

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1484/2024

Yar Muhammad Tehsildar .....Appellant

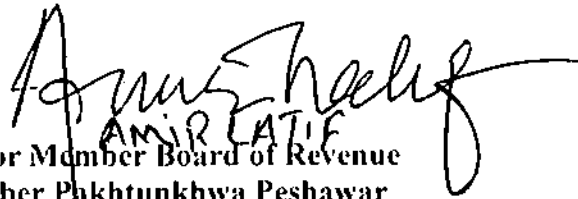
**V E R S U S**

Senior Member Board of Revenue & others.....Respondent

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**RESPONDENT**

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 02.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1484/2024

Yar Muhammad.....Appellant

**VERSUS**

Senior Member Board of Revenue & others.....Respondent

**AFFIDAVIT**

I, Senior Member Board of Revenue, do hereby solemnly affirm and declare on oath that the contents of the accompanying Joint Parawise Comments in the subject Service Appeal noted above are true and found correct and noting has been concealed from the Honorable Service Tribunal. Hence, it is further stated that in the Service Appeal, the answering respondents have neither been placed ex-parte nor their defense have been strucked off cost.

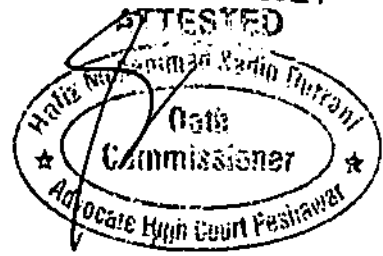
DEPONENT

*Amir Latif*  
**AMIR LATIF**

Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 02.

A

10 OCT 2024

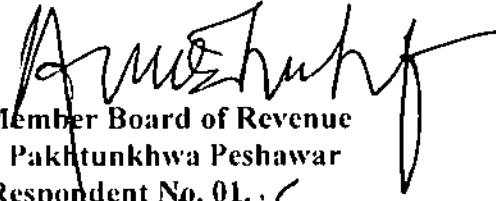


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**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**REVENUE AND ESTATE DEPARTMENT**

**AUTHORITY LETTER**

Mr. Ghulam Shabir Ahmad, Assistant Secretary, Litigation-II (BS-17), Board of Revenue, is hereby authorized to attend and submit joint parawise comments on the part of respondents No. 01, 02 & 03 before the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1484/2024 filed by Yar Muhammad Tehsildar.

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 01.  
AMIR LUTF

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Service Appeal No. 1484/2024.

Yar Muhammad Tehsildar Settlement Operation Mansehra Under Transfer to Board of Revenue ..... Appellant.

VERSUS

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

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 & 3

RESPECTFULL SHEWETH.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the Appellant has been estopped by his own conduct to file the appeal.

FACTS.

1. Correct to the extent that the appellant is working as Tehsildar (BPS-16) in Revenue & Estate Department.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Incorrect. The order dated 10.09.2024 (**Annexure-A**), was issued in the best public interest. Being an experienced Tehsildar (BPS-16) Mr. Jamshed Tehsildar is posted as Settlement Tehsildar Mansehra to speed up the Settlement activities.
7. Incorrect. The Departmental Appeal (**Annexure-B**), of the appellant was regretted by the Competent Authority being meritless (**Annexure-C**).
8. Incorrect.

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 16546  
Dated 10-10-24

GROUND

- A. Incorrect. Being a Government Servant posting/transfer is a part of service and being Provincial Cadre Post a Tehsildar could be posted anywhere in the Province in the best public interest.
- B. Incorrect. No violation of the Constitution of Islamic Republic of Pakistan has been committed as the said order was issued to speed up the Settlement activities.
- C. Incorrect.

D. Incorrect. The said circular has no relevancy with the transfer of the appellant.

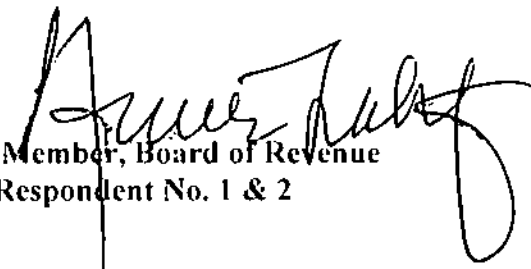
E. Incorrect. As mentioned in Para-6 of prayers.

F. Incorrect.

G. Incorrect. As mentioned in Para-D above.

H. That the respondent also seek permission to raise further points at the time of arguments.

Keeping in view the above, the appeal of the appellant having no legal grounds may very graciously be dismissed with costs.

  
Senior Member, Board of Revenue  
Respondent No. 1 & 2

  
Director Land Records  
Respondent No. 3



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Peshawar dated the 10 /09/ 2024.

**NOTIFICATION.**

No.LR-IV/PF/Asghar/DBM/ 250-63. The Competent Authority is pleased to order the following posting/transfer of Tehsildars in the public interest with immediate effect till further orders:-

S.No.	Name of Tehsildar	From	To
01	Mr. Yar Muhammad, Tehsildar	Settlement Tehsildar, Operation, Mansehra	Services placed at the disposal of Board of Revenue, Khyber Pakhtunkhwa.
02	Mr. Muhammad Jamshed Tehsildar	Waiting for posting in Board of Revenue, Khyber Pakhtunkhwa.	Settlement Tehsildar, Operation, Mansehra Vice No.01

By order of  
Competent Authority

End: No. & date above.

Copy for information & necessary action is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioner, Hazara Division, Abbottabad.
3. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa.
4. Deputy Commissioner, Mansehra.
5. Settlement Officer, Mansehra
6. District Accounts Officer, Mansehra.
7. Assistant Secretary (Estb: ), Board of Revenue, Khyber Pakhtunkhwa.
8. Officers concerned for compliance.
9. Senior PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
10. PS to Minister for Revenue & Estate, Khyber Pakhtunkhwa.
11. PS to Member (Admn & Settlement), Board of Revenue, Khyber Pakhtunkhwa.
12. PA to Director Land Records, Khyber Pakhtunkhwa.
13. Office order file.

Attest  
*[Signature]*

Assistant Director Land Records  
Revenue & Estate Department

ATTESTED

"F" -13-

General Dir  
By No. 7117  
Date 16/9/24  
Revenue & Est  
Khyber Pakhtunkhwa

To

The Senior Member,  
Board of Revenue Khyber Pakhtunkhwa.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED TRANSFER ORDER DATED 10.09.2024 WHERE BY THE APPELLANT HAS BEEN PREMATURELY TRANSFERRED FROM THE POST OF TEHSILDAR SETTLEMENT OPERATIONS MANSEHRA AND PLACED SERVICES AT THE DISPOSAL OF BOARD OF REVENUE.

PRAYERS: ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL, THE IMPUGNED PREMATURE, TRANSFER ORDER DATED 10.09.2024 MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MY KINDLY BE RETAINED AS TEHSILDAR SETTLEMENT OPERATIONS MANSEHRA.

Respected Sir,

The appellant submits as under:-

1. That the appellant is serving in Revenue Department since 2004.
2. The appellant was posted as Tehsildar Settlement Operations Mansehra on 13.12.2023 (Annexure-A) from where the appellant was prematurely transferred and placed services at the disposal of Board of Revenue on 10.09.2024 (Annexure-B).
3. It was astonishing for the appellant that he was prematurely transferred from the post of Tehsildar Settlement Operations Mansehra which is utter violation of law/rules.
4. That Revenue & Estate Department vide letter dated 09.09.2024 directed all the Commissioners and Deputy Commissioners to transfer all Revenue Field Staff who have completed 02 years tenure but the appellant was hardly completed only 08 months at that station which is against the directions of Board of Revenue and posting/transfer policy (Annexure-C).

AS (Est.)  
MBR AS  
16/09/24

GROUND:

- A. That the impugned order dated 10.09.2024 is against the law, rules and Principles of natural Justice hence vide abi initio not sustainable under the law.
- B. That as per Transfer / Posting Policy of Provincial Government normal tenure on a post of a civil servant is 02 years, however, the appellant has been made a rolling stone and after serving only 08 months I was prematurely transferred in violation of the ibid policy (Annexure-D,E,F&G).
- C. That as per judgment of superior courts the authority given to any official shall be exercised as a public trust and in accordance with law and rule, however the impugned order is an example of colorful exercise of power in violation of law and rules.

ATTESTED

Attested  
16/9/24

D. That the appellant is entitled to be treated equally in accordance with transfer / posting policy however, the appellant has been discriminated by transferring him prematurely which is violation of Article 4 and 25 of the constitution of Pakistan 1973.

E. As per reported judgment of Supreme Court of Pakistan 2018 SCMR 141(b), Section 10 of the Baluchistan Civil Servant Act 1974 "did not prescribe a minimum period during which a civil servant must serve at his post, it did not mend that the government without assigning any reason could move a civil servant from the place he was posted to after a month or subject the civil servant to repeated postings in a short period of time because the would amount to punishing him... Such posting also adversely affected the public interest and resulted in the wastage of scarce resources and constituted bad governance.

F. That the impugned order is political motivated hence liable to be set-aside on the sole ground.

G. That the appellant has no other adequate remedy, hence filing the instant Departmental appeal on the following grounds.

It is, therefore, requested that the appeal may kindly be accepted as prayed for in the heading of the instant appeal and the appellant my kindly be retained as Tehsildar Settlement Operations Mansehra please.

Dated 11.09.2024.

Yours Obediently



(Yar Muhammad)  
Tehsildar (BS-16)

Attested  
M. D. Shereef


**ATTESTED**

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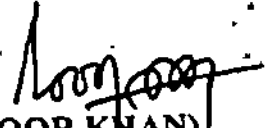
	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE &amp; ESTATE DEPARTMENT.</b>	
	021-9212726	021-9214708
Estt: I/PP/Yar Muhammad/ 21967		Peshawar Dated the 18 /09/2024

To

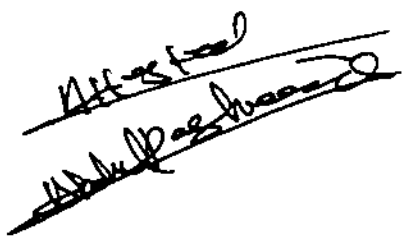
Mr. Yar Muhammad,  
Tehsildar (BPS-16).

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED TRANSFER ORDER DATED 10/09/2024 WHERE BY THE APPELLANT HAS BEEN PREMATURELY TRANSFERRED FROM THE POST OF TEHSILDAR SETTLEMENT OPERATION MANSEHRA AND PLACED SERVICES AT THE DISPOSAL OF BOARD OF REVENUE**

I am directed to refer to the subject noted above and to state that your Departmental Appeal dated 10.09.2024 has been examined and filed / regretted by the Competent Authority.



(NOOR KHAN)  
Assistant Secretary (Estt)  
Board of Revenue



**ATTESTED**