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 MUHAMMAD) MEMBER (E)

Due to retirement of the Honish Chairman the case is adjourned to come up for the Same as before on 16-5.32 up for the Same as before Readed

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.

Appellant Deposited
Security & Process Fee

Chamhan

Form- A

FORM OF ORDER SHEET

Court of	 	

	Case No	/2021
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. Saeedullah 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.
		REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on $0.05/2$
		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
	İ	

The appeal of Mr. Saeedullah village Secretary Village council Serati District Dir Upper 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. 307 /S.T,
Dt. 09/02/2021

REGISTRAR SERVICE TRIBUNÅL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv., Pesh.

Mole: Sjuhin No. 1 and 2, removed bene president Tody. 23. 02. 201. Held

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 3087 /2021

SAEED ULLAH

V/S

GOVT. OF KP & OTHERS

INDEX

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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	w = = = = = = = = = = = = = = = = = = =	19.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK, ADVOCATE

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

0345-9383141

SEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

/2024

APPEAL NO	/ 2021
Mr. Saeed Ullah, Village Secretary, Village Council Serati, District Dir Upper.	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

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.
- 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.

SAEED ULLAH

. THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE

PESHAWAR PESHAWAR

C.M. NO	/2020
•	IN
APPEAL NO	/2020

SAEED ULLAH

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

AD∜OCATE, High Court Peshawar OFFICE OF THE ASSISTANT DIRECTOR, LOCAL GOVT: & RURAL DEVELOPMENT DEPTT:
DIR AT TIMERGARA.

X 14+14 *

No.937/RDD(Estb)/83.
Dated Timergare the 29th April, 1984.

Aurka ce A

OFFICE-ORDER.

The following postings/transfers amongst the Secretaries of ...on Councils in District Dir are hereby accorded with immediate effect:

01.10.1			
		Previous place of	Present place of posting.
S.No.	Name of Secretary.	posting.	
		poscing.	
	No car		Chukiatan.
1.	Mr. Mohammad Nasar.		Barawal.
2.	Mr.Mirajullah.		Usherai.
3.	Mr. Mohammad Ali.		Sawni.
4-	Mr.Saidullah.		Khazana.
5.	Mr.Jehan Bahadar.		Ouch
	Mr.Shah Zaman.		Khadagzai/Abazai.
6.	Mr. Charaghud Din.		Koto.
7∙	Mr. Mohammad Ghazan		
8.	Mr. Sardar Hussain.		Timergara.
9•	Mr. Sardar Mussatii		Sundal.
10.	Mr. Sikandar Hayat.		Samar Bagh.
11.	Mr.Dilshad Khan.		Bagh Dush-Khel.
12.	Mr.Rizwanullah.		Kotkai.
13-	Mr. Mohammad Qayum.		Reshøram.
14.	Mr. Mohammad Amin.	- 	Babokhel/Mirhasan-Khel.
	Mr. Zahid Shah.		Talash.
) 15 · 16 ·	Mr. Shaiful Haq		Munjai.
/	Mr. Shad Mohammad.	••• •	Haya Serai
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18.	Mr. Said Mohammad	Mayar.	Mayar. (II. Waskani.
19•	Mr. Bald Honamice	form	the duties of U/C Maskani.
J. 1866.	1 7-man		Sharingal.
20.	Mr.Mohammad Zaman	Timergara.	Toormong.
21.	Mr. Mohammad Yar.	TIMETRALA.	Drangal.
22.	Mr. Sher Bahadar.	Baral Bandai.	
	Mr. Shireen Zada.	Khadigzai/Abazai	• variable and
23•	***	• • • • • • • • • • • • • • • • • • • •	

Assistant Director, Local Govt: & Rural Development Department, Dir at Timergara.

No.938-63 /RDD(Estb).
Copy of the above is forwarded to:-

The Director General, Local Govt: & Rural Development

Department, NWFP, Peshawar for information w/r to Endstt:

No.836-906/DD-IG, dt: 4/4/1984 from the Director, Local

No.836-906/DD-IG, deserging the Director of the Dir

The Director, Local Govt: & Rural Development Deptt:

Malakand Division Division at Saidu Sharif for information

W/r to his Endstt: No. as mentioned above, please.

The Chairman, Distt: Council Dir at Timergara for information w/r to Endstt: No. as quoted above, please.

Supervisor, LG & RDD; Dir & Timergara Circles. For informa-All official concerned.

Assistant Director
Local Govt: & Rural Development
Department, Dir at Timergara.

MILLETED

13





REGISTERED NO. PIII

GAZETTE





KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

GOVERNMENT OF NORTH WEST ERONTIER PROVINCE -LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT-DEPARTMENT

NOTIFICATION

No. Section Officer(LG-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 Servants (Appointment, Pronotion and Transfer) Rules, 1975 and in consultation, with the information services and General Administration Department and the Finance Department, the Local Government and the Loc and Rival 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

	1. (4) (4) (4)	No. Section Office	sentiation, with the information services	oppointment, qualification	on and others		1
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Sd/-xxx

ATTAUR REHMAN KHAN

Secretary to Govt: of N.W.F.P;

Local Govt:, Cooperation, Social Welfarg, Tourism & Raral Development Department.

Printed and published by the Manager. Staly, Pig. Depit., Knytier Pakhtunkhwa, Peshawar.



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		to	30		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, Twenty five (25) percent by initial recruitment.
----	------------	--	--	----	----	--	--

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

15A	Senior secretary village neighborhood council	55;	 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	At least second class		1) Twenty (20) percent
	secretary	intermediate or equivalent	years	by promotion on the
	village	qualification from a		basis of seniority
	neighborhood	recognized board and at least		cum fitness from
	council	six (06) months certificate in		amongst the Naib
		computer from a recognized		Qasid and
		institute with experience in		Chowkidars in the
		MS office, impage and		Village/Neighborhood
		internet		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 Of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department

NOTIFICATION

Duted Pesition of the Jan Agricality

No.:SO(UC-1)2-188/SSRC/2018 - 981 in exercise of the power conferred by substile 12 of the rate and the Khyber Pakhttinkwau Civil Servants (Apparentment Prontotion and Transfer) Kules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhmakhwa in consultation with the Establishment & Administration Department and the Finance Department? is hereby directs that in this Department's Voulleation No DG(RWP)7(2)7/3; dated 26.01.1978, the following further artendments shall be made many and

AMENDMENTS

Village

the serial No. 10 the following shall be substituted. In the respective columns than

	Cavanty-liver 675 baper 1980 1889 14-35
Second Class of the Mass Second Class of the Mass	A Land Confidence of the Confi
(1.0) Supervisor Atleast Section Class 21 to 30 iii Bachelor's Degree from a years.	promotions on the basis of
Bachelor's Degree from a livenish	seniority-cum Finess.
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	Sinongae Adams and Adams a
4.6 图 第36 2 4990 - J - C / - C - L - L - L - 基	Village / Neighborhood Council
ano fina company fina and a North Administration A Telephone A	INST WATE SERVICE
	with atleast five (05) year service-
	as such and
	as such and
	Tiventy-five. (25) per cent by
	initial recruitment
	and of the respectively columns.
Sollawing new entries shall be	High reasons and
(b) after serial No. 15: the following new entries shall be	
name y.	By promotion, on the basis of seriority
	Ry Diamental State of the State
Senior Senior	The state of the s
	Secretary Village / Neighborhood
Secretary 1	Secretary village den (10) year
	The state of the s

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

Atleast Second Class 18 to
Larger ediate Of a Mi
languagent qualification years.
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months Certificate Computer from a Computer from a
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Twenty (20) per cent by promotion, on the basis of seniority-cum-funess amonust, the Maib Oasids and Chowkidats in the Village h Neighborhood Coffnul with seniority all tensil level daving Secondary School Certificate in second division from a recognized. Board on Institute with three (03) Year service as such: and

Council with atleast ten (10) year

service as such: Ti 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

shalls, bealetel iesident ot the same Nejubborhooda Gouncil. candidate is not avaitable Sinher Williams WE Neighbo Council their the Foundidate lidm, * adjacent; - Willage ? Neighbrulthod Council.

Provided further that in case of non-availability of candidate adjaceni Village - 1 Neighborhood Council then trous any other Village Neighbothood Council in that Tehsil Colincil

SECRETARY TO GOVERNMENT OF KP LOCAL GOVE EILCTIONS & RURAL DEVELOPMENT DEPARTMENT

Dated Peshiwar the 05" April 2018 -

SO(LG-1)2-188/SSRC/2018

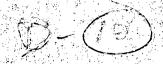
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1. All Administrative Secretaries to Government of Khyber Pakhitinkhiya.

- 2. Alt Divisionel Commissioners in Khyber Pakhtunkhwa
- 3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 4 The PSO to Chief Minister, Khyher Pakhtunkhwa Peshawan
- 5. 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
- 8. All Head of Attached Departments in Khyber Pakhtunkhwa.
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- 10. The Registrar, Peshawar High Court: Peshawar.
- 11. All District and Session Judges in Khyher Pakhtunkhwa
- 12141 Assistant Directors, LG&RDD in Khyber Pakhtunkhwa
- 13. The Manager Government printing press. Peshawar for publication in the next Government Gazenee Noufications 40, copies of the Noutication may be sent to this Department
 - 14. The PS to Senior Ministers to FUG. E&ROCK hytier Park
 - 15 The PS to Secretary LG E&RDO Reshit sin



GAZETTE



KEYBER FAKETUNKEWA

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-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 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:

	***		•				t
ſ	1. \ 2.		3.	4.	5.	6. 4. 3. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4.	
	"1. Director		-	-	-	By transfer from amongst PAS, PCS'	'. -
-	General.	٠.				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.
1 "1A.	Director.			By promotion, on the basis of
1				seniority-cum-fitness, from
	ho?		1 3	amongst Deputy Directors and
			1	Assistant Directors (Senior) with
1				at least seven (07) years service as
1				such or twelve (12) years service
1			/	as Assistant Director and above.
. J				as Assistant Director and accord.
:.}				Note: For the purpose of
				promotion to the post of
		in the second	- 1	Director, there shall be
			4.5	maintained a joint
			A Sec.	seniority list of Deputy
				Directors and Assistant
· , } · !			r - 7	Directors (Senior).";
			2.1	보고 보고 되었다는 나는 나는 나는 나는 얼마를 살다면 하다.

(c) after Senal-No. 1A, as so substituted the following new entries shall be inserted win the respective columns, namely

"IB Director	- By promotion on the basis of
(Technical)	senionty-cum-fitness from 1 "
(Lectanom)	Semony-cum-nucessy
	amonest Deputy Directors
	(Rechnical) - with /at least (seven)
	(07) years service as such for
	twelve (12) years service as
	4.4. 建心的基础表现的 使可能够强强的 斯尔特克斯特别的 医多点形态 "一",从我们成为大学,他们都是这样的最后的是是重要点的。他的 是 更多的,他也是多多的
	Director (Technical) and above
1C Deputy	By-promotion; on the basis of
Director/Assistant	senionty-cum-fitness, from
1 The state of	amongst Assistant Directors with
Director (Senior)	一大,一大的一个时间都会看到这个时间,这些话的,这个女子,这个女子一个好好好的。我的时间也是我的女子们的的好好的。但是我们们可以说了。
	at least five (05) years service as v.
	such
ID. Deputy Director	- By promotion, on the basis of
	1....・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・
(Finance and	
Accounts).	amongst Accounts Officers with
	at least five years service as such.
IE. Deputy Director	- By promotion, on the basis of
(Technical).	semonty-cum-fitness, from
	amongst Assistant Engineers and
	Assistant Directors (Technical)
	with five (05) years service as
	such and having a Bachelor's
불러하는 이 이 가 하는 것으로 내용을 계약하	Degree in Civil Engineering.",
	Apelice are crarring in corning and corning are considered as a second constant of the constant of the corning are
	Note: 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),
	Duectors (rectunear).

- (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.	[1] 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
"At least Second Class Master's (i)	Fifty (50) per cent by promotion for the
Degree in Commerce / Business	basis son the basis of seniority-cum-
Administration/BS (Honours)	fitness; from amongst the Accountants
Finance and Accounting or its	with at least five (05) years service as
equivalent qualification from a	such:
recognized University.	Provided that if no suitable
	officer is available for promotionship
	by transfer, and
	Uyanansica and
A	fifty (50) saper cent abyonamical
	greenutment, s. 5

KAZBER PAKHTUNKWHA GOVT GAZETHESEXTRAORBINARY SIZH FJUNE ZO

agaiast Semal, No. S. in column No. 12 for the words. S. of Divisional Officer Fille word and brackets. Assistant Director (specimical), Englishes in the control of the co

against Senar No. 7. inscolumn Nos 2 and 6 for the existing entries the following shall respectively be substituted namely as

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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 provisorshall 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 the inserted sing the respective columns, namely:

	<u> </u>		्र के प्रतिकार के किया है जिसके के अपने किया है। जिसके किया की अपने किया की अपने किया की अपने की अपने की अपने जिसके की अपने	Carried Section	A Company of the Comp	A CONTRACTOR OF THE PARTY OF TH
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			University;			
			(b) six months	1		
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	1		Technical	社会关		
	1		Institute; and			
	1			1 19 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
			(c) at least two years	S利森法		
			experience in			
			relevant field.	湖地震		
						3
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(j) for Serial No. 11 the following shall be substituted in the respective columns namely.

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1.	2.	3:	"'*4.	Fr ('5)	6	2
"11.	Accountant.	At least Second Class		21 to 30	By initial	
		Bachelor's Degree in		years.	recruitment:	
	1	Business Administration				
		or its equivalent			Provided	1
		qualification, from a			that till the	
1		recognized University.	15		appointment;	
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for Senal Most 4 the following shall be substituted in the

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or its equivalent and its equalification and from a recognized University, or (b) At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical	*	10-45 / 840	(BUE)(04 years)		1964 B. S.	
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(j) after Serial-No.-19; the following new entries shall be inserted in the respective columns is namely:

1. 2.	3. 44 40 5. 6
"19A. Driver.	Preferably literate and - 18 to 40 By initial"
	holding a valid Driving years recruitment.
	License. and

(I) 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, vicil Stary Pro Depth Knyber, Pakhtumkhwa / Peshawa

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

NOTIFICATION

Dated Peshawar, the 16[™] 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.

Anywarel

Page No5



Government C. Knyber Pakhtunkhwa Local Goschiment, Electicus; & Rural Developärent Department

MOTIFICATION

Dated Festimmer, the 16th October, 2019

No: SO(E)LG/2-188/SSRC/2019:- In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhunkhwa 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 midde, namely:

AMENDMENTS

In the Appendix:-

- a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted namely:
 - 1) "Fifty per cent by initial recruitment through Klyber Pakhtunkliwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service."
 - ii) Forty per cent by promotion, on the basis of soniority-coun-fitness; from amongst the Progress Officers with at least three years service as such, and
 - ii) 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 shalf be maintained a joint seniority list of Senior Scale Stenographers and Assistants.":
 - b) against 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 per cent by promotion on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with a least ten years service as such and have passed the prescribed Pepperintental Engineers.
 - ii) Ten per cent by promotion, on the basis of seniority oursetimess, from amongst,
 Sub-Engineers with at least live years service as such and who possess
 Bachelor's: Degreesing Engineering opens, equivalents qualification, from the
 - iii) Seventy per cent by inited recitifmenty

Alexan







- 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-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 16th October, 2019

- d) against Serial No. 6, in column No.6, for the words, colonic and slash-be substituted:
 - s) against Serial Bo-15A, in column No.6. for the word. figure and brackets "feet (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
 - 1). Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib (Jasids 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
 - ii) Eighty (80) per cent by initial, recruitment.

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

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

SECRETARY TO GOVERNMENT OF KEYBER PAKHTUNKTIWA LG,E&RD DEPARTMENT

No. SO(E)LG/2-158/SSRC/Z019.

Dated Peshawar, the 16th October, 2019

Copy forwarded to:-

- 1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 2. Ali Divisional Commissioners in Khyber Pakhtunkhwa.
- 3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshayar,
- 4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- 5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 6. The Director General, LG:E&RDD, Khyber Pakhttinkhiya 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 Klayber Pakhtunkhiwa.
- 2-All-Assistant Directors, CG&RDD in Khyber, Pakhtun Liwa
- 13. The Manager Government printing press, Postiawar for publication in the dext Government Gazettee Notification, 100 copies of the Notification may be sent to this Department.
- 14. The PS to Semon Minister for LUEERD Khyber Pakhtunkhwa
- 15. The PS to Secretary EG, E&RDD Peshawar.
- 16. The Office Order file.

(HAJI MÜHAMMAD) SECTION OFFICER (ESTAB) Phono # 091-9213224

如核即

4





NOTIFICATION

NO:SO:Adma-I;(G)1.-4/15:

The Competent Authority is pleased to approve up-gradation of the fallowing posts of Secretary Union Councils appointed under the Punjab LG&RT Service Rules: 1981 and Punjab Government District Service (Town/Tensil-Municipal adre) Rules 2005 w e f 01:07 2018.

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

> SECRETARY LOCAL GOVT. & GOMMUNATIK DEVELOPMENT DEPARTMENT

NO & DATE EVEN

A copy is forwarded for information & necessary action to

- The Secretary, Government of the Punjati, Finance Departmen
- 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&CO in the Punjab
- All Chairmen of Union Councils, in the Punjab
- The Assistant Director (UC), at the PHQ, Lahore

Master file.

(PIAGMOOD AHMAD). DEPUTY SEGRETARY (ADMN)

gayah kilah ang palahik dagalah na makan kanan na m

Pana Mahboob Hussain, All Punjab Secretaries ปฏิรั Association Punjab

ТО

THE SECRETARY,

Anxoure 7-1

Local government, election & rural development department Khyber pakhtoon khwa Peshawar

Subject: <u>DEPARMENT APPEAL AGAINST THE NOTIFICATION DATED: 5.4.2018 & 16.10.2019 AND FOR</u>

THE REVIVAL/RESTORATION THE OLD SERVICES STRUCTURE NOTIFIED ON 26.01.1978.

SIR,

Most respectfully, it is stated that I am working as village secretary under your kind control. I am qualified and performing my duties with my full devotion according to the service structure notified on 26.01.1978, the prospects promotion for village secretaries were in line. That according to the said rules 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-15) & were after from the post of development officer to the village secretary was in a combined share of 50% with amongst the sub-division 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) & junior secretary village neighborhood council (BPS-11) & junior secretary village neighborhood council (BPS-11) & junior secretary village secretary to senior and then to the post of supervisor (BPS-14) with 75% quota.

Astonishingly the old service structure was farther amended through impugned notification dated: 16.10.2019 whereby the channel of promotion have been limited to the post of departmental officer (BPS-16) & where after channel for promotion has been left for the cadre of village secretary rather than channel of promotion has been washed /done away in utter violation of law APT Rules, 1989.

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

Dated:/......../...../2020.

Obediently yours

Secretary (VC/NH COUNCIL) Sex

SPEED ULAH

U/c Dr Uppes

Cell No

ATTACH TO THE PARTY OF THE PART



VAKALATNAMA

Before The K.P Ser	vice Tribund Pesham
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Sacod ullah	(APPELLANT) (PLAINTIFF) (PETITIONER)
<u>VERS</u>	<u>sus</u>
Govt 08 K.P & O I/We Speed ulla	(RESPONDENT) (DEFENDANT)
Do hereby appoint and con- KHATTAK, Advocate, Pesh compromise, withdraw or refer my/our Counsel/Advocate in without any liability for his de- engage/appoint any other Advocate in 1/we authorize the said Advocate	awar to appear, plead, act, er to arbitration for me/us as the above noted matter, fault and with the authority to ocate Counsel on my/our cost. cate to deposit, withdraw and sums and amounts payable or in the above noted matter. CLIENT Saccolullar
	ACCEPTED NOOR MOHAMMAD KHATTAK
	SHAHZULLAH YOUSAFZAI &

MIR ZAMAN SAFI ADVOCATES

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