

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1681/2024

Muhammad Tahir Tehsildar .....Appellant

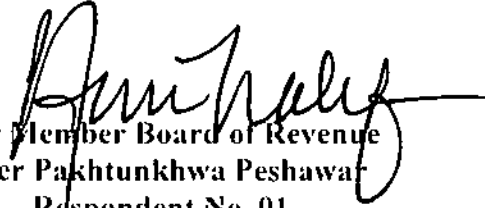
**V E R S U S**

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

**INDEX**

| S.No | Description of Documents | Annexure | Page No. |
|------|--------------------------|----------|----------|
| 1.   | Parawise comments        | -        | 01-02    |
| 2.   | Affidavit                | -        | 03       |
| 3.   | Letter of Authority      | -        | 04       |

**RESPONDENT**

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 01  
Amir Latif

**BEFORE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

**SERVICE APPEAL NO.1681/ OF 2024**

Diary No. 1777

**Muhammad Tahir (Tehsildar BS-16)..... (Appellant)**

Dated 7/11/24

Versus

1. **Senior Member Board of Revenue Khyber Pakhtunkhwa ,  
Peshawar**
2. **Commissioner Malakand Division , Saidu Sharif Swat**
3. **Ilyas Ahmad (Tehsildar) Commissioner's office**

**Respectfully submitted:**

**Joint Para wise comments on behalf of Respondents No.1 and 2 are as under:**

**PRELIMINARY OBJECTIONS:**

1. That no fundamental rights of the appellant have been infringed.
2. That the appellant has been estopped by his own conduct to file the appeal.
3. That the appeal of the appellant is not maintainable in the eye of law and liable for dismissal as posting/transfer is the part of service.
4. That the appellant has not come to the Court with clean hands.
5. That the appellant has no locus standi for appeal in hand.

**FACTS:**

1. No comments, pertains to record.
2. Correct. The appellant was posted as Tehsildar Baizai District Malakand vide order dated 26/12/2022 and later on he was posted as Tehsildar Matta District Swat vide order dated 10/05/2024.
3. The appellant was transferred due to his unprofessional behavior towards general public as well as he also failed to accomplish the important assigned tasks during the period which could leads to the unrest situation in the area
4. Correct, the appeal of the appellant was examined and regretted by the respondent No.1 vide letter dated 30/09/2024.
5. Incorrect. Para -1 of Section -10 of the Civil Servants Act,1973 provides that "Every Civil Servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government , or any Provincial Government or local authority , or a corporation or body set up or established by any such Government". Furthermore, the Divisional Commissioners have been authorized by

the Provincial Government for posting transfer of Tehsildars, Naib Tehsildars, DRA and District Kanungo within the Division for better service delivery and disposal of revenue related matters. Thus no appeal lies against transfer orders is maintainable in the eye of law.

**GROUNDS**

- A. Incorrect as explained at Para 5 of the facts.
- B. Incorrect as no fundamental rights of the appellant have infringed. Furthermore, transfer of the appellant was made on administrative grounds and in the interest of general public
- C. In correct as explained at Para 3 of the facts
- D. Incorrect as explained at Para 5 of the facts.
- E. Incorrect as no violation of posting /transfer policy has been made.
- F. The appellant was posted as Tehsildar Matta vide order dated 10/05/2024 but his performance during that period was unsatisfactory which created hurdles for District Administration in connection with disposal of revenue related matters, therefore, he was posted out. The department never victimize any of its employee but it is the sole responsibility of the competent authority to monitor performance of his subordinate employees in the best public interest.
- G. No comments.

**PRAYER**

It is humbly prayed that on acceptance of the instant joint para wise reply, the appeal of the appellant has no weight, therefore may kindly be dismissed please.

*Anjad Ali Khan*  
COMMISSIONER MALAKAND DIVISION.

(Respondent No.2)

Commissioner, Malakand Division

*Amer Latif*  
SENIOR MEMBER BOARD OF REVENUE  
KHYBER PAKHTUNKHWA

(Respondent No.1)

*Amer Latif*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

3

Service Appeal No. 1681/2024

Muhammad Tahir Tehsildar .....Appellant

**V E R S U S**

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 reply in the Service Appeal noted above are true and found correct and nothing has been concealed from the Hon'ble 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 struck off cost.

DEPONENT



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

Amir Latif

07 NOV 2024

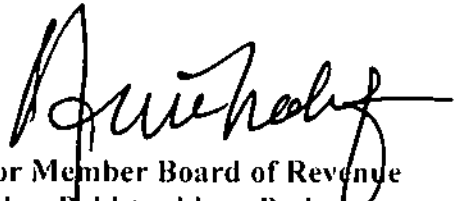


4

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

**AUTHORITY LETTER**

Mr. Abdul Rasheed, Superintendent, Litigation-II (BS-17), Board of Revenue, is hereby authorized to attend and submit reply on the part of respondents No. 01 & 02 before the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1681/2024 filed by Muhammad Tahir Tehsildar.

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 01.  
Amir Latif