

20th Oct, 2022

None for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Notices be issued to the appellant and his counsel through registered post. To come up for arguments on 20.12.2022 before D.B.



(Fareeha Paul)
Member(Executive)

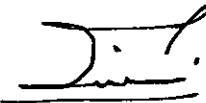


(Kalim Arshad Khan)
Chairman

23.12.2021

Learned counsel for the appellant present: Mr. Banaras, Village Secretary alongwith Mr. Riaz Ahmed Paindakhel; Assistant Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today. Vide pervious order dated 22.09.2021 it was directed that the respondents shall submit reply/comments within 10 days, otherwise their right for submission of reply/comments shall stand ceased. The right of submission of written reply/comments of respondents thus stands ceased. To come up for arguments on 18.04.2022 before the D.B at Camp Court Abbottabad.



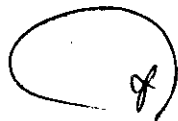
(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

18.04.2022

Mr. Fazle Haq, Advocate, as proxy for learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Mr. Fazle Haq stated that he has been telephonically informed by learned counsel for the appellant that he would be unable to appear before the Tribunal today, due to some domestic engagement, therefore, adjournment may be granted. Adjourned. To come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court Abbottabad



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

22.09.2021

Nemo for the appellant. Mr. Usman Ghani, District Attorney for the respondents present and requested for adjournment for submission of reply/comments. Request is accorded with the directions to respondents to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 23.12.2021 at Camp Court Abbottabad.

Previous date was posted on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel for arguments for the date fixed.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

21.01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.



READER

17.02.2021

Appellant present through counsel.

Noor Zaman Khattak learned District Attorney alongwith for respondents present.

Written reply was not submitted. Representative of respondents is not in attendance. Notice be issued to respondents for submission of written reply/comments for 21.04.2021 before S.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

21-4-21

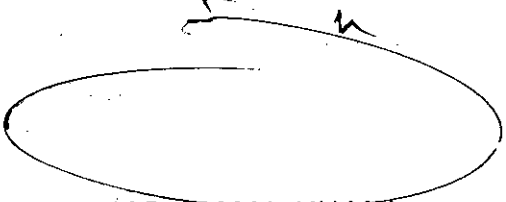
Due to covid 19, the case is
Adjourned to 22.9.21 For the same.

§
Reader

19.11.2020

Counsel for appellant is present. Mr. Usman Ghani, District Attorney and Mr. Banaras, Secretary Village Council, are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Time given but as a last chance. Adjourned to 21.01.2021 on which date file to come up for written reply/comments before S.B at Camp Court, Abbottabad.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on / 19
10 / 20 at camp court abbottabad.

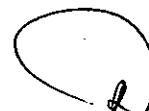

Reader

19.10.2020

Appellant in person present.

Learned Assistant Advocate General present.

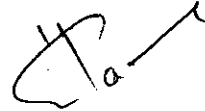
Written reply of respondents is still awaited. Notice be
issued to respondents for submission of written
reply/comments, for 19.11.2020 before S.B at Camp Court,
Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

23.01.2020

Appellant in person present and stated that the respondents are deliberately delaying the submission of written reply and are bent upon appointing other person in his place.

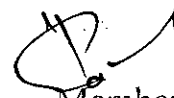
No one present on behalf of respondents. Written reply is still awaited despite issuance of notices to the respondents time and again and it seems that the respondent No.2 who has issued the impugned order of termination from service of the appellant, is delaying further progress in the present service appeal. Even Mr. Faheem Shah Secretary Village Council/Additional Progress Officer who appeared on some previous dates as representative of respondents, is also absent. In the circumstances of the case, salary of respondent No.2 is attached till further orders. Warrant of attachment of salary be issued accordingly. Fresh notice be issued to respondents for reply. Adjourn. To come up for further proceedings/reply on 17.02.2020 before S.B at Camp Cosurt Abbottabad.



Member
Camp Court, A/Abad

20.11.2019

Learned counsel for the appellant present. Written reply not submitted. Fahim Shah Secretary (Focal Person) representative of the respondent department absent. Respondents as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 19.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

19.12.2019


Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Case to come up for written reply/comments on 23.01.2020 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad


11.07.2019

Appellant in person and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 18.09.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad


18.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Faheem Shah, Additional Progress Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 23.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

23.10.2019

Counsel for the appellant present. Mr. Usman Ghani District Attorney present. Mr. Faheem Shah, Secretary Village Council (Focal Person) for the respondents present. Representative of the respondents seeks time to furnish reply. Granted. To come up for written reply/comments on 20.11.2019 before S.B at camp court, Abbottabad.


Member
Camp court, A/Abad


24.05.2019

Counsel for the appellant Zia-ur-Rahman present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Naib Qasid in Local Government Department. It was further contended that the appellant was terminated by the competent authority vide order dated 28.09.2017 with effect from 01.10.2017 on the allegation that his appointment order was not made legally. The appellant challenged the said termination order through writ petition before the worthy High Court on 31.10.2018, the worthy High Court disposed of the writ petition of the appellant, the writ petition was treated as departmental appeal vide judgment dated 11.10.2018 and the departmental authority was directed to decide the same within one month in accordance with law. The appellant also filed separate departmental appeal (undated) on the basis of judgment of the worthy High Court. It was further contended that the other colleagues who were terminated on the basis of same allegation were reinstated by the respondent-department vide order dated 15.01.2019 but the departmental appeal of the appellant was not decided hence, the present service appeal. Learned counsel for the appellant further contended that the appellant remained in service about 18/19 months and the salary was also received by the appellant but neither proper inquiry was conducted against the appellant nor opportunity of personal hearing and defence was provided to the appellant. Moreover, the other colleagues of the appellant were reinstated but the appellant was discriminated by the respondent-department therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 11.07.2019 before S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

27/5/19


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 284/2019

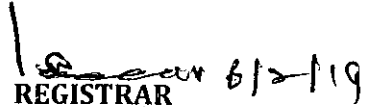
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/2/2019	<p>The appeal of Mr. Zia-ur-Rehman resubmitted today by Mr. Abdul Saboor Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 22/2/19</p>
2-	28-2-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>26-05-2019</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The joint appeal of M/S Zia-ur-Rehman, Muhmmad Riaz, Muhammad Faiz, Muhammad Nazir, Muhammad Hafeez and Mushtaq Hussain Shah received today i.e. on 06 .02.2019 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above appellants may be filed separately/individually.
- 5- Copies of termination orders of appellant no. 2, 3 & 4 are not attached with the appeal which may be placed on it.
- 6- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.

No. 217 /S.T,

Dt. 6-2- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Saboor Khan Adv. Mansehra.

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 284 of 2019

Zia ur Rehman **Appellant**

VERSUS

Director General, Local Government Election
and Rural Development Peshawar and other
..... **Respondent**

APPEAL

INDEX

S#	Description of documents	Annexure	Page#
1.	Memo of Appeal	-	1-8
2.	Affidavit	-	9
3.	Correct address of Parties	-	10
4.	Copy of advertisement along with better copy.	A	11-12
5.	Copy of the appointment order.	B	13
6.	Copy of impugned order dated 28.09.2017.	C	14
7.	Attested copies of writ petitions.	D	15-28
8.	Attested copies of Judgment.	E	29-32
9.	Copy of departmental appeal.	F	33-34
10.	Copy of office order dated 15.01.2019.	G	35-36
14.	Wakalat Nama	--	37

Dated 19.02.2019

Zia ur Rehman
ZIA UR REHMAN
(Appellant)

Through:-

Abdul Saboor Khan & Malik Ashfaq Ahmed Jillani
ABDUL SABOOR KHAN &
MALIK ASHFAQ AHMED JILLANI
Advocate High Court

1

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2019

Zia Ur Rehman son of Malang Khan,
resident of Battal Tehsil & District
Mansehra.

.....Appellant

VERSUS

- 1) Director General, Local Government
Election and Rural Development
Department Peshawar.
- 2) Assistant Director, Local Government
Election and Rural Development
Department Mansehra.

.....Respondents

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER NO
9873 DATED 28.09.2017 WHEREBY
APPELLANT WAS TERMINATED FROM
SERVICE W.E.F 01.10.2017 ON
GROUND OF ILLEGAL/ IRREGULAR
APPOINTMENT AS NAIB QASID
VILLAGE COUNCIL MALKAN (BPS 03)
VIDE APPOINTMENT ORDER DATED
08.02.2016 AND AGAINST THE
IMPUGNED ORDER NO 12142 DATED
15.01.2019 WHEREBY APPELLANT
HAS NOT BEEN TREATED AT PAR

**WITH THAT OF SIMILARLY PLACED,
HENCE BOTH THE IMPUGNED ORDER
DATED 28.09.2017 AND 15.01.2019
ARE LIABLE TO BE DECLARED
ILLEGAL AND DISCRIMINATORY BY
THIS HONOURABLE TRIBUNAL.**

PRAYER:-

On acceptance of the instant service appeal, the impugned order 9873 dated 28.09.2017 may graciously be set-aside being illegal, void, without lawful authority, of having no legal effect and factually erroneous and appellant be reinstated into service as Naib Qasid (BPS-03) with all back benefits and other admissible allowances as per law on the subject and the second impugned order 12142 dated 15.01.2019 be declared discriminatory and any other order as may deem fit and appropriate in the fact and circumstances of the case may also be passed/issued.

Respectfully Sheweth:-

1. That, in response to the advertisement, floated by the respondents in Daily "Mashraq" for appointment of **Naib Qasid (BPS-03)**; the appellant being

eligible candidate applied for his appointment.

(Copy of advertisement along with better copy is annexed as annexure "A").

2. That, after having completed the entire legal formalities, Departmental selection committee recommended the appellant and others for appointment as Naib Qasid and as such, appellant was appointed by appointing authority **(Respondent No 02)** vide appointment order No 3589 dated 08.02.2016.

(Copy of the appointment order is annexed as annexure "B").

3. That, after having been appointed, appellant started to perform his duty as **Naib Qasid (BPS -03)** at Village Council Malkan. In the meanwhile, all of a sudden, respondent No 02 without mentioning any reason on the basis of so-called inquiry report, terminated the services of the appellant and others vide impugned office order No9873 dated 28.09.2017.

(Copy of impugned order dated 28.09.2017 is annexed as annexure "C").

4. That, appellant and others challenged the impugned termination orders before the Honourable Peshawar High Court, Bench Abbottabad, by way of

writ petitions Bearing No 1001-A/2017
& 1060-A/2017.

**(Attested copies of writ
petitions are annexed as
annexure "D").**

5. That, the Honourable Peshawar High Court, bench Abbottabad, vide judgment dated 11.10.2018 treated the aforementioned writ petitions as departmental representations/appeals, and directed respondent No 01 to consider the grievances of the appellants and decide the matter strictly in accordance with the law, within a period of thirty days.

**(Attested copies of
Judgment are annexed as
annexure "E").**

6. That, in the light of the judgment of the Honourable Peshawar High Court, Bench Abbottabad, dated 11.10.2018, and appellant too filed departmental appeal with respondent No 01.

**(Copy of departmental
appeal is annexed as
annexure "F").**

7. That, respondent No 01 vide office order 12142 dated 15.01.2019, reinstated the services of the similarly placed candidates (**co writ petitioners**) in the light of the judgment of the Honourable Court, dated 18.10.2018, but surprisingly, appellant was discriminated against without citing

any reason and only and only the case of the appellant was not considered while rest of the similarly placed (**Co-writ petitioners**) were reinstated into service. Furthermore, no order in black in white has been passed on the departmental appeal of the appellant justifying the discrimination.

(Copy of office order dated 15.01.2019 is annexed as annexure "G").

8. That, some of the candidates mentioned in office order dated 15.01.2019 have been freshly appointed without any basis.
9. That, felling aggrieved, appellant having no other remedy except to file the present service appeal on the following amongst other grounds.

GROUND:-

- A) That, the appellant was appointed as **Naib Qasid (BPS 03)** by respondent No 02, after having observed all the legal and codal formalities.
- B) That, the appellant fulfills the criteria of appointment as mentioned in the advertisement.
- C) That, after having been appointed on 08.02.2016, vested rights were accrued

in favor of the appellant which could not be taken away under any authority.

- D) That, similarly placed employees were reinstated into service by respondents vide office order dated 15.01.2019, but the case of the appellant was not considered which is sheer discrimination with the appellant and violation of the his fundamental rights provided by Article 25 of the constitution.
- E) That, the case of the appellant stands on the same footing as that of the reinstated employees through office order dated 15.01.2019.
- F) That, neither the appellant was heard in person nor due process of law was observed while terminating the services, hence the impugned termination order is nullity in the eyes of law.
- G) That, there is no allegation of fraud or misrepresentation on the part of the appellant in the matter of his appointment rather no illegality has been found in the appointment order of the appellant.
- H) That, the consistent view of the apex court in such like cases is that petty

employees are not to be blamed rather persons sitting at the helm of the affairs are held responsible and action should be taken against the appointing authority in case of irregular appointments of the employees, but no action has ever been taken against the responsible officers and appellant being petty employee has been made scapegoat.

- I) That, the so-called inquiry on the basis of which the services of the appellant has been terminated was unilaterally conducted without associating the appellant with the same, hence, the so called inquiry is in direct conflict with the concept of "**due process**" as guaranteed by **Article 10-A** of the constitution of the Islamic Republic of Pakistan, 1973.
- J) That, appellant has not been treated in accordance with Articles 4 and 25 of the constitution.
- K) That, the impugned termination order dated 28.09.2017 and subsequently subjecting the appellant to sheer discrimination through office order 15.01.2019 is wholly un-constitutional and illegal, hence, the impugned order dated 28.09.2017 is liable to be set-aside by this Honourable tribunal.

PRAYER:-

On acceptance of the instant service appeal, the impugned order 9873 dated 28.09.2017 may graciously be set-aside being illegal, void, without lawful authority, of having no legal effect and factually erroneous and appellant be reinstated into service as Naib Qasid (BPS-03) with all back benefits and other admissible allowances as per law on the subject and the second impugned order 12142 dated 15.01.2019 be declared discriminatory and any other order as may deem fit and appropriate in the fact and circumstances of the case may also be passed/issued.

Dated 19.02.2019

ذیاء الرحمن

ZIA UR REHMAN

(Appellant)

Through:-

ذیاء الرحمن

**ABDUL SABOOR KHAN &
MALIK ASHFAQ AHMED JILLANI
Advocate High Court**

VERIFICATION :

I, Zia Ur Rehman son of Malang Khan, resident of Battal Tehsil & District Mansehra,, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

ذیاء الرحمن

ZIA UR REHMAN

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2019

Zia ur Rehman.....:Appellant

VERSUS

Director General, Local Government Election
and Rural Development Peshawar and other
.....:Respondent

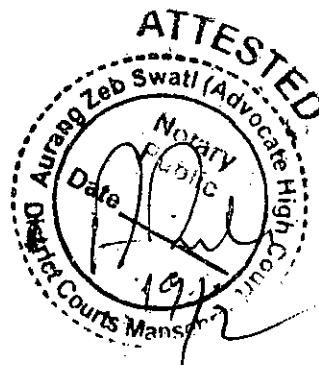
APPEAL

AFFIDAVIT

I, ZIA UR REHMAN SON OF MALANG KHAN,
RESIDENT OF BATTAL TEHSIL & DISTRICT
MANSEHRA, DO HERBY SOLEMNLY AFFIRM AND
DECLARE ON OATH THAT THE NO SUCH
SUBJECT MATTER APPEAL HAS EVER BEEN
FILED BEFORE THIS HONORABLE COURT NOR
PENDING NOR DECIDED. THAT THE CONTENTS
OF FORE-GOING AFFIDAVIT ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF AND NOTHING HAS BEEN
CONCEALED OR SUPPRESSED FROM THIS
HONOURABLE TRIBUNAL.

Dated: 19.02.2019

ضیا اور رحمان
ZIA UR REHMAN
DEPONENT



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2019

Zia ur Rehman **Appellant**

VERSUS

Director General, Local Government Election
and Rural Development Peshawar and other
..... **Respondent**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANTS:

Zia Ur Rehman son of Malang Khan,
resident of Battal Tehsil & District
Mansehra.

RESPONDENTS:

- 1) Director General, Local Government
Election and Rural Development
Department Peshawar.
- 2) Assistant Director, Local Government
Election and Rural Development
Department Mansehra.

Dated 19.02.2019

زیا اور رحمان
Zia ur Rehman
(Appellant)

Through:-

Abdul Saboor Khan
ABDUL SABOOR KHAN &
MALIK ASHFAQ AHMED JILLANI
Advocate High Court

Attested
Chief

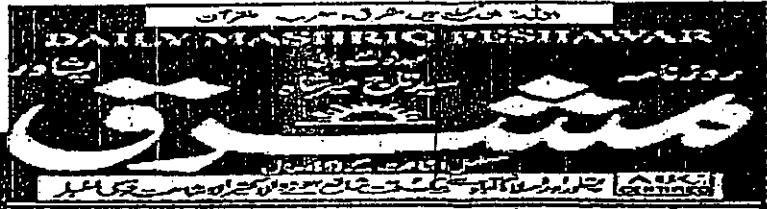
Attested
Chief

P 11

(52)

Annexure - A

P 11



04/7/2015

دفتر ڈائریکٹر جنرل نگلہ بلدیات و دیہی ترقی ضلع خیر پختونخوا ایشاد

اشتہار: ایچ آئی سی (BPS-01) IV
نگلہ بلدیاتی کونسل کے لیے نوید خیر پختونخوا کے ڈویژنل کے حامل امیدواروں سے درخواستیں مطلوب ہیں۔ جو کہ اس اشتہار کی اشاعت کے بعد دو روز کے اندر داخلہ متعلقہ ضلع کے اسسٹنٹ ڈائریکٹر نگلہ بلدیات و دیہی ترقی کے دفاتر میں دفتری اوقات کار کے دوران بمقام صدر دفتر متعلقہ ضلع و دستاویزات جمع کرائی جاسکتی ہیں۔ تفصیلی آسامی و مطلوبہ قابلیت اور درکارہ حرکتی جدول دیکھیے۔

نمبر شمار	ضلع	نام آسامی	بنیادی سکین	مطلوبہ قابلیت	مرکب
1	متعلقہ	کلاس-IV	01	اشتہار: ایچ آئی سی (BPS-01) IV	18-40

(1) گورنمنٹ ملازم کو ترجیح دی جائے گی۔ (2) متعلقہ ضلع کے باشندے کو ترجیح دی جائے گی۔
مطلوبہ قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواستیں اس اشتہار کی اشاعت کے بعد دو روز کے اندر داخلہ متعلقہ ضلع کے اسسٹنٹ ڈائریکٹر نگلہ بلدیات و دیہی ترقی کے دفاتر میں جمع کرائی جائیں۔

"SAY NO TO CORRUPTION"

نگلہ بلدیات و دیہی ترقی ضلع خیر پختونخوا

also available on www.khyberpaktunkhwa.gov.pk INF(P)3387

Mashriq News Service

فصل

Attested
Ammar

Attested

P-19

Ammar A

P-12

Better copy

از ڈائریکٹر جنرل لوکل گورنمنٹ اینڈ رولرڈ ویلپمنٹ ڈیپارٹمنٹ پشاور

اشتہار برائے بھرتی کلاس-IV (BPS-I)

محکمہ ہذا کی طرف سے درج ذیل خالی آسامیوں کو پُر کرنے کے لیے صوبہ خیبر پختونخواہ کے ڈومیسائل کے حامل امیدواروں سے درخواستیں مطلوب ہیں۔ جو کہ اس اشتہار کی اشاعت کے 15 یوم کے اندر اندر ضلع کے اسٹنٹ ڈائریکٹر محکمہ بلدیات دیہی ترقی کے دفاتر میں دفتری اوقات کار کے دوران تصدیق شدہ دستاویزات جمع کرائی جاسکتی ہیں۔ تفصیل آسامی مطلوبہ قابلیت اور عمر کی حد نیچے۔

نمبر شمار	ضلع	نام آسامی	بنیادی سکیل	مطلوبہ قابلیت	عمر کی حد
1	متعلقہ	کلاس-IV	01	متعلقہ ضلع ویلج کونسل کا مستقل باشندہ	18 تا 40 سال

- 1- گورنمنٹ ملازم کو ترجیح دی جائے گی۔ 2- متعلقہ ویلج کونسل کے باشندے کو ترجیح دی جائے گی۔
- 3- قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواست اشتہار کی اشاعت کے پندرہ (15) یوم کے اندر اپنے دستاویزات اپنے ڈومیسائل کے حامل ضلع کے اسٹنٹ ڈائریکٹر بلدیات دیہی ترقی کے دفتر میں جمع کروائیں۔

المستہر: ڈائریکٹر جنرل لوکل گورنمنٹ اینڈ رولرڈ ویلپمنٹ پشاور



OFFICE OF THE ASSISTANT DIRECTOR

LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT MANSEHRA

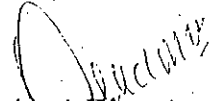
No: 3589 /ADRDD (M)

Date: 08/02/2016

ORDER.

Based on the recommendation of Departmental Selection Committee vide minutes of meeting held on 04/02/2016 at 3:00 PM in this office, Mr. Zia Ur Rehman S/O Malang Khan R/O Village Moh: Chandni P/O Battal is hereby appointed as Naib Qasid, Village Council Malkan (BPS - 03) viz (6535-260-14335) against the newly created post subject to the following conditions:-

- He shall for all intents and purposes, be Civil Servant.
- He shall be on probation as required under Para -15 Part-V of Appointment, Promotion & Transfer Rules 1989.
- He shall produce Medical Fitness Certificate from the Medical Superintendent, King Abdullah Teaching Hospital Mansehra.
- He shall join duty within a week, failing which appointment order stand withdrawn automatically.
- He shall produce PRC of the Village Council concerned from the Nazim of concerned Village Council duly verified by Member Tehsil Council, District Member and countersigned by Assistant Commissioner of relevant Tehsil.


Assistant Director,
LG&RDD Mansehra.

No.3590-95

Copy to:-

- The Secretary, LGE&RD Department, Khyber Pakhtunkhwa, Peshawar.
- The Director General, LGE&RD Department, Khyber Pakhtunkhwa, Peshawar.
- The Deputy Commissioner, Mansehra.
- The District Accounts Officer, Mansehra.
- The Nazim Village Council concerned.
- Candidate concerned.


Assistant Director,
LG&RDD Mansehra.

P-13
Annex-B
P-13

Attested
Gharaj

P-24
Ann-C
P-14

176

OFFICE OF THE:-
ASSISTANT DIRECTOR LG & RDD MANSEHRA

No: 9873 /ADRDD (M)

Date: 28/09/2017

To

ZIA-UR-REHMAN S/O

MALANG KHAN

(MALKAN) Naib Qabid

Subject:- TERMINATION ORDER:-

In pursuance with the directive of Chief Minister, Khyber Pakhtunkhwa, Peshawar, received vide letter No. SO-IV/CMS/KPK/RN/2016/296-62 Dated 9th March, 2016, in light of enquiry report vide letter No. 322/AAC-II(M) dated 28/3/2016 and according to minutes of the meeting of the decision of Departmental Selection and Recruitment Committee dated 16/8/2017, your services are hereby terminated with effect from 01/10/2017, because as per above mentioned enquiry report, it has been declared that your appointment was made illegal and against the rules/regulations and guidelines issued by the Government for the Class-IV employees appointment in VC/NC.

ASSISTANT DIRECTOR,
LG&RDD, MANSEHRA,

Endst. Of Even No & Date:-

Copy to the:-

1. Ps to Chief Minister, Khyber Pakhtunkhwa, Peshawar with reference to Chief Minister's directive issued vide letter No. SO-IV/CMS/KPK/RN/2016/296-62 Dated 9th March, 2016.
2. Ps to Secretary, LG, E & RDD, Khyber Pakhtunkhwa, Peshawar.
3. District Nazim, Mansehra.
4. Deputy Commissioner, Mansehra.
5. PA to Director General, LG & RDD, Khyber Pakhtunkhwa, Peshawar.
6. District Accounts Officer, DAO, Mansehra.
7. Nazimeen Concerned VC/NCs.

ASSISTANT DIRECTOR,
LG&RDD, MANSEHRA,

(1)

P-23
Annex D
PS-15

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD

Writ Petition No. 1064 of 2017

- 1) Muhammad Fayyaz son of Gul Zaman, resident of Ser Bandi, Tehsil Balakot District Mansehra
 - 2) Muhammad Riaz son of Mehboob, resident of Village Bala Scha, Post Office Paras, Tehsil Balakot District Mansehra.
 - 3) Mian Muhammad Farooq son of Mian Habib-Ur-Rehman, resident of Village Jiggan, Post Office Kot Galli, Tehsil Balakot, District Mansehra
 - 4) Muhammad Nazir son of Noor Hussain, resident of Bhoonja, Tehsil Balakot District Mansehra
-Petitioners

Versus

- 1) The Government of Khyber Pakhtunkhwa through Secretary Local Government Election and Rural Development Khyber Pakhtunkhwa Peshawar.
- 2) Director General Local Government Development & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
- 3) Assistant Director Local Government Establishment and Rural Development Department, Mansehra.
- 4) Deputy Commissioner, Mansehra
- 5) TMO, Balakot.....Respondents

Certified to be True Copy
EXAMINER
15 NOV 2019
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

No 5203
27/11/17

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR A
DECLARATION TO THE EFFECT THAT
THE PETITIONERS WERE APPOINTED AS
CLASS-IV IN PURSUANCE OF
ADVERTISEMENT DATED 04.07.2015 IN

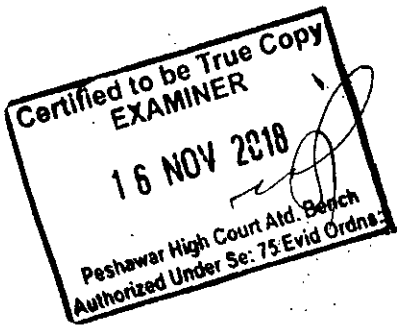
(2)

F-24
P-16

DAILY NEWS PAPER "MASHRAQ" BY THE
APPOINTMENT ORDER DATED
18.02.2016 BY RESPONDENT NO. 3.
WITHOUT ISSUING SHOW CAUSE NOTICE
AFFORDING THEM OPORTUNITY OF
HEARING/EXPLANATION TERMINATED
THE PETITIONERS FROM THEIR
SERVICES VIDE IMPUGNED ORDERS
DATED (28.09.2017) WHICH IS ARBITRARY,
PURVERSUE, DISCRIMINATORY, BASED
UPON MALAFIDE, POLITICAL
MOTIVATION, AGAINST THE LAW AND
THE SAME IS LIABLE TO BE SET-ASIDE.

PRAYER: -

On acceptance of this writ petition the impugned termination order 28.09.2017 may graciously be declared as unconstitutional, based on malafide, discriminatory, politically motivated, illegal, without any lawful authority and thus be set aside and respondents be directed to reinstate the petitioners from the date of their termination with all back benefits or any writ, order or relief which may deemed fit and appropriate in the circumstances may also be passed/issued.



Respectfully sheweth;

That, writ petition No. 1001-A of 2017 on the same matter was fixed on 19.10.2017 before this

(3)

F-25
P-17

Honourable Court which has been admitted for regular hearing.

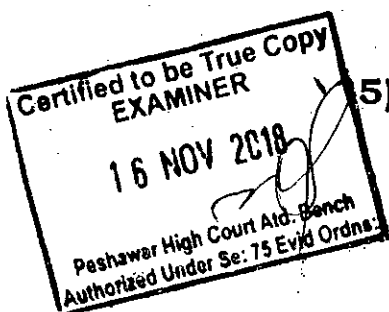
- 2) That, the petitioners are the permanent residents of District Mansehra.

(Copies of the domiciles and CNICs are annexed as Annexure "A").

- 3) That, the respondents floated an advertisement inviting applications for the appointment of Class-IV in Local Government Election and Rural Development Department in Khyber Pakhtunkhwa.

(Copy of advertisement is annexed as Annexure "B").

- 4) That, being eligible in all respect the petitioners applied for the post of Naib Qasid/Class-IV (BPS-1) on the basis of Village Council as well as Union Council and the petitioners under went the requisite interview.



- 5) That, on the date of interview the petitioners appeared before the selection committee at the time and place mentioned by the respondents.

- 6) That, there were posts of Naib Qasid Class-IV in BPS-1 in the respective Village Councils of the petitioners as well as in neighboring Village Council of same Union Council and the petitioners were entitled to be

ADDITIONAL DISTRICT CLERK
DISTRICT COURT
PESHAWAR

(4)

15-20
P. 18

appointed at the same being eligible in all respect and also residents of their respective Union Council and neighbor Village Councils.

- 7) That, the petitioners were duly appointed as Naib Qasid Class-IV BPS-1 by the respondent No. 3 on the recommendation of duly constituted departmental selection committee against the vacant post lying at the Village Councils.

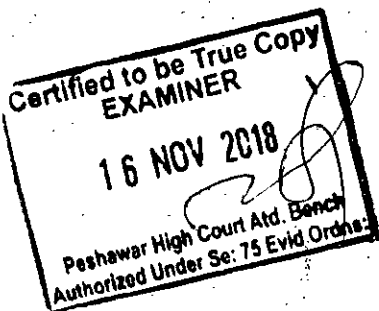
(Copies of the orders are annexed as Annexure "C").

- 8) That, after being duly appointment the petitioners were medically examined after that they submitted their arrival report.

(Copies of arrival reports are annexed as Annexure "D").

- 9) That, after submission of arrival reports the petitioners started their professional duties at the place of their posting, their services books were also prepared by the competent authority.

(Copies of service books are annexed as Annexure "E").



10) That, from the arrival till the termination petitioners were working as Naib Qasid with the hopes of their bright future not only for themselves

(5)

P-27
P-19

but for the sake to feed their families.

(Copies of attendance certificates are annexed as Annexure "F").

11) That, after duly appointment of the petitioners the local MPAs of District Mansehra on the basis of political victimization raised the objections regarding the appointments of petitioners before the Chief Minister of K.P.K.

(Copy of the minutes of the meeting held on 7th March, 2016 is annexed as Annexure "G").

12) That, on the basis of record note of the meeting held on 7th March, 2016 the DC Mansehra was directed to take the action on the appointments of the petitioners.

(Copy of the record note of the meeting is annexed as Annexure "H").

Certified to be True Copy
EXAMINER
16 NOV 2018
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Eyd Ordns.

13) That, an inquiry regarding the appointments of the petitioners was conducted and the appointing authority was exonerated from alleged charges.

(Copy of the inquiry report is annexed as Annexure "I").

14) That, as per the policy mentioned in Esta Code for the appointments of the petitioners, minutes of the meeting of recruitment selection

SECRETARY
PESHAWAR HIGH COURT
PESHAWAR

6

1-20

P 20

committee and Notification dated 03.12.2015, the appointments of the petitioners are according to the law and policy given by the Government of Khyber Pakhtunkhwa.

(Copy of the minutes and method of recruitment, notification and order dated 12.11.2015 is annexed as Annexure "J", "K", "L" & "M" respectively).

15) That, the salary of the petitioner No. 1 is still stopped by respondent No. 3 for the release of which writ petition No. 646/2017 is pending before this Honourable Court in which respondent No. 3 was called by this Honourable Court, but failed to appear and the Honourable Court has stopped the salary of respondent No. 3.

16) That, the petitioners were performing their duties regularly without any complaint from any quarter but respondent No. 3 without mentioning any reason on the basis of so-called inquiry and recommendations of the departmental selection committee terminated the services of the petitioners vide office orders dated 02.10.2017.

(Copy of the order is annexed as Annexure "N").

Certified to be True Copy
EXAMINER
16 NOV 2018
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evis Ordns.

[Faint handwritten notes and signatures]

(1)

P-29
P-21

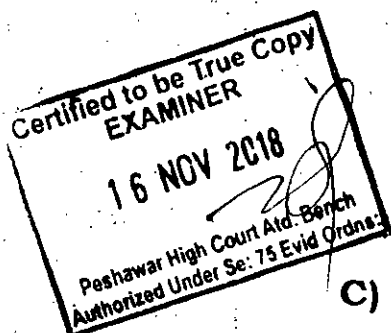
That, petitioners having no other efficacious and speedy remedy except to approach this Honourable Court inter-alia on the following grounds: -

GROUND: -

A) That, the impugned orders dated 28.09.2017 and 02.10.2017 are illegal, unjust, perverse, based on malafide, political victimization, revenge, discriminatory, against the fundamental rights enshrined by the constitution of Islamic Republic of Pakistan.

B) That, the petitioners were duly appointed after fulfilling of all the requisite formalities. Their termination by respondent No. 3 is the result of personal grudge and revenge, based upon the malafide of the respondents.

C) That, the petitioners were remained in their services for a period of one year & 7 months, due to which valuable rights of services were accrued to the petitioners right from the date of their appointment, therefore, under the principle of locus potentia the petitioners appointment order cannot be



RECEIVED
PESHAWAR HIGH COURT
ATTD. BENCH
NOV 16 2018

(8)

resended nor their services liable to be terminated.

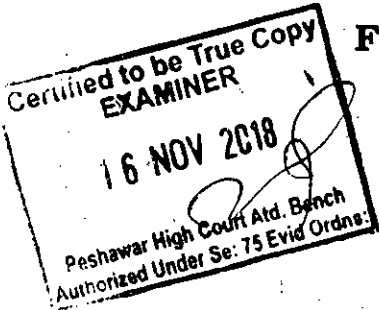
P-30
P-22

D) That, the petitioners got their appointment as per the prescribed rule and their termination from services without show cause notice explanation and affording them opportunity of personal hearing is not maintainable in the eye of law.

E) That, it is settled principle of law that no qualification is required for the post of Naib Qasid except physical fitness and in these circumstances the termination order issued by the respondent No. 3 is against the law and same is liable to be set-aside.

F) That, the termination of the petitioners without giving them the opportunity of being heard is against the principle of natural justice i.e. no person should be condemned unheard.

G) That, it has been held by the apex court that once an appointment is made and there is no misconduct at the part of the candidates the appointing authority cannot withdraw his order of appointment.



WHEN TODAY
EXAMINER
K

(4)

P-39
P-23

- H) That, no proper inquiry was conducted before issuing the impugned order.
- I) That, the impugned order of the petitioners regarding the termination of the petitioners is suffering from illegality and irregularities floated on the surface of the impugned order.
- J) That, the case of the petitioners comes into the ambit of past and close transaction.
- K) That, the posts on which the petitioners were appointed were the vacant posts of Class-IV and the petitioners were entitled to be appointed on the said posts.
- L) That, the petitioners applied for the post in the Union Council and some of them were appointed on the neighboring village council on the basis that in the neighboring village council there was no candidate available for the appointment and the petitioners were appointed on the basis of recommendations made by the duly constituted selection committee. As the petitioners were from the same union council of the district and have the vested right to

Guaranteed to be True Copy
EXAMINER
15 NOV 2018
Peshawar High Court Adm. Bench
Authorized Under Sec. 75 Evld. Order

[Handwritten signature and text]

be appointed on the posts as there was no candidate on the village council concerned.

M) That, neither any inquiry was held nor any reasons have been given in support of impugned order, hence the impugned termination order is against the principle of audi-altrem-partum.

N) That, the impugned order itself reveals that the same has been passed in mechanical manner without providing proper hearing to the petitioners.

O) That, the petitioner have not been dealt with in accordance with the law so, the invocation of the constitutional jurisdiction is the aid of justice is justified.

P) That, the act of the respondents is against the fundamental rights of the petitioners as guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

Q) That, the impugned order is wrong, illegal, unconstitutional, against the law and facts, based on malafide, politically motivated, passed without

Certified to be True Copy
EXAMINER
16 NOV 2018
Peshawar High Court Ald. Bench
Authorized Under Se: 75 Evid. Ordns.

Handwritten signatures and stamps at the bottom left of the page.

lawful authority, hence, liable to be set aside.

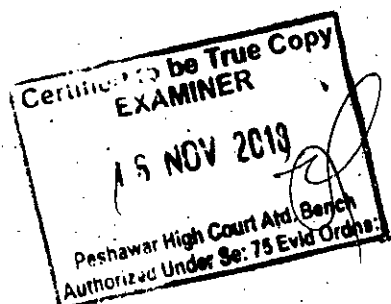
R) That, there are so many other grounds which will be argued, highlighted at the time of arguments.

S) That, proper court fee of Rs. 500/- has been affixed.

In view of the above circumstances it is therefore, most humbly prayed and requested that on acceptance of this writ petition the impugned termination orders dated 28.09.2017 & 02.10.2017 may graciously be declared as unconstitutional, based on malafide, discriminatory, politically motivated, illegal, without any lawful authority and thus be set aside and respondent No. 3 may kindly be directed to reinstate the petitioners from the date of their termination with all back benefits or any writ, order or relief which may deemed fit and appropriate in the circumstances may also be passed/issued.

INTERIM RELIEF

It is further prayed that the operation of impugned office orders 28.09.2017 & 02.10.2017 issued by respondent No. 3 may please be suspended and the respondents may please be restrained to



1

(12)

F-30
P-26

make any advertisement/appointment or any other act which effect the rights of petitioners till the final disposal of the above titled writ petition.

Dated 25.10.2017


Muhammad Fayyaz etc
(Petitioners)

Through: -



SYED MUBARIK SHAH
&

MUHAMMAD JAVED
Advocates High Court,
District Courts,
(Mansehra)



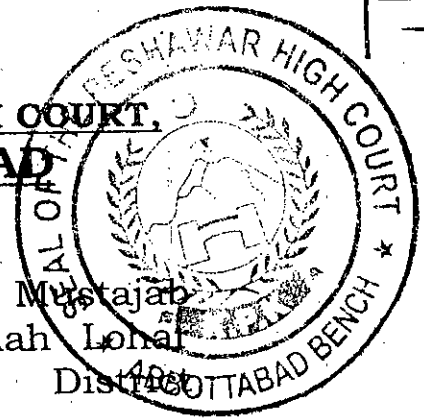
VERIFICATION

I, MUHAMMAD FAYYAZ SON OF GUL ZAMAN, RESIDENT OF SERI BANDI, TEHSIL BALAKOT DISTRICT MANSEHRA DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING WRIT PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE COURT.


MUHAMMAD FAYYAZ
(DEPONENT)

Certified to be True Copy
EXAMINER
16 NOV 2018
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordinance

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**



F-36
P-27

- 1) Sadaqat Shah son of Syed Mustajab Shah, resident of Mohallah Lohar Banda, Tehsil and District Mansehra.
- 2) Mr. Syed Majid Hussain Shah son of Syed Sadiq Shah, resident of Village Bala, Tehsil Oghi District Mansehra.
- 3) Zia-Ur-Rehman son of Malang Khan, resident of Village Mohallah Chandni PO Battal, Tehsil and District Mansehra.
- 4) Shujahat Hussain Shah son of Habib Hussain Shah, resident of Village Sher Garh, Tehsil Oghi District Mansehra.
- 5) Adeel son of Bashir resident of Village Makreha Tehsil and District Mansehra.
- 6) Muhammad Khalid son of Jumma Khan, resident of Village Ismail Bandi, Tehsil Oghi District Mansehra.
- 7) Aqeel Hussain Shah son of Zia-Ud-Din, resident of Village Nakholi, Tehsil and District Mansehra.
- 8) Mushtaq Hussain Shah son of Ghulam Muhammad Shah, resident of Harori Bala, Tehsil and District Mansehra.
- 9) Muhammad Aqib son of Sain Muhammad resident of Village Bandi Fansial, Tehsil Oghi District Mansehra.
- 10) Mushtaq son of Badri Zaman, resident of Village Afzal Abad, Tehsil and District Mansehra.
- 11) Muhammad Shafique son of Muhammad Sadique, resident of Village Dokani Bala, Tehsil Oghi District Mansehra.
- 12) Muhammad Hafeez son of Muhammad Nazir, resident of Village Bakki, Tehsil and District Mansehra.....**Respondents**

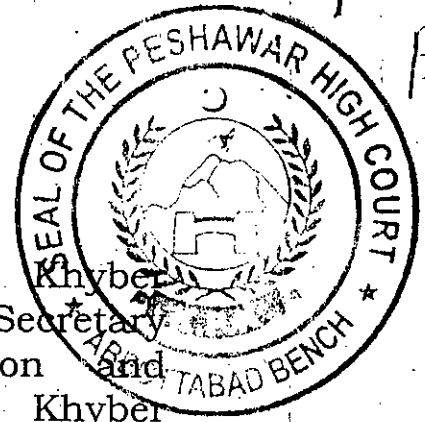
Certified to be True Copy
EXAMINER
26 JAN 2019
Peshawar High Court Ad. Bench
Authorized Under Sec: 79 Evid Ordns.

No. 4524
16/1/19

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

Versus



- 1) The Government of Khyber Pakhtunkhwa through Secretary Local Government Election and Rural Development Khyber Pakhtunkhwa Peshawar.
- 2) Director General Local Government Development & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
- 3) Assistant Director Local Government Establishment and Rural Development Department, Mansehra.
- 4) Deputy Commissioner, Mansehra
- 5) TMO, Mansehra.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR A DECLARATION TO THE EFFECT THAT THE PETITIONERS WERE APPOINTED AS CLASS-IV IN PURSUANCE OF ADVERTISEMENT DATED 04.07.2015 IN DAILY NEWS PAPER "MASHRAQ" BY THE APPOINTMENT ORDER DATED 08.02.2016 AND 18.02.2016 AND RESPONDENT NO. 3 WITHOUT ISSUING SHOW CAUSE NOTICE AFFORDING THEM OPORUNITY OF HEARING/ EXPLANATION TERMINATED THE PETITIONERS FROM THEIR SERVICES VIDE IMPUGNED ORDER DATED 28.09.2017 & 02.10.2017 WHICH IS ARBIOTRARY, PURVERSUE, DISCRIMINATORY, BASED UPON MALAFIDE, POLITICAL MOTIVATION, AGAINST THE LAW AND THE SAME IS LIABLE TO BE SET-ASIDE.

PRAYER: -

On acceptance of this writ petition the impugned termination orders 28.09.2017 & 02.10.2017 may graciously be declared as

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

9/1/19

1

F-
Ann E
P 29

JUDGMENT SHEET
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
JUDICIAL DEPARTMENT

Writ Petition No.1060-A of 2017

JUDGMENT

Date of hearing.....11.10.2018.

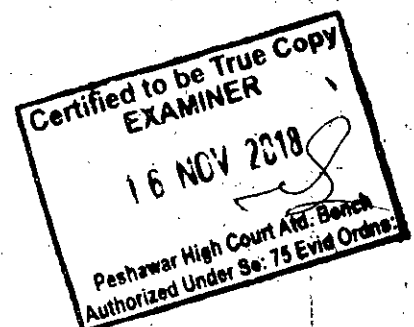
*Petitioner(s). (M. Fayyaz & others) by Syed Mubarak Shah,
Advocate.*

*Respondent(s). (Government of KPK & others) by Mr. Yasir
Zahoor Abbasi, Assist. AG.*

SYED MUHAMMAD ATTIQUE SHAH, J.- For reasons recorded in writ petition No. 1001-A/2017 (Titled: *Sadaqar Shah versus Govt. of KPK etc*), this Court in the larger interest of justice, and in the light of case law reported as *2017 PLC (C.S), 692* and *2004 PLC (C.S) 1240*, treats the present petition as departmental representations/ appeals of the petitioners with directions to respondent No. 2 to consider the grievance of petitioners and decide the matter, strictly in accordance with the law, and also provide an opportunity of hearing, within a period of thirty days, from the date of receipt of this judgment/order, and decision so made be also communicated to the petitioners.

Dt.11.10.2018.

Tahir PS



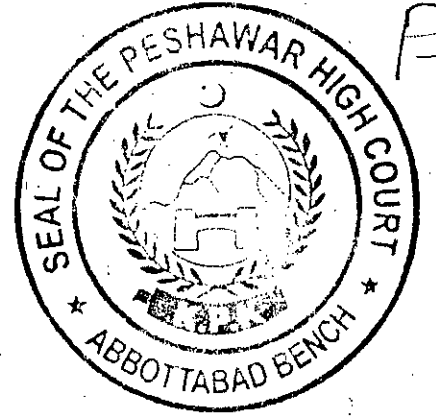
Hon'ble Justice, Lal Jan Khattak & Hon'ble Justice

1-58
P-35

JUDGMENT SHEET

**PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**

JUDICIAL DEPARTMENT



Writ Petition No.1001-A of 2017

JUDGMENT

Date of hearing.....11.10.2018.

Petitioner(s) (Sadaqat Shah & others) by Syed Mubarak Shah, Advocate.

Respondent(s) (Government of KPK & others) by Mr. Yasir Zahoor Abbasi, Assist: AG.

Certified to be True Copy
EXAMINER
26 JAN 2019
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

SYED MUHAMMAD ATTIQUE SHAH, J.-

Through this single judgment we shall also decide WP No. 1060-A/2017 (Titled: *Muhammad Fayyaz etc versus Government of KPK etc*) and WP No. 369-A/2018 (Titled: *Saddam Hussain versus Government of KPK & others*) as in all the three petitions one and same point/question is involved.

2. Brief but relevant facts as per contents of the petitions are that in response to the advertisement floated by the respondents on 04.07.2018 in Daily "Mashraq" for appointments of class-iv, the petitioners being eligible candidates applied for their appointments and after going through the process of interviews by the selection committee, they were duly appointed as class-iv and then after completion of all the codal formalities, they started to perform their duties at

✓

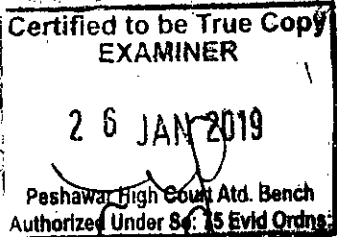
K-39
R-31

the place of their posting but respondent No. 3 without mentioning any reason on the basis of so-called inquiry and recommendations of the departmental selection committee terminated the services of the petitioners vide office orders dated: 28.09.2017 and 02.10.2017.

3. Arguments heard and record perused.

4. Perusal of the record reveals, that the present petitioners were appointed as class-iv in respondents' department. However, later, their services were terminated by respondent No.3 vide impugned office orders dated: 28.09.2017 and 02.10.2017. However, it transpires from the appointment order of the petitioners that their positions and status were of civil servants, thus, the impugned orders of respondent No.3 dated 28.09.2017 and 02.10.2017 directly relate to the terms and conditions of their services, which is not amenable to the writ jurisdiction of this Court under Article 199 of the Constitution in view of the bar contained in Article 212 of the Constitution of 1973. Reliance is placed on case titled '*Pir Muhammad Vs. Government of Balushistan through Chief Secretary and others*' (2007 SCMR 54).

5. Moreover, it is also evident from record of the case, that the petitioners have not made departmental appeals/representations against the impugned orders. Rather, they have straightaway impugned the same before this Court through present petitions on 16.10.2017, 27.10.2017 and 28.03.2018. Therefore, in the peculiar facts, circumstances of the present writ



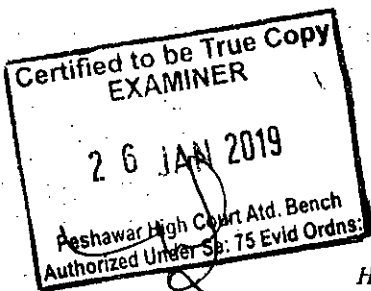
P-40
P 32

petitions, this Court in the larger interest of justice, and in the light of case law reported as *2017 PLC (C.S), 692* and *2004 PLC (C.S) 1240*, treats the present petitions as departmental representations/appeals of the petitioners with directions to respondent No.2 to consider the grievance of petitioners and decide the matter, strictly in accordance with the law, and also provide an opportunity of hearing, within a period of thirty days, from the date of receipt of this judgment/order, and decision so made be also communicated to the petitioners.

Dt.11.10.2018.

Tahir PS

Syed
Justice
Justice



Hon'ble Justice, Lal Jan Khattak & Hon'ble Justice Syed Muhammad Attique Shah

To

The Director Genral
LG& RDD at Peshawar

P-47
Annex-F
P-33

Subject:- Appeal Against the Rermination Dated: 28-09-2017
in light of the Judgment of H/Court of Peshawar High
Court Abbatabad Banch Dated 11-10-2018

Respectfully Sir,

It is Submitted that ~~decision~~ of the H/High Court Abbatabad Bench, Dated 11-10-2018 is enclosed with the application to hear the petitioners in person in light of the paras given in the Judgment 2'4'5 and also required to decide the case on merit basis as per policy of the Govt. (As annexure- A1)

It is submitted that our selection have been made through selection and recruitment committee after advertisement the post in the news paper (Daily Mashriq) on 4.7.2015 in light of the prevailing rules and policy of the Govt Khyber Pakhtunkhwa. Dated 4/2/2016 (Photo coy of advertisement and appointment order selection committee is attaches as annexure A & B.C.)

The petitioners were ~~remained~~ in the service for period of one year and 7 months and ~~their services~~ have been terminated with out complain and with out ~~coqunt~~ reasons on 28/9/2017 photo copy attaches on D) on the political bases of record note issued by Chif Minister KPK dated 7 march 2016 vide letter so (LG-1)2-343/ Recriut /2015/119, dated 4th April 2016 photo copy (~~attached~~) as annexes-B on ~~main~~ ~~side~~ attention ~~with~~ political victimization.

P-42
P-34

No competitor/ applicant, of the past have submitted an appeal against the selected candidates because the appeal must have been made on merit basis without the political interference. Therefore at this stage after serving one year 7 months in the dept. has no justification to terminate their service.

It is therefore requested, the termination order may

kindly be withdrawn *we will bless you* for long of your life and prosperity Sir.

Your Obedient
All the N/Q of
V/Council Destt: AD,
LG&RDD Mansera

Copy to
1- Secy LG with request to Kindly direction may be issued to DG LG to consider our application in the best interest of the applicant.

Handwritten signature

2. Each one of the above shall be on probation as required under Para -15

Part-V of Appointment, Promotion & Transfer Rules 1989.

3. Each one of the above shall produce Medical Fitness Certificate from the Medical Superintendent, King Abdullah Teaching Hospital Mansehra. (For

& RURAL DEVELOPMENT DEPARTMENT MANSEHRA

Email: adlgmansehra@gmail.com

Facebook: <https://www.facebook.com/adlgmansehra.mansehra.1>

Tel: 920114/301129 Fax: 0997-920114/301129

No: 12142 /ADRDD (M)

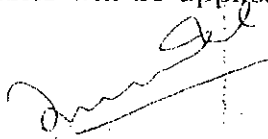
Date: 15/01/2019

OFFICE ORDER.

Based on the recommendations/approval of the Departmental Appeal Committee under the Chairmanship of the DG LG&RDD KPK Peshawar (Appellate Authority) in pursuance of the implementation of the judgments of the Honorable Peshawar High Court Abbottabad Bench in different writ petitions, the following writ petitioners are hereby appointed/reinstated as the case maybe) as Naib Qasid (BPS-3) against the vacant posts of Naib Qasids on the terms and conditions given below: -

S #	Name	Father Name	Placement VC/NC	Reinstated/ Appointed	Remarks
1	Sadaqat Shah	Syed Mujtaba Shah	Lassan Thakral	Reinstated	
2	Imran Malik	Malik Anan Awan	Banda Lal Khan	Appointed	
3	Muhammad Muneeb	Abdul Qayyum	Bakki	Appointed	
4	Muhammad Riaz	Sher Din	Khan Shakoora	Appointed	
5	Aqeel Hussain Shah	Ziauddin Shah	Laachimang	Reinstated	
6	Wajid Ali	Ghulam Daud	Naral Ban	Reinstated	
7	Abdul Waheed	Muhammad Yusuf Khan	Cheia Bagh	Reinstated	
8	Waseem Ahmad	Farooq Khan	Banda Poiran	Reinstated	
9	Jamal-ud-Din	Ghulam Abbas	Inayatabad	Reinstated	
10	Muhammad Aqib	Sain Muhammad	Karam	Reinstated	
11	Muhammad Shafique	Muhammad Sadiq	Bagwai	Reinstated	
12	Abdurashid	Abdul Sattar	Malkan	Appointed	
13	Shujaat Hussain Shah	Habib Hussain Shah	Gujjar Bandi	Reinstated	
14	Adeel	Muhammad Basbeer	Makria	Reinstated	
15	Muhammad Khalid	Jumma Khan	Gali Badhal	Reinstated	
16	Gulzar	Shah Zaman	Karmang Bala	Appointed	
17	Mushtaq Khan	Budri Zaman	Shoukatabad	Reinstated	
18	Sadam Hussain	Hussain Khan	Afzalabad	Reinstated	
19	Muhammad Ashfaq	Shamsiud Khan	Shenai Bala	Appointed	
20	Mian Muhammad Farooq	Habiburrehman	Jigga	Reinstated	
21	Muhammad Tanweer	Azizurrehman	Manoor	Appointed	
22	Nizakat Ali	Shoukat Ali	Kewat	Appointed	
23	Muhammad Saleem	Habiburrehman	Hassari	Appointed	
24	Qazi Alam Zeb	Qazi Mehmood	Ghazikot Township	Reinstated	
25	Zahid Murad	Murad Khan	Baffa Khurd	Appointed	

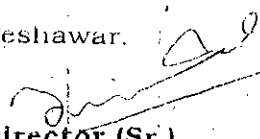
- P-36
P-36
1. The service of the each one of the above will be governed by the rules and regulations of the Provincial Government.
 2. Each one of the above shall be on probation as required under Para -15 Part-V of Appointment, Promotion & Transfer Rules 1989.
 3. Each one of the above shall produce Medical Fitness Certificate from the Medical Superintendent, King Abdullah Teaching Hospital Mansehra. (For newly appointed only)
 4. Each one of the above shall join duty within 15 days, failing which appointment order will stand withdrawn automatically.
 5. The service of the each one of the above will be liable to be terminated on one month notice in advance from either side. But in case of resignation without notice, two month pay shall be refunded towards Govt.
 6. The service of the each one of the above will be terminable/liable to face proceedings under E&D rules 2011 and other rules as framed by the Govt of KPK from time to time at any time in case his performance is found to be unsatisfactory or found to be guilty of misconduct, non-compliance of the official orders/directives, embezzlement.
 7. All rules and policies relating to the Govt servants will be applicable on them.


Assistant Director (Sr.)
LG&RDD Mansehra.

Endstt. Of Even No & dated: 12142 /ADRDD (M) Dated 15/01/2019

Copy for information to:-

1. The Deputy Commissioner, Mansehra.
2. AR Honorable Peshawar High Court Abbottabad Bench
3. The District Accounts Officer Mansehra
4. PA to Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
5. Candidates concerned.


Assistant Director (Sr.)
LG&RDD Mansehra.

وکالت نامہ

بعدالت جناب سروس لٹریچر KPK ریٹائرمنٹ بیسٹ ایپلٹ ایڈ
 ضیاء الرحمن نام حکومت KPK دیگر
 دعویٰ پیجیم سروس اپیل منجانب ایپلٹ
 باعث تحریر آنکہ

اندریں مقدمہ عنوان میں اپنی طرف سے برائے بیروی و جواب دہی مقام ایپلٹ ایڈ
 عبدالصبور خان ریٹائرمنٹ
 ملک اشفاق احمد جیلانی ایڈووکیٹ ہائی کورٹ مانسہرہ

کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے
 جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور
 پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام
 کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ
 مقام کچہری کے کسی اور جگہ سماعت ہونے پر بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ
 دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے کہ مجھے کل
 ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و
 نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد نالشی وراثی
 نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست
 حکم انتہائی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو اثر یا ادائیگی علیحدہ بیروی مختار نامہ کرنے کا مجاز ہوگا
 اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیر سٹر کو بجائے اپنے امراء مقررہ کریں اور ایسے مشیر قانونی
 کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو
 صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف
 نہیں ہوگا لہذا مختار نامہ لکھ دیا ہے کہ یہ مسترد ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

2013

19/02/2013

ATTESTED & ACCEPTED



Malik Ashfaq Jilani

Advocate High Court

(Manshra)

ضیاء الرحمن ولد ملک خان
 سہ نبل تحصیل و ضلع مانسہرہ - ایپلٹ
 ضیاء الرحمن