nasrati and has not followed the procedure as laid down in E & D Rules 2011.
9. There is mutation 9193 on case file "Wajid vs Khalid Zaman" vide page 52 (in red ink) entered for mutation no 7160.

Keeping in view the facts at Sr.No. 2, 3,5,7, 8 & 9 above, the inquiry as well as the impugned Order No. 1013/DC/Reader dated: 06-03-2020 and Order No. 1014/DC/Reader dated: 06-03-2020 of Deputy Commissioner Karak, are liable to be set aside and the case is remanded back to DC, Karak for conducting de novo inquiry, to be completed within two months, in the light of the following:

1. Before conducting inquiry, the shares of all concerned in Khatta No. 198 shall be demarcated.
 2. The entire procedure shall be in accordance with E&D Rules 2011.
 3. Illegality committed by Mumtaz Khan should be explained. Is not Patwari bound under law to enter Mutation on report of any vendor or has he entered more shares than those of the vendors whose statements are there on mutation no 7160?
 4. Two separate contradictory statements regarding Parte Sarkar of Patwari Altaf Mehmood Patwari shall be cross-examined.
 5. The statements of all concerned vendors and vendees i.e. Arabistan, Muhammad Qasim, Shera Dad and the Aunts of the complainant Zarifad etc. shall be recorded by the Inquiry Officer.
 6. What is the present status of Mutation No. 7160? Is there any case pending in Court in this connection?
 7. Whether Khalid Zaman Patwari was posted on Patwar Halqa Khojaki during the period 2007-2017, to have stolen the Mutation No. 7160?
 8. How can a mutation (7160) be cancelled when the same is still pending through another mutation (9193 in the instant case)?
 9. All of the following shall be inquired:
 - i. Patwari Khush Nawaz.
 - ii. Tehsildar (R) Gul Ghazi Khan.
 - iii. Girdawar (R) Muhammad Rafiq.
 - iv. Patwari Khalid Zaman.
 - v. Patwari Altaf.
 - vi. Patwari Mumtaz.
 - vii. All Muhammad Tehsildar (R)
- For the purpose of conducting de novo inquiry, the appellants are re-instated.

Announced
06-08-2020

S.M. Mulla
Reader to Commissioner

COMMISSIONER
KOHAT DIVISION KOHAT

19-8-2020

[Signature]

8

خدمت جناب ڈپٹی کمشنر صاحب کرک

Anxxure

درخواست، براد رکوانے کاروائی برڈ پارٹمنٹل پروموشنز، ریونیو ڈیپارٹمنٹ ضلع کرک

جناب عالی

سائل ذیل عرض رساں ہے۔

1- یہ کہ سائل نے عرصہ تقریباً 25 سال تک ریونیو ڈیپارٹمنٹ میں بطور سرکاری ملازم احسن طریقے سے خدمت دی ہے۔ سائل کے ایک ~~...~~ سہمی واجد نے اپنے گھریلو ناچا کیوں اور ذاتی عمارت کی بناء پر سائل کے خلاف بے بنیاد کمپلینٹ دائر کئے تھے جس میں کافی عرصہ سے انکو ایڑ پھل رہی تھیں اور سہمی واجد اپنے اثر سوخ استعمال کر رہا تھا جس کی بناء پر سائل جو کہ حال ہی میں پنڈاری خانہ تشکیل تحت نسرتی ضلع کرک میں تعینات تھے کو نوکری سے برخاست کیا گیا، حالانکہ سائل پر جو الزامات لگائے گئے تھے اس کے سائل کے ساتھ دور دور تک کوئی تعلق نہیں تھا۔

2- یہ کہ سائل پر لگائے گئے الزامات بالکل بے بنیاد ہیں اور سائل بے گناہ ہے اور اپنی بے گناہی ثابت کرنے کے لئے سائل نے عدالت جناب کمشنر صاحب کو ہات میں ڈیپارٹمنٹل اپیل بھی دائر کی ہے جو کہ زیر تجویز عدالت خدا ہے اور جس پر فیصلہ صادر کیا گیا ہے۔
3- یہ کہ سائل Seniority List میں اول نمبر پر تھا اور پروموشن کے لئے ہر لحاظ سے فٹ تھا اور سرفہرست تھا لیکن سائل کو بے بنیاد الزامات کی بناء پر نوکری سے برخاست کیا گیا ہے جس کے خلاف ڈیپارٹمنٹل اپیل عدالت جناب کمشنر صاحب کو ہات میں زیر تجویز ہے جو کہ قوی امکان ہے کہ سائل کے حق میں فیصلہ ہوگی اور سائل کو اپنے تمام سابقہ مراعات کے ساتھ نوکری پر باعزت بحال کرنے کا قوی امکان ہے کیونکہ سائل کے خلاف ایسا کچھ بھی ریکارڈ پر موجود نہیں ہے جس سے سائل کی نوکری میں کوئی غفلت، کوتاہی، بد اخلاقی یا کرپشن ثابت ہو۔

4- یہ کہ محکمہ میں پروموشن ہونے کو ہیں اور سائل سینئرٹی کے لحاظ سے اول نمبر پر ہے لیکن چونکہ سائل کا کیس ایسی عدالت جناب کمشنر صاحب کو ہات میں زیر تجویز ہے اور سائل کے تمام تر سابقہ مراعات کے ساتھ بحال ہونے کا قوی امکان ہے، بدین وجہ سائل کی سہ تک پروموشنز پر اس وقت کاروائی روکنے کی استدعا کی جاتی ہے۔

لہذا استدعا ہے کہ سائل کے تمام اپیل کے فیصلے اور قانونی حقوق کے استعمال تک سائل کی حد تک ڈیپارٹمنٹل پروموشنز پر کاروائی روک دی جائے، یا سائل کے پروموشن کا حق محفوظ رکھا جائے۔

العارض
طہر محمد
خالد زمان ولد زری دارحاج

سکنہ شاہ قیصر بانڈہ، تحصیل تحت نسرتی ضلع کرک (برخواست شدہ پنڈاری)

23/6
2020

To stop repeated
promotions to Range

φ

(9)

Annexure D

OFFICE OF THE DEPUTY COMMISSIONER KARAK


OFFICE ORDER

Dated 26/8/2020

No. 2965 /DC/EA. Consequent upon the decision of Commissioner Kohat Division Kohat vide order dated 06/08/2020 and set aside this office order No. 1013/DC/Reader dated 6/3/2020 (promotion of Muntaz Khan Kanungo as Patwari) and No. 1014/DC/Reader dated 06/03/2020 (Dismissal of Khalid Zaman Patwari in the appeals Case No. 02/2020 dated 11/3/2020 & No.03/2020 dated 12/3/2020 title Khalid Zaman Patwari and Muntaz Khan Patwari versus 1. Deputy Commissioner Karak 2. Abdul Muqtadir r/o Karak, the following revenue officials of this office are hereby re-instated in service with all back benefits i.e pay & allowances and seniority as per detail given below:-

- | | |
|-----------------------|---|
| 1. Mr: Muntaz Khan | Re-instated as Kanungo (BPS-11) on his original Seniority Position in Service. |
| ✓ 2. Mr: Khalid Zaman | Re-instated as Patwari (BPS-09) on his original Seniority Position in Service and the period of dismissal w.e.f 6-3-2020 to 06-8-2020 may be treated as period spent on duty. |


Necessary entries to this effect should be made in their Service Books.


DEPUTY COMMISSIONER
KARAK

Endst: of Even No. & Date:-

Copy forwarded to:-

1. The Commissioner Kohat Division Kohat for information with reference to above please.
2. The Additional Deputy Commissioner Karak.
3. All the Assistant Commissioners in District Karak.
4. The Accounts Officer Karak.
5. All the Tehsildars in District Karak.
6. Officials concerned.


DEPUTY COMMISSIONER
KARAK



10

Annexure E

**MINUTES OF THE DEPARTMENTAL PROMOTION / SELECTION COMMITTEE (DPSC)
MEETING HELD ON 25-06-2020 AT 12.00 P.M IN THE OFFICE OF THE DEPUTY
COMMISSIONER KARAK.**

A meeting of Departmental Promotion / Selection Committee was held on 25/06/2020 for the promotion and selection of ministerial / Revenue Staff in the office of the Deputy Commissioner Karak and appointment of Deceased /Medical Boarded out employees son quota under the chairmanship of the Deputy Commissioner Karak. The following attended the meeting:-

1. Deputy Commissioner, Karak Chairman
2. Additional Deputy Commissioner (G) Karak..... Member
3. Assistant Commissioner Karak..... Member
4. Rep. of Commissioner Kohat Division Kohat..... Member
5. Establishment Assistant DC's Office Convener/ Member

The chair welcomed the participants and set out the meeting with the recitation from the Holy Quran. The chair highlighted the aim and objectives of the meeting. The committee discussed the following agenda items and decision made thereon are as under:-

1. Promotion of Head/Senior Clerk (BPS-14) to the Post of Assistant (BPS-16)

The committee was informed that total 04 No of posts of Assistant (BPS-16) were lying vacant due to retirement on Medical Boarded out and posted out as Tehsildar of this office as per given below:-

S#	Name	Designation	Date of Retirement	Remarks
1	Muhammad Zahir Khan	Assistant	30/08/2018	Medical Boarded out
2	Mr. Imtiaz Ahmad	--do--	01-04-2019	Promoted as Tehsildar
3	Mr. Muhammad Khan	--do--	04-07-2019	Medical Boarded out
4	Mr. Mumtaz Khan	--do--	23-10-2019	Medical Boarded out

According to Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa Peshawar recruitment policy circulated vide Notification No. 2074/Estt/III/135/SSRC dated 23/01/2015 at S. No. 3, the post of Assistant shall be filled in (a) 75% by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk in the offices of Deputy Commissioners of district concerned.

According to policy, the existing vacant posts of Assistant (BPS-16) shall be filled in by way of promotion i.e. 75% promotion quota from amongst the Head Clerk (BPS-14) and Senior Clerks (BPS-14). A panel of senior most eligible Head /Senior Clerks is as under:-

S#	Name	Designation	Length of service
1	Mr. Asal Nawaz	Senior Clerk	36 Years
2	Mr. Pio Shereen	Senior Clerk	34 Years

The Departmental Promotion and Selection Committee (DPSC) perused and checked thoroughly the final seniority list, synopsis and original ACRs of the above officials and unanimously recommended / approved promotion of Mr. Asal Nawaz and Pio Shereen Senior Clerks (BPS-14) to the post of Assistant (BPS-16) on regular basis against the vacant posts.

(11)

2. Promotion of Junior Clerk to the post of Senior Clerk (BPS-14).

Consequent upon the retirement of Mr. Habib-ur-Rehman Head Clerk (BPS-14) and promotion of 02 No of Senior Clerks (BPS-14) to the post of Assistant (BPS-16), 01 No post of Head Clerk (BPS-14) and 02 Nos posts of Senior Clerks (BPS-14) filled vacant. According to Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa policy circulated vide Notification mentioned above, at S. No 4, the post of Head Clerk/Senior Clerk (BPS-14) shall be filled in by way of promotion from amongst the Junior Clerk (BPS-11) "on the basis of seniority-cum-fitness of the district concerned with at least five years of service as such". A panel of Junior Clerks (BPS-11) for promotion to the post of Head/Senior Clerk (BPS-14) is tabulated below:-

S#	Name	Designation	Length of service
1	Mr. Muhammad Rashid	Junior Clerk	34 Years
2	Mr. Muhammad Abid	Junior Clerk	32 Years
3	Mr. Farid-ud-Din	Junior Clerk	31 Years

The Departmental Promotion and Selection Committee (DPSC) perused and checked thoroughly the final seniority list, synopsis and original ACRs of the above officials and unanimously recommended /approved the promotion of Muhammad Rashid, Muhammad Abid and Farid-ud-Din Junior Clerks (BPS-11) to the post of Senior Clerk (BPS-14) on regular basis against the vacant post.

3. Promotion/ Appointment against deceased Son/ Medical Boarded out Employee Son
Quota:

Consequent upon the promotion of Junior Clerks (BPS-11) to the post of Senior Clerks (BPS-14), 03 Nos of posts of Junior Clerks (BPS-11) fell vacant. As per Establishment Department, Khyber Pakhtunkhwa Peshawar notification No. SO (R-VI)E&AD/1-3/2015 dated 19/04/2016, the Govt. shall appoint children of deceased civil servants who dies in service or is rendered incapacitated or invalidated permanently during service or retired on Medical Board, the appointing authority may appoint one of the children of such civil servants to a posts in any of the basic pay scales 03 to 11 in Provincial cadre post and basic pay scales 03 to 12 in district cadre posts who possess the minimum qualification prescribed for appointment in the post.

The committee was informed that 01 post of Junior Clerk will be filled in by way of promotion from amongst Class-IV employee against 33% quota and 02 No posts of Junior Clerks will be filled in by way selection from amongst children of civil servants who dies in service and retired on Medical Board. Seniority list of Class-IV employees and a list of Deceased/ Medical Boarded out employees sons were placed before the DPSC as per details given below:-

a. Seniority List of Class-IV Employees

A panel of 03 senior most Class-IV employees of this office are as under:-

1. Habib-ul-Aziz, Naib Qasid
2. Farid Ullah, Naib Qasid
3. Muhammad Riaz, Naib Qasid

b. List of Deceased / Medical Boarded out Employees son.

S#	Name of Candidate	Date of Birth	Father /Husband Name with Designation	Date of Death /Medical Board out-Retirement	Qualification
1	Bilal Sherin	20-09-1995	Lal Sherin, Superintendent	11-08-2017	B.Sc (Civil Engg)
2	Saidar Siyab	10-09-1993	Abdur Rashid, Ex-Patwan	12/03/2019	M. Sc
3	Muhammad Musa	02-02-2000	Muhammad Jamid, Ex-Naib Qasid	18/03/2019	Matric

The Departmental Promotion and Selection Committee (DPSC) is requested to scrutinize the documents and determine the suitability of class-IV employees for promotion to the post of Junior Clerk (BPS-11) and appoint children of Deceased/Medical Boarded out quota against 02 vacant post of Junior Clerks (BPS-11). The senior most Naib Qasid, Mr. Habib-ul-Aziz opted and forego promotion to the post of Junior Clerk to the extent of present DPSC.

S#	Name of Candidate	Date of Birth	Father/Husband Name with Designation	Date of Death	Qualification
1	Maaz Ullah	23/01/1995	Muhammad Khan, Ex-Assistant Qasid	03/07/2019	F.A
2	Zafar Ullah	26-01-1988	Shahzad Khan, Ex-SSSG	09-10-2019	Matric
3	Safdar Mumtaz	13-02-1991	Mumtaz Khan, Ex-Assistant	23-10-2019	BS(Geology)
4	Sonaid Ghani	01-01-2002	Ghani Sarwar, Ex-Naib Qasid	04-11-2019	Middle

The Departmental Promotion and Selection Committee (DPSC) perused and checked thoroughly the seniority list of Class-IV employees and documents of children of deceased/Medical Boarded out employees and unanimously recommended /approved the promotion/ appointment to the post of Junior Clerk (BPS-11) of the following:-

1. Mr. Farid Ullah promoted as Junior Clerk (BPS-11)
2. Mr. Bilal Shereen appointed as Junior Clerk (BPS-11)
3. Mr. Safdar Siyah appointed as Junior Clerk (BPS-11)

4. Appointment of Naib Qasid against Medical Boarded out quota.

Consequent upon promotion of Mr. Farid Ullah as Junior Clerk (BPS-11), a post of Naib Qasid (BPS-03) is fallen vacant. The committee was informed that the post of Naib Qasid (BPS-03) is to be filled by way of selection from the waiting list candidates of the children of Medical Boarded out quota placed below:-

S#	Name of Candidate	Date of Birth	Father/Husband Name with Designation	Date of Death	Qualification
1	Muhammad Musa	02-02-2000	Muhammad Jamid, Ex-Naib Qasid	18/03/2019	Matric
2	Maaz Ullah	23/01/1996	Muhammad Khan, Ex-Assistant	03/07/2019	F.A
3	Zafar Ullah	26-01-1988	Shahzad Khan, Ex-SSSG	09-10-2019	Matric
4	Safdar Mumtaz	13-02-1991	Mumtaz Khan, Ex-Assistant	23-10-2019	BS(Geo logy)
5	Sonaid Ghani	01-01-2002	Ghani Sarwar, Ex-Naib Qasid	04-11-2019	Middle

The Departmental Promotion and Selection Committee (DPSC) perused and checked thoroughly the documents of Medical Boarded out employee's son quota and unanimously recommended and approved the appointment of Mr. Muhammad Musa S/o Muhammad Jamid at S. No. 1 to the post of Naib Qasid (BPS-03) against vacant post.

5. Promotion of Patwari (BPS-09) to the Post of Kanungo (BPS-11)

The committee was informed that 03 No. post of Kanungos (BPS-11) are fallen vacant due to the reasons narrated below:-

1. Mr. Abdul Saboor Kanungo proceeded on superannuation pension.
2. Mr. Mastan Gul Kanungo compulsory retired from service.
3. Mr. Mumtaz Khan Kanungo demoted to the post of Patwari.

19/02/2020
N

According to Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar Notification No. 1942/Estt/I/135/SSRC dated 23/01/2015, the post of Kanungo (BPS-11) shall be filled in by way of promotion "on the basis of seniority-cum-fitness from amongst the Patwaris (BPS-09) of the district concerned with at least three years of service as such and who have passed the departmental examination of Kanungo".

The post of Kanungo (BPS-11) is required to be filled in by way of promotion from amongst senior and eligible Patwaris (BPS-09). A panel of senior most patwaris was placed before the DPSC for consideration promotion to the post of Kanungo (BPS-11):-

1. Altaf Mehmood, Patwari
2. Rafiq Ullah, Patwari
3. Manzoor Rehman, Patwari

The Departmental Promotion and Selection Committee (DPSC) perused and checked thoroughly the final seniority list, synopsis and original ACRs of the above patwaris and recommended / approved promotions cases on stop-gap arrangement in respect of the following Patwaris:-

S#	Name of Official	Promoted as	Remarks
1.	Altaf Mahmood, Patwari (BPS-09)	Kanungo (BPS-11)	Conditionally. On acceptance of appeal filed by Mr. Khalid Zaman Patwari terminated, Mr. Altaf Mahmood will be considered Junior from Khalid Zaman.
2.	Rafiq Ullah, Patwari (BPS-09)	Kanungo (BPS-11)	Conditionally. On acceptance of appeal filed by Mr. Mastan Gul proceeded on compulsory retirement, he will stand reverted to his original post of Patwari.

[Signature]
Establishment Asstt:
DC's Office, Karak

[Signature]
Rep: of Commissioner
Kohat Division Kohat

[Signature]
Assistant Commissioner
Karak

[Signature] 25/06/2020
Addl: Deputy Commissioner
Karak

Chairman
[Signature]
DEPUTY COMMISSIONER
KARAK

[Signature]

[Signature]



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Annexure F

OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210025, Fax: 0927-210025 & Email: dcm.karak@kpk.gov.pk

Dated: 29/6/2020

No. 2270/DC/EA/DPSC. On the recommendation of Departmental Promotion /Selection Committee in its meeting held on 25-06-2020, the following Patwaris (BPS-09) of this office are hereby promoted to the post as noted against each on regular basis with immediate effect.

S#	Name	Promoted as	Remarks
1	Mr. Altaf Mehmood Patwari (BPS-09)	Kanungo (BPS-11)	Conditionally. On acceptance of appeal filed by Mr. Khalid Zaman Patwari terminated, Mr. Altaf Mehmood will be considered junior from Khalid Zaman
2	Mr. Rafiq Ullah Patwari (BPS-09)	Kanungo (BPS-11)	Conditionally. On acceptance of appeal filed by Mr. Mastan Gul Kanungo proceeded on compulsory retirement, he will stand reverted to his original post of Patwari


Deputy Commissioner
Karak

Endst: of Even No. & Date:

Copy forwarded to:-

1. The Commissioner, Kohat Division Kohat.
2. The Additional Deputy Commissioner (General) Karak.
3. The Additional Deputy Commissioner (F&P) Karak.
4. The Secretary-I, Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar.
5. All the Assistant Commissioners in district Karak.
6. The District Accounts Officer Karak.
7. Officials concerned.


Deputy Commissioner
Karak

1. Mand EA/Appointment order

NO. 2270/6/20



POSITIVE SENIORITY LIST IN RESPECT OF WARIS (G.P. 09) IN THE OFFICE OF DEPUTY COMMISSIONER KARAKoram 2008 31-07-2019

#	Names	F/Name	D.O.B	Qualification	Domicile	Date of 1st entry into Govt. Service	Method of appointment (Selection/ Promotion)	Remarks
1.	Khalid Zaman	Zari Dad Khan	01/04/1969	F.A	Karak	17/09/1995	Direct	
2.	Altaf Mehmood	Saeed Shah	08/03/1972	F.A	Karak	06/12/1995	Direct	
3.	Rafiq Ullah	Gul Chaman	01/04/1972	M.A/LLB	Karak	07/05/1996	Direct	
4.	Manzoor Ur Rehman	Khan Shaur	25/10/1968	F.A	Karak	08/05/1996	Direct	
5.	Muhammad Hanif	Khyal Faraz	02/02/1972	B.A	Karak	13/08/1997	Direct	
6.	Said Rehman	Khyal Nawaz	15/03/1970	B.A	Karak	21/11/1997	Direct	
7.	Ibrahim Khan	Mir Dali Khan	07/12/1970	B.A	Karak	16/10/1998	Direct	
8.	Atiq Ullah	Mir Dali Khan	12/04/1973	F.A	Karak	20/05/2002	Direct	
9.	Rehmat Ullah	Noor Shah Jan	13/03/1975	B.A	Karak	20/05/2002	Direct	
10.	Muhammad Ismail	Gil Zada	01/04/1974	M.A	Karak	20/05/2002	Direct	
11.	Khalid Usman	Ghias Ali Shah	18/01/1973	F.A	Karak	20/05/2002	Direct	
12.	Javid Iqbal	Awal Khan	16/12/1972	B.A	Karak	17/06/2002	Direct	
13.	Asraf Mehmood	Saeed Shah	20/10/1974	F.A	Karak	05/06/2003	Direct	
14.	Muhammad Ishfaq	Amal Baden	08/01/1974	F.A	Karak	05/06/2003	Direct	
15.	Abdul Ghaffar	Dost Muhammad	03/06/1975	M.A	Karak	13/10/2003	Direct	
16.	Falak Naz	Akbar Ali Khan	02/03/1969	F.A	Karak	13/10/2003	Direct	
17.	Asmat Ullah	Dur Aslam	01/03/1977	F.A	Karak	28/08/2006	Direct	
18.	Shabir ul Wahab	Shams ul Wahab	10/04/1981	F.A	Karak	28/08/2006	Direct	
19.	Qaiser Iqbal	Zer Muhammad	01/04/1982	B.A	Karak	28/08/2006	Direct	
20.	Muhammad Imran	Noor Ali Shah	01/04/1981	F.A	Karak	28/08/2006	Direct	
21.	Hazrat Ullah	Raghat Khan	10/01/1972	F.A	Karak	22/02/2007	Direct	
22.	Abdul Wadood	Asef Khan	14/10/1983	F.A	Karak	09/03/2007	Direct	
23.	Miftah Ur Rehman	Sami Ullah	11/01/1981	M.A	Karak	19/04/2008	Direct	
24.	Anwar Hussain	Lal Dawood Khan	06/04/1980	B.A	Karak	19/04/2008	Direct	
25.	Khursheed Iqbal	Abdul Muhammad	07/10/1978	B.A	Karak	19/04/2008	Direct	
26.	Usman Ali	Muhammad Ali	04/02/1980	F.A	Karak	17/05/2010	Direct	
27.	Aman Ullah	Muhammad Khan	20/08/1984	B.A	Karak	17/05/2010	Direct	
28.	Abid Iqbal Zarif	Abdul Muhammad	20/08/1988	F.A	Karak	26/05/2010	Direct	

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Handwritten notes at the bottom center: "Taleesilat daraz", "Circulate it among", "zakawis 3 karak", "E. Karak", "20/11/2020".

Handwritten notes at the bottom right: "No. 2017-111", "28/04/2020".

Handwritten signature or mark at the bottom left.

Handwritten notes on the right margin: "disputed by...", "Taleesilat daraz", "28/11/2020".

Sr.	Patwari Name	Address	Date of Birth	Qualification	Office	Date of Joining	Remarks
30.	Abdul Wasé	Javid Iqbal	01/04/1985	B.A./M.A	Karak	26/02/2011	Direct
31.	Muhammed Parwaiz	Muhammad Amir	25/07/1989	F.A	Karak	26/02/2011	Direct
32.	Shakib Ullah	Muhammad Khan	09/04/1989	B.A	Karak	24/03/2012	Direct
33.	Ramiz Ul Islam	Javid Iqbal	05/11/1987	F.A	Karak	24/03/2012	Direct
34.	Irfan Ullah	Bakht Ullah Jan	10/04/1984	B.A	Karak	04/07/2012	Direct
35.	Asif Nawaz	Nazir Badshah	01/03/1986	F.A	Karak	17/07/2013	Direct
36.	Sufian Ullah	Abdullah Khan	01/01/1983	F.A	Karak	26/07/2013	Direct
37.	Abdullah	Awal Din	25/07/1990	F.A	Karak	25/10/2013	Direct
38.	Muhammad Iqbal	Abdul Karim	12/03/1985	B.A	Karak	17/01/2014	Direct
39.	Junaid Ahmad	Ghani Rehman	10/02/1990	F.A	Karak	22/04/2014	Direct
40.	Afrasyab Gul	Mian Khusran Gul	02/09/1991	F.SC	Karak	25/03/2015	Direct
41.	Amir Farooq	Ghulam Farooq	30/08/1986	B.A/LLB	Karak	10/01/2018	Direct
42.	Zafar Ullah	Abdul Qayyum	30/03/1987	F.A	Karak	10/01/2018	Direct
43.	Adnan Farooq	Ghulam Farooq	15/10/1988	Msc	Karak	10/01/2018	Direct
44.	Akbar Zaman	Gul Bat Khan	06/09/1982	B.A	Karak	10/01/2018	Direct
45.	Bashir Ud Din	Hazrat Noor	14/03/1985	B.A	Karak	10/01/2018	Direct
46.	Wasim Akbar	Akbar Ali Khan	03/08/1990	F.A	Karak	26/12/2018	Direct
47.	Matiullah	Daraz Khan	13/03/1990	F.A	Karak	02-12-2019	Direct
48.	Waqar Ahmad	Ahmad Ali Shah	11-04-1991	FA	Karak		Direct

22/01/2020

1/1/2020

Deputy Commissioner
Karak

Dated: 22-01/2020

Endst: No. 297 /EA/DC-Karak/Seniority
Copy forwarded to the:-

Assistant Commissioners Karak, B.D Shah & Takht-e-Nasrati. They are directed to circulate the Seniority List amongst all the Patwaris serving in their respective Sub-Division for perusal and objection if any, may be sent to this office within 15 days.

Deputy Commissioner
Karak

[Handwritten Signature]

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Anxxave H

To,

The Senior Member Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 29.06.2020 WHEREBY THE JUNIORS TO THE APPELLANT HAS BEEN PROMOTED TO THE POST KANUNGO BPS-11 WHILE THE APPELLANT HAS BEEN IGNORED BEING AT THE TOP OF THE SENIORITY LIST DELIBERATELY WITHOUT ANY LEGAL JUSTIFICATION.

Respected Sir,

With due regard that the appellant was initially appointed as Patwari (BPS-9) in the respondent department and since appointment the appellant is performing his duty quiet efficiently and up to the entire satisfaction of his superiors. That during service a complaint was lodged against the appellant and consequent upon the same complaint the respondent imposed major penalty of dismissal from service upon the appellant. That the appellant feeling aggrieved from the order dated 06.03.2020 filed appeal in the court of commissioner Kohat Division wherein the appellant was reinstated into service for the purpose of de-novo inquiry vide order dated 06.08.2020. However, prior to that the appellant preferred departmental appeal to the Respondent for stopping the upcoming promotions to (BPS-11) being appellant at the top of seniority list. That above all, and resultantly after conducting the de-novo inquiry the appellant was reinstated into service with all back benefits vide order dated 26.08.2020, the operative pare of the order is reproduced as ***"Re-instated as Patwari (BPS-9) on his original seniority position in service and the period of dismissal w.e.f 6.3.2020 to 6.8.2020 may be treated as period spent on duty"***.

That it is pertinent to mention that prior to the reinstatement of the appellant, the respondents held minutes of the departmental promotion/selection committee on 25.06.2020 whereby the juniors to the appellant were recommended for the promotion to the post of Kanungo (BPS-11) ignoring the appellant deliberately by the respondents unjustifiably vide dated 25.06.2020. That after that, juniors to the appellant were promoted to the post of Kanungo (BPS-11) vide impugned order dated 29.06.2020 while the appellant being at the top of the seniority list, respondent ignored the appellant for the promotion to the post of Kanungo (BPS-11) without any legal justification.

It is therefore most humbly prayed that on acceptance of this departmental appeal of the appellant the impugned


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order dated 29.06.2020 may very kindly be set aside and the appellant be considered for promotion to the post of Kanungo (BPS-11) including seniority with all back benefits. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Dated:15.02.2021

APPELLANT


KHALID ZAMAN
Patwari (BPS-9)
District Karak

