



14.06.2022

Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Fayaz Progress Officer for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 18.08.2022 for arguments before D.B at Camp Court, Abbottabad.

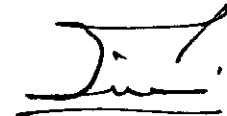
  
(Fareeha Paul)  
Member (E)  
Camp Court, A/Abad

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

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

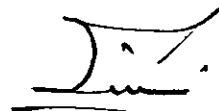
18.04.2022

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.

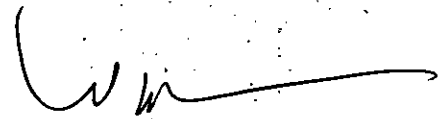
  
READER

17.02.2021

Appellant present through counsel.

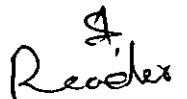
Noor Zaman Khattak learned District Attorney alongwith for respondents present.

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

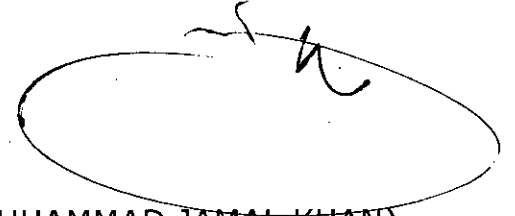
Due to covid 19, the case is  
adjourned to. 22-4-21 For the same.

  
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 13/04/2020  
at camp court abbottabad.

  
Reader

Due to summer vacation case to come up for the same on  
10/1/20 at camp court abbottabad.

119


  
Reader

19.10.2020

Appellant present in person.

Learned Assistant Advocate General present.

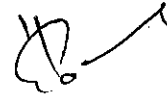
Written reply of respondents is still awaited. Notice be issued  
to respondents for submission of written reply/comments, for  
19.11.2020 before S.B at Camp Court, Abbottabad.

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

23.01.2020

Zia ur Rehman appellant in the connected service appeal, present on behalf of appellant and stated that the respondents are deliberately delaying the submission of written reply and are bent upon appointing other person in place of appellant.


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 Court 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 Muhammad Hafeez 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

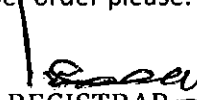
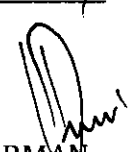
27/5/18

(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 289/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/2/2019*	<p style="text-align: center;">The appeal of Mr. Muhammad Hafeez 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;"> REGISTRAR 22/2/19</p>
2-	28-2-19	<p style="text-align: center;">This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-5-19</u>.</p> <p style="text-align: right;"> 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

*6/2/19*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Abdul Saboor Khan Adv. Mansehra.

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No 289 of 2019

Muhammad Hafeez.....**Appellant**

**VERSUS**

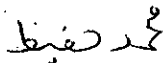
Director General, Local Government Election  
and Rural Development Peshawar and other  
.....**Respondent**

**APPEAL**

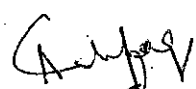
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**Dated 19.02.2019**

  
**MUHAMMAD HAFEEZ**  
(Appellant)

Through:-

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

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_ of 2019

Muhammad Hafeez, son of Muhammad Nazir, resident of Shinkiari, 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**  
**9887 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 BAKKI (BPS 03)**  
**VIDE APPOINTMENT ORDER DATED**  
**18.02.2016 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 9887 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 4356 dated 18.02.2016.

**(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 Bakki. 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 No9887 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 18.02.2016, 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 28.02.2017 is liable to be set-aside by this Honourable tribunal.

**PRAYER:-**

On acceptance of the instant service appeal, the impugned order 9887 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**

  
**Muhammad Hafeez**

(Appellant)

Through:-

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

**VERIFICATION :**

I, Mr. Muhammad Hafeez, son of Muhammad Nazir, resident of Shinkhari, 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 from this Honorable Tribunal.

  
**MUHAMMAD HAFEEZ**

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_ of 2019

Muhammad Hafeez.....**Appellant**

**VERSUS**

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

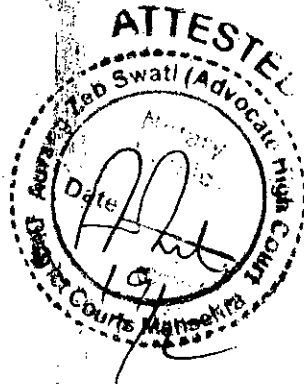
**APPEAL**

**AFFIDAVIT**

I, MUHAMMAD HAFEEZ, SON OF MUHAMMAD NAZIR,  
RESIDENT OF SHINKIARI, 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

  
MUHAMMAD HAFEEZ  
DEPONENT



**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2019

Muhammad Hafeez.....**Appellant**

**VERSUS**

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

**APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

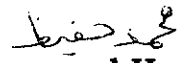
**APPELLANTS:**

Muhammad Hafeez, son of Muhammad Nazir, resident of Shinkhari, Tehsil & District Mansehra.

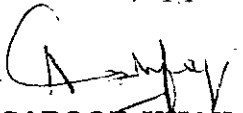
**RESPONDENTS:**

- 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**

  
**Muhammad Hafeez**  
(Appellant)

Through:-

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

Attached  
A. Jaffer

Attached  
A. Jaffer

P-10

P-11

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Annexure - A

04/7/2015

**دفتر ڈائریکٹر جنرل محکمہ بلدیات و دیہی ترقی صوبہ خیبر پختونخوا**

اشتہار: پھر ایف بی ایچ ایف (BPS-01) IV

مکمل ہنگامہ کی طرف سے درج ذیل مال آسامین کو پر کرنے کے لئے صوبہ خیبر پختونخوا کے ڈویژنل کے مال امیدواروں سے درخواستیں مطلوب ہیں۔ جو کہ اس اشتہار کی اشاعت کے پندرہویں دن کے اندر اور منسلک ضلع کے اسٹینڈ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفاتر میں دفتری اوقات کار کے دوران جمع و تصدیق شدہ دستاویزات جمع کرائی جاسکتی ہیں۔ تفصیل آسامی و مطلوبہ قابلیت اور درکار مہر کی حد لکھی ہے۔

تبرہ شمار	ضلع	مقام آسامی	ڈیڑی کیل	مطلوبہ قابلیت	مہر کی حد
1	منگلہ	کلاس-IV	01	اشتہار ضلع اورنگ ابراہیم بڈگول کا مستقل اشتہار۔	10-40

(1) کو فرسٹ لادرم کو ترجیح دی جاسکتی۔ (2) منسلک ضلع کے باشندے کو ترجیح دی جاسکتی۔

مطلوبہ قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواستیں اس اشتہار کی اشاعت کے پندرہویں دن کے اندر اور اپنے دستاویزات اپنے ڈویژنل کے مال ضلع کے اسٹینڈ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفتر میں جمع کرائیں۔

**المنشہور: ڈائریکٹر جنرل**

**محکمہ بلدیات و دیہی ترقی صوبہ خیبر پختونخوا**

also available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk) INF(P)3387

Mashriq Nawaqar

2



Alleged  
Signature

Better copy

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از ڈائریکٹر جنرل لوکل گورنمنٹ اینڈ رولر ڈویلپمنٹ 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 وینچ کونسل کا مستقل باشندہ	18 تا 40 سال

- (1) گورنمنٹ ملازم کو ترجیح دی جائے گی۔ 2- متعلقہ وینچ 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 اندر اپنے دستاویزات اپنے ڈومیسائل کے حامل ضلع کے اسٹنٹ ڈائریکٹر بلدیات و دیہی ترقی کے دفتر میں جمع کروائیں۔

اشتہار: ڈائریکٹر جنرل لوکل گورنمنٹ اینڈ رولر ڈویلپمنٹ پشاور

Attested  
64

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Annex B

**OFFICE OF THE ASSISTANT DIRECTOR**  
**CAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT MANSHERA**

No: 4356/ADRDD (M)

Date: 18/02/2016

**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. Muhammad Hafeez S/O Muhammad Nazir R/O Village Baki is hereby appointed as Naib Qasid, Village Council Baki (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 Manshra.
- 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 Manshra.

No.4357-62

Copy to:-

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

  
Assistant Director,

Attended  
Changy

P-22

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Annex 'C'

(180)

OFFICE OF THE:-  
ASSISTANT DIRECTORE LG & RDD MANSEHRA

No: 9887 /ADRDD (M)

Date: 28 /09/2017

To

M. HAFEEZ S/O

M. NAZEER

(BAKKT) Naib Gasid

Subject:- TERMINATION ORDER:-

In purcuance with the directive of Chief Minister, Khyber Pakhtunkhwa, Peshawar, received vide letter No. SO-IV/CMS/KPK/RN/2016/296-62 Dated 9<sup>th</sup> 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/regulationa 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 9<sup>th</sup> 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.

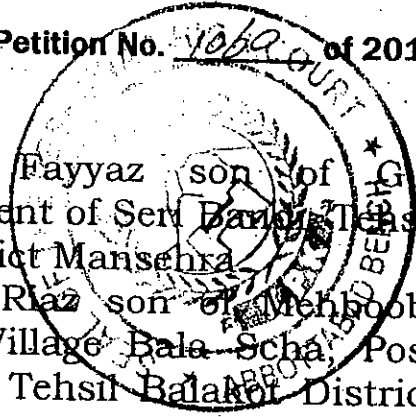
  
ASSISTANT DIRECTOR,  
LG&RDD, MANSEHRA,

(D)

P-15  
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**BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD**

Writ Petition No. 1062 of 2017



- 1) Muhammad Fayyaz son of Gul Zaman, resident of Ser Bank, 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 Jigga, 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

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EXAMINER  
15 NOV 2018  
Peshawar High Court Atd. Bench  
Authorized Under Se: 75 Evid Ordns

No 5203  
27/10/17

**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**

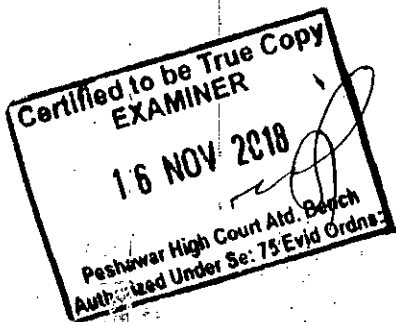
(2)

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**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)

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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").

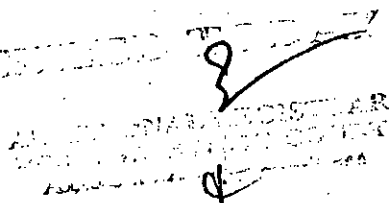
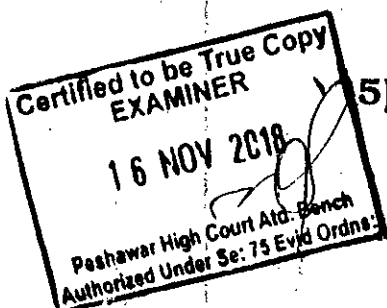
- 3) That, the respondents floated an advertisement inviting applications for the appointment of Class-IV in Local Government Election and Rural Development Department in Khyber Pakhtunkhwa.

(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



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").

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Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Evid Ordns:

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16 NOV 2018  
PESHAWAR HIGH COURT  
ATD. BENCH

- 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 7<sup>th</sup> March, 2016 is annexed as Annexure "G").

- 12) That, on the basis of record note of the meeting held on 7<sup>th</sup> 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").

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16 NOV 2018  
Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Ekd 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

MANSEHRA  
PESHAWAR  
2018



(6)

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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").

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EXAMINER  
16 NOV 2018  
Peshawar High Court Atd. Bench  
Authorized Under Ss: 75 Evld Ordns.

*[Faint handwritten notes and stamps]*

(7)

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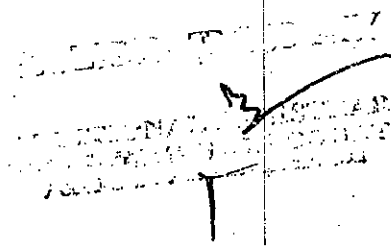
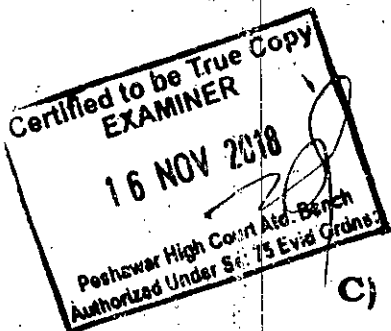
That, petitioners having no other efficacious and speedy remedy except to approach this Honourable Court inter-alia on the following grounds: -

**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



(8)

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resended nor their services liable to be terminated.

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.

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16 NOV 2018  
Peshawar High Court Atd. Bench  
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PESHAWAR HIGH COURT  
PESHAWAR

(9)

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- 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

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15 NOV 2018  
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Authorized Under Ser: 75 Exd/Ordin

WILLIAMSON & CO. PAKISTAN  
100, BAHADUR ZAKRAN ROAD, KARACHI  
TELEPHONE: 3251111, 3251112, 3251113, 3251114, 3251115, 3251116, 3251117, 3251118, 3251119, 3251120, 3251121, 3251122, 3251123, 3251124, 3251125, 3251126, 3251127, 3251128, 3251129, 3251130, 3251131, 3251132, 3251133, 3251134, 3251135, 3251136, 3251137, 3251138, 3251139, 3251140, 3251141, 3251142, 3251143, 3251144, 3251145, 3251146, 3251147, 3251148, 3251149, 3251150, 3251151, 3251152, 3251153, 3251154, 3251155, 3251156, 3251157, 3251158, 3251159, 3251160, 3251161, 3251162, 3251163, 3251164, 3251165, 3251166, 3251167, 3251168, 3251169, 3251170, 3251171, 3251172, 3251173, 3251174, 3251175, 3251176, 3251177, 3251178, 3251179, 3251180, 3251181, 3251182, 3251183, 3251184, 3251185, 3251186, 3251187, 3251188, 3251189, 3251190, 3251191, 3251192, 3251193, 3251194, 3251195, 3251196, 3251197, 3251198, 3251199, 3251200

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

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16 NOV 2018  
Peshawar High Court Attd. Bench  
Authorized Under Sec: 75 Evld. Ordns.

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K

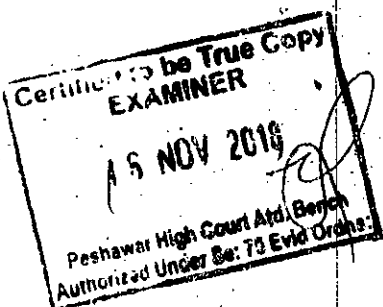
lawful authority, hence, liable to be set aside.

- 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



(12)

K-34  
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: -

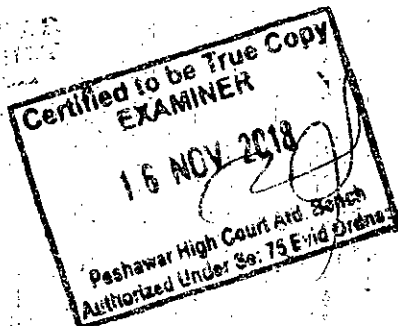
**SYED MUBARIK SHAH**  
&

**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.

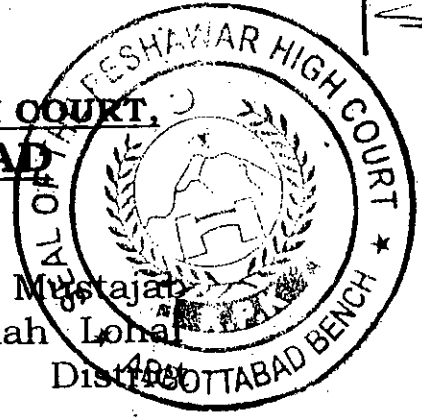
  
**MUHAMMAD FAYYAZ**  
(DEPONENT)



(1)

K 36  
P-27

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



- 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 Pansial, 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**

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EXAMINER  
26 JAN 2019  
Peshawar High Court Ad. Bench  
Authorized Under Sec: 79 Evid Ordns:

No. 4824  
16/10/17

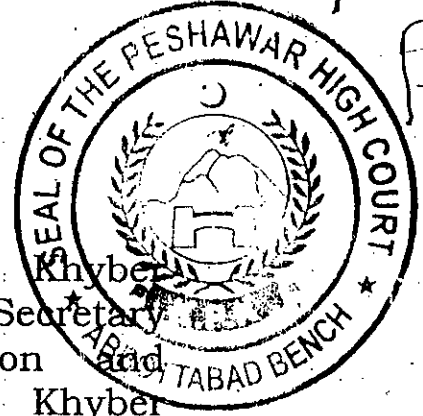
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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH



(2)

**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 OPORTUNITY 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

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EXAMINER  
26 JAN 2019  
Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Evld Ordnc

**FILED TODAY**

ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABU TABAD BENCH  
9/1/19

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**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.*

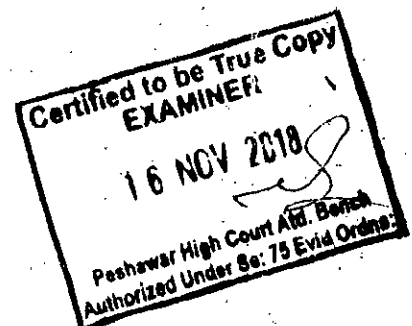
*Respondent(s). (Government of KPK & others) by Mr. Yasir  
Zahoor Abbasi, Assist: AG.*

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**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

JUDGMENT SHEET

PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Writ Petition No.1001-A of 2017

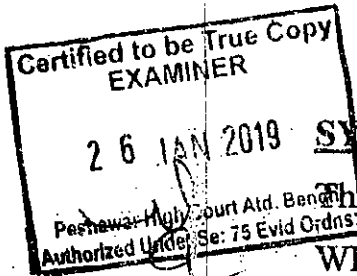
JUDGMENT

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.

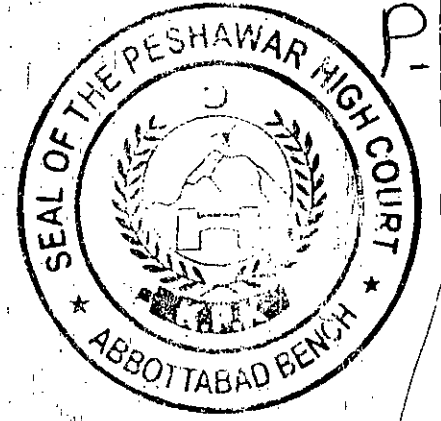
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SYED MUHAMMAD ATTIQUE SHAH, J.-

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



Annex E

5

~~P-39~~  
P-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

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EXAMINER

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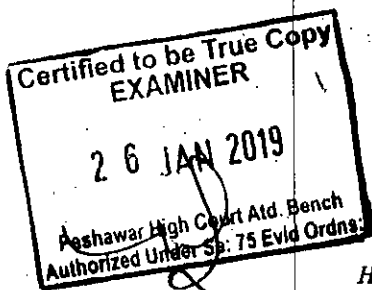
Peshawar High Court Attd. Bench  
Authorized Under Sec. 15 Evid Ordns

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

Sd/-  
Justice  
Justice



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

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P-32

AHested

A. J. J. V.

P-33

Annex F

R 47

To

The Director Genral  
LG& RDD at Peshawar

Subject:- Appeal Against the Rermination Dated: 28-09-2017  
in hight 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 peysan 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 *cognit* 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 4<sup>th</sup> April 2016 photo copy (*attached*) as annexes-E on *male* attention *with* political vletmization.

*[Handwritten signature]*

No competitor/ applicant, of the past have submitted an appeal against the selected candidates because the appeal <sup>board</sup> have been made on merit basis with out 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 *and with 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]*

Attested  
G. Jafar

P-35  
Amir G

**& RURAL DEVELOPMENT DEPARTMENT MANSEHRA**

Email: adlgmanshra@gmail.com

Facebook: <https://www.facebook.com/adlgmanshra.manshra.1>

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

No: 12142 /ADRDD (M)

Date: 15/01/2019

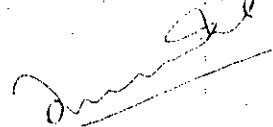
**OFFICE ORDER.**

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	Inran Malik	Malik Aman Awan	Banda Lal Khan	Appointed	
3	Muhammad Munech	Abdul Qayum	Bakki	Appointed	
4	Muhammad Riaz	Sher Din	Khan Shakoora	Appointed	
5	Aqeel Hussain Shah	Ziauddin Shah	Laachimang	Reinstated	
6	Wajid Ali	Ghulam Dawud	Narat Ban	Reinstated	
7	Abdul Waheed	Muhammad Yusuf Khan	Cheha Bagh	Reinstated	
8	Waseem Ahmad	Farooq Khan	Banda Paitan	Reinstated	
9	Jamal-ud-Din	Ghulam Abbas	Inayatnabad	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 Basheer	Makria	Reinstated	
15	Muhammad Khalid	Jumna Khan	Gali Badral	Reinstated	
16	Gulzar	Shah Zaman	Karmang Bala	Appointed	
17	Mushtaq Khan	Bndri Zaman	Shoukatabad	Reinstated	
18	Sadan Hussain	Hussain Khan	Afzalabad	Reinstated	
19	Muhammad Ashfaq	Shamshad Khan	Shenai Bala	Appointed	
20	Mian Muhammad Farooq	Habiburrahman	Jigga	Reinstated	
21	Muhammad Tanweer	Azizurrahman	Manoor	Appointed	
22	Nizakat Ali	Shoukat Ali	Kewai	Appointed	
23	Muhammad Saleem	Habiburrahman	Hassoi	Appointed	
24	Qazi Alam Zeb	Qazi Mehmood	Ghazikot Township	Reinstated	
25	Zahid Murad	Murad Khan	Baffa Khurd	Appointed	



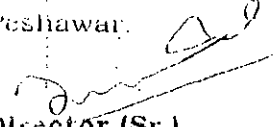
1. The service of the each one of the above will be governed by the rules and regulations of the Provincial Government.
2. Each one of the above shall be on probation as required under Para -15 Part-V of Appointment, Promotion & Transfer Rules 1989.
3. Each one of the above shall produce Medical Fitness Certificate from the Medical Superintendent, King Abdullah Teaching Hospital Manshehra. (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 Manshehra.

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

**Copy for information to:-**

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

  
Assistant Director (Sr.)  
LG&RDD Manshehra.

# وکالت نامہ

بہدالت جناب سروس ٹریڈمنٹل KPK رٹائرڈ ایسٹ ایبلٹ

محمد حفیظ نام حکومت KPK ویدو

ڈیوٹی یا جرم سروس ایبل منجانب ایبلٹ

باعث تحریر آئیکہ

اندریں مقدمہ عنوان میں اپنی طرف سے برائے بیرونی وجوہات ہی مقام

عبد السبور خانٹ (ایڈو) ملک اشفاق احمد جیلانی ایڈووکیٹ ہائی کورٹ مانسہرہ

کو بدین 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 پروکیٹ صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر منظر حاضر نہ ہو اور غیر فاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ رہیں گے۔ نیز وکیل صاحب موصوف صدر مقام کچھڑیا کے علاوہ کسی اور جگہ کچھڑیا کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچھڑیا کے کسی اور جگہ سماعت ہونے پر بروز کچھڑیا کے اوقات کے آگے یا پیچھے ہونے پر منظر 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 جسے کل سائنس پر داخت صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی ذہنی اور درخواست ابراء ڈگری و انٹرنیٹ اپیل لگوانی دائر کرنے فیروز پور سے وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد تاشی و رانی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا جیٹی علیحدہ بیرونی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقررہ کریں اور اپنے شیرت قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کر دیں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سندر ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 2013  
19/02/2019

ATTESTED & ACCEPTED  
Malik Ashfaq Jilani  
Advocate High Court

محمد حفیظ دلو محمد نذر حسین شکاری  
محمد حفیظ دلو  
محمد حفیظ