18.07.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Naseeb Khan, S.O (Litigation) for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 20.10.2022 before S.B.

(Mian Muhammad) Member (E)

16.12.2021 Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseeb Khan, SO for respondents present.

> Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 01.03.2022 before S.B/

> > (MIAN MUHAMMÁB) MEMBER (E)

Due to retirement of the Hon, Who Chairman the case is adjourned to come up for the same as before on 16-5-2022 As

16.05.2022 Learned counsel for the appellant present. Muhammad Adeel Butt, Addl. AG alongwith Mr. Aziz Hussain, Superintendent for the respondents present.

> Written reply/comments not submitted. Representative of the respondents seeks time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 18.07.2022 before S.B.

> > (Mian Muhammad) Member (E)

17.08.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant is mainly aggrieved from the changes into method of recruitment for the post of Assistant Director (A.D) which resulted into exclusion of the Village Secretary by implication that post of Developmental Officer (D.O) previously included in the category of posts for promotion to A.D. It is contended that the appellant is left with no more opportunity of career progression from the post of Development Officer BPS-16 upward. Points raised need consideration. The appeal is admitted to full hearing, subject to all just and legal objections including that of limitation to be determined during the course The appellant is directed to deposit security and full hearing. process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.12.2021 before the D.B.

The appellant has also filed application for restraining the respondents not to act upon the impugned service rules till disposal of the appeal. Notice of the application be also given to the respondents.

### Form- A

## FORM OF ORDER SHEET

Court or_			
	7 - 9		
	< 00		
Case No		<u> </u>	

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/02/2021	The appeal of Mr. Muhammad Kashif resubmitted today by Mr. Noo Muhammad Khattak Advocate may be entered in the Institution Registe and put up to the Worthy Chairman for proper order please.
		REGISTRAR *
2-		This case is entrusted to S. Bench for preliminary hearing to be pu up there on $\frac{200}{2}$
		CHAIRMAN
	03.05.2021	Due to demise of the Worthy Chairman, the Tribunal is
		non-functional, therefore, case is adjourned to
		17.08.2021 for the same as before.
		Reader
		·

The appeal of Mr. Muhammad Kashif village Secretary Union council 23 District Peshawar received today i.e. on 08/02/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of Service rules mentioned in para-3 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexures C and E of the appeal are illegible which may be replaced by legible/better one.

No. 3% /S.T,
Dt. 9/02 /2021

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv., Pesh.

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## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 3085

MUHAMMAD KASHIF

V/S

**GOVT. OF KP** & OTHERS

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2	Stay application		4.
3	Appointment order	Α	5.
4	Old service rules	В	6- 8.
5	Impugned Rules dated 5.4.2018	С	9.
6	Impugned rules dt: 1.8.2018	D	10- 13.
7	Impugned rules dt: 16.10.2019	E	14- 15.
8	Notification	F	16.
9	Departmental appeal	G	17
10	Vakalat nama		19.

#### **APPELLANT**

THROUGH:

NOOR MOHAMMAD KHATTAK,

ADVOCATE

ROOM NO 3, UPPER FLOOR,
NEW ISLAMIA CLUB BUILDING, KHYBER BAZAR, PESHAWAR CITY

0345-9383141

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	/2021
Mr. Muhammad Kashif, Village Secretar Union Council 23, NC-65 Wazir Bagh, D	istrict Peshawar.
***************************************	APPELLANT

#### **VERSUS**

- **1-** The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- **2-** The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- **3-** The Secretary Local Government, Election & Rural Development Department, Civil Secretariat, Peshawar.
- **4-** The Secretary (Finance) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5- The Director General Local Govt:, Election & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.

  RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES OF THE RESPONDENT DEPARTMENT NOTIFIED ON 5.4.2018, 1.8.2018 & 16.10.2019 WHEREBY THE PROSPECTS OF PROMOTION OF THE APPELLANT TO THE NEXT HIGHER SCALES HAS BEEN DONE AWAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the impugned service rules Notified on 5.04.2018, 1.8.2018 & 16.10.2019 may kindly be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and the respondents be directed to consider the appellant for promotion to the next higher scale/scales under the old rules notified on 26.01.1978. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

#### R/SHEWETH: ON FACTS:

That the appellant is the employee of the respondent Department and is presently serving as Village Secretary since from the date of appointment till date quite efficiently

- That according to the service rules Notified on 26.1.1978 the initial scale of the appellant was in BPS-6 which was later on upgraded to BPS-7. That under the said Rules the prospects of promotion was on up to the post of Deputy Director (BPS-18) but later on vide impugned Notifications dated 5.4.2018, 1.8.2018 and 16.10.2019 the channel of promotion has been limited to the post of Developmental Officer (BPS-16) and where after no channel for promotion has been lift for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Civil Servant Act, 1973 & APT Rules, 1989. Copies rules and impugned rules are attached as annexure ...... B, C, D & E.
- That according to the old rules of 1978, after appointment the village secretaries has 75% promotion quota to the post of Supervisor (BPS-14) & Assistant Accountant (BPS-14), 50% quota was reserved from supervisor & Assistant Accountant to Development Officer (BPS-16) and where after from the post of Development Officer to the Village Secretary was in a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Manager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were based on the basis of seniority cum fitness. Copy of the rules is already attached.
  - The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Neighborhood Council (BPS-11) and Junior Secretary Village Neighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (BPS-14) with 75% quota. Copy of the impugned rules is already attached.

  - 6- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so for. Hence the present

appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... G.

#### **GROUNDS:**

- A- That the impugned service rules dated 5.4.2018, 1.8.2018 and 16.10.2019 framed by the respondents whereby ignoring the appellant from promotion to the next higher scales is against the Law, facts, norms of natural justice and materials on the 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 and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That, the treatment meted out to the appellant is clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan, 1973.
- **D-** That according to Article 37 of the Constitution the state is bound to promote social justice and eradication of social evils and accordingly the action and inaction of the respondents squarely falls in violation of the said Article.
- E- That, inspite of all the requisites available with the appellant the respondents acted in a malafide and arbitrary manner by issuing the impugned service rules dated 5.4.2018 & 16.10.2019.
- F- That, the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- **G-** That, the ignoring the appellant from promotion to the next higher scales is violative of Article-38 (e) of the Constitution of Pakistan, 1973.
- **H-** That the appellant seek permission to advance other grounds and proofs at the time of hearing.

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

**MUHAMMAD KASHIF** 

THROUGH:

NOOR MOHAN/MAD KHATTAK

**ADVOCATE** 

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M. NO.		/2020
APPEAL NO.	IN	° /2020
		COVET. OF MANY 9 OTHERS

MUHAMMAD KASHIF

VS

**GOVT: OF KPK & OTHERS** 

APPLICATION FOR RESTRAINING THE RESPONDENTS
NOT TO ACT UPON THE IMPUGNED SERVICE RULES
DATED 5.4.2018, 1.8.2018 & 16.10.2019 TILL THE
DISPOSAL OF THE INSTANT SERVICE APPEAL

#### **R.SHEWETH:**

- 1. That, the appellant has filed the above titled service appeal before this Honorable Tribunal in which no date has so far been fixed.
- 2. That, appellant filed the above mentioned service appeal against the impugned service rules dated <u>5.4.2018</u>, <u>1.8.2018</u> & <u>16.10.2019</u> whereby the 75% promotion quota have been done/washed away.
- 3. That, all the three ingredients required for grant of stay are in favor of the appellant.
- 4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to act upon on the impugned service rules dated <u>5.4.2018</u>, <u>1.8.2018</u> & <u>16.10.2019</u> till the disposal of the instant service appeal.

**APPELLANT** 

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE, High Court Peshawar





# OFFICE OF THE DEPUTY COMMISSIONER/CHAIRMAN DISTRICT RECRUITMENT COMMITTEE, PESHAWAR.

Dated Peshawar the 28th January-2016.

#### OFFICE ORDER:

No: 216-21 /. Consequent upon the recommendations of the Selection & Recruitment Committee of staff for Village / Neighborhood Councils in its meeting held on 13<sup>th</sup> January-2016, Mr. Muhammad Kashif S/O Khadim Hussain R/O Molvi Abdul Hakim, Peshawar as Village Secretary in BPS-07 plus usual allowances as admissible under the rules, against the vacant post in the office of the Assistant Director L&&RDD Peshawar.

The appointment of the candidate will be on regular basis subject to the following condition:-

- 1. He will get pay minimum of BPS-07 (7490-415-19940) plus usual allowances as admissible under the rules and will be entitled to annual increment as per existing policy.
- 2. He will produce Medical fitness/age certificate from Medical Superintendent Services Hospital Peshawar.
- 3. He will be governed by the Khyber Pakhtunkhwa Civil Servant Act 1973 and all the laws applicable to the Civil Servants and Rules made there-in.
- 4. He will, for all intents and purposes, be civil servant, in the prescribed manner as per existing policy.
- 5. His employment in this office is purely temporary for probation period of one year extended upto two years and his services shall be liable to be terminated without assigning any reason on one month prior notice or on the payment of one month salary in field of the notice period. In case he wishes to resign at any time one month prior notice be necessary or in lieu thereof one month pay will be forfeited or deposited by him.

6. His services shall be considered terminated if any discrepancy is found during process

verification of documents / experience etc

DEPUTY COMMISSIONER,

#### Endst: No. & Date = Even.

Copy forwarded to: -

- 1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2. The Director General, LGE&RDD, Khyber Pakhtunkhwa.
- 3. The Assistant Director, LG&RDD, Peshawar.

KITERT

- 4. The PS to Minister, LGE&RDD, Khyber Pakhtunkhwa.
- 5. P/File

6. Mr. Muhammad Kashif S/O Khadim Hussain R/O Molvi Abdul Hakim, Peshawar.

DEPUTY COMMISSIONER,

DECHAMAN

EXTRAORDINARY

GOVERNMENT







Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

# GOVERNMENT OF NORTH WEST FRONTIER PROVINCE LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT

#### NOTIFICATION Dated: 26th January, 1978.

Section Office (150-1) 2-188/93-Vol-11: In exercise of the powers-conferred by sub-rule (2) of the rule 3 of the North West Frontier Province Civil Serving Section Office (150-1) 2-188/93-Vol-11: In exercise of the powers-conferred by sub-rule (2) of the rule 3 of the North West Frontier Province Civil Serving Section Cooperation of the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department; the Local Government Cooperation Department and the Finance Department and the Financ prient Department as in lay down the method of appointment, qualification and others conditions specified in column 3 to 6 of the appendix to

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Printed and published by the Manager, Staty, Pig. Doptt., Khytie Pakirtylidiwa, Pushawar,



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## GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

#### **NOTIFICATION:**

Dated Peshawar, the 05th April, 2018

NO.SO(LG-1)2-188/SSRC/2018-981 in exercise of the power conferred by the sub-rule (2) of the rule-3 of the Khyber pakhtunkhwa civil servants (appointment, promotion and transfer) rules 1989, the local government, election and rural development department Khyber pakhtunkhwa in consultation with the establishment & administration department and the finance department is hereby directs that in this department notification No.DG(RWP)7(2)/73 dated 26.01.1978 the following amendments shall be made namely,

#### **AMENDMENTS**

In the appendix:

For serial No.10 the following shall be substituted in the respective columns namely.

10	supervisor	At least second class bachelor degree from a recognized university	21 to years	30	1) Seventy five (75) percent by promotion on the basis of seniority cum fitness from amongst the senior secretary village/neighborhood council, with at least five (5) years as such read and, 2) Twenty five (25) percent by initial recruitment.
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b) after serial No.15, the following new entries shall be inserted in the respectively columns namely,

15A	Senior secretary village neighborhood council	1979	·	 By promotion on the basis of seniority cum fitness from amongst the junior secretary village/neighborhood council with atleast ten (10) year service
	}			as such and

(C) For serial No.16 the following shall be substitute in the respective columns namely,

16	Junior secretary	At least second class intermediate or equivalent	 1) Twenty (20) percent by promotion on the
	village neighborhood council	qualification from a recognized board and at least six (06) months certificate in computer from a recognized institute with experience in MS office, impage and internet	basis of seniority cum fitness from amongst the Naib Qasid and Chowkidars in the Village/Neighborhood council with seniority at tehsil level having secondary School certificate in second division from a recognized board on institute with three (03) year service as such and

Government OPKhybenPakhtunkhwa Local/Government Elections & Rural Development Department

#### n other catheons (Avenue)

Dated:Pesth Vanathe 05 11 April 2018

No.SO(LC-1)2=188/SSRC/2018:- 98\ In exercise of the power conferred by sub-rules(2).

of the role 3 of the Khyber Pakhtunkwhu Civil Servants (Appendment Promotion and Hransfer).
Rules, 1989: the Local Government, Elections and Rural Development Department Khyber

Pakhittinkhwa, in consultation with the Establishment & Administration Department and the

finance Department is hereby directs that in this Departments Notification No.

DG(RWP)7(2)/73: Hated 26.01 1978, the following further amendments shall be made mantely

#### AMENDMENTS

In the Appendix

the serial No. 10 the following shall be substituted, in the respective columns married

Supervisor Atleast Second Class 21 to 30 r) Seventy-five (75 k per cent/b) Bachelof's Degree from a years. Epromotion on they basis, of recognized University. Seniority-climininess, in Secretary. Village / Neighborhood Councils with atleast five (05) year service as such and ii) Twenty-five (25) per cent/by initial recruitment.

(b) after serial No. 15: tite following new entries shall be inserted in the respectively columns namely

Secretary

Secretary

Village

Neighborhood

(c) for serial No. 16, the following shall be substituted, in the respective columns, namely:

Twenty (20) per cent by Atleast Second Class 18 to homine promotion, on the basis of Intermediate Secretary seniority-cum-fitness. from equivalent qualification Village amongst ather Waits Oasids and from a recognized Board Neighborhood Chowkidars in the Village // Neighborhood Council with and atleast six (06): Council months Certificate in seniority al. tensil/levelr having Computer: from Secondary School Certificate In second division from a recognized Board on institute recognized Institute with experience in MS-Impage and with three (03) year year ice as Office. Internet: such: and 📆



2) Eighty (80) percent by initial recruitment: Provided that the candidate shall be preferably a bonafide resident of the same Village/Neighborhood council. If such candidate is not available in the same Village/Neighborhood Council then the candidates from adjacent Village/Neighborhood Council. Provided further that in case of nonavailability of candidates from adjacent village/neighborhood council then from any other village/neighborhood council in that tehsil council.

> SECRETARY TO GOVERNMENT OF KP LOCAL GOVT, ELECTION & RURAL DEVELOPMENT DEPARTMENT

NO.SO(LG-1)2-188/SSRC/2018. Dated Peshawar the 05th april, 2018

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15. The RS to Secretary LQ E&ROD Reshiption

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131-All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.

I All District and Session ludges in Khyber Pakhtunkhwa

าแพยปลว ( ภามบ ) สิ่นให้ ภาพอกิรอ์ฯ โภารใช้อ์หี 5ศ ( 01

9. All Deputy Commissioners in Khyber Puthinkliwn,

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The Secretary: Khyber Pakhtunkhwa Public Service Commissions Beshavar

6. The Direction Denical LC E&KDD Khyber Pakhiankhwa Beshawa.

S. The PSO m.Chief Secretury Khyber Pakhunkhwu Peshawuc

4 The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawan

J. The Secretary to Covernor. Khyber Pakhlunkhwa. Peshawar All Divisionel Commissioners in Khyber Pakhrunkhwa

นะนักสักที่เปล่นนี้สาร์สอดี 24 เกาการกากกรรมการของเล่า 5 ระบายบระกาศกรรม 11 ค.

Copy forwarded to:-

<u> 20(LG-1)2;188/58/56/2018-</u>

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DEAFFORMENT-DEPARTMENT ษ์เลยามีเลเลเกดโร้จะที่สานหกับ ปลัวดา ZECKET YKYTO GONERNWENT OP'KP

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GOVERNMENT



## Kaledarapakaenanakaenakae

Published by Authority

#### PESHAWAR WEDNESDAY, 12TH JUNE 2019

GOVERNMENT OF THE KHYBER PAKHLUNKHWA LOCAL GOVERNMENT EBECTIONS AND RURALIDENERORMENT DEPARLMENT

#### NOTIFICATION

Peshawar, dated the 1st August 2018

No. SO (LG-I)2-188/SSRC/2018.-In exercise of the powers conferred by sub-rule (2) of the rule 3.of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government Elections and Rural Development Department, in consultation with the Establishment and Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG (RWP)7(2)/73, dated 426:01:1978, the following further amendments shall be made, namely:

#### AMENDMENTS

In the Appendix

a) for Senal No. the following shall be substituted in the respective columns namely

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(b) for Serial No. 1A, the following shall be substituted in the respective columns, namely

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after Senal-No: I.A., as so substituted the following new entries shall be inserted a respective so humans namely.

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- (d) against Serial No. 2, in column No. 2, the slash and words "/Planning Officer," shall be deleted.
  - (e) against Serial No. 3, in columns 3 and 6, the following shall respectively be substituted namely:

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- no against Senal No. 5: in columnave 2 wortherwinds Sub Divisional Oliver Alfawords and brackets: Assistant Directors Dechmical), telephology by the constant of the words
- 9) against Serrak No. 7. into humm Nos. 2 and 6 for the existing entries in enjoying shall respectively be substituted hamely.

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(h) against Serial No. 9, in column No. 6; in clause (iii) the full stop; appearing at the end shall be replaced by colon and thereafter the following provisors hall be added marnery:

"Provided that if no suitable officer is available for promotion their by transfer."

(ii) after Serial No. 9, as so camended the following new entires shall be inserted in the respective columns, namely:

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(j) for Serial No. 11 the following shall be substituted in the respective columns snamely:

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(i) for Serial No. 20, in column, No. 2, after the words and slash. "Chowkidar/" (Sweeper" shall be added.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKEWA LOCAL GOVERNMENT ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT



## GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL GOVERNMENT, ELECTION & RURAL DEVELOPMENT DEPARTMENT

#### NOTIFICATION

Dated Peshawar, the 16<sup>™</sup> October, 2019

NO.SO(E)LG/2-188/SSRC/2019:- In exercise of the power conferred by the sub-rule (2) of the rule-3 of the Khyber pakhtunkhwa civil servants (appointment, promotion and transfer) rules 1989, the local government, election and rural development department Khyber pakhtunkhwa in consultation with the establishment & administration department and the finance department is hereby directs that in this department notification No.DG(RWP)7(2)/73 dated 26.01.1978 the following further amendments shall be made namely:

#### **AMENDMENTS**

#### In the appendix:

- a) Against Serial No.2 in column No.6 for the existing entries the following shall be substituted, namely:
- i) Fifty percent by initial recruitment through Khyber pakhtunkhwa public service commission on the pattern of syllabus prescribed for the officers in the provincial/management service.
- ii) Forty percent by promotion on the basis of seniority cum fitness from amongst the progress officers with at least three years' service as such and,
- iii) Ten percent by promotion on the basis of seniority cum fitness from amongst the senior scale stenographers and assistants with at least three years' service as such.
  - NOTE: For purpose of promotion to the post of assistant director against ten percent quota there shall be maintained a joint seniority list of senior scale stenographer and assistant.
- b) Against serial No.3 in column No.6 for the existing entries the following shall be substitute namely.
  - i) Fifty (50) percent by promotion on the basis of seniority cum fitness from amongst the superintendents with at least three years' service as such and,
  - ii) Fifty (50) percent by initial recruitment.
- c) Against serial No.5 in column No.6 for existing entries the following shall be substitute, namely.
  - i) Twenty percent by promotion on the basis of seniority cum fitness from amongst diploma holder sub engineers with at least ten years' service as such and have passed the prescribed departmental examination.
  - ii) Ten percent by promotion on the basis of seniority cum fitness from amongst sub engineers with at least five years' service as such and who possess bachelor degrees in Engineering or its equivalent qualification from a recognized university and.
  - iii) Seventy percent by initial recruitment.

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Government Calchyber Pakhtunichwa Local Government, Elections & Rural, Development Department,

#### MOTIFICATION

Dated feshingar, the 16th October, 2019

No: SO(E)EG/2-188/SSRC/2019

In exercise of the powers contened by sub-rule: (2)

of rule 3 of the Khyber Pakhunkhwa Givil Servants (Appointment, Promotion, and Transfer). Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation, with the Establishment & Administration Department and the Finance Department hereby directs that mutus Department is Notification No. DG(RWP)7(2)173. dated 26:0171978, the following further amendments shall be municipal manely:

#### AMENDMENTS

In the Appendix.

- a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted namely:
  - i) "Fifty percent by initial recruitment through Klivber Pakhtinkhwa Public, Services Commission on the pattern of syllabos prescribed for the Officers in Provincial Management Service.
  - ii) Forty per cent by promotion, on the basis of soft orty-com-fitness: from amongst the Progress Officers with at least three years service as such; and
  - iii) Ten percent by promotion, on the basis of sentority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such."

Mote: For purpose of promotion to the post of Assistant Director against ten percent, quota, there shall be maintained a foint Seniority list of Senior Scale.

Stenographers and Assistants."

- b) agamst Serial Mo. 3. in column No.6. for the existing entries; the following shall be substituted namely:
  - i) "Fifty (50) per cent by promotion, on the basis of seniority cum-fitness, from amongst the Superintendents with at least three years service as such, and
  - ii) Fifty (50) per cent by initial recruitment.
- c) against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted; namely:
  - Twenty pericent by promotion conting using the seniority cum-fitness; from amongst diplomationers whe Engineers, with a the stylen years someter as the and have passed the prost tibed periority in the senior and have passed the prost tibed periority in the senior and have passed the prost tibed periority in the senior and the sen
  - Ten per cent by promotion on the basis of semonty coun-finess, from amoriest,
    Sub-Engineers, with air least bye, years seemed as such and who possess
    Bachelos's Degree on Engiovernity of his equivalent qualification for its
    recognized University; and
  - iii) Seventy percent by anyell regularmenter

**阿尔西** 





- d) Against serial No.6 in column No.6 for the words, column and slash assistant/accountant/senior scale stenographer the word accountants shall be substitute.
- e) Against serial No.15A in column No.6 for the word, figure and brackets "ten (10)" the word, figure and brackets "five (05)" shall be substituted: and.
- f) Against serial No.16 in column No.6 for the existing entry the following shall be substituted namely;
  - Twenty (20) percent by promotion on the basis of seniority cum fitness from amongst the Naib Qasid and Chowkidars in the Village Council/Neighborhood Council with seniority at Tehsil level having Secondary School Certificate in Second Division from a recognized board or institute and mix month diploma in IT from a recognized Board/Institute with three (03) years' service as such and,
  - ii) Eighty (80) percent by initial recruitment:

Provided that the candidate shall be preferably a bonafide resident of the same Village/Neighborhood Council. If such candidate is not available in the same Village Council/Neighborhood Council then the candidate from adjacent village council/Neighborhood Council;

Provided further that in case of non-availably of candidate from adjacent Village Council/Neighborhood council then from any other Village Council/Neighborhood Council in that tehsil.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA LG,E&RD DEPARTMENT

NO.SO(E)LG/2-188/SSRC/2019

Dated Peshawar, the 16<sup>th</sup> October, 2019

- against Serial No. 6. in column No.6 for the words, colon, and slash "Assistante/Accountants/Senior Scale Stenographer", the word "Accountants" shall
- against Serial No. (5A, in column No.6, for the word, figure and brackets, ten (10)?. the word, figure and brackets "five (05)" shall be substituted; and
- against Serial No. 16, in column No.6 for the existing entry, the following shall be
  - Twenty (20) per cent by promotion, on the basis of semonty-cum-filness, from amongst the Naib Qusids and Chowkidars in the Village Council / Neighborhood. Council with seniority at Tehsil level; having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such; and
  - Eighty (80) per cent by initial recruitment:

Provided that the candidate shall be preferably a ponaride resident of the same Village / Neighborhood Council. It such candidate is not available in the same Village Council / Neighborhood Council then the condidate from adjacent Village.

Provided further that in case of non-availability of candidate from adjacent. Village Council / Neighborhood Council then from any other Village Council / Neighborhood Council in that Tehsil.

#### SECRETARY TO COVERNMENT OF KEYBER PAKHTUNKHWA LG,EERD DEPARTMENT

#### No. SOFETEG/2-188/SSRC/2019.

Dated Peshawar, the 16th October, 2019.

Copy forwarded to:-

- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa, Peshayar,
- 4. The PSO to Chief Minister, Khyher Pakhtunkhwa Pekhawat.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar,
- The Director General LG: E&RDD, Khyber: Pakhtun khwa Peshawar.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 8. All Head of Attached Departments in Khyber Pakhtunkhiva.
- 9. All Deputy Commissioners in Khyber Pakhlunkhiva.
- 10. The Registrar, Peshawar High Court, Peshawar.
- 1.1. All District and Session Judges in Kliyber Pakhtunkhiya.
- 4-II-Assistant Directors, CO2:RDD in Knycer Pakhtenkhwa
- 13. The Manager Government printing press, Poshawar for publication in the acxt Government Gazettee Notification, 100 copies of the Notification may be sent to this Department.
- 4. The PS to Senior Minuster for LUES: ID Khyber Pakhtauklinen
- 15. The PS to Secretary LG, E&RDD Peshawar.
- 16. The Office Order file.

(HAJI MUHAMMAD) SECTION OFFICER (ESTAB) Phone # 091-9213224





## #7NO/50 Admn-L(LG)1-4/-15:

The Competent Authority: 154 pleased for approv

e-up-gradation of the following posts of Secretary Union Councils appointed underethe GER ) Service Rules: 1981 and Punjab Government District Service Rules 2005 we Form

7	Sr#		15.11	o alemana		Havan		
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3						123 AS 188		
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			1	1.573			\$14;	
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The additional financial implication icespective Union Councils.

A copy is forwarded for information & necessary action to

- The Secretary, Government of the Punjati, Finance Departmen
- The Director General, LG&CD Punjab Lahore with the equest to amend service rules accordingly.

  3. All the Difertors Co.
- Alf the Directors, LG&CD in the Punjab
- 4. All the District Accounts Officers in the Punjago
- 5. All the Deputy Directors, LG&CD in the Punjabs 6. All Chairmen of Union Councils, in the Punjabs
- 7. The Assistant Director (UC), at the PHQ, Labore
  - Master file:

DEPUTY SECRETARY (ADMN)

Rana Mahboob Hussain, All Punjab Secretaries ปฏิร Association Punjab

THE SECRETARY. Local Government, Dections & Paral Development Department Rhyber Pakhtunkhwa, Perhawai

DEPARTMENTAL APPEAL AGAINST THE MOTIFICITORS DATED 5.4.2018 & 16.10.2019 AND FOR THE REVIVAL/RESTORATION THE OLD SERVICE STRUCTURE MOTHERD OF 26.01.3.978

Most respectfully, it is statical that if an overall type. A large feeting any instead year sing centrel. Upon qualified and performing my daties, with my feet groups and According to the service structure Housed on 2024,1978, the prospects of promotion for Village Secretaries were in line. That are expected the response of 1878, after appointment the village secretar as has  $75 \times pr$  motion duote to the post of Supervisor (BPS-14) & Assistant Accountant (BPS-14), 50%, quota vino reserved from supervisor & Assistant Accountant to Development Officer (BPS-16) and where after from the post of Development Officer to the Village Secretary was lin a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Manager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were based on the basis of seniority cum fitness. The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Meighborhood Council (BPS-11) and Junior Secretary Village Meighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (BPS-14) with 75%quota.

Astonishingly the old service structure was further amended through impugned notification dated 16-10-2019 whereby the channel of promotions has been limited to the post of Developmental Officer (BPS-16) and where after no channel for promotion has been lift for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Law & APT Rules, 1989.

It is therefore, requested that the impugned Notifications dated 15.04.2018 & 16.10.2019 may be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and as such I may be considered for promotion under the old rules dated 26.01.1978.

Sit.

Obediently Yours,

Nuhammad- Kashit secretary (VC/NH Council) u/c 23 ACBS Wagix Bagh ell No. 0346-2000 574

Scanned with CamScanner

VAKALATNAMA

18)

# BeBOYR The K.P. Service Triband Peshaw

OF 2021

Muhammad Kashid

(APPELLANT) \_(PLAINTIFF) (PETITIONER)

**VERSUS** 

Grespondent)
(RESPONDENT)
(DEFENDANT)

I/We Muhammad Kashi S

Do hereby appoint and constitute NOOR MOHAMMAD

MULATRAK Advocate Peshawar to appear, plead, act,

KHATTAK, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAT

MIR ZAMAN SAFI

&

AFRASIYAB KHAN ADVOCATES

OFFICE:

Flat No.3, Upper Fioor, Islamia Club Building, Khyber Bazar, Peshawar City. Phone: 091-2211391 Mobile No.0345-9383141