

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO.1484/2024

Yar Muhammad

V/S

Revenue Department

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of reply to Appeal and affidavit	-----	1-4
2.	Memo of reply to Appeal and affidavit	-----	5
3	Copies of orders	A	6-12


Replying Respondent no.4
Muhammad Jamshed

THROUGH:


TAIMUR ALI KHAN

&


SHAKIR ULLAH TORANI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO.1484/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16476

Dated 09-10-24

Mr. Yar Muhammad, Tehsildar,
Service placed at the disposal of BOR KP. Peshawar.

(APPELLANT)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar
3. The Director Land Record, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Muhammad Jamshed, Settlement Tehsildar Settlement Operation Mansehra.

(RESPONDENTS)

.....
REPLY ON BEHALF OF RESPONDENTS NO.04
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. That the appellant has no locus standi and cause of action.
2. That the appellant has not come with clean hands.
3. That the appeal is estopped by his own conduct to file the present appeal.
4. That the transfer orders were made according to law and rules and by competent authority.
5. That according to Section- 10 of the Civil Servant Act 1973, every civil servant shall be liable to serve anywhere within or outside of the province.

FACTS:

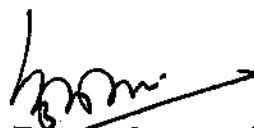
1. Subject to proof.
2. Pertain to record. However, According to Section-10 of Civil servant Act, every civil servant is bound to serve anywhere where his service is required to the department and service of the appellant was required at Balakot District Mansehra, therefore, the department transfer him from Dassu District Kohistan Upper to Balakot District Mansehra vide order dated 24.10.2022.
3. Pertain to record. As stated in above para that according to Section-10 of Civil servant Act 1973, every civil servant is bound to serve anywhere, where his service is required to the department and as service of the appellant was required at Judbah District Mansehra Torghar, therefore, the department transfer him from Balakot District Mansehra to Judbah District Torghar in the order dated 02.05.2023.
4. Pertain to record. As stated in above paras that according to Section-10 of Civil servant Act 1973, every civil servant is bound to serve anywhere, where his service is required to the department and as service of the appellant was required at Balakot District Mansehra, therefore, the department transfer him from Judbah District Torghar to Balakot District Mansehra in order dated 21.08.2023.
5. Pertain to record. As stated in above paras that according to Section-10 of Civil servant Act 1973, every civil servant is bound to serve anywhere where his service is required to the department at Settlement Tehsildar Mansehra therefore, the department transfer him from Balakot District Mansehra as Settlement Tehsildar mansehra in order dated 13.12.2023.
6. Pertain to record. As stated in above paras that according to Section-10 of Civil servant Act 1973, every civil servant is bound to serve anywhere where his service is required to the department. It is pertinent to mention here that respondent No.4 was frequently transfers in short span of time which is evident from his transfer order dated 20.05.2022, 23.09.2022, 21.08.2023, 03.05.2024 and order dated 31.05.2024 04.06.2024, but he never object on those frequent transfer orders and always obeyed the orders of the competent authority and perform his duty where he was transferred as required by the department. **(Copies of orders are attached as Annexure-A)**
7. Incorrect. The appellant has no cause of action to file departmental appeal as he is bound under section-10 of civil servant act to serve anywhere where his service was required under section 10 of KP civil servant act 1973. Therefore the appeal was rightly rejected by the competent authority.

8. That the appellant has no cause of action to find the instant appeal as he is bound to serve anywhere in the province under section-10 of KP Civil Servant Act 1973.

GROUND

- A) Incorrect. The impugned order dated 10/0/2024 and appellant order 18/09/2024 of the respondent department are accordance with law and rules as well as section-10 Of KP Civil Servant Act 1973. Therefore tenable in the eyes of law and liable to be maintain.
- B) Incorrect. The appellant has been treated by the respondent department in accordance with law and rules on subject noted above and the respondent has not violated any Article of the constitution of Islamic republic of Pakistan 1973.
- C) Incorrect. The impugned transfer order is according to section-10 of KP Civil Servant Act 1973 and ad such the appellant is bound to serve anywhere as required by the department.
- D) Incorrect. In the circular dated 9/9/2024 direction has given to Divisional Commissioner and Deputy Commissioners. While the impugned transfer order was passed by the competent authority. Moreover, in the circular dated 9/9/2024 maximum period of tenure has been mentioned as two years which means that the revenue staff can be retained on a post upto maximum two years and can be transferred any time before completion of two years on post.
- E) Incorrect. The respondent No.04 has also transferred frequently and prematurely which is evident from Annexure-A, but he never objected on these frequent transfer orders and always obeys these orders passed by the competent authority.
- F) Incorrect. The treatment meted out to the appellant is accordance to law and rules and the appellant was not discriminated by the department.
- G) Incorrect. As replied in para-D above.
- H) That the respondent No.04 also seeks permission to advance any other ground at the time of arguments.

It is therefore most humbly prayed that on the basis of above reply appeal in hand may kindly be dismissed being devoid of merits.


Replying Respondent no.4
Muhammad Jamshed

Through:


TAIMUR ALI KHAN

& 
SHAKIR ULLAH TORANI
ADVOCATES

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO.1484/2024

Yar Muhammad

V/S

Revenue Department

REPLY TO THE APPLICATION ON BEHALF OF RESPONDENT
NO.04.

RESPECTFULLY SHEWETH:

1. No comments.
2. No comments.
3. Incorrect. The three ingredients for not granting stay are in the favour of respondent No.04.
4. Incorrect. The impugned order dated 10/09/2024 and 18/09/2024 is accordance with law and rules.

It is therefore most humbly prayed that on the basis of above reply to the application , the order dated 10/09/2024 may kindly not be suspended till disposal of above service appeal.


Replying Respondent no.4
Muhammad Jamshed

THROUGH:


TAIMUR ALI KHAN

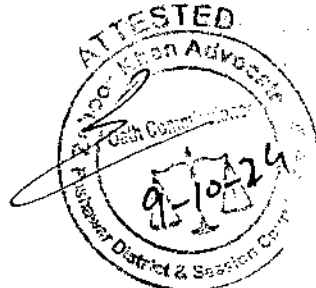
&


SHAKIR ULLAH TORANI
ADVOCATES

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT



~~Secretary to Commissioner, Abbottabad
Hazara Division, Abbottabad
P.O. Addi Area, 22.522~~

[Handwritten signature]

- Copy forwarded for information to the:
- 1- Deputy Commissioners, Abbottabad, Haripur, Mansehra, Baghram, Kohat, Pailan, Kohistan Lower.
 - 2- District Account Officers Abbottabad, Haripur, Mansehra, Baghram, Kohat, Pailan, Kohistan Lower.
 - 3- PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
 - 4- PS to Commissioner, Hazara Division, Abbottabad.
 - 5- Revenue Officers concerned for immediate compliance.

Commissioners
Hazara Division

Sl No	NAME/DESIGNATION	FROM	TO
1.	Gyed Dental Yousef	Tehsildar Kasudin (OPSI)	Commissioner Office, Hazara Division (against the vacant post)
2.	Umar Khan	Tehsildar Darsan (Kohat)	Tehsildar Baghram (Vice Slr 4)
3.	Amrabb	Tehsildar (OPSI) Bala	Nab-Tehsildar (OPSI) Land Acq. Mansehra (against the vacant post)
4.	Saeed Ahmad	Tehsildar Baghram	Tehsildar Land Acq. Abbottabad (Vice Slr 7)
5.	Abdul Jabbar (DBAI)	Commissioner Office	Tehsildar (OPSI), Darsana Kohat (Vice Slr 2)
6.	Ammar Mustaq	Nab-Tehsildar Baghram	Tehsildar (OPSI) Balakot (Vice Slr 08)
7.	Farooq	Tehsildar Land Acq. Abbottabad	Tehsildar (Hawlian) (against the vacant post)
8.	Jarabed	Tehsildar Balakot	Tehsildar, Darsana (against vacant post)
9.	Farooq Iqbal	Commissioner Office	DK Haripur (OPSI), (Vice Slr 10)
10.	Nagmah Khan	DK Haripur	Tehsildar (OPSI) Pailan
11.	Ayaz Farooq	DBA Lower Kohistan	Tehsildar (OPSI), Bala Pailan (Vice Slr. 03)
12.	Muhammad Riaz	DK Kohistan	Nab-Tehsildar (OPSI) Baghram (Vice Slr 06)

No. Eab/4/9/CMD/5676-87 The Competent Authority is pleased to order the following postings/transfers of the Tehsildars/Nab-Tehsildars, in the less public interest with immediate effect:

Issued Abbottabad, the 20/05/2022

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD
P.O. ADDI AREA, P.O. NO. 22522



[Handwritten initials]

[Handwritten mark]

WESTERN MAIL



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD
TII. # 0992-9310461, Fax No. 9310265

Dated Abbottabad, the 23/09/2022

ORDER

No. Eab/4/9/CID/10973-911 The Competent Authority is pleased to order the posting/transfer of following Tehsildar/Nab-Tehsildar in the best public interest with immediate effect:

S#	Name/Designation	From	To
1.	Muhammad Anwar Tehsildar (ACB)	Tehsildar, Batura, District Kotal Pallas	Tehsildar Darband, District Mansehra (Vice Sr. 2)
2.	M. Jamshed Tehsildar	Tehsildar Darband, District Mansehra	Tehsildar Havelian, District Abbottabad (against vacant post)
3.	Abdul Jabbar (DRA)	DRA Lower Kohistan	Tehsildar (OPS) Batura, District Kotal Pallas (Vice Sr. 1)

By order
Commissioner
Hazara Division

Copy forwarded for information to the:

- 1-Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2-Director Land Record, Khyber Pakhtunkhwa, Peshawar.
- 3-Deputy Commissioners, Abbottabad, Mansehra, Kohistan Lower & Kotal Pallas.
- 4-Settlement Officer, Abbottabad.
- 5-District Account Officers, Abbottabad, Mansehra, Kohistan Upper, Kohistan Lower & Kotal Pallas.
- 6-PS to Commissioner, Hazara Division, Abbottabad.
- 7-Revenue Officers concerned for immediate compliance.

Secretary to Commissioners
Hazara Division, Abbottabad
23-09-2022

REGISTERED MAIL



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
AMHROTANAD
P110 0992-9110115, Fax No. 9110265

Dated Abbotabad, the 21/08/2022

ORDER

No. FA/2022/1178941-9020 in pursuance of III(A), Revenue & State Department, Government of
Khyber Pakhtunkhwa Order Nos. I/II/CS/2022/17397-17406 & I/II/CS/2022/17407-15 dated:
27.07.2022, the Competent Authority is pleased to order the posting/transfer of following officers
Officers/Officials in the best public interest with immediate effect:

Sr	Name/Designation	From	To
1.	Noor-ul-Wahaj Tehsildar (ACB)	Waiting for posting	Tehsildar Kandia, Kohistan Upper (against vacant post) (Add. Chrg. III(P))
2.	Shahzad Ahmad Tehsildar	Waiting for posting	Tehsildar, Pataun Lower Kohistan (Vice Sr# 15)
3.	Adel Hussain Shah Tehsildar	Waiting for posting	Tehsildar Pallas, District Kolai Pallas (against vacant post)
4.	Mazhar Ahmed Tehsildar	Waiting for posting	Tehsildar Oghi, District Manshera (Vice Sr# 12)
5.	Asghar Khan Tehsildar (ACB)	Waiting for posting	Tehsildar Lower Tanawal Abbotabad (Vice Sr# 13)
6.	Muhammad Ejaz Tehsildar (ACB)	Waiting for posting	Tehsildar Havelian Abbotabad (Vice Sr# 09)
7.	Malik Zahid Gul Tehsildar (ACB)	Waiting for posting	Tehsildar Dour Maira, Toghar (Vice Sr# 14)
8.	Gul Nawaz Naib-Tehsildar	Tehsildar (OPS), District Haripur	Naib-Tehsildar Lora, District Abbotabad (Vice Sr# 08)
9.	Jamshed Khan Tehsildar	Tehsildar Havelian, Abbotabad	Tehsildar Haripur, Abbotabad (Vice Sr# 03)
10.	Zafar Mahmood Naib-Tehsildar	Tehsildar (OPS) Bakori, District Manshera	H.V.C (K.A.) Commissioner Office, Abbotabad against the vacant post.
11.	Yar Muhammad Tehsildar (ACB)	Tehsildar Judbh, Toghar.	Tehsildar Bakori, District Manshera (Vice Sr# 10)
12.	Muhammad Riaz (Tehsildar ACB)	Tehsildar (Sgt), Manshera	Tehsildar Judkhil Toghar (Vice Sr# 11)
13.	Ayub-ur-Rehman Tehsildar (ACB)	Tehsildar Lower Tanawal, Abbotabad	Tehsildar Harkhand Kamohi, Kohistan Lower (Vice Sr # 16)
14.	Mushtaq Khan Tehsildar (ACB)	Dour Maira, District Toghar	Services placed at the Disposal of Board of Revenue, Khyber Pakhtunkhwa Peshawar
15.	Ayaz Ahmad Naib-Tehsildar	Tehsildar (COPS) Pataun, Kohistan Lower	Naib-Tehsildar Lower Tanawal, Abbotabad (Vice Sr# 21)
16.	Muhammad Iqbal Naib-Tehsildar	Tehsildar (COPS) Harkhand Kamohi, Kohistan Lower	Naib-Tehsildar Haregram (Vice Sr# 30)
17.	Faiz Muhammad Naib-Tehsildar	Waiting for Posting	Naib-Tehsildar Judbh, District (Vice Sr# 40)

Handwritten signature/initials on the left margin.



REGISTERED MAIL



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

PH.# 0992-9310461, Fax No. 9310265

ORDER

Dated Abbottabad, the 03 /05/2024

No. Estb/4/9/CHD/ 4616-23 : The Competent Authority is pleased to order the posting/transfer of following Revenue Officers in the best public interest with immediate effect:

S#	Name/Designation	From	To
1.	Jamshed Khan Tehsildar	Tehsildar Haripur	Tehsildar Pattan, District Lower Kohistan.
2.	Ghulam Murtaza	Tehsildar Baffa Pakhal, District Marsehra	Tehsildar Haripur.

By order
Commissioner
Hazara Division

Copy forwarded for information to the:

- 1-Deputy Commissioners, Lower Kohistan & Haripur.
- 2-District Accounts Officers, Lower Kohistan & Haripur
- 3-Assistant Secretary (Estt), Board of Revenue, Peshawar
- 4-PS to Commissioner, Hazara Division, Abbottabad.
- 5- Revenue Officers concerned for immediate compliance.

Secretary to Commissioner
Hazara Division, Abbottabad

Received

14/05/2024

Received to duty

3/5/24
Amir

Attested
gus

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

Dated: Friday 31st May, 2024

Phone No: 0992-9310222

Fax No. 0992-9310500

commissionerhazara@gmail.com

Commissionerhazara

Commissionerhazara2

ORDER:

No. Lab/4/9/CHD/4947-53: The Competent Authority is pleased to transfer Mr. Muhammad Jamshed, Tehsildar from Tehsildar Pattan to Tehsildar Balakot against the vacant post in the best public interest, with immediate effect.

By order of
Commissioner
Hazara Division Abbottabad

Copy forwarded for information to the:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa
2. Deputy Commissioners, Mansehra/Kohistan Lower.
3. District Accounts Officers, Mansehra/Kohistan Lower
4. PS to Commissioner Hazara Division, Abbottabad
5. Revenue Officer concerned for immediate compliance and submit charge/arrival report.

Secretary to Commissioner
Hazara Division Abbottabad

Attested
[Signature]

11

REGISTERED MAIL



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. 4/9/Estab/ACR/CHD/6161-65
Dated 04/06/2024

ORDER

The Competent Authority is pleased to withdraw this office order No.4/9/Estab/ACR/CHD/4947-53 dated 31/05/2024 and subsequently place the services of Mr. Muhammad Jamshed, Tehsildar Pattan, District-Lower Kohistan, at the disposal of Board of Revenue for further posting.

[Signature]
Secretary to Commissioner
Hazara Division Abbottabad

Copy forwarded to the:

1. Deputy Commissioners, Manshra & Kohistan Lower.
2. Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, Peshawar
3. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. PS to Commissioner, Hazara Division, Abbottabad.
5. Official concerned for strict compliance.

[Signature]
Secretary to Commissioner
Hazara Division Abbottabad

Attested

Received
on 04/06/2024
[Signature]