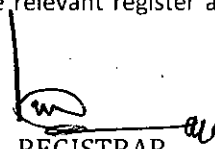




Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 303/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.05.2022	<p>The execution petition of Mr. Wajahat Manzoor submitted today by Mr. Siraj Hussain Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR.</p>
2-	31.5.2022	<p>This execution petition be put up before touring Single Bench at A.Abad on <u>14.6.2022</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.06.2022	<p>Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Hafeez Ur Rehman, Teshil Supervisor for respondents present.</p> <p>Implementation report was not submitted. Representative of the respondent department seek^s time for submission of implementation report. To come up for implementation report on <u>19.07.2022</u> before S.B at camp Court A/Abad.</p> <p style="text-align: right;"> (Fareeha Paul) Member (E) Camp Court A/Abad</p>

19th July, 2022

None for the petitioner present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

On 14.06.2022, Mr. Hafeez Ur Rehman, Tehsil Supervisor on behalf of the respondents was present and directed to submit implementation report. But today nobody is present on behalf of the respondents. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Abbottabad are directed to attach salaries of the judgment debtor i.e Govt: of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar, Director Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar and Assistant Director Local government & Rural Development Department, Abbottabad till further orders by this Tribunal.

To come up on 20.09.2022 for further proceedings at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

+

20th Sept 2022 Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Addl;AG alongwith Mr. Muhammad Haroon, AD, Local Government with no authority letter of other respondents present.

On the last date salaries of the respondents were attached. Accountant General, Khyber Pakhtunkhwa and District Comptroller of Accounts Abbottabad both are directed to submit report whether the salaries of the respondents have been attached or not. The attachment order shall continue and all the respondents are directed to appear in person alongwith implementation report failing which proceedings for non-compliance of the court order would be initiated. To come up for implementation report on 15.11.2022. before S.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

07th Oct, 2022

1. This case was fixed for 15.11.2022 for implementation report at camp court Abbottabad. On the application of the Mr. Muhammad Haroon, Deputy Director, Local Government, on behalf of the respondents, it was requisitioned for today. The application for release of salary of the respondents on the ground that implementation of the judgment of the Tribunal has been made.

2. In view of the implementation of the judgment, the salaries of the respondents are released. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is filed. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 07th day of Oct 2022.*



(Kalim Arshad Khan)
Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

E.P. No. 303/2022

Wajahat Manzoor Versus Govt. of Khyber Pakhtunkhwa & others

Execution Petition

INDEX

Sr.	Description	Page No.	Annexure
1	Execution petition	1-3	
2	Affidavit	4	
3	Application for restraining order	5-6	
4	Affidavit	7	
5	copy of the service appeal No. 6357/2020	8-15	A
6	Attested copy of the judgment of this tribunal dated 23/12/2021 in S.A No. 6357/2020	16-20	B
7	Copy of the tentative seniority list of Secretaries V.C/ N.Cs of district Abbottabad, meanwhile compiled by the respondents	21-29	C
8	Wakalatnama	30	

..... petitioner

Through

Siraj Hussain
SIRAJ HUSSAIN

Dated: 20/05/2022

Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD

Execution Petition#303/2022 in S.A No.6357/2022

Wajaht Manzoor S/o Haji Manzoor Hussain r/o Chitta Pul Lower Malikipura Ten &
Distt Abbottabad

Order 07/11/22
Give the judgment for implementation
through the salaries
are released
.....PETITIONER
07/11/22

Government of Khyber Pakhtunkhwa Through Secretary Local Government &
Rural Development Department KPK Peshawar etc.

..... RESPONDENTS

~~.....~~
~~.....~~

APPLICATION FOR EARLY HERAING IN THE ABOVE TITLE CASE.

1. That the above case was fixed before the Honorable Tribunal on 20.09.2022 and passed the order for attachment of salary of the respondents .
2. That on dated 22.09.2022, submitted an application for recalling the order passed by the Honorable Services Tribunal and salaried of the Respondents may be released.(Annexure. A)
3. That in the response of the Judgment of this Honorable Tribunal Order implemented in letter is spirit (Annexure B).

It is therefore, humbly prayed in acceptance of the above application that date of early hearing may be fixed and the salary of the respondents may be released please. *copy of affidavit wajaht Manzoor also attached.*

[Signature]
Assistant Director
Local Govt & Rural Dev: Department
Abbottabad
through
Rabirullah Ghelhera
Additional Advocate
Lawyer

**OFFICE OF THE
LOCAL GOVT: & RURAL DEVELOPMENT
DEPARTMENT ABBOTTABAD**

PA # 0992-9310249, 0992-9310106

DLG/ATD/ 17107-12

Dated 20 Sep., 2022

OFFICE ORDER

Mr. Wajahat Manzoor S/O Haji Manzoor Hussain was appointed as Secretary (BS-07) on 28-11-2018 in Local Govt: Department on the directions of Honourable High Court given in Writ Petition submitted by the said employee.

On 06-07-2020 Mr. Wajahat Manzoor submitted appeal No.6357/2020 with the plea that he has applied for appointment in 2015 but at that time he was not appointed and his service may consider w.e.f. 23-09-2015 instead of 28-11-2018.

After hearing the case the Honourable Service Tribunal KP vide its order dated 23-12-2021 has ordered that the period from 23-09-2015 to 28-11-2018 shall be considered for the length of service, pension and seniority.

In compliance of the orders of Honourable Tribunal dated 23-12-2021, it is hereby ordered that the appellant (Wajahat Manzoor, Secretary) shall be considered to have been appointed w.e.f. 23-09-2015 for the purpose of length of service, pension & seniority conditionally subject to the decision of Honourable Supreme Court of Pakistan.

[Signature]
Assistant Director (Senior)
Local Govt: & Rural Dev:
Department Abbottabad

20/9/2022

Endst: of Even No. & Date

Copy forwarded to the:-

1. Director General, Local Govt: & RDD Khyber Pakhtunkhwa Peshawar for information.
2. Director (Admn) Local Govt: & RDD, Peshawar.
3. PA to Secretary Local Govt: & RDD, Peshawar.
4. District Comptroller of Accounts, Abbottabad for information.
5. Official concerned for information.

[Signature]
Assistant Director (Senior)
Local Govt: & Rural Dev:
Department Abbottabad

20/9/2022

**BEFORE THE KHYBERPAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution petition # 303/2022 in S.A No.6357/2020

Wajahat Manzoor S/O Haji Manzoor Hussain R/O Chitta Pul, Lower Malik Pura Tehsil & District
Abbottabad

.....PETITIONER

VERSUS

Government of KPK through Secretary Local Government & Rural Development Department
KPK Peshawar etc.

.....RESPONDENTS

Abdullah
Through Kabir Khan Advocate General Services Tribunal Govt of Khyber Pakhtunkhwa.

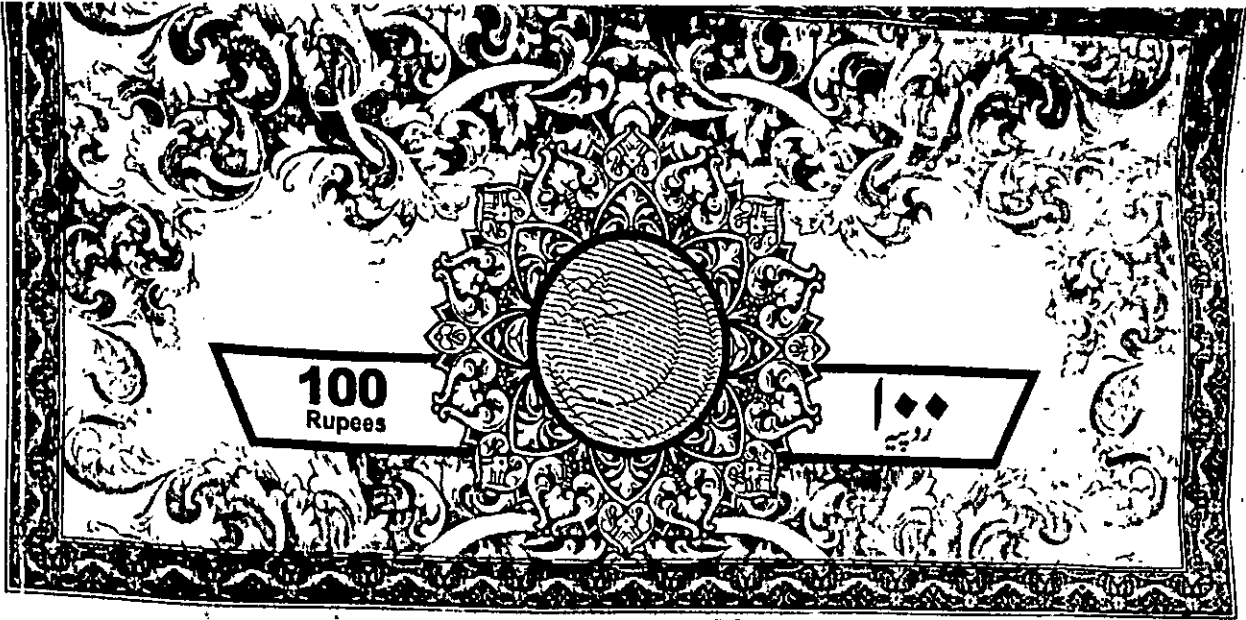
**APPLICATION FOR RE-CALLING ORDER DATED 19-07-2022 IN THE ABOVE TITLED
CASE.**

1. That the above case was fixed before this Honourable Tribunal on 19-07-2022, due to non-
presence on behalf of respondents, the Honourable Tribunal directed to attach salaries of
judgment debtor.
2. That the non-presence of respondents on 19-07-2022 before this Honourable Tribunal was not
intentional nor deliberate, but due to the reason that camp office of Tribunal at Abbottabad was
changed to the new place. The authorized official was not aware about the new place of Tribunal.
3. That the judgment of this Honourable Tribunal dated 23-12-2021 in appeal No.635/2020 has
since been challenged in the Supreme Court of Pakistan through CPLA No.158-P/2022.
4. That in the response of the judgment of this Honourable Tribunal order implemented in letter in
spirit. (Copy Attached)

It is therefore, humbly prayed that an acceptance of above application, the order dated 19-07-
2022 passed by this Honourable Tribunal may graciously be re-called and salaries of respondents may
be released please.

Wajahat Manzoor
22/7/22
Kabir Khan Advocate
Add. Sec.

Abdullah
Assistant Director
Local Govt. & Rural Dev: Deptt:
Abbottabad



بیانِ عملیہ

— ۷ —

سند محدود جاہلیت و دور منظور خان کے حوالہ لکھنے و نفع ایسٹ اہل آباد کا میں۔ حقیقت
 بیانیہ میں کہ من لندن ایسٹ سیکرٹری ۷۷۷ میں۔ اور من لندن نے کین نمبر 6357
 سال 2020 کے تحت منفعہ آمدہ خورج $\frac{07}{2020}$ کی رقم سے مدت سرویس لم از
 $\frac{09}{2015}$ تا $\frac{11}{2018}$ 28 مہینہ کے جمعہ و ایبات سرویس ٹائم ایسٹ، ترقی اور پیش
 بحالی برکٹ آئی آر ڈی خورج $\frac{09}{2022}$ 20 مہینہ پر ایس۔ کس میں مذکورہ کچی
 بناد دیکھ افراد حکم میرا جملہ کی بند شدہ تنوا میں ادارہ حجاز آباد کرے اور
 من لندن کو کوئی ملز اسٹریٹن دے۔ جبہ مرتب باہر شہر سندھ ڈسٹرکٹ
 میں کوئی امر حقیقت نہ رکھا جائے۔ سید ابی بن حسن صاحب سندھ
 قرار ہے۔ انعام 06/X/2022 ایسٹ اہل آباد

الر 13101.9711455.6

لندن منگورن خورج ایسٹ (سیکرٹری ۷۷۷)

ایسٹ اہل آباد

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



Execution petition # 303/2022 in S.A No.6357/2020

638
23/5/22

Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura,
Tehsil & District Abbottabad.

..... PETITIONER

VERSUS

1. Government of KPK through Secretary Local Government & Rural Development Department KPK, Peshawar.
2. Director Local Government & Rural Development Department KPK, Peshawar.
3. Assistant Director Local Government & Rural Development Department Abbottabad.
4. District Accounts office Abbottabad, through accounts officer.

..... RESPONDENTS

EXECUTION PETITION UNDER SECTION 7(2)(D) OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH ALL OTHER ENABLING PROVISIONS, FOR IMPLEMENTATION OF JUDGMENT & ORDER OF THIS TRIBUNAL DATED 23/12/2021, RENDERED IN SERVICE APPEAL NO. 6357/2020, OF EVEN TITLE.

Respectfully Sir:

Brief facts leading to the instant petition are as follows:

1. That the present petitioner after following prior due departmental process, filed a service appeal No. 6357/2020 . (copy of the service appeal No. 6357/2020 is attached herewith as annexure A).

Certified to be true copy
J. D. J. J. J.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

E.P.No. 303/2022
Wajahat Mangoo vs Govt



20th Sept 2022 Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Addl;AG alongwith Mr. Muhammad Haroon, AD, Local Government with no authority letter of other respondents present.

On the last date salaries of the respondents were attached. Accountant General, Khyber Pakhtunkhwa and District Comptroller of Accounts Abbottabad both are directed to submit report whether the salaries of the respondents have been attached or not. The attachment order shall continue and all the respondents are directed to appear in person alongwith implementation report failing which proceedings for non-compliance of the court order would be initiated. To come up for implementation report on 15.11.2022 before S.B at camp court Abbottabad.

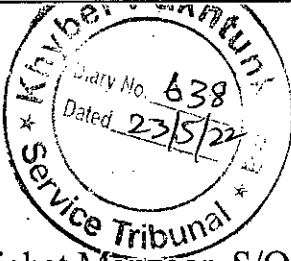
(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Certified to be true copy

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 04-10-2022
Number of Wards 800
Copying Fee 10/-
Urgent 4/-
Total 14/-
Name of Copyist —
Date of Completion of Copy 04-10-22
Date of Delivery of Copy 04-10-22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



Execution petition # 303/2022 in S.A No.6357/2020

Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura,
Tehsil & District Abbottabad.

..... PETITIONER

VERSUS

1. Government of KPK through Secretary Local Government & Rural Development Department KPK, Peshawar.
2. Director Local Government & Rural Development Department KPK, Peshawar.
3. Assistant Director Local Government & Rural Development Department Abbottabad.
4. District Accounts office Abbottabad, through accounts officer.

..... RESPONDENTS

EXECUTION PETITION UNDER SECTION 7(2)(D) OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH ALL OTHER ENABLING PROVISIONS, FOR IMPLEMENTATION OF JUDGMENT & ORDER OF THIS TRIBUNAL DATED 23/12/2021, RENDERED IN SERVICE APPEAL NO. 6357/2020, OF EVEN TITLE.

Respectfully Sir:

Brief facts leading to the instant petition are as follows:

1. That the present petitioner after following prior due departmental process, filed a service appeal No. 6357/2020 . (copy of the service appeal No. 6357/2020 is attached herewith as annexure A).

2. That respondents were summoned who submitted their reply, while after hearing all the parties, this honorable tribunal vide its judgment dated 23/12/2021, partially allowed the appeal and directed the respondents “ *that the intervening period from 23/09/2021 till 28/11/2018 shall be considered for the purpose of length of service/pension and seniority of the appellant*”. (Attested copy of the judgment of this tribunal dated 23/12/2021 in S.A No. 6357/2020 is attached herewith as annexure B).
3. That despite receiving the copy of said judgment/ direction, and being in full knowledge, couple with multiple requests by the present petitioner, the respondents have not complied with the same rather acting contrary to it, have prepared a seniority list of the concerned Secretaries V.C/N.C of district Abbottabad wherein they have not placed the present petitioner in accordance with tribunal’s direction, while are at the verge of promoting much junior servants, in sheer violation of this tribunal’s directions. (copy of the tentative seniority list of Secretaries V.C/ N.Cs of district Abbottabad is attached herewith as annexure C)
4. That there is no legal impediment in compliance said judgment/direction for which the respondents are duty bound, while non-compliance/ disregard of the same amounts to contempt of this honorable competent forum .
5. That despite petitioner’s requests, the respondents are not implementing the said judgment who are required to be proceeded under all the enabling provisions of law, for complete execution of the direction.

6. That the instant petition is well within the time and this honorable tribunal has got ample powers to accept the same.

It is therefore humbly requested that on acceptance of the instant petition, Judgment & Order of this Tribunal dated 23/12/2021, rendered in service appeal no. 6357/2020, may graciously be ordered to be implemented by the respondents forthwith, by adopting every enabling provision of law in this regard.


..... petitioner

Through


SIRAJ HUSSAIN

Dated: 20/05/2022

Advocate High Court, Abbottabad


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Wajahat Manzoor Versus Govt. of Khyber Pakhtunkhwa & others

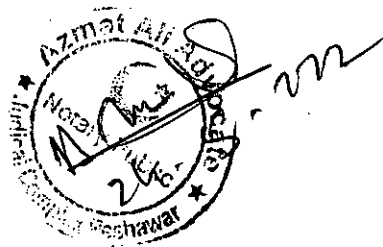
Execution Petition

AFFIDAVIT

I, Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura, Tehsil & District Abbottabad, do hereby affirm and declare that the contents of the of the foregoing petition are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.

Deponent


ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution petition # _____ /2022 in S.A No.6357/2020

Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura,
 Tehsil & District Abbottabad.

..... PETITIONER

VERSUS

1. Government of KPK through Secretary Local Government & Rural Development Department KPK, Peshawar.
2. Director Local Government & Rural Development Department KPK, Peshawar.
3. Assistant Director Local Government & Rural Development Department Abbottabad.
4. District Accounts office Abbottabad, through accounts officer.

..... RESPONDENTS

EXECUTION PETITION

APPLICATION SEEKING RESTRAINING ORDER AGAINST THE RESPONDENTS, NOT TO PROMOTE ANY SECRETARY VILLAGE/ NEIGHBORHOOD COUNCIL OF DISTRICT ABBOTTABAD, TO NEXT UPPER POSITION/ GRADE TILL THE DISPOSAL OF TITLED EXECUTION PETITION/ COMPLIANCE OF DECISION OF THIS TRIBUNAL DATED 23/11/2021 IN SERVICE APPEAL NO. 6357/2020, AND FROM ANY ACT/ORDER/NOTIFICATION, EFFECTING THE RIGHTS OF THE PRESENT PETITIONER.

Respectfully Sir:

The applicant urges to submit:

1. That the titled execution petition is being filed today before this honorable tribunal, content of the same may graciously be read as integral part of the instant application.
2. That after due process of law, this honorable tribunal vide its judgment dated 23/12/2021, directed the respondents “ *that the intervening period from 23/09/2021 till 28/11/2018 shall be considered for the purpose of length of service/pension and seniority of the appellant*”.
3. That contrary to the above decision/ direction, the respondent department has compiled seniority list of the Secretaries Village/ Neighborhood councils for district Abbottabad, for promotion purpose, wherein the petitioner is not placed at his due number, i.e. sr. # 1, while any order/ notification/ promotions in furtherance of the said incorrect seniority list would be against the judgment of this tribunal and the purpose of filing the adjoining execution petition, would become infructuous with miscarriage of justice.

It is therefore humbly requested to accept the instant application as prayed for.


..... Applicant

Through


SIRAJ HUSSAIN

Dated: 20/05/2022

Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.


Wajahat Manzoor Versus Govt. of Khyber Pakhtunkhwa & others

Execution Petition

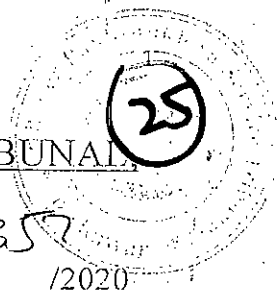
Application for restraining order

AFFIDAVIT

I, Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura, Tehsil & District Abbottabad , do hereby affirm and declare that the contents of the of the foregoing application are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal.


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



6357
Service Appeal # /2020

ANNEX: D

Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura,
Tehsil & District Abbottabad.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6046 PETITIONER

VERSUS Dated 6-7-2020

1. Government of KPK through Secretary Local Government & Rural Development Department KPK, Peshawar.
2. Director Local Government & Rural Development Department KPK, Peshawar.
3. Assistant Director Local Government & Rural Development Department Abbottabad.
4. District Accounts office Abbottabad, through accounts officer.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AS AMENDED UP TO DATE READ TOGETHER WITH OTHER RELEVANT SERVICE RULES & REGULATIONS, AGAINST THE REJECTION OF GRANT OF BACK BENEFITS IN FAVOR OF THE APPELLANT AS PRAYED FOR.

Filed to-day

Registrar
6/7/2020

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, the respondents may kindly be directed to grant & issue all back benefits of service including seniority, increments, salary etc to the appellant with effect from general order of appointment i.e. 23/09/2015.

REGISTERED
[Signature]

Respectfully Sir:

Brief facts leading to the instant appeal are as follows:

1. That the petitioner being a local and permanent resident of UC Malik Pura, Tehsil & District Abbottabad, applied for the post of secretary village/ neighborhood council, advertized by the office of Director Local Government & Rural development KPK, Peshawar on 11/04/2015 (Copy of the advertisement is attached herewith as annexure 'A').
2. That after scrutinizing the petitioner appeared in the recruitment test and upon the announcement of result, cleared the same as one, out of the only two successful candidates from the concerned UC against 3 seats to be filled (Copy of the result announced by the NTS is attached here along as annexure 'B').
3. That subsequently in September 2015, the petitioner along with other successful candidates from the district Abbottabad were interviewed by the respondent No. 5 against the said posts and through order No. AE/8789-8964, Dated 23/09/2015, the respondent No.5 issued the list of appointed candidates/ secretaries VCS for district Abbottabad, wherein almost in every Union council of the district, the secretaries VCs were appointed except in UC Malik Pura, where no appointment was made against all the 3 posts of VCS (Copy of the order No. AE/8789-8964, Dated 23/09/2015 as issued by the respondent is appended herewith as annexure 'C').
4. That the said appointments were ordered against the law, relevant rules and merit, whereby many deserving & eligible candidates including the present

petitioner were deprived from their rights. The chief Minister KPK by taking notice of the same, suspended the aforesaid appointments and constituted an inquiry committee to investigate the matter (Copies of the relevant news clippings are appended herewith as annexure 'D').

- 5. That the petitioner being an effected & neglected candidate also raised his voice against the illegal & against the merit order by writing an application to the CM, KPK for redressal of his grievance (Copy of the application is attached herewith as annexure 'E').
- 6. That on 13/01/2016, vide order No. EB/554-730, the respondent No. 5 withdrew & cancelled his previous order No. AE/8789-8964, Dated 23/09/2015 and issued a revised order for appointments of VCS Abbottabad (Copy of the revised order No. EB/554-730 dated 13/01/2016 is attached herewith as annexure 'F').
- 7. That in revised order too, the petitioner was once again ignored/ deprived from being appointed against the applied post by leaving all the 3 seats of VCSs UC Malik Pura, unfilled initially the same were adjusted with fresh appointments of respondent with candidates from others far union councils.
- 8. That feeling extremely aggrieved from non appointment despite on merit the present appellant moved writ petition # 131-A/2016 before the honorable Peshawar High Court, Abbottabad bench which kept pending for more than 2 years when finally on 05/12/2018, the respondents produced appointment order of the appellant dated 29/11/2018. (Copy of the writ petition along

with relevant order sheets are appended herewith as annexure G, while appointment order of appellant as annexure H)

9. That although the appellant was appointed by the respondents but with effect from fresh date i.e. 29/11/2018 while general appointments were made on 23/09/2015 and with no fault on appellant's part, no back benefit , seniority & increments etc were given to him .
10. That present appellant moved an application for such benefits before the concerned office which was rejected on 13/01/2020. (Copy of application/ request for back benefits along with record & rejection letter dated 13/01/2020 are attached herewith as annexure I & J respectively).
11. That the appellant preferred a departmental appeal on 21/01/2020, before the D.G , against the said rejection by A.D, along with supporting record. (Copy of the departmental appeal is attached herewith as annexure K)
12. That the appellate authority has not rendered any decision of the appeal till date, which has constrained the present appellant to bring the instant service appeal.
13. That being highly aggrieved from rejection of back benefits etc request & no decision of departmental appeal, the appellant assails the same inter alia on following grounds:-

GROUNDS:

- a) That both the non issuance/grant of all back benefits for appellant & the impugned rejection , are illegal, arbitrary, unconstitutional , against the settled principles service rules & regulations , in violation of the applicable rules, discriminatory, capricious and untenable and liable to be set aside.
- b) That the appellant has been condemned unheard as he is not been afforded fair opportunity to plead and defend his cause, rather the respondents have acted in a unilateral, cursory and haphazard manner to detriment the appellant.
- c) That appellant moved a proper written application for grant of the titled benefits before the D.G through proper channel which was transmitted to the concerned A.D LG&RD ATD for appropriate order, who despite & contrary to his previous recommendation submitted to AD litigation, has rejected the application vide order dated 13/01/2020, stating the request to be against the policy of government.
- d) That the order of AD LG&RD ATD is not only against the law, justice, rules & policy but also a sheer discrimination as multiple precedents are present in the same department which were quoted to him & even the record was also provided along with the application, which includes a similar & recent case of Noor Khadin in Bannu who has been granted with all such benefits by the department. (Copy of

record where such benefits were granted by respondents in similar matter is attached herewith as annexure L)

- e) That appellant was dully eligible & entitled on merit to be appointed against the relevant post at the time of general appointment order made on 23/09/2015, the delay has been caused on the part of department with no fault of appellant rather face multiple agonies & hardships and remained jobless despite figuring on merit.
 - f) That the delay in appointment of appellant who was on merit even at the time of general appoinment on applied post, was purely caused by the respondents , whereas the appellant kept trying for enforcement of his right and remained unemployed in meanwhile.
 - g) That all other successful candidates who applied with petitioner against the same advertisement on same positions, got appointed from the date as requested by the present appellant.
 - h) That the respondents have abused the authority vested for purpose of justice and acted in sheer violation of the rules and regulations.
10. That further grounds would be agitated at the time of arguments with the prior permission from the bench.
 11. That the instant appeal is well within the time and the honorable tribunal has got exclusive jurisdiction to adjudicate the subject matter.

It is therefore humbly prayed that the instant appeal may kindly be accepted
as prayed for.

[Signature]
..... Appellant

Through *[Signature]*
SIRAJ HUSSAIN

Dated: 27/06/2020

Advocate High Court, Abbottabad.

Verification

Verified on oath that the contents of the foregoing appeal are true and correct to the best of my knowledge & believe and nothing material has been suppressed therein from this honorable tribunal. Moreover no appeal in similar matter is previously filed or decided.

Counsel for appellant *[Signature]*

OS-07-01

24

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT & RURAL DEVELOPMENT DEPARTMENT
ABBOTTABAD

ANNEX: C

Email: adabbottabad@gmail.com

PH: 0992-9310249
NO: 100012-16

Date: 28-11-2018

OFFICE ORDER

In compliance with the order of Honorable High Court Abbottabad Bench dated 20-11-2018 in writ petition No.131-A/2016 titled Wajahat Mazoor VS Government of KPK. Mr. Wajahat Manzoor S/O Haji Manzoor Hussain R/O Chitta Pul, Lower Malik Pura Tehsil & District Abbottabad is hereby appointed as Village Secretary (BPS-09) in the Neighborhood Council Havelian-I on the following term and conditions.

Terms and Conditions:

- 1) That he shall be governed by the rules and orders as may issue by the Provincial Governmer from time to time relating to the post/cadres to which he belongs.
2. His service can be terminated at any time in case their performance is found un-satisfactory. I case of misconduct, he will be proceeded under the rules framed by Government KPK from tin to time & E&D Rules 2013.
3. If he resigns from service, he will have to serve one-month prior notice failing which t' appointee will have to deposit one-month pay in lieu of such notice in the Government Treasury.
4. He should join the post within 15 days of issuance of this order. The supervisors concern should furnished a certificate to the effect that the candidate has join the post or otherwise after days of the issuance of this order.
5. He shall produce health and age certificate from the Medical Superintendent BBSTH (DH Abbottabad within 7 days of taking over charge.
6. He will be initially on probation for a period of one year.
7. That all rules/policies relating to government servant will be applicable to him.
8. Their pay and other emoluments shall not be drawn from the government treasury till authentication/verification of all of their education/experience certificate. If any education/experience certificate could not be authenticated verified then, their services shal dispensed with immediately.

Attested

Assistant Director (Sr.)
LG&RDD, Abbottabad

Endst No. & Date even:

1. The Director General LG&RDD Khyber Pakhtunkhwa Peshawar.
2. The Deputy Director, (Admin/HR) LG&RDD, Khyber Pakhtunkhwa.
3. Registrar Peshawar High Court Abbottabad bench.
4. The Deputy Commissioner Abbottabad
5. Official Concerned.

Assistant Director (Sr.)
LG&RDD, Abbottabad

6-District Accounts Officer, Abbottabad

Attested

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.



Service Appeal No.6357/2020

Date of Institution ... 06.07.2020

Date of Decision ... 23.12.2021

Wajahat Manzoor S/O Haji Manzoor Hussain, R/O Chitta Pul, Lower Malik Pura,
Tehsil and District Abbottabad. ... (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Local Government & Rural
Development Department, Peshawar and three others. ... (Respondents)

MR. SIRAJ HUSSAIN,
Advocate

For appellant.

MR. M. RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

For respondents

MIAN MUHAMMAD
MR. SALAH-UD-DIN

MEMBER(Executive)
MEMBER(Judicial)

JUDGEMENT

MIAN MUHAMMAD, MEMBER(E):- The Service appeal has been instituted against the appointment order as Secretary (BS-07) Village/Neighbourhood Council dated 28.11.2018 seeking directions of the service Tribunal to direct the respondents to appoint the appellant w.e.f 23.09.2015.

ATTESTED

02. Brief facts, as per memorandum of the service appeal, are that the respondent-department floated an advertisement for vacant posts of Secretary (BS-07) Village /Neighbourhood Council on 11.04.2015. The appellant applied for the said position and was declared successful in the test conducted by NTS. He also appeared in the interview in September 2015 and was successful to qualify. A combined appointment order of 165 other recommended candidates as Secretary

27
17

appellant was not appointed against one of the 03 posts of Secretary (BS-07) Village/Neighbourhood Council allocated for UC Malik Pura. The said appointment order was however, cancelled/withdrawn due to having been issued against the law, relevant rules and merit as pointed out by the Provincial Inspection Team (PIT) and therefore a revised appointment order of 165 successful candidates was issued on 13.01.2016 but once again the appellant was not appointed as Secretary (BS-07) Village/Neighbourhood Council in UC Malik Pura. The appellant approached the Peshawar High Court (Abbottabad Bench) in writ petition No. 131-A/2016. On commitment before the court by the representative of respondent-department that the petitioner will be appointed against the post of Secretary Village /Neighbourhood Council within a month and the writ petition was thus dismissed when his appointment order dated 28.11.2018 was produced before the court on 05.12.2018. His departmental appeal seeking service benefits w.e.f 23.09.2015 was rejected and communicated to the appellant on 13.01.2020 where-after he instituted the instant service appeal in the Service Tribunal on 06.07.2020.

03. Respondents were issued notice to submit their reply/paravise comments and relevant connected documents. They submitted written defence and contested the case through learned Asst. AG. We have heard pro and contra arguments of the parties and perused the case file minutely and thoroughly through their assistance.


ATTESTED

04. Learned counsel for the appellant contended that the appellant had come out successful of NTS test and interview and being qualified for the post of Secretary Village /Neighbourhood Council was not appointed against one of the three available vacant positions in UC Malik Pura. His name did neither appear in the

[Signature]
 Peshawar
 Tribunal

appointment order dated 13.01.2016. It was thereafter under the directions of Peshawar High Court, Abbottabad Bench in writ petition No. 131-A/2016 that the respondents produced on 05.12.2018 appointment order of the appellant dated 28.11.2018. He vehemently contended that the appellant was eligible and qualified at the time of issuance of the first appointment order dated 23.09.2015 and as such he is required to be appointed from that date instead of 28.11.2018 owing to delay on part of the respondent-department and despite the fact that three posts of Secretary Village /Neighbourhood Council were specifically available for UC Malik Pura. He also produced two precedents wherein appointment orders have been issued from back date i.e Noor Khadin S/o Abdullah Din R/o Lakashoway Bannu who was appointed with all back benefits w.e.f 01.01.2016 vide office order dated 04.05.2018. Similarly, the Peshawar High Court Abbottabad Bench in writ petition 168-A/2019 titled Zahid Iqbal versus Government of Khyber Pakhtunkhwa allowed the writ petition on 05.09.2019 and set the principle that the intervening period to be considered for the purpose of length of service/pension and seniority. He therefore requested that being similarly placed, the appellant may be appointed w.e.f 23.09.2015 with back benefits of service/pension and seniority.

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ATTESTED

 Attestation Officer
 Khyber Pakhtunkhwa
 Secretariat
 Peshawar

05. Learned Assistant Advocate General argued that as per serial (2) of the conditions of advertisement dated 11.04.2015 the posts of Secretary Village /Neighbourhood Council were to be filled by adjustment from the available surplus staff first. Therefore, after adjustment of the surplus staff, there was no vacancy left in UC Malik Pura and the appellant could not be appointed as Secretary Village /Neighbourhood Council. The appointments of 165 Secretary Village/ Neighbourhood Council had been ordered in accordance of law, rules and merit. He however, did not press his arguments regarding back benefits of the appellant on the

analogy and pattern of Zahid Iqbal, allowed by the Peshawar High Court, Abbottabad Bench in writ petition No. 168-A/2019 on 05.09.2019.

06. Perusal of the record reveals that the appellant alongwith other candidates applied for the post of Secretary Village /Neighbourhood Council in response to advertisement dated 11.04.2015. He went through the scrutiny /selection process conducted by NTS and also appeared in interview but he was not appointed against the post of Secretary Village /Neighbourhood Council i.e neither in the first office order dated 23.09.2015 nor in the revised appointment order dated 13.01.2016. The respondent-department however, assured the Peshawar High Court, Abbottabad Bench on 31.10.2018 that the petitioner would be considered against the post of Secretary Village/ Neighbourhood Council within a period of one month and his appointment order dated 28.11.2018 was produced in the august High Court on 05.12.2018, despite the fact that the respondents in para-9 of their reply submitted to Peshawar High Court, Abbottabad Bench had denied to have a single vacant post in the Petitioner's UC because of the adjustment of old staff. It clearly reflects that vacancy of Secretary Village/Neighbourhood Council was available in UC Malik Pura and delay was on part of the respondents for the reason (s) best known to them. In view of judgement dated 05.09.2019 passed by august Peshawar High Court in writ petition No. 168-A of 2016 as well as precedented case of Mr. Noor Khadin issued vide office order dated 04.05.2018, the appellant being similarly placed person having identical plea was required to have been appointed from the earlier date i.e 23.09.2015, when others 165 candidates were appointed after the same scrutiny/ selection process the appellant had gone through alongwith them in response to advertisement dated 11.04.2015 for the post of Secretary Village/Neighbourhood Council. The appellant did not perform any duty with effect

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ATTESTED

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from 23.09.2015 till his appointment vide notification dated 28.11.2018, therefore, he is not entitled for any salary regarding the said period.

07. As sequel to the above discussion, the appeal in hand is partially allowed and it is directed that the intervening period from 23.09.2015 till 28.11.2018 shall be considered for the purpose of length of service/pension and seniority of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
23.12.2021

(SALAH-UD-DIN)
Member(Judicial)
Camp Court Abbottabad.

(MIAN MUHAMMAD)
Member(Executive)
Camp Court Abbottabad.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 10-1-22
 Number of Words 3200
 Copying Fee 20/-
 Urgent 5/-
 Total 26/-
 Name of Applicant _____
 Date of Application of Copy 10-1-22
 Date of Delivery of Copy 10-1-22

(21)

ANNEX: C



DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

No. Director (L.G) 3-34/Complaints/2021 / 20254
Dated Peshawar, the 14th April, 2022



REMINDER

To,

All the Assistant Directors,
LG & RDD, Khyber Pakhtunkhwa.

ANNEX:

Subject: **APPEAL AGAINST SENIORITY LIST OF SECRETARIES VCS/NCS
DISTRICT HARIPUR**

I am directed to refer to this office letter of even number dated 16.12.2021 (copy enclosed) on the subject cited above and to state that the requisite information/ record is still awaited.

In light of the above, you are therefore, requested to provide seniority list of Junior Village Secretaries (BPS-09) and Senior Village Secretary (BPS-11) and also explain the mode of formulation i.e. whether the seniority list has been made according to the date of appointment/ date of birth or on merit order/ aggregate marks **by today i.e. 14.04.2022 before closing hours without fail.**

THE MATTER MAY BE TREATED AS MOST IMMEDIATE.

(VIKASH)

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD

Endst: No. & date even:

Copy forwarded to the:

1. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.

(VIKASH)

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD



DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

No. Director (LG) 3-34/Complaints/2021 /15745
Dated Peshawar, the 16th December, 2021

32

To,

All the Assistant Directors,
LG & RDD, Khyber Pakhtunkhwa.

Subject: APPEAL AGAINST SENIORITY LIST OF SECRETARIES VCS/NCS
DISTRICT HARIPUR

I am directed to refer to the subject cited above and to request you to provide seniority list of Junior Village Secretaries (BPS-09) and Senior Village Secretary (BPS-11) and also explain the mode of formulation i.e. whether the seniority list has been made according to the date of appointment/ date of birth or on merit order/ aggregate marks.

(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD

Encls: No. & date even:
Copy forwarded to the:

1. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.

(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD



**OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT & RURAL DEVELOPMENT DEPARTMENT
ABBOTTABAD**

33

Email: adabbottabad@gmail.com

Ph: 0992-9310249

No. AD/LG-ATD/ 7686-5
Date: 14.04.2022

To
Assistant Director (Admin/HR)
LG & RDD Khyber Pakhtunkhawa
Peshawar.

Subject: **APPEAL AGAINST SENIORITY LIST OF SECRETARIES VCS/NCS
DISTRICT HARIPUR**

Kindly refer to the subject cited above vide your letter no. Director (LG) 3-34/Complaints/2021/20254 dated Peshawar the 14 April 2022 and to enclosed please find herewith Seniority list of Junior Village Secretaries of District Abbottabad.

The seniority list has been made in accordance with date of appointment/ date of birth.

Assistant Director
LG&RDD Abbottabad

Copy Forwarded to :

- 1. PA to Director General LG&RDD Khyber Pakhtunkhawa Peshawar.

Assistant Director
LG&RDD Abbottabad

34

24

TENTATIVE SENIORITY LIST OF THE VILLAGE SECRETARIES (BPS-09) IN RESPECT OF DISTRICT ABBOTTABAD

S.no	Name	F.Name	D.O.Birth	D.O.Appointment	Qualification	Tehsil	Remarks:
1	Muhammad Akhtar	Malik Taj Muhammad	12/20/1980	13/1/2016	B.A/ BSc-Micro Biology	Lower tanawal	BPS-11 (a.c.b)
2	Haleema Bibi	Abdul Ghafoor	12/23/1981	13/1/2016	M.Phil	Lora	BPS-11 (a.c.b)
3	Shahid	Dilpazir	10.15.1983	13/1/2016	B.A	Abbottabad	BPS-11 (a.c.b)
4	Muhammad Ahsan	Abdul Sattar	12/12/1983	13/1/2016	M.A	Lora	BPS-11 (a.c.b)
5	Muhammad Imran	Muhammad Shaukat	6/12/1984	13/1/2016	BSC	Abbottabad	BPS-11 (a.c.b)
6	Muhammad Irfan	Ali Asar	7/10/1984	13/1/2016	B.Com	Abbottabad	BPS-11 (a.c.b)
7	Muhammad Shahzad	Muhammad Ashraf	8/29/1984	13/1/2016	M.A	Abbottabad	BPS-11 (a.c.b)
8	Abdul Habib	Muhammad Saraj	5/15/1985	13/1/2016	M.Sc Mathematic	Lora	BPS-11 (a.c.b)
9	Ubaid Ur Rehman	Qazi Fayaz Ur Rehman	1/1/1986	13/1/2016	B.A.	Havelian	BPS-11 (a.c.b)
10	Muhammad Fawad	Muhammad Gulzer	2/20/1986	13/1/2016	M.A.	Abbottabad	BPS-11 (a.c.b)
11	Muhammad Sajid	Muhammad Sadiq	3/15/1986	13/1/2016	M.A	Abbottabad	BPS-11 (a.c.b)
12	Muhammad Azam	Basharat-Aziz-Abbasi	4/10/1986	13/1/2016	MBA	Abbottabad	BPS-11 (a.c.b)
13	Umair Khan	Khawaj Muhammad	4/20/1987	13/1/2016	MSc PHYSICS	Abbottabad	BPS-11 (a.c.b)
14	Tahir Saddique	Muhammad Saddique	10.3.1986	13/1/2016	M.A	Abbottabad	acting charge Basis.
15	Sajjad Imtiaz	Muhammad Imtiaz Abbasi	2/4/1987	13/1/2016	B.COM	Lora	
16	Muhammad Azhar	Muhammad Munsif	22/4/1987	13/1/2016	F.A	Abbottabad	Through Court appointment
17	Syed Atif Hussain Shah	Syed Ashiq Hussain Shah	4.28.1987	13/1/2016	M.A.	Havelian	
18	Muhammad Intekhab	Mohammad Younas	7.5.1987	13/1/2016	M.A.	Abbottabad	
19	Jamil Hussain	Muhammad Yaseen	2/1/1988	13/1/2016	B.A	Lower Tanawal	Through Court appointment
20	Touseef Ahmed	Aftikhar Ahmed	9/1/1988	13/1/2016	MSc CHEMISTRY	Havelian	
21	Zahid Mehmood	Khan Nawaz	4/2/1988	13/1/2016	MSc CHEMISTRY	Havelian	
22	Muhammad Altaf	Muhammad Javed	4/10/1988	13/1/2016	MBA	Abbottabad	
23	Umair Manzoor	Manzoor Ellahi	4/10/1988	13/1/2016	M.A	Havelian	
24	Muqaddus Khan	Muhammad Asif	5/4/1988	13/1/2016	M.A. ENGLISH	Abbottabad	
25	Umair Gul	Muhammad Sulamen	5/6/1988	13/1/2016	FSC	Abbottabad	

28/9/2015

26	Abid Mehmood	Munsif Khan	6/2/1988	13/1/2016	B.A.	Havelian	
27	Koshan Ali	Muhamamd Sabeel	8/11/1988	13/1/2016	BBA FINANCE	Abbottabad	
28	Waqar Ahmed	Nisar Ahmed	9/25/1988	13/1/2016	M.A.	Abbottabad	
29	Atif Rehman	Fazal -Ur-Rehman	1/2/1989	13/1/2016	B.COM	Abbottabad	
30	Muhammad Sheraz	Haji Muhammad Javed	1/18/1989	13/1/2016	F.Sc	Abbottabad	
31	Yasir Mehmood	Muhammad Sabir	2/2/1989	13/1/2016	BSc/M.A	Havelian	
32	Muhammad Tahir Hakeem	Abdul Hakeem	2/20/1989	13/1/2016	MBA	Havelian	
33	Muhammad Nazakat	Khatib-Ur-Rehman	2/26/1989	13/1/2016	MBA	Abbottabad	
34	Qasim Nawaz	Shah Nawaz	3/7/1989	13/1/2016	MSc PHYSICS	Havelian	
35	Zeeshan Abbasi	Abdul Shakoor Abbasi	3/14/1989	13/1/2016	BS GEO PHYSICS	Lora	
36	Atta Ur Rehman	Abdul Rehman	3/25/1989	13/1/2016	B.A.	Abbottabad	
37	Mohsin Ahmed	Manzoor Ahmed	4/2/1989	13/1/2016	FSc	Havelian	
38	Adnan Ahmed	Ghulam Muhammad	4/13/1989	13/1/2016	BA	Abbottabad	
39	Adil Zeb	Aurangzeb Khan	6/13/1989	13/1/2016	MSC	Abbottabad	
40	Malik Umair	Mirdad	7/20/1989	13/1/2016	MSc	Abbottabad	
41	Fahad Haroon	Muhammad Haroon Khan	7/26/1989	13/1/2016	MSc	Abbottabad	
42	Tabassam Ali	Ali Asghar	10/10/1989	13/1/2016	M.Com	Abbottabad	Through Court appointment
43	Muhammad Bilal	Muhammad Afsar khan	8/11/1989	13/1/2016	MSc Computer Science.	Abbottabad	
44	Muhammad Shahzad Abbasi	Muhammad Zardad Abbasi	8/23/1989	13/1/2016	FSc	Abbottabad	
45	Zubair Majeed	Abdul Majeed	12/23/1989	13/1/2016	BA(DAE)	Abbottabad	Through Court appointment (Rei
46	Asad Saleem	Muhammad Saleem	12/1/1989	13/1/2016	B.A.	Abbottabaad	
47	Shafiq-Ur-Rehman Qureshi	Khateeb-Ur-Rehman-Qureshi	8.15.1990	13/1/2016	B.A	Lora	
48	Alam Zeb	Sardar Jahan Zeb	12/17/1989	13/1/2016	B.Com	Havelian	
49	Asim Mehmood	Khalid Mehmood	12/19/1989	13/1/2016	BS HONS	Abbottabad	
50	Zahid Iqbal	Manzoor Ahmed	1/2/1990	13/1/2016	B.A	Lower Tanawal	Through Court appointment (Rei
51	Azmat Khan	Muhammad Nazeer	2/4/1990	13/1/2016	M.Sc	Lora	
52	Ali Raza	Ishtiaq Hussain	2/12/1990	13/1/2016	B.Com	Abbottabad	
53	Ali Zeb	Muhammad Aurangzeb	3/15/1990	13/1/2016	M.A	Abbottabad	

54	Muhammad Waseem	Muhammad Siddique	3/15/1990	13/1/2016	B.Com	Abbottabad	
55	Muhammad Saeed	Ali Afsar	5/1/1990	13/1/2016	B.S.C	Abbottabad	
56	Shafique Ahmed Qureshi	Jan Muhammad Qureshi	7/10/1990	13/1/2016	MS.C	Abbottabad	
57	Imran Khan	Aziz Ur Rehman	11/9/1990	13/1/2016	BSc	Abbottabad	Through Court appointment (Rei
58	Aqib Amrez	Muhamamd Amrez	8/12/1990	13/1/2016	M.Sc	Lora	
59	Tanveer Mehboob	Mehboob khan	1/2/1991	13/1/2016	B.A.	Havelian	
60	Aamir Younis	Muhammad Younis	1/22/1991	13/1/2016	MSc	Abbottabad	
61	Awais Khan	Ghulam Rasool Khan	3/6/1991	13/1/2016	F.Sc	Abbottabad	
62	Adil Khan	Gulzar Khan	4/4/1991	13/1/2016	B.Com	Abbottabad	
63	MUEEN Khan	Ghulam Mustaqeem	15.11.1991	13/1/2016	M.Sc	Lora	
64	Muhammad Jamshaid	Aurangzeb	4/18/1991	13/1/2016	BSc	Abbottabad	
65	Ahsan Qadoos	Tariq Hussain	6/10/1991	13/1/2016	BBA	Abbottabad	
66	Waqas Ahmed	Muhammad Pervez	6/11/1991	13/1/2016	MSc Computer Science	Abbottabad	
67	Mohsin Khan	Muhammad Aslam khan	8/29/1991	13/1/2016	B.A.	Havelian	
68	Sandeel Khan	Naeem Khan	12/1/1991	13/1/2016	MBA	Lower Tanawal	
69	Muhammad Asif	Muhammad Yaqoob	3/3/1991	13/1/2016	B.A	Abbottabad	Through Court appointment (Rei
70	Naqash Iqbal Khan	Muhammad Iqbal Khan	10/3/1991	13/1/2016	B.A	Abbottabad	
71	Muhammad Farman	Muhammad Riaz	1/1/1992	13/1/2016	F.A	Abbottabad	
72	Amjad khan	Muhammad Ashram	1/2/1992	13/1/2016	B.A.	Abbottabad	
73	Touqeer Khan	Hakam Dad Khan	1/2/1992	13/1/2016	BSc	Havelian	
74	Naveed Akbar Abbasi	Muhammad Arshad Abbasi	3/8/1992	13/1/2016	B.Sc	Lora	
75	Muhammad Nadeem	Aurangzeb Khan	3/28/1992	13/1/2016	B.COM	Abbottabad	
76	Naqash Yousaf	Muhammad Yousaf	4/30/1992	13/1/2016	M.Com	Abbottabad	
77	Mohsin Lateef	Abdul Lateef	5/26/1992	13/1/2016	M.A	Abbottabad	
78	Adnan Fazal	Fazal Ur Rehman	6/28/1992	13/1/2016	B.A.	Abbottabad	
79	Ishfaq Asghar	Ali Ashgar	9/9/1992	13/1/2016	M.A.	Abbottabad	
80	Waseem Ahmad	Muhammad Shamraiz	10/2/1992	13/1/2016	B.Com	Abbottabad	
81	Abdul Basit	Zaheer Ahmad	11/25/1992	13/1/2016	B.A	Abbottabad	

82	Syed Zuqernain Shah	Muhammad Haroon Shah	12/16/1992	13/1/2016	M.A	Abbottabad	
83	Nazim Hussain	Raza Muhammad	12/24/1992	13/1/2016	MSC	Lower tanawal	
84	Ubaid	Muhammad Siddique	3/30/1993	13/1/2016	M.Com	Abbottabad	
85	Adil Waheed	Abdul Waheed	11/3/1991	13/1/2016	B.A	Abbottabad	
86	Umer Nazir	Muhammad Nazir	10/12/1991	13/1/2016	B.A	Abbottabad	Through Court appointmer
87	Jawad Ahmed	Abdul Sattar	15/12/1991	13/1/2016	B.A.	Abbottabad	
88	Humair Yaqoob	Muhammad Yaqoob	9/6/1992	13/1/2016	DAE (Civil)	Abbottabad	Through Court appointmer
89	Fehmeed Ahmed	Muhammad Siddique	4/27/1985	13/1/2016	M.A	Lora	
90	Muhammad Tariq	Karim Dad	1/1/1993	13/1/2016	B.A.	Abbottabad	
91	Sardar Muhammad Atiq younis	Sardar Muhammad Younis	1/2/1993	13/1/2016	MSc Physics	Abbottabad	
92	Muhammad Danial	Farman Ali	1/25/1993	13/1/2016	B.COM	Havelian	
93	Awais Ur Rehman Abbasi younis	Abdul Rehman	2/16/1993	13/1/2016	MSc	Abbottabad	
94	Muhammad Imran	Muhammad Irshad	3/3/1994	13/1/2016	BSc	Abbottabad	
95	Gul Nawaz	Muhammad Riaz	4/1/1993	13/1/2016	BS(Math)Hon	Abbottabad	
96	Zeeshan	Muhammad Ishaq	4/2/1993	13/1/2016	B.Com	Abbottabad	
97	Arsalan Umer	Sardar Umer Khatab	4/5/1993	13/1/2016	BS English Literature	Abbottabad	
98	Muhammad Nadeem	Gulzeb	5/1/1990	13/1/2016	M.Com	Lora	
99	Muhammad Sheraz	Gul Rehman	5/10/1993	13/1/2016	FSc	Abbottabad	
100	Muhammad Waqas	Muhammad Shafiq Khan	5/11/1993	13/1/2016	FSc	Lower Tanawal	
101	Abdul Basit	Abdul Malik	9/13/1993	13/1/2016	M.A	Havelian	
102	Mr Imran	Din Muhammad	11/4/1993	13/1/2016	M.Com	Abbottabad	
103	Nouman Alam	Nusrat Khan	12/18/1993	13/1/2016	MSc Physics	Lower Tanawal	
104	Mansoor Ikhtiar	Ikhtiar Hussain Abbasi	1/1/1994	13/1/2016	M.A	Abbottabad	
105	Raja Faizan Khan	Raja Waheed Khan	1/13/1994	13/1/2016	B.A	Abbottabad	
106	Bilal Hussain	Fazal Ur Rehman	3/6/1994	13/1/2016	B.S(Hons0	Havelian	
107	Fawaz Nazir	Nazir Ahmad	3/20/1994	13/1/2016	BSc	Havelian	
108	Adnan Rukan Abbasi	Rukan Zaman Abbasi	3/23/1994	13/1/2016	BSc-Computer Science	Abbottabad	
109	Saifullah Naseem	Muhammad Naseem	14/4/1994	13/1/2016	M.A Islamyait	Abbottabad	Through Court appointmen

120	Muhammad Qaiser Qureshi	Qalander khan	4/14/1994	13/1/2016	B.A	Abbottabad	
111	Awais Khan	Munawar Khan	4/15/1994	13/1/2016	Mater in Commerce	Abbottabad	
112	Alim Zeb Khan	Muhammad Amin	4/28/1994	13/1/2016	MSc	Havelian	
113	Azam Ishaq	Muhammad Ishaq	4/30/1994	13/1/2016	B.A	Lower tanawal	
114	Ikram Ul Haq	Haider Zaman	5/18/1991	13/1/2016	M.Sc	Lora	
115	Zaheer Abbasi	Muhammad Saeed	6/14/1994	13/1/2016	M.A	Havelian	
116	Muhammad Umair Khan	Aurangzeb Khan	7/15/1994	13/1/2016	M.A.	Havelian	
117	Waqar Ahmed	Abdul Sattar	7/22/1994	13/1/2016	B.A	Abbottabad	
118	Anees Ur Rehman	Gul Rehman Abbasi	8/8/1994	13/1/2016	FSc	Abbottabad	
119	Muhammad Adnan	Muhammad Aslam	11/20/1994	13/1/2016	BSc	Lora	
120	Muhammad Naeem	Muhammad Saleem	12/28/1994	13/1/2016	MSc Botany	Havelian	
121	Abdul Basit	Muhammad Saleem	1/2/1995	13/1/2016	BS	Abbottabad	
122	Muhammad Bilal Saleem Qureshi	Muhammad Saleem Qureshi	2/14/1995	13/1/2016	BSc	Abbottabad	
123	Muhammad Waqas	Abdul Qadeer	2/15/1995	13/1/2016	MA.Med	Abbottabad	
124	Muhammad Rizwan	Shiraz Khan	2/21/1995	13/1/2016	B.A.	Abbottabad	
125	Basit Ali	Ali Afsar	3/1/1995	13/1/2016	BS(Math)	Abbottabad	
126	Safeer Ahmed	Zmuhammad Riaz	15/3/1995	13/1/2016	B.A	Abbottabad	Through Court appointment (Re
127	Muzamal Khan	Nisar Ahmed Khan	3/16/1995	13/1/2016	BSc	Abbottabad	
128	Amir	Muhammad Ramzan	4/11/1995	13/1/2016	BS(hons) Physics	Abbottabad	
129	Shehyar Khan Jadoon	Munir Ahmed Khan	2/12/1996	13/1/2016	B.A	Abbottabad	
130	Saqib Saeed	Saeed Ahmed	3/6/1996	13/1/2016	B.A	Abbottabad	
131	Abdul Basit	Dilpazir	3/20/1996	13/1/2016	B.A	Abbottabad	
132	Wajahat Zahoor	Muhammad Zahoor	4/4/1996	13/1/2016	MSc	Lora	
133	Adeel-Ur-Rehman	Ghulam Qadir	5/10/1996	13/1/2016	B.A	Abbottabad	
134	Muhammad Hamza	Fazal Ur Rehman	7/11/1996	13/1/2016	B.S(Physic)	Abbottabad	
135	Waqar Ullah Khan	Liaqat Ali	8/22/1996	13/1/2016	B.A.	Lora	
136	Safoor Muhammad Usman	Muhammad Sheraz	3/23/1997	13/1/2016	BSc	Abbottabad	
137	Shahzad	Muhammad Shamraiz	3/10/1998	13/1/2016	M.Com	Abbottabad	

138	Haris Ejaz	Muhammad Ejaz Abbasi	26.10.1997	18/3/2018	F.A	Abbottabad	Deseased Son Quota
139	Sehrish Zahid	Muhammad Zahid	1/11/1998	16/7/2018	F.A	Abbottabad	Deseased Son Quota
140	Wajahat Manzoor	Haji Manzoor Hussain	1/3/1987	28/11/2018	M.B.A Finance	Abbottabad	Through Court appointment
141	Faisal Khan	Fazal Ur Rehman	1.4.1986	25/9/2019	B.A	Abbottabad	Through Court appointment
142	Kamran Gulzar	Gulzar Ahmad	3.3.1989	25/9/2019	B.A	Abbottabad	
143	Tyyab Ur Rehman	Saddique Ur Rehman	4.2.1989	25/9/2019	M.A	Havelian	
144	Zaka Ur Rehman	Muhammad Javed	30.10.1990	25/9/2019	B.A	Abbottabad	
145	Ahsan Shehzad	Banaras Khan	19.12.1993	25/9/2019	M.S.C	Abbottabad	
146	Irshad Rasheed	Abdul Rasheed	2.1.1997	25/9/2019	M.A	Lower Tanawal	
147	Ehtisham Ali	Mushtaq Ahmad	6.1.1998	25/9/2019	B.A	Lora	
148	Faisal Zeb	Aurangzeb	2.4.1995	25/9/2019	B.A	Abbottabad	
149	Khuram Shehzad	Khanvez Khan	11.2.1991	25/9/2019	M.A	Havelian	
150	Ahtisham Raheem	Abdur Raheem	25.12.1997	25/9/2019	B.SC	Abboittabad	
151	Muhammad Usman	Muhammad Javed	15.2.1996	25/9/2019	B.A	Havelian	
152	Syed Qamar Abbas Shah	Syed Sajjad Hussain Shah	30.3.1998	25/9/2019	F.A	Lower Tanawal	
153	Muhammad Yaseen Khan	Abdul Hamid Khan	4.11.1991	25/9/2019	MSC	Havelian	
154	Usama Tabish	Aftab Ahmed	3.6.1993	25/9/2019	B.A	Abbottabad	
155	Naveed	Abdul Qadeer	4.20.1993	25/9/2019	B.A	Abbottabad	
156	Shah Rukh Khan	Habib Ur Rehman	5.4.1995	25/9/2019	B.A	Abbottabad	
157	Saifullah Khan	Iftikhar Ahmad Khan	25.12.1994	25/9/2019	B.S(IT)	Havelian	
158	Muhammad Naseer	Muhammad Younis	11.4.1967	25/9/2019	SSC	Lower tanawal	Promoted
159	Muhammad Fiaz	Mirdad	22.4.1970	25/9/2019	SSC	Abbottabad	Promoted
160	Zulfiqar Ali	Roshin	1.6.1970	25/9/2019	SSC	Lora	Promoted
161	Rashid Mehnas	Mohabat Khan	1.4.1974	25/9/2019	SSC	Abbottabad	Promoted
162	Muhammad Zubair	Abdur Rasheed	10.4.1988	25/9/2019	F.A	abbottabad	Promoted
163	Muhammad Waqas	MUHAMMAD Shoaib	13.5.1993	14.9.2021	B.A	Abbottabad	Promoted
164	Sonana	Babar Javed	1.28.1998	4.10.2021	F.SC	Abbottabad	Minority Quota
165	Joham	Nadeem Anwar	1.31.2000	4.10.2021	F.SC	Abbottabad	Minority Quota



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No: 2545-76 /ST Dated 12/09 2022

All communications should
addressed to the Registrar of
Service Tribunal and not
official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To:

1. The Accountant General,
Khyber Pakhtunkhwa.
2. District Accounts Officer, Abbottabad

Subject:-

SALARY ATTACHMENT OF THE RESPONDENTS 1 TO 3 IN CASE TITLE
WAJAHAT MANZOOR VS LOCAL GOVERNMENT IN EXECUTION PETITION
303/2022

I am directed to forward herewith a certified copy of order dated 19-07-
2022 passed by this Tribunal on the above subject for compliance.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

HCBA Reg No.

BC No. 09-1837

Place of Practice Abbottabad

Name of Advocate Sivaj Hussain

S. No. 23678



وکالت نامہ

بجالت: سرسون ٹریبیونل
 عنوان: دعا کی منتظر
 منجانب: بٹا
 نوعیت مقدمہ: دعا فی اصرار فیصلہ ٹریبیونل
 باعث تحریر آئیے:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی وجود ہی برائے پیشی یا تصفیہ مقدمہ مقام بٹا صدر ایسٹ کے لیے
سراج حسین، سلیمان مسعود، ریڈولینس ماری کی لکڑ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے
 مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی
 طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوئے۔ گزشتہ ڈیویڈ کیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی
 جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل یا بیرونی کرنے کے ذمہ دار نہ ہوئے۔ اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت
 ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ
 کے ادا کرنے یا بخانہ کے واپس کرانے سے منع ہے۔ صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پر دائرہ صاحب موصوف مثل کردہ ذات
 منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل وغیرہ ہر قسم درخواست پر دستخط
 و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور ڈگری کرانے اور ہر قسم کے بیان
 دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کر سنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از کچہری صدر اپیل و
 برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجرائے ڈگری بھی صاحب موصوف کو بشرط
 ادا نگلی علیحدہ حقانہ بیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی
 کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے بنا ہے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات
 حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جائزہ ہوگا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل
 صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

2022/05/20
 مورخہ: / /

دن مہینہ سال

مضمون وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted

Sajid
Adi

مرحوم صاحب کو وکیل مقرر کیا گیا ہے۔
 مرحوم صاحب کی وکالت نامہ منظور ہے۔
 مرحوم صاحب کی وکالت نامہ منظور ہے۔

**BEFORE THE KHYBERPAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution petition # 303/2022 in S.A No.6357/2020

Wajahat Manzoor S/O Haji Manzoor Hussain R/O Chitta Pul, Lower Malik Pura Tehsil & District
Abbottabad

.....PETITIONER

VERSUS

Government of KPK through Secretary Local Government & Rural Development Department
KPK Peshawar etc.

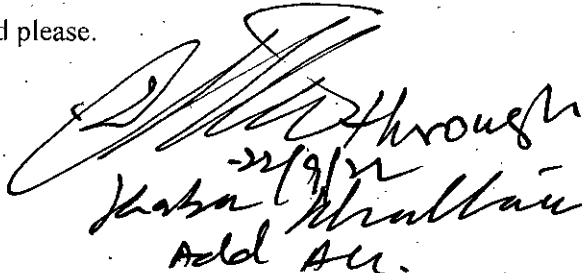
.....RESPONDENTS

Through Kabir Khan Advocate General Services Tribunal Govt of Khyber Pakhtunkhwa.

**APPLICATION FOR RE-CALLING ORDER DATED 19-07-2022 IN THE ABOVE TITLED
CASE.**

1. That the above case was fixed before this Honourable Tribunal on 19-07-2022, due to non-presence on behalf of respondents, the Honourable Tribunal directed to attach salaries of judgment debtor.
2. That the non-presence of respondents on 19-07-2022 before this Honourable Tribunal was not intentional nor deliberate, but due to the reason that camp office of Tribunal at Abbottabad was changed to the new place. The authorized official was not aware about the new place of Tribunal.
3. That the judgment of this Honourable Tribunal dated 23-12-2021 in appeal No.635/2020 has since been challenged in the Supreme Court of Pakistan through CPLA No.158-P/2022.
4. That in the response of the judgment of this Honourable Tribunal order implemented in letter in spirit. (Copy Attached).

It is therefore, humbly prayed that an acceptance of above application, the order dated 19-07-2022 passed by this Honourable Tribunal may graciously be re-called and salaries of respondents may be released please.


Wajahat Manzoor
Addl Secy.


Assistant Director
Local Govt. & Rural Dev: Deptt:
Abbottabad



**OFFICE OF THE
LOCAL GOVT: & RURAL DEVELOPMENT
DEPARTMENT ABBOTTABAD**

PA # 0992-9310249, 0992-9310106

No. ADLG/ATD/ 17/07-12

Dated 20 Sep., 2022

OFFICE ORDER

Mr. Wajahat Manzoor S/O Haji Manzoor Hussain was appointed as Secretary (BS-07) on 28-11-2018 in Local Govt: Department on the directions of Honourable High Court given in Writ Petition submitted by the said employee.

On 06-07-2020 Mr. Wajahat Manzoor submitted appeal No.6357/2020 with the plea that he has applied for appointment in 2015 but at that time he was not appointed and his service may consider w.e.f. 23-09-2015 instead of 28-11-2018.

After hearing the case the Honourable Service Tribunal KP vide its order dated 23-12-2021 has ordered that the period from 23-09-2015 to 28-11-2018 shall be considered for the length of service, pension and seniority.

In compliance of the orders of Honourable Tribunal dated 23-12-2021, it is hereby ordered that the appellant (Wajahat Manzoor, Secretary) shall be considered to have been appointed w.e.f. 23-09-2015 for the purpose of length of service, pension & seniority conditionally subject to the decision of Honourable Supreme Court of Pakistan.

Assistant Director (Senior)
Local Govt: & Rural Dev:
Department Abbottabad

20/9/2022

Endst: of Even No. & Date

Copy forwarded to the:-

1. Director General, Local Govt: & RDD Khyber Pakhtunkhwa Peshawar for information.
2. Director (Admn) Local Govt: & RDD, Peshawar.
3. PA to Secretary Local Govt: & RDD, Peshawar.
4. District Comptroller of Accounts, Abbottabad for information.
5. Official concerned for information.

Assistant Director (Senior)
Local Govt: & Rural Dev:
Department Abbottabad

20/9/2022