

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)

[Faint handwritten notes and signatures, possibly bleed-through from the reverse side of the page]

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 MUHAMMAD)
MEMBER (E)

1-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before

on 16-5-2022


Reader

16.05.2022 Learned counsel for the appellant present. Mr. 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 full hearing. The appellant is directed to deposit security and 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.





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3085 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/02/2021	<p>The appeal of Mr. Muhammad Kashif resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	03.05.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
		<p>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.</p> <p style="text-align: right;"> Reader</p>

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. 306 /S.T,

Dt. 09/02 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv., Pesh.

NOTE Objctin No. 1, Service rules are already attached as Annex B,
and Objctian 2, C-E are removed. Hence resubmitted
Today 23.02.2021. *H. v. D.*

3 months to 6 months periods are also covered. 1 day intervals only
Killing of small mammals and 3-5 birds per day
Dr. H. H. Nov 20.26

For

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

APPEAL NO. 3085 /2021

MUHAMMAD KASHIF

V/S

GOVT. OF KP
& OTHERS

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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 Secretary,
Union Council 23, NC-65 Wazir Bagh, District 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:

- 1- 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

and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**

- 2- 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.**
- 3- 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.
- 4- 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.
- 5- That it is pertinent to mention that the post of Village Secretary in Local Government Department of Punjab in BPS-14 while in the respondent Department the post of Village Secretary is in BPS-9. Copy of the Notification is attached as annexure **F.**
- 6- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Hence the present

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

GROUND:

- 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.

APPELLANT

MUHAMMAD KASHIF

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. NO. _____/2020
IN
APPEAL NO. _____/2020

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 5.4.2018, 1.8.2018 & 16.10.2019 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 5.4.2018, 1.8.2018 & 16.10.2019 till the disposal of the instant service appeal.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE,
High Court Peshawar



Annex "A"

5

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

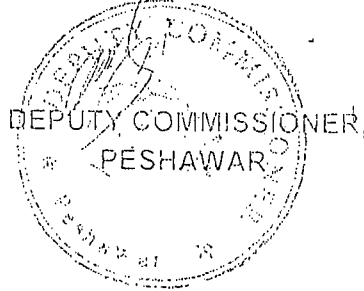
Dated Peshawar the 28th January-2016.

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 13th 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 LG&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 lieu 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



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.
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.



ATTESTED

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PII
G A Z E T T E

KEYBER PAKHTUNKHWA

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.

No. Section Officer (L.G.-1) 2-188/93-Vol-II: In exercise of the powers conferred by sub-rule (2) of the rule-3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 and in consultation with the information services and General Administration Department and the Finance Department, the Local Government Cooperation, Social Affairs, Tourism and Rural Development Department is pleased to lay down the method of appointment, qualification and others conditions specified in column 3 to 6 of the appendix to this Notification, which shall be applicable to posts borne on the Rural Development Department specified in column 2 of the said appendix.

S.No.	Nomenclature of post	Qualification for initial recruitment	Qualification for promotion	Age limit for initial recruitments	Method of appointment
	2	3	4	5	6
1	Deputy Director	a) 2 nd Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agril. Geography or Social Psychology and b) Five year experience in Agriculture, Animal Husbandry Education, Social Welfare, Planning & Dev. or Forest in Grade 16 or above.		Not less than 30 years and not more than 35 years	i) 25% by initial recruitment, and 75% by on merit with due regards to seniority from amongst the holders of the posts of Assistant Director Rural Development (including the defunct basis Democracies Deptt.) Project Managers & Progress Officers with at least years experience as such.

Assistant Director/ Project Manager/ Programs Officer	1) 2 nd Class Master Degree from a recognized University in Economics, Statistics, social works, sociology, Animal Husbandry, Agri/ Political Science, Public Administration, Geography or Social Psychology, Physics, Chemistry, Mathematics.	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Development Officers and Sub-Divisional (Assistant Director Engineer)
Accounts Officer	2 nd Class Master's Degree in Commerce/ Business Administration, or G.A.S qualified persons of Pakistan Audit Deptt. or Provincial Local Audit Department.	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Superintendent the Deptt. with at least three years service such.
Development Officer	2 nd Class Master Degree from a recognized University in Economics, Statistics, social works/ sociology, Animal Husbandry, Agriculture, Public Admn. Political Science, Geography or Social Psychology.	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Supervisor in the Deptt. with at least Note: Service in defunct will bept and the purpose of service under this
Sub-Divisional Officer/Assistant Director Engineer	Degree in Engineering or equivalent qualification from a recognized University	Not less than 21 years and not more than 30 years	i) 75% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post the overseers
Superintendent			By the selection on merit with due regards to seniority from amongst holders of the Assists/Accountants/ Senior Stenographer/ Senior Auditors with least five years experience as such.
Assistant/ Accountant	Degree from recognized University	Not less than 21 years and not more than 30 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy in the Deptt with at least years experience as such.
Stenographer (Senior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 100 words per minutes in shorthand in English and 40 words per minute in typing	Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Stenographer (Junior Clerk)
Overseer	Diploma from recognized Institute	Not less than 21 years and not more than 25 years	By Initial Recruitment
Supervisor	Degree from recognized University	Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy in Deptt with least years experience as such.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE 2019, 1431

11	Senior Auditor	Degree from recognized University Note: Preference will be given to persons holding Degree with Commerce as one of the subjects or equivalent qualification in Accounts	Not less than 18 years and not more than 25 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Junior Clerk in the Deptt. with a least three years service such, who have minimum qualification prescribed for initial recruitment
12	Stenographer (Junior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing	Not less than 18 years and not more than 25 years	By Initial Recruitment
13	Steno Typist	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing	Not less than 18 years and not more than 25 years	i) Not less than 50% by initial recruitment and ii) Not more than 50% by selection on merit from amongst holders of the post Junior Clerk /Senior Clerk in the Deptt. with a least three years service such.
14	Junior Auditor	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	By Initial Recruitment
15	Senior Clerk			by selection on merit with due regards seniority from amongst holders of the post Junior Clerk in the Deptt. with a least three years service such, who have minimum qualification prescribed for initial recruitment
16	Village Secretary	Intermediate from recognized Board	Not less than 18 years and not more than 25 years	By Initial Recruitment
17	Junior Clerk	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	iii) Not less than 80% by initial recruitment and iv) Not more than 20% by selection on merit from amongst holders of the post Dastaries and Poen in the Deptt. with a least three years service such. Qualification prescribed for initial recruitment

Sd/-xxx
ATTAUR REHMAN KHAN
 Secretary to Govt. of N.W.F.P.
 Local Govt., Cooperation, Social Welfare, Tourism &
 Rural Development Department.

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

16	Junior secretary village neighborhood council	At least second class intermediate or equivalent 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	18 to 30 years	1) Twenty (20) percent by promotion on the 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
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Government Of Khyber Pakhtunkhwa
Local Government Elections & Rural
Development Department

9

NOTIFICATION

Dated: Peshawar the 05th April 2018

No. SO(LG-12-188/SSRC/2018: 98) In exercise of the power 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, Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department, is hereby directs that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978, the following further 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	Atleast Second Class Bachelor's Degree from a recognized University.	21 to 30 years.	i) Seventy-five (75) per cent by promotion on the basis of seniority-cum-fitness from amongst the Senior Secretary Village / Neighborhood Council with atleast five (05) year service as such; and ii) Twenty-five (25) per cent by initial recruitment.
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(b) after serial No. 15, the following new entries shall be inserted, in the respective columns, namely:

15A	Senior Secretary Village Neighborhood Council			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 substituted, in the respective columns, namely:

16	Junior Secretary Village Neighborhood Council	Atleast Second Class Intermediate or equivalent qualification from a recognized Board and atleast six (06) months Certificate in Computer from a recognized Institute with experience in MS-Office, Impage and Internet.	18 to 30 years.	i) Twenty (20) per cent by promotion on the basis of seniority-cum-fitness from amongst the Naib Qasids and Chowkidars in the Village / Neighborhood Council with seniority at tehsil level having Secondary School Certificate in second division from a recognized Board or Institute with three (03) year service as such; and
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Handwritten notes:
 Junior Secretary
 8/1/2018
 16

ANNEXURE

9/A

				<p>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.</p> <p>Provided further that in case of non-availability of candidates from adjacent village/neighborhood council then from any other village/neighborhood council in that tehsil council.</p>
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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

ATTACHED

SECTION OFFICE (ESTAB)
PHONE #011-2727

- 1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 2. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 4. The PSO to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 5. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 6. The Director General, LG & R.D., Khyber Pakhtunkhwa, Peshawar.
- 7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 8. All Head of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 10. The Registrar, Peshawar High Court, Peshawar.
- 11. All District and Session Judges in Khyber Pakhtunkhwa.
- 12. All Assistant Directors, LG & R.D. in Khyber Pakhtunkhwa.
- 13. The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 50 copies of the Notification may be sent to this Department.
- 14. The PS to Senior Minister for LG & R.D. Khyber Pakhtunkhwa.
- 15. The PS to Secretary LG & R.D. Peshawar.
- 16. The Office Order.

No. SOLG-12-188/SSRC/2018.

SECRETARY TO GOVERNMENT OF KP
LOCAL GOVT ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT
Dated Peshawar, the 05th April, 2018.

<p>provided that the candidate shall be preferable in providing 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 from Neighborhood Council provided further that in case of non-availability of candidate from adjacent Village from Neighborhood Council then from any other Village from Neighborhood Council in that Tehsil Council.</p>		
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9/16



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE 2019

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT

NOTIFICATION

Peshawar, dated the 1st August 2018 ✓

No. SO (LG-D)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 26.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix -

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

1.	2.	3.	4.	5.	6.
"1.	Director General	-	-	-	By transfer from amongst PAS, PCS and PMS officer in BPS-20

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

1.	2.	3.	4.	5.	6.
"1A.	Director	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors and Assistant Directors (Senior) with at least seven (07) years service as such or twelve (12) years service as Assistant Director and above.
					<u>Note:</u> For the purpose of promotion to the post of Director, there shall be maintained a joint seniority list of Deputy Directors and Assistant Director (Senior).



(c) after Serial No. 1A, as so substituted, the following new entries shall be inserted in the respective columns, namely:

1B.	Director (Technical).				By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors (Technical) with at least seven (07) years service as such or twelve (12) years service as Assistant Engineer and Assistant Director (Technical) and above.
1C.	Deputy Director/Assistant Director (Senior).				By promotion, on the basis of seniority-cum-fitness from amongst Assistant Directors with at least five (05) years service as such.
1D.	Deputy Director (Finance and Accounts).				By promotion, on the basis of seniority-cum-fitness, from amongst Accounts Officers with at least five years service as such.
1E.	Deputy Director (Technical).				By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers and Assistant Directors (Technical) with five (05) years service as such and having a Bachelor's Degree in Civil Engineering. <u>Note:</u> For the purpose of promotion to the post of Deputy Director (Technical), there shall be maintained a joint seniority list of Assistant Engineers and Assistant Directors (Technical).

(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:

3.	6.
At least Second-Class Master's Degree in Commerce / Business Administration/BS (Honours) Finance and Accounting, or its equivalent qualification from a recognized University.	(i) Fifty (50) per cent by promotion on the basis of seniority-cum-fitness from amongst the Accountants with at least five (05) years service as such. Provided that if no suitable officer is available for promotion then by transfer and (ii) Fifty (50) per cent by annual recruitment.

- (f) against Serial No. 5, in column No. 2 for the words "Sub-Divisional Officer" the words and brackets "Assistant Director (Technical)" shall be substituted.
- (g) against Serial No. 7, in column Nos. 2 and 6 for the existing entries the following shall respectively be substituted, namely:

2	6
Assistant	(i) Seventy-five per cent by promotion on the basis of seniority, cum fitness, from amongst the Senior Clerks with at least three years' service as such, and (ii) twenty-five per cent initial recruitment.

- (h) against Serial No. 9, in column No. 6, in clause (ii) the full stop appearing at the end shall be replaced by colon and thereafter the following proviso shall be added, namely:

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

- (i) after Serial No. 9, as so amended, the following new entries shall be inserted in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"9B.	Auto CAD Operator.	(a) At least Second Class Bachelor's Degree from a recognized University. (b) Six months Diploma in Civil AutoCAD from a recognized Technical Institute; and (c) at least two years experience in relevant field.		18 to 30 years.	By initial recruitment.

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

1.	2.	3.	4.	5.	6.
"11.	Accountant.	At least Second Class Bachelor's Degree in Business Administration or its equivalent qualification from a recognized University.		21 to 30 years.	By initial recruitment. Provided that till the appointment of a suitable person on initial recruitment the post shall be filled by transfer.

- (k) for Serial No. 14 the following shall be substituted in the respective columns, namely:

1427

1	2	3	4	5	6
14	Computer Operator	(a) At least Second Class Bachelor's Degree in Computer Science (BCS) Information Technology (BIT) (04 years) or its equivalent qualification from a recognized University or		16 to 22 years	By annual recruitment
		(b) At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.			

(i) after Serial No. 19, the following new entries shall be inserted in the respective columns namely:

1	2	3	4	5	6
19A	Driver	Preferably literate and holding a valid Driving License		18 to 40 years	By annual recruitment and

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

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

Printed and published by the Manager
State Press, Dera Ismail Khan, Peshawar

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EX-100

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

NOTIFICATION

Dated Peshawar, the 16TH 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.

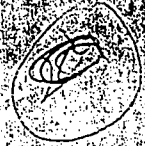
Page NO 5

Annex

E-14



Government of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department



NOTIFICATION

Dated Peshawar, the 16th October 2019

No. SO(L)EG/2-188/SSRC/2019:- In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil 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 in this Department's Notification No. DG(RWP)7(2)/73 dated 26/01/1973, 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:
- "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern and syllabus prescribed for the Officers in Provincial Management Service."
 - Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and
 - Ten per cent 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 per cent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistants."

- b) against Serial No. 3, in column No. 6, for the existing entries, the following shall be substituted, namely:
- "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
 - 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 per cent 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."
 - Ten per cent 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's Degree in Engineering or its equivalent qualification from a recognized University; and
 - Seventy per cent by initial recruitment."

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- 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;
- i) 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-availability 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 16th October, 2019

- d) against Serial No. 6, in column No.6, for the words, colon and slash "Assistants/Accountants/Senior Scale Stenographer", the word "Accountants" shall be substituted;
- 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) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids 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.

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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-availability 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/ELG/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, Peshawar.
- The PSO to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- The Director General, LG, E&RDD, Khyber Pakhtunkhwa, Peshawar.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- All Head of Attached Departments in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- The Registrar, Peshawar High Court, Peshawar.
- All District and Session Judges in Khyber Pakhtunkhwa.
- All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
- The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 100 copies of the Notification may be sent to this Department.
- The PS to Senior Minister for LG, E&RD, Khyber Pakhtunkhwa.
- The PS to Secretary LG, E&RDD Peshawar.
- The Office Order file.

ATTESTED

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

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GOVERNMENT OF THE PUNJAB
LOCAL GOVT. & COMMUNITY DEVELOPMENT
DEPARTMENT

Dated: Lahore, the 27th July, 2018

NOTIFICATION

NO:50-Admn-I,(CG)-4/15:

The Competent Authority is pleased to approve up-gradation of the following posts of Secretary Union Councils appointed under the Punjab (G&R) Service Rules, 1981 and Punjab Government District Service (Town/Tehsil/Municipal Council) Rules-2005 w.e.F.01/07/2018.

Sr#	Post	Present Scale	Up gradation
1	Union Secretary (Committee)	BS-07	BS-11 ✓
2	Union Secretary (CD)	BS-11	BS-14 ✓

The additional financial implication shall be met out of the budget of the respective Union Councils.

SECRETARY
LOCAL GOVT. & COMMUNITY DEVELOPMENT
DEPARTMENT

NO & DATE EVEN

A copy is forwarded for information & necessary action to:

1. The Secretary, Government of the Punjab, Finance Department.
2. The Director General, LG&CD, Punjab, Lahore with the request to amend the service rules accordingly.
3. All the Directors, LG&CD in the Punjab.
4. All the District Accounts Officers in the Punjab.
5. All the Deputy Directors, LG&CD in the Punjab.
6. All Chairmen of Union Councils, in the Punjab.
7. The Assistant Director (UC), at the PHQ, Lahore.
8. Master file.

ATTESTED

(MAHMOOD AHMAD)
DEPUTY SECRETARY (ADMIN.)

CC:-

Rana Mahboob Hussain, All Punjab Secretaries UCs Association Punjab

17
G

Answer

THE SECRETARY,
Local Government, Elections & Rural Development Department,
KHYBER PAKHTUNKHWA, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATIONS DATED
5.4.2018 & 16.10.2019 AND FOR THE REVIVAL/RESTORATION
THE OLD SERVICE STRUCTURE NOTIFIED ON 26.01.1978

Sir,

Most respectfully, it is stated that I am a regular Village Secretary under
your kind control. I am qualified and performing my duties with my full devotion.
According to the service structure notified on 26.11.1978, the prospects of
promotion for Village Secretaries were in line. That all rights reserved under the
1978 order appointment the village secretary had 75% promotional 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. 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.

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 left 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.

Dated: 14 / 10 / 2020

Obediently Yours,

Muhammad Kashif
Secretary (VC/NH Council)
u/c 23 NCB5 Wazir Bagh
Cell No. 0346-9000574

~~ATTESTED~~

VAKALATNAMA

18

Before The K.P. Service Tribunal Peshawar

OF 2020

Muhammad Kashif

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

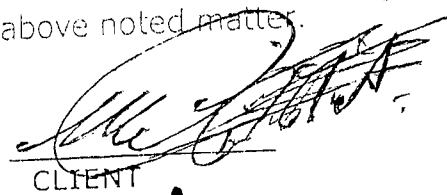
Govt of KP & other

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Kashif

Do hereby appoint and constitute NOOR MOHAMMAD 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.

Dated. ___/___/2020


CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
SHAHZULLAH YOUSAFZAI
MIR ZAMAN SAFI
&
AFRASIYAB KHAN
ADVOCATES

OFFICE:

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Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141