

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 347/2019

Date of Institution: 28.02.2019

Date of Decision: 11.08.2021

Jawad Ahmad Presently Serving as Junior Clerk (BPS-12) Directorate of LG & RDD, Khyber Pakhtunkhwa, Peshawar.

Versus

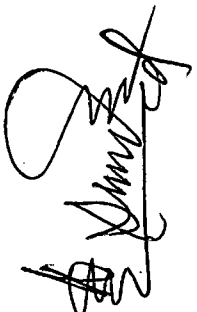
Mr. Muhammad Asif Presently Serving as Senior Clerk (BPS-14), Directorate of Local Government & Rural Development, Merged Areas Secretariat, Peshawar and four others.

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN: Ali Azeem Afridi Advocate and Hafeez Ullah Afridi Advocate learned counsel for appellant present.

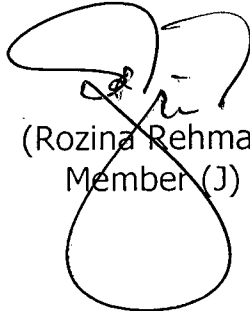
02. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Zain Khan Assistant Director for official respondents No.2 to 4 present. Malik Hidayt Ullah Malana Advocate learned counsel for private respondent No.1 present.

03. Representative of official respondents has furnished the copy of seniority list of Junior Clerk in LG&RDD FATA, wherein, the name of appellant appears at Serial No.18 and that of respondent No.1 at Serial No.17. Latter has already been promoted to the post of Senior Clerk. The afore-named representative states that Eight posts of Senior Clerks are lying vacant and are due for appointment through promotion. The appellant will also be promoted against one of the aforesaid Eight vacant posts under due course. Keeping in view the said statement of the representative of respondents made at the bar, we are inclined to dispose of this appeal. This order shall not be hurdle for the appellant if he is advised to seek relief in terms of seniority after his promotion, if

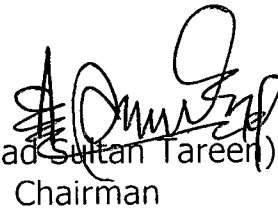


made out. Parties are left to bear their own costs. File be consigned to the record room.

Announced:
11.08.2021



(Rozina Rehman)
Member (J)



(Ahmad Sultan Tareen)
Chairman

07.2021

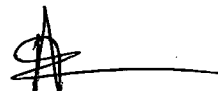
Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G for respondents present.

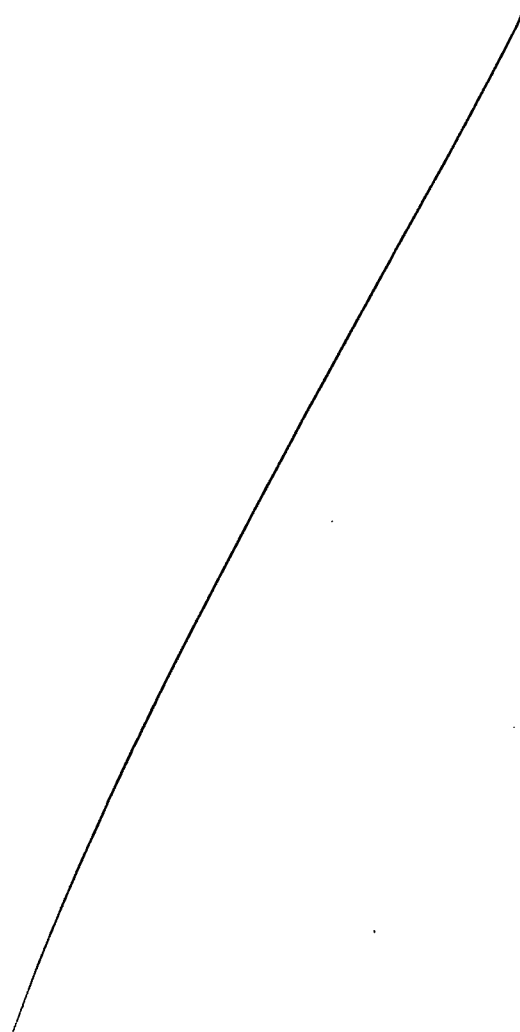
Although, the respondent No.1 was noticed vide order dated 25.09.2020 but the adjourned dates subsequently were changed by the Reader Note. Let fresh notice be given to the respondent No.1 for pursuit of his case, if so advised. To come up on 11.08.2021 for hearing before D.B.



(Rozina Rehman)
Member(J)



Chairman



27.01.2021 Due to pandemic of Covid-19, the case is adjourned to
15.04.2021 for the same.


Reader

15.04.2021 Due to demise of the Worthy Chairman the Tribunal is
defunct, therefore, case is adjourned to 09.07.2021 for the same
as before.


Reader

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on ~~25.09~~ 2020 before D.B.

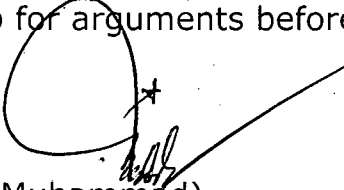


Reader


25.09.2020

Appellant himself alongwith Mr. Ali Azim Khan Afridi, Advocate are present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for official respondents is also present.

The record reveals that respondent No. 1 is not present although he has submitted comments which are part of record. It is also pertinent to note that previous adjournment was made on the basis of spread of COVID-19, therefore, it ^{is} deemed appropriate to issue notice to respondent No. 1 and his respective counsel for 11.11.2020. File to come up for arguments before D.B.



(Mian Muhammad)
Member (Executive)




(Muhammad Jamal Khan)
Member (Judicial)

11.11.2020

Junior to counsel for appellant present. Zara Tajwar learned Deputy District Attorney ~~also for with respondents present.~~ ~~for respondents present.~~

The Bar is observing general strike, therefore, the matter is adjourned to 27.01.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member (E)



Chairman

Appeal No. 347/19

28.10.2019

Appellant with counsel, Addl. AG and counsel for private respondent No. 1 present. Comments on behalf of respondent No. 1 has been submitted. Placed on record. Respondents No. 2 & 3 have already submitted their reply while respondent No. 4 is unrepresented today despite notice sent through registered post. The matter is, therefore, posted for arguments before D.B on 13.01.2020. The appellant may submit rejoinder to the written comments of respondents No. 1, 2 & 3, within a fortnight, if so advised.

Chairman




13.01.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 13.03.2020 before D.B.



Member



Member

13.02.2020

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 27.03.2020 before D.B.



Member



Member

01.10.2019 Appellant in person. Malak Hidayatullah Malana, Advocate has submitted power of attorney on behalf of respondent No. 1 and also an application for transfer of instant appeal to the Camp Court D.I.Khan. Notice of the application is accepted by the appellant who has been handed over a copy of the application. Learned counsel for respondent No. 1 also requests for time to furnish reply/comments to the appeal.

Adjourned to 28.10.2019 for reply/comments by respondents No. 1 & 4 and also for arguments on application. Respondent No. 4 shall be sent notice for next date of hearing.

28.10.2019

Appellant with counsel, Addl. AG and counsel for private respondent No. 1 present. Comments on behalf of respondent No. 1 has been submitted. Placed on record. Respondents No. 2 & 3 have already submitted their reply while respondent No. 4 is unrepresented today despite notice sent through registered post. The matter is, therefore, posted for arguments before D.B on 13.01.2020. The appellant may submit rejoinder to the written comments of respondents No. 1, 2 & 3, within a fortnight, if so advised.


Chairman

*re-printed
on page*


24.06.2019 Appellant alongwith his counsel and Addl: AG for respondents present. Written reply/comments on behalf of respondent not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 09.08.2019 before S.B.


(Ahmad Hassan)
Member

09.08.2019 Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents No. 2 and 3 present.

Joint comments have been submitted by respondents No. 2 & 3 which are placed on record. Fresh notices be issued to respondents No. 1 & 4 for submission of reply on next date of hearing.

Adjourned to 01.10.2019 before S.B.


Chairman

12.04.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for time to bring on record copies of documents pertaining to reversion of the appellant having taken-place after filing of instant appeal.

The appellant may annex any documents to the brief which he considers relevant for proper decision of the appeal in hand. The needful be done within 10 days.

Adjourned to 25.04.2019 for preliminary hearing.

Chairman



25.04.2019

Counsel for the appellant Jawad Ahmad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving as Junior Clerk in the Local Government and Rural Development Department. It was further contended that seniority list pertaining to the year 2018 was prepared by the respondent-department wherein the appellant was shown at serial No. 24. It was further contended that later on another seniority list pertaining to the year 2018 of the Junior Clerks was prepared wherein the name of the appellant was shown at serial No. 18. It was further contended that in the subsequent seniority list pertaining to the year 2018 one Muhammad Asif was shown at serial No. 17 senior to the appellant but in the earlier seniority list pertaining to the year 2018 the said Muhammad Asif was not shown senior to the appellant. It was further contended that the private respondents Muhammad Asif has been appointed vide order dated 10.07.2008 on contract basis and has not be regularized so far therefore, subsequent seniority list pertaining to the year 2018 of the Junior Clerks to the extent of Muhammad Asif is liable to be rectified.

The contention raised by the learned counsel for the appellant needs 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 24.06.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

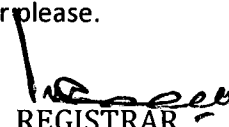


Appellant's Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of 347

Case No. _____/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2019	<p>The appeal of Mr. Jawad Ahmad resubmitted today by Mr. Ali Azim Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	12/03/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/03/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.03.2019	<p>Appellant in person present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 12.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p>


The appeal of Mr. Jawad Ahmad Junior Clerk Directorate of LG&RDD Peshawar received today by i.e. on 28.02.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Objections
are not
removed.

- ① Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that in every memorandum of appeal, the competent authority whose order is challenged shall be shown as respondent no.1.
- ② Copy of promotion order of respondent no.1 mentioned in para-10 of the memo of appeal is not attached with the appeal which may be placed on it.
- ③ Annexures of the appeal may be attested.

No. 355 /S.T,

Dt. 01/03 /2019


REGISTRAR 1/3/19
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ali Azim Afridi Adv. Pesh.

The objection raised are
not based upon correct
appellate law; the
the same may be placed
with the appellate court.



09.3.19.

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No.347/2019

Service Tribunal

Peshawar, Khyberpakhtunkhwa

Jawad Ahmad Presently Serving as Junior Clerk (BPS-12)
Directorate of LG & RDD, Khyber Pakhtunkhwa, Peshawar

.....**Appellant**

VERSUS

-
-
1. Mr. Muhammad Asif Presently Serving as Senior Clerk (BPS-14), Directorate of Local Government & Rural Development, Merged Areas Secretariat, Peshawar
 2. Director General Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar
 3. Director Local Government & Rural Development, Merged Areas Secretariat, Warsak Road, Peshawar
 4. Deputy Commissioner, Dera Ismail Khan, Khyber Pakhtunkhwa

.....**Respondent(s)**

SERVICE APPEAL

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
Service Appeal No. 347/2019

Jawad Ahmad

.....Appellant

Versus

Muhammad Asif & Others

.....Respondent(s)

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4.	Copy of the office order dated 06.09.2017 is annexed as Annexure "B"	12
5.	Copy of the office order dated 29.01.2018 along-with Seniority List is annexed as Annexure "C" and "C-1"	13-14
6.	Copy of the Office Order dated 17.04.2018 along-with Seniority List is annexed as Annexure "D" and "D-1"	15-16
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Appellant

Through

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 291

Dated 28/2/2019

Jawad Ahmad Presently Serving as Junior Clerk (BPS-12)
Directorate of LG & RDD, Khyber Pakhtunkhwa, Peshawar

.....Appellant

Versus

1. Mr. Muhammad Asif Presently Serving as Senior Clerk (BPS-14), Directorate of Local Government & Rural Development, Merged Areas Secretariat, Peshawar
2. Director General Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar
3. Director Local Government & Rural Development, Merged Areas Secretariat, Warsak Road, Peshawar
4. Deputy Commissioner, Dera Ismail Khan, Khyber Pakhtunkhwa

.....Respondent(s)

Filed to-day

Registrar

28/2/19

APPEAL UNDER SECTION 4 OF THE KP
SERVICE TRIBUNAL ACT, 1974

Respectfully Sheweth,

1. That The Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.
2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

Re-submitted to-day
and filed.Registrar
28/2/19

In Sheikh Riaz-ul-Haq's Case¹, it was held that, *"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution"*.

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.

ON FACTS

4. That the appellant was appointed as Junior Clerk (BPS-07), in Rural and Development Department in the year 2010. **(Copy of the appointment order dated 04.02.2010 is annexed as Annexure "A")**.
5. That the appellant was performing as Junior Clerk to the best of his abilities, determination and perseverance; to the entire satisfaction of the competent authority from the date of inception; in the respondent Department.
6. That during the interregnum; the respondent department sought information for finalization of Seniority list of Junior Clerks working in the office. **(Copy of the office order dated 06.09.2017 is annexed as Annexure "B")**
7. That in lieu thereof the respondent department; certain documents in order to consider the promotion related cases of Junior Clerks; to be forwarded to respondent No. 2. **(Copy of the office order dated 29.01.2018 along-with Seniority List is annexed as Annexure "C" and "C-1")**
8. That in wake of the same; another office order dated 17.04.2018 was issued seeking necessary information with regard to Junior Clerk(s); including therein the respondent No.1; wherein respondent No. 1; is shown at Serial No. 17;

¹ PLD 2013 SC 501

having incomplete ACR(s). **(Copy of the Office Order dated 17.04.2018 along-with Seniority List is annexed as Annexure "D" and "D-1")**

9. That at the relevant time; the appellant was promoted vide office order dated 18.10.2018; to serve the respondent Department as Senior Clerk (BPS-14) in the public interest. **(Copy of the office order dated 10.10.2018 and 18.10.2018 is annexed as Annexure "E" and "E-1")**
10. That for the sake of brevity and information; the appellant had preferred a departmental appeal dated 23.11.2018 before respondent No. 2 but instead of doing the needful; the respondent No. 1 was promoted to the position of Senior Clerk vide office order dated 21.12.2018; regardless of the fact that the respondent No. 1 happened to have been serving on contract basis. **(Copy of the Departmental Appeal dated 23.11.2018 is annexed as Annexure "F")**
11. That the terms and conditions of the appointment order dated 10.07.2008 sans promotion to a higher rank; and as such consideration/promotion of respondent No. 1; allures interference of the Hon'ble Tribunal. **(Copy of the order dated 10.07.2008 is annexed as Annexure "G")**
12. That even otherwise; the law/rules nowhere provides for alike instances; issuance of office orders at the behest of respondent No. 2 and 3; without seeking the aid of law and jurisprudence governing the issue at hand.

In Suo Moto Case No. 19 of 2016², it was held that,
"Good governance was not a favour to be bestowed on the people; it was their right".

² 2017 SCMR 683

13. That the non-allowance of seniority and in lieu thereof promotion as Senior Clerk (BPS-14) in the Directorate of LGRD, Merged Areas; is brought under question before the Hon'ble Court inter-alia of the following grounds:-

GROUND

- A.** That non-allowance of seniority to the present appellant; is contrary to law, well-settled jurisprudence in field and practice.
- B.** That non-allowance of departmental appeal; seeking treatment in accordance with law; in line with that of seniority list; is totally uncalled for, against the law governing the subject matter.
- C.** That the appellant was neither provided opportunity of hearing nor as such courtesy was extended; in order to put forth the related facts, determining the instant controversy.
- D.** That the respondent No. 2; having overlooked the well-settled principles, while considering promotion of respondent No. 1; which cannot stand at all.
- E.** That exercise of such powers and that too by respondent No. 1 and 2; abdicates the well-entrenched principle of "structured discretion".
- F.** That the purported omission(s) on the part of respondents; itself speaks volumes engraving danger to the notion of good governance, hence requires interference of the Hon'ble Court.

In Qaiser Iqbal's Case³, it was held that, "Rule of Law meant supremacy of law as opposed to arbitrary authority of the Government; said supremacy guaranteed three

³ 2018 PLD Lahore 34

concepts; first, the absence of arbitrary power; second, equality before law and third the rights of a citizen”.

- G.** That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁴
- H.** That public functionaries had to reinforce good governance, observe rules strictly and adhere to rule of law in public service; public functionaries were not obliged to follow illegal orders of higher authorities⁵.
- I.** That the respondent No. 2 by no stretch of imagination can issue office order(s) of alike nature; allowing trespass and transgression of the precincts laid down by the Supreme Court of Pakistan.
- J.** That “*Expressio Unis Est Exclusio Alterius*”, commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- K.** That “*Ignorantia juris non excusat*”, commanding that ignorance of the law excuses not.
- L.** That further necessary grounds will be raised during the course of arguments.

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

- 1.** The appellant may please be considered senior to that of

⁴ PLD 1993 SC 473 at Page 687

⁵ 2015 SCMR 456; PLD 2013 SC 195

respondent No. 1 and as such subsequent order(s) if any; to the discredit of present appellant; favouring respondent No. 1 may please be set at naught in line with the grounds agitated in the service appeal; allowing the appellant so as to serve as Senior Clerk (BPS-14) w.e.f. 10.10.2018; along-with back/consequential benefits.

2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.

Gaused
Appellant

Through

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000

Ali Azim Afridi
28.02.19

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Jawad Ahmad

.....Appellant

Versus

Muhammad Asif & Others

.....Respondent(s)

AFFIDAVIT

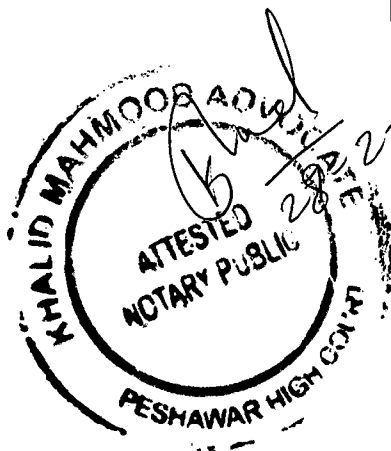
I, **Jawad Ahmad Presently Serving as Junior Clerk (BPS-12) Directorate of LG & RDD, Khyber Pakhtunkhwa, Peshawar**, appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.

Deponent

Jawad

CNIC #

17301-5940527-5



BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Jawad Ahmad

.....Appellant

Versus

Muhammad Asif & Others

.....Respondent(s)

MEMO OF ADDRESS OF PARTIES**Appellant**

Jawad Ahmad Presently Serving as Junior Clerk (BPS-12)
Directorate of LG & RDD, Khyber Pakhtunkhwa, Peshawar

Respondent(s)

1. Mr. Muhammad Asif Presently Serving as Senior Clerk (BPS-14), Directorate of Local Government & Rural Development, Merged Areas Secretariat, Peshawar
2. Director General Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar
3. Director Local Government & Rural Development, Merged Areas Secretariat, Warsak Road, Peshawar
4. Deputy Commissioner, Dera Ismail Khan, Khyber Pakhtunkhwa

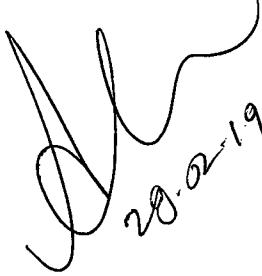

Appellant

Through

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000


20-2-19

Amme...

**OFFICE OF THE ASSISTANT DIRECTOR, LOCAL GOVT. & RURAL
DEVELOPMENT DEPARTMENT ORAKZAI AGENCY, HANGU.**


No. _____ /RDD/Orkzai Dated Hangu the 04/2/2010.

APPOINTMENT ORDER OF JUNIOR CLERK.

Consequent upon the approval granted by the Secretary Administration & Coordination Civil Secretariat FATA Peshawar, Mr. Jawad Ahmad S/O Late Salim Khan Ex-Senior Clerk, LG&RDD NWFP Peshawar is hereby appointed as Junior Clerk BPS-07 (3530-190-9230) plus usual allowances as admissible under the rules and sanctioned by the Government from time to time with effect from the date of taking over the charge on the following terms and condition out of deceased Government Servant's quota already approved by the Government:-

TERMS AND CONDITIONS:-

1. Charge report in duplicate should be submitted to all concerned.
2. The appointment order is made purely on temporary basis and liable to termination at any time without assigning any reason/notice.
3. If the candidate wants to resign, he will have to give one month prior notice or forfeit one month pay in lieu thereof.
4. He would not be handed over charge if his age exceeds 40 years or is less 18 years.
5. If he failed to take over charge within 15 days, his appointment order will be automatically cancelled.
6. He should produce his Health Age certificate from the Agency Surgeon Orakzai Agency at Hangu.



(QAZI NOOR UL WAHAB)
Assistant Director,
Local Govt. & RDD, Orakzai Agency.

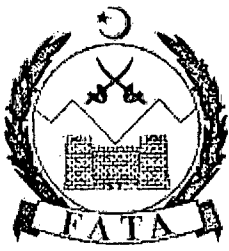
Endst: No. 17-231
Copy to:-

1. The Secretary, Administration & Coordination FATA Civil Secretariat Peshawar.
2. The Director (FATA) Local Govt. & Rural Development FATA Secretariat Peshawar.
3. The Political Agent, Orakzai Agency at Hangu.
4. The Agency Accounts Officer, Orakzai Agency at Hangu.
5. The Section Officer (Establishment) Local Govt. & RDD NWFP, Peshawar.

For information please.

- ✓ 6. Mr. Jawad Ahmad s/o late Salim Khan Ex-Senior Clerk LG&RDD NWFP for information & compliance.


Assistant Director,
Local Govt. & RDD, Orakzai Agency.



12
Directorate of Local Govt:
& Rural Dev. Deptt:
FATA Secretariat, Peshawar
Ph#091-9212933, Fax# 091-9212883

No.DF(RD)/Junior Clerk/ 3456-56
Peshawar the September 06, 2017

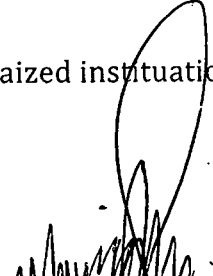
To

All Assistant Directors, LGRD in Agency
All Supervisors, LGRD in FRs.

Subject: **SUB DETERMINATION OF SENIORITY LIST OF JUNIOR CLERK
WORKING IN LGRD, FATA.**

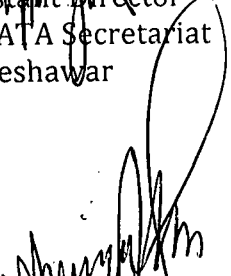
For finalization of Seniority list of Junior Clerks working in you Offices, the following information are needed immediately by this Directorate.

1. Name of Junior Clerk
2. Date of Birth/ Domicil
3. Attested copy of appointment & promotion order
4. Qualification duly supported by certificates/ degrees from recognized institution duly attested.


Assistant Director
LGRD, FATA Secretariat
Peshawar

Copy to:-

1. PS to Director, LGRD, FATA Secretariat, Peshawar.


Assistant Director
LGRD, FATA Secretariat
Peshawar



13

Amme UC 4

Directorate of Local Govt:
& Rural Dev. Deptt:
FATA Secretariat, Peshawar

No.DF(RD)/Senior Clerk/466-07
Peshawar the January 29, 2018

To


All Assistant Directors, LGRD in Agency
All Supervisors, LGRD in FR

Subject: **PROMOTION CASE.**

Promotion case of Junior Clerks to the post of Senior Clerks are being forwarded to the office of Director General, LGE&RDD, Khyber Pakhtunkhwa for which all necessary documents would be required.

In wake of above, it is requested to provide the following documents within 07days positively, so that the process of their promotion could be completed as early as possible.

- ACRs and synopsis of the last 05years.
- Certificate regarding non-involvement in any anti-corruption /departmental enquiry.
- Declaration of no objection certificate on seniority list.


Director
LGRD, FATA Secretariat
Peshawar

Annex "E" Annex "A"

SENIORITY LIST

ERKS WORKING IN LGRDD FATA.

No.	Name of Junior Clerks	Qualification	Domicile	Date of Birth	Date of 1st Entry into Service	Date of promo/ Apptt to the present post	Present BPS	Place of present posting
	Bariat Gul	Matric	Tank	15-8-1959	27-6-1979			S.W. Agency
	Noor Farid	Matric	N.W. Agency	21-3-1961	20-4-1980			N.W. Agency
	S. Anwar Ali Shah	B.A	Kurram Ag.	7-3-1961	4-12-1984			Kurram Agency
	Mohammad Hanif	Matric	Bajaur	19-1-1966	8-12-1984			Bajaur Agency
	Asif Burhan	BA LLB	Peshawar	23-6-1963	22-1-1985			FR Peshawar
	Zia-ud-Din	Matric	Peshawar	4-5-1964	27-3-1985			Khyber Agency
	Ezzat Khan	MA	Peshawar	28-8-1965	2-4-1985			Khyber Agency
	S. Kazim Hussain	BA	Kurram Ag	22-10-1965	22-11-1985			Kurram Agency
	Mohammad Javed	FA	D.I. Khan	28-3-1967	18-8-1987			D.I. Khan
	S. Arshed Hussain	FA	Kohat	8-5-1969	20-10-1990			FR Kohat
	Shaikat Ali	Matric	Bajaur	8-2-1973	4-6-1991			Bajaur
	Jan Alam	FA	Mohmand	18-4-1971	19-6-1991			Mohmand Agency
	Abdul Halim Shah	Matric	Tank	2-3-1972	1-12-1991			S.W. Agency
	Subhan Shah	Matric	Peshawar	1-4-1970	23-1-1992			Khyber Agency
	Aurangzeb	B.A	Tank	1-1-1970	1-3-1993			S.W. Agency
	Anwar Saeed	B.A	Tank	12-7-1973	1-3-1993			S.W. Agency
	Haider Ali	B.A.	Khyber	1-3-1969	17-8-1993			Directorate LG&RDD
	Abdullah Noor	F.A	N.W. Agency	1-4-1972	1-12-1994			N.W. Agency
	Noor Ullah	F.A	N.W. Agency	1-5-1973	1-12-1994			N.W. Agency
	Gohar Ali	B.A	Charsadda	10-9-1969	6-3-1995			Mohmand Agency
	Wazir Hussain	Matric	Kohat	1-12-1975	1-6-1995			Orakzai Agency
	Inamunah	B.A	Peshawar	2-9-1972	26-6-1995			Directorate LG & RDD
	Jehanzeb	F.A	N.W. Agency	24-6-1956	14-8-1996			NW Agency
	Jawad Ahmad	B.A	Peshawar	23-9-1987	4-2-2010			Orakzai Agency
	Ghaffar Ali	Matric	Bannu	-	-			FR Tank.
	Shakil Ahmad	FA	Tank	1-3-1983	30-7-2005			

DIRECTOR LG&RDD FATA SECRETARIAT PESHAWAR

ht

Annex "E" "A"



15
Ann "D"
DIRECTORATE OF LOCAL GOVT. & RURAL DEV.
DEPTT: FATA SECRETARIAT PESHAWAR

No.DF(RD)Junior Clerk/406-07
Dated: Peshawar the April 17, 2018 1234-35

To

1. The Assistant Director,
Local Govt. & Rural Dev. Deptt:
Bajour Agency
2. Supervisor, LGRDD, FR D.I.Khan.

Subject: **PROMOTION CASE OF JUNIOR CLERKS /PROVISION OF
SYNOPSIS /ACR etc.**

Memo:
Reference this office letter No.DF(RD)Junior Clerks/406-07 dated
29-01-2018.

Consequent to above referred letter, all concerned have provided the
requisite documents required for their promotion except the one namely Muhammad
Hanif, Mr. Shoukat Ali and Muhammad Asif working in your office as Junior Clerks.

To complete all formalities, it is once again requested to direct the
officials either to furnish the required documents or communicate option for
surrendering the promotion please. In case of non-compliance, the case shall be
forwarded to quarter concerned for further necessary action without including their
names.

Director
LGRDD, FATA, Peshawar. *ole*

No & date as above

Copy forwarded to:

1. Muhammad Hanif and Shoukat Ali, Junior Clerks LGRDD, Bajour
Agency.
2. Muhammad Asif, Junior Clerk, Supervisor, LGRDD, D.I.Khan FR.

Director
LGRDD, FATA, Peshawar *col*

16

Amma u D I n

SENIORITY LIST OF JUNIOR CLERK WORKING IN LGRD, FATA

S.No	Working In the Office of LGRD, Agency /FR	Name	Domicile	Qualification	Date of Birth	Date of Appointment	Remarks
1	SWA	Banat Gul	Tank	Matric	15/08/1959	27/06/1979	Promotoin Forgo
2	NWA	Noor Farid	NWA	Matric	15/08/1961	20/04/1980	Promotoin Forgo
3	Bajaur	Muhammad Hanif	Bajaur	Matric	19/01/1966	8/12/1984	
4	NWA	Abdullah Noor	NWA	F.A	1/4/1972	1/4/1987	Submitted ACRs
5	Tank	Muhammad Javid	DI Khan	F.A	28/03/1967	18/08/1987	Retired
6	NWA	Noor ullah	NWA	F.A	1/5/1973	15/10/1988	Submitted ACRs
7	Kohat	S.Arshad Hussain	Kohat	F.A	1/5/1969	20/10/1990	Promotoin Forgo
8	Bajaur	Shoukat Ali	Bajaur	Matric	8/2/1973	4/6/1991	Promotoin Forgo
9	Khyber Agency	Subhan Shah	Peshawar	Matric	1/4/1970	22/01/1992	Submitted ACRs
10	SWA	Aurangzeb	Tank	B.A	1/1/1970	28/02/1993	Promotoin Forgo
11	SWA	Anwar Saeed	Tank	B.A	12/7/1973	28/02/1993	Submitted ACRs
12	Khyber Agency	Haidar Ali	Khyber	B.A	1/3/1969	17/08/1993	Submitted ACRs
13	Mohmand	Gohar Ali	Mohmand	B.A	10/2/1969	6/3/1995	Promotoin Forgo
14	Orakzai	Wazir hussain	Kohat	Matric	1/12/1975	28/05/1995	Submitted ACRs
15	Khyber Agency	inam Ullah	Peshawar	B.A	2/9/1972	18/06/1995	Submitted ACRs
16	Bannu	Ayub Rehman	Bannu	MA	6/4/1984	3/11/2006	Submitted ACRs
17	DI Khan	Muhammad Asif	Tank	FA	15/09/1987	10/7/2008	
18	Directorate FATA	Jawad Ahmad	Peshawar	B.A	23/09/1987	4/2/2010	Submitted ACRs



17

Annex "E"
OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

Dated the Peshawar 10th October, 2018**OFFICE ORDER**

No. Director (LG)/3-12/DPC/2016-17/13007

Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 18.09.2018, the Competent Authority has been pleased to promote the following Junior Clerks (BPS-12) to the post of Senior Clerks (BPS-14) with immediate effect:-

Sr. No.	Name	1 st entry into Service	Length of Service	Present place of posting/Remarks
1.	Mr. Abdullah Noor	01.04.1987	31 years	North Waziristan tribal district
2.	Mr. Noorullah	15.10.1988	30 years	North Waziristan tribal district
3.	Mr. Subhan Shah	22.01.1992	26 years	Khyber tribal district
4.	Mr. Anwar Saeed	28.02.1993	25 years	South Waziristan tribal district
5.	Mr. Haider Ali	17.08.1993	25 years	Khyber tribal district
6.	Mr. Wazir Hussain	28.05.1995	23 years	Orakzai tribal district
7.	Mr. Inam Ullah	18.06.1995	23 years	Khyber tribal district
8.	Mr. Ayub Rehman	03.11.2006	12 years	FR Bannu
9.	Mr. Jawad Ahmad	04.02.2010	08 years	Directorate FATA LG&RD

On their promotion, services of the above named Senior Clerks are placed at the disposal of Director FATA LG&RDD for further posting as Senior Clerk (BPS-14) against vacant posts in FATA.

However, promotion of Mr. Ayub Rehman and Mr. Jawad Ahmad is provisional to the condition that Mr. Mohammad Hanif Junior Clerk lying at Sr. No. 3 of the seniority list presently working in the office of Assistant Director LG&RDD Bajaur Agency and Mr. Mohammad Asif Junior Clerk lying at Sr. No. 16 of the seniority list presently working in FR DIKhan will be once again called upon by the Director FATA LG&RDD to provide the requisite record/documents within thirty days positively. However in case of failure, the instant promotion will be considered as final.

DD/ADA. put up posting proposal keeping in view instructions mentioned in the other order.

-Sd-
Director General
LG&RDD

Endst: of Even No & Date
Copy of the above is forwarded to the:

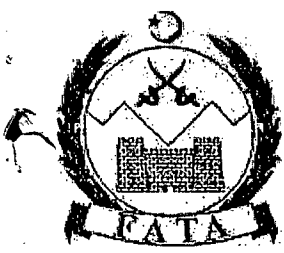
1. Section Officer (Estab), LGE&RDD, Khyber Pakhtunkhwa.
2. Director (FATA) LG&RDD FATA Secretariat.
3. PA to Director General, LG&RDD Peshawar.
4. All above named officials for information & compliance.

19/10

Annex - I

17/10

[Signature]
Assistant Director (Admin/HR)
LG&RDD



18
Ann E-1
Directorate of Local Govt:
& Rural Dev. Deptt:
FATA Secretariat, Peshawar
Ph#091-9212933, Fax# 091-9212883

No. DF(RD)/ Senior Clerk/ 2468-72
Peshawar the October 18, 2018

ORDER: /

Consequent upon promotion of Junior Clerks (BPS-11) to the post of Senior Clerk (BPS-14) vide Local Government, Elections & Rural Development, Government of Khyber Pakhtunkhwa, Peshawar Order NO. Director(LG)3-12/DPC/2016-17/13007 dated 10 October 2018, the newly promoted Officials are adjusted as follows in the public interest.

S.No	Name of Senior Clerk	From	TO	Remarks
1	Mr. Abdullah Noor	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, N.W District	Against the vacant post of Senior Clerk
2	Mr. Noor Ullah	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, Orakzai	-do-
3	Mr. Subhan Shah	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, Khyber	-do-
4	Mr. Anwar Saeed	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, S.W District	-do-
5	Mr. Haider Ali	Directorate of LG&RD, FATA	Directorate of LG&RD, FATA	-do-
6	Mr. Wazir Hussain	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, Kurram	-do-
7	Mr. Inam Ullah	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, Khyber	Against the vacant post of Junior Scale Stenographer
8	Mr. Ayub Rehman	Directorate of LG&RD, FATA	Office of Assistant Director, LGRD, N.W District	Against the vacant post of Asst./Accountant
9	Mr. Jawad Ahmad	Directorate of LG&RD, FATA	Directorate of LG&RD, FATA	Against the vacant post of Senior Clerk

Director
LG&RD, FATA Secretariat
Peshawar

Copy to:

1. The Additional Accountant General, (PR) Sub Office, Peshawar.
2. The Assistant Director (Admin/HR) LG&RDD, Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Directors, LG&RD, Khyber, Orakzai, Kurram, N.W, S.W.
4. The District Accounts Officers, Khyber, Orakzai, Kurram, N.W, S.W.
5. The Officers Concerned.

Director
LG&RD, FATA Secretariat
Peshawar

To

The Director General
LGE & RDD, Khyber Pakhtunkhwa
Peshawar

Through Proper Channel.

Subject; - APPEAL FOR JUSTICE.

Respected Sir;

Most respectfully, it is stated that I was appointed as Junior Clerk in 2010 in Local Government & Rural Development Department and as per seniority list issued by Directorate of LG&RDD, my name is at S.No. 24. It is pointed out that the list does not contain the name of Muhammad Asif junior clerk on the ground that his appointment was on contract basis (F/A).

It is pertinent to mention that in the fresh seniority list issued by the same office, the name of Muhammad Asif was included and processed for promotion of junior clerk to the post of senior clerk (F/B).

Proposed panel of candidates was examined in the DPC held on 18/09/2018 and the eligible candidates were recommended for promotion leaving the names of Muhammad Hanif and Muhammad Asif due to non-observing of codal formalities i.e. ACRs etc, resultantly my name was recommended till production of relevant papers.

Now Muhammad Asif who was appointed in 2008 has submitted his ACR's for Promotion to the post of senior clerk due to which my promotion order will suffered. According to the old seniority list of Junior Clerks issued by the Directorate I noticed that there is no name of Muhammad Asif (F/C). Hence inclusion of his name in the seniority list of regular junior clerks is illegal and need to be struck down.

In view of the above facts it is therefore humbly requested that my appeal may be considered on humanitarian grounds and my promotion order may kindly be kept intact.

I shall be very thankful for this act of kindness.

Thanking you in anticipation.

Yours Obediently

Jawad Ahmad
Jawad Ahmad
Senior Clerk

Directorate of LG&RDD, FATA

Dated: 23/11/2018

Mr. Muhammad Asif s/o Hamaish Gul,
r/o Dera Ismail Khan.

Amme 4 G. 11

**APPOINTMENT AGAINST VACANT POST OF JUNIOR CLERK (BPS-7) IN THE
OFFICE OF THE SUPERVISOR LOCAL GOVT. & RDD, FR DIKHAN**

Reference your application for the above post the competent authority is please to appoint you
the vacant post of Junior Clerk (BPS-7) in the office of the Supervisor Local Govt & RDD, FR DIKHAN on
terms & conditions:-

- That your appointment is on Govt. appointment policy in vogue.
- That you are declared medically fit for Government Service.
- That you will be governed by such approved order as may be issued by the Govt. of NWFP. from
time to time in the category of Govt. Servants for which you belong.
- If you wish to resign at any time you will resign in written with 30 days notice or pay in lieu thereof
and will continue to service the Govt. till the acceptance of your resignation by the competent
authority.
- That you can posted anywhere in the District Dera Ismail Khan.
- That you will not be entitled to an facility for medical examination at joining the first appointment.
- The Candidate is required to produced health certificate from MS DHQ Hospital DIKhan.
- The Candidate will enter into an agreement with the Govt and will be governed by terms &
conditions herein after mentioned in such agreement.
- If the above offer of appointment on contract basis is acceptable to you on the above terms &
conditions, you are directed to report to the office of the Supervisor Local Govt & RDD, FR Dera
Ismail Khan for duty within the week after the receipt of this offer, failing which this offer will be
considered as cancelled.


DISTRICT COORDINATION OFFICER,
DERA ISMAIL KHAN.

Copy to the

1. Director Local Govt. & RDD, FAJLA Peshawar
2. Supervisor LG & RDD, FR Dera Ismail Khan.
3. District Accounts Officer, Dera Ismail Khan.
3. Official concerned for compliance.
4. Office Order.


DISTRICT COORDINATION OFFICER,
DERA ISMAIL KHAN.

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

Service Appeal No. 347/2019

1. Jawad Ahmad Presently Serving as Junior Clerk (BPS-11) Directorate of LG&RDD, Khyber Pakhtunkhwa, Peshawar.....**Appellant**

Versus

1. Mr. Muhammad Asif Presently Serving as Senior Clerk (BPS-14), Directorate of Local Government & Rural Development, Merged Areas Secretariat, Peshawar.
2. Director General Local Government & Rural Development, Khyber Pakhtunkhwa.
3. Director Local Government & Rural Development, Merged Areas Secretariat, Warasak Road, Peshawar.
4. Deputy Commissioner, Dera Ismail Khan, Khyber Pakhtunkhwa.Respondent (s)

JOINT COMMENTS OF RESPONDENTS

Respectfully Sheweth:-

Preliminary objections:

- I. Petitioner has no "locus standi" and /or cause to file the instant petition.
- II. Petitioner is not an "aggrieved" person within the meaning of Article 199 of the constitution of Pakistan.
- III. The writ petition is wholly incompetent, misconceived and untenable.
- IV. Petitioner has not come to the court with clean hands. The writ petition also suffers from mis-statement and concealment of facts.

ON FACTS:-

- Para-1 Does not require reply.
- Para-2 Does not require reply.
- Para-3 Does not require reply.
- Para-4 Correct.

- Para-5 Does not require reply.
- Para-6 Correct.
- Para-7 Correct, names of eligible candidates i.e Junior Clerks were to be finalized for promotion to the post of Senior Clerks.
- Para-8 Correct, until then respondent No. 1 could not complete the required documents, hence his name was not included in the panel.
- Para-9 Correct, the form i.e Departmental Promotion Committee was gracious enough to provide one more opportunity to respondent No. 1 to complete formalities within one month time and produce them before Departmental Promotion Committee for consideration. In the meanwhile, the appellant was recommended for promotion to the post of Senior Clerk.
- Para-10 As explained above, the promotion of appellant was temporary, which was accordingly rolled back on completion of formalities by respondent No. 1, hence the departmental appeal filed by appellant was not entertained.
- It is further added that respondent No. 1 was appointed by Deputy Commissioner, D.I.Khan in his capacity as Political Agent for Frontier Region D.I.Khan against a "regular post" of Junior Clerk in the office of Supervisor, LGRD, D.I.Khan.*
- Para-11 In correct, appointment order dated 10-07-2008 issued by Deputy Commissioner, D.I.Khan does not contain any such clause, which stops promotion of incumbent.
- Para-12 Does not require reply.
- Para-13 As responded in previous para.

GROUND.

- A) In light of above explanation, it is evident that no due right of any government servant or settled principles of law has been violated intentionally.
- B) Incorrect, the appeal was processed and filed in light of circumstances mentioned earlier.
- C) As above.
- D) As above.
- E) Incorrect.
- F) Incorrect.
- G) Agreed, no right of any Government functionary has been violated.
- H) Agreed, due diligence is paid to inforce good governance and observe all prevailing rules/ regulation in public offices.
- I) Does not require reply.
- J) Agreed.
- K) Agreed.
- L) Does not require reply.

It is, therefore, requested that service appeal in hand may kindly be dismissed with cost.

(Respondent No.2)

1. Director General Local Government & Rural Development, Khyber Pakhtunkhwa.

**Director General
Local Govt: Rural Development
Khyber Pakhtunkhwa**

(Respondent No.3)

2. Director Local Government & Rural Development, Merged Areas Secretariat, Warsak Road, Peshawar.

WAKALAT-NAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Jawad Ahmad

Petitioner

VERSUS

Muhammad Asif, etc

Respondents.

I, the above-named ^{Suljan}petitioner, do hereby appoint and constitute ^{Respondent No 1}Malik Hidayatullah Mallana Advocate High Court, as my counsel in subject proceedings and authorize him to appear, plead etc, compromise, withdraw or refer the matter for arbitration for me without any liability for his default and with the authority to engage/appoint any other Advocate/counsel at my expense and receive all sums and amounts payable to me/us and do all such acts which he may deem necessary for protecting my interest in the matter. He is also authorized to file Writ Petition/Bail Petition/appeal/revision/review/application for restoration or application for setting aside exparte decree proceedings on my behalf.

OCTOBER 01, 2019

Accepted & attested

Muhammad Asif
Malik Hidayatullah Mallana AHC
counsel for ~~petitioner~~ ^{Respondent}
NO 1

Muhammad Asif
Muhammad Asif
(Respondent No 01)

In the event of joining or carrying on any other profession, service or business, the holder will not be entitled to use this card and shall forthwith surrender it to the KP Bar Council

Father's Name: MALIK HAMEED ULLAH
Address: GULSHAN ALI MULTAN ROAD D.I. KHAN.

Contact No: 03018791760
Enrolment Date L.C.24-September-2003
Enrolment Date H.C.12-December-2005
Place of Practice: D.I. KHAN
Date of Birth: 01-September-1975
Blood Group: O+VE
C.NIC No: 12101-0991449-5

Card No
14286



**KHYBER PAKHTUNKHWA
BAR COUNCIL**

MALIK HIDAYAT ULLAH MALLANA

Advocate

bc-09-0868

Date of issue: January 2019

Valid upto: January 2022

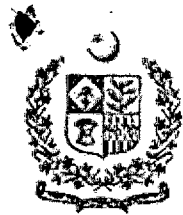


Muhammad Asif
Secretary
KP Bar Council

ADVOCATE HIGH COURT

KHYBER PAKHTUNKHWA BAR COUNCIL

Bar Council Building Khyber Road, Peshawar. pn:091-9211172, 9272415, Fax:091-9211914
E-mail: support@kpbarcouncil.com, www.kpbarcouncil.com



**DIRECTORATE OF LOCAL GOVERNMENT
AND RURAL DEVELOPMENT
MERGED AREAS SECRETARIAT PESHAWAR.**

Dated Peshawar, the 08/08/2019

AUTHORITY LETTER

Mr. Awais Baseer Office Assistant LG&RD (BPS-16) is authorized to attend the Service Tribunal in the court case namely "**Jawad Ahmad V/S Mr. Asif and others**" on behalf of Director LG&RD, Merged Areas Secretariat, Peshawar.


DIRECTOR
LG&RD MERGED AREAS SECRETARIAT
PESHAWAR. *N*

BEFORE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 347/2019

Jawad Ahmed Versus Muhammad Asif & others

COMMENTS FROM RESPONDENTS NO. 1

Respectfully Shewith:

Respondents No. 1 humbly submit as under,

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action and locus standie against the replying respondent#1.
2. That appellant has not come to this Honourable Court with clean hands.
3. That the service appeal is not maintainable in its present form, hence liable to be dismissed.
4. That the instant service appeal of the appellant is based on malafidies and are having no legal footings, hence liable to be dismissed.
5. That the appellant is not entitled for the relief which he is claiming in the instant service appeal.
6. That no proper remedy has been acquired by the appellant and only on this sole ground, the instant service appeal is liable for dismissal.
7. Appellant is not an aggrieved person because petitioner is junior to the respondent 1.

OBJECTION ON FACTS:-

1. Does not require reply.
2. Does not require reply.
3. Does not require reply.
4. It is correct that appellant was appointed as junior clerk (PBS-07) in Rural and Development department in the year 2010, but

replying respondent#1 appointed as junior clerk (PBS-07) on 10/07/2008. Copy of appointment order of replying respondent#1 is already annexed by the appellant as annexure G in his appeal.

5. Does not require reply.
6. It is correct.
7. It is correct, names of eligible candidates that is junior clerks were to be finalized for promotion to the post of senior clerk.
8. It is correct, until then replying respondent#1 could not complete documents hence his name was not included in the initial seniority list and after completion of required documents the name of replying respondent#1 included in the final seniority list at serial#17, as replying respondent#1 is two years senior than appellant.
9. It is correct, that departmental promotion committee was gracious enough to provide opportunity to replying respondent#1 to complete his required documents with in one month and produce before departmental promotion committee for consideration in the meanwhile the appellant to be recommended for promotion as a senior clerk.
10. As explained the promotion of appellant was temporary which was accordingly rolled back on completion of formalities by replying respondent#1, hence the departmental appeal filed by the appellant was not entertained by the department.

It is further added that replying respondent#1 was appointed by the deputy commissioner D.I.Khan in his capacity as political agent for Frontier Region D.I.Khan against a regular post of junior clerk in the office of supervisor, LGRD, D.I.Khan. Respondent#1 also regularized under Khyber Pakhtunkhwa (Regularization of services) Act 2009, as section 03 of the Act is reproduce as under,

„all employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December 2008 or till the commencement of this Act shall be deemed to have been validly appointed

Handwritten signature/initials

on regular basis having the same qualification and experience for a regular post,,


11. It is incorrect, appointment order dated 10/07/2008 issued by Deputy Commissioner, D.I.Khan does not contain any such clause, which stops promotion of replying respondent#1.
12. Does not require reply.
13. As respondent in previous para.

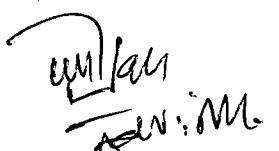
REPLY ON GROUNDS:-

- a. It is incorrect, in light of above explanation it is evident that no due right of any government servant or settled principles of law has been violated by the Departmental promotion committee.
- b. It is incorrect; the appeal was processed and filed in light of circumstances mentioned earlier.
- c. As above.
- d. As above.
- e. It is incorrect.
- f. It is incorrect.
- g. Agreed, no right of any government functionary has been violated.
- h. Agreed, as the seniority list is according to merit and not violated any rules and regulations.
- i. Does not require reply.
- j. Agreed.
- k. Agreed.
- l. Dose not require reply.

It is therefore, prayed that the service appeal of the appellant may graciously be dismissed with costs.

Dated: 28 /10/2019


Respondent No.1
MUHAMMAD Asif

Through Counsel




Directorate of Local Govt:
& Rural Dev. Deptt:
FATA Secretariat, Peshawar
Ph#091-9212933, Fax# 091-9212883


No.DF(RD)/Junior Clerks/ 2-32-33
Peshawar the January 18, 2018

To

All Assistant Directors, LGRD in Agency
All Supervisors, LGRD in FRs.

Subject: FINAL SENIORITY LIST OF JUNIOR CLERKS WORKING IN LGRD, FATA.

Final seniority list of Junior Clerks working in LGRD, FATA prepared after fulfilling all codal formalities is hereby circulated to all concerned for information please.


Director
LGRD, FATA Secretariat
Peshawar

Attested

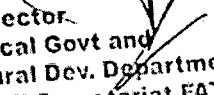


Director
Local Govt and Rural Dev.
Merged Area Secretariat
Peshawar

11-8-21

SENIORITY LIST OF JUNIOR CLERK WORKING IN LGRD, FATA

S.No	Agency /FR	Name	Domicile	Qualification	Date of Birth	Date of Appointment	Remarks
1	SWA	Banat Gul	Tank	Matric	15/08/1959	27/06/1979	
2	NWA	Noor Farid	NWA	Matric	15/08/1961	20/04/1980	
3	Bajaur	Muhammad Hanif	Bajaur	Matric	19/01/1966	8/12/1984	
4	NWA	Abdullah Noor	NWA	F.A	1/4/1972	1/4/1987	
5	Tank	Muhammad Javid	DI Khan	F.A	28/03/1967	18/08/1987	
6	NWA	Noor ullah	NWA	F.A	1/5/1973	15/10/1988	
7	Kohat	S.Arshad Hussain	Kohat	F.A	1/5/1969	20/10/1990	
8	Bajaur	Shoukat Ali	Bajaur	Matric	8/2/1973	4/6/1991	
9	Khyber Agency	Subhan Shah	Peshawar	Matric	1/4/1970	22/01/1992	
10	SWA	Aurangzeb	Tank	B.A	1/1/1970	28/02/1993	
11	SWA	Anwar Saeed	Tank	B.A	12/7/1973	28/02/1993	
12	Khyber Agency	Haidar Ali	Khyber	B.A	1/3/1969	17/08/1993	
13	Mohmand	Gohar Ali	Mohmand	B.A	10/2/1969	6/3/1995	
14	Orakzai	Wazir hussain	Kohat	Matric	1/12/1975	28/05/1995	
15	Khyber Agency	inam Ullah	Peshawar	B.A	2/9/1972	18/06/1995	
16	Bannu	Ayub Rehman	Bannu	MA	6/4/1984	3/11/2006	
17	DI Khan	Muhammad Asif	Tank	FA	15/09/1987	10/7/2008	
18	Directorate FATA	Jawad Ahmad	Peshawar	B.A	23/09/1987	4/2/2010	


 Director,
 Local Govt and
 Rural Dev. Department,
 Civil Secretariat FATA

Bu-203025

Hafeez Ullah Afendi

بعدالت

0333-9058458

سر و سر آر انور ضلع خواہ

Appeal No - 347
2019

جوارا لمہ
بنام کوئل گورنمنٹ
2، پنجاب جوارا لمہ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی کا پکاوا لیا متعلقہ
 آن مقام کے لیے حقیقتاً اور
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موضوع کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے
 سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2021
Accepted
Hafizullah

8 ماہ

الرقوم
Jameel Hussain

واہ العب
مقام
کے لئے منظور ہے۔

BEFORE THE SERVICE TRIBUNAL KP, PESHAWARCM No. ~~347~~/2019

IN RE:-

Service Appeal No. ~~347~~ 347/2019

Jawad Ahmad

.....Appellant

Versus

Muhammad Asif & Others

.....Respondent(s)

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Appellant**Through****Ali Azim Afridi**

Advocate High Court

Contact # 0333-9555000

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

CM No. /2019

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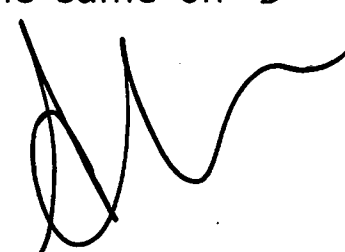
**APPLICATION FOR PLACING ADDITIONAL
DOCUMENTS ON RECORD****Respectfully Sheweth,**

1. That the titled case is pending adjudication before the Hon'ble Court and as such is fixed for hearing on 25.04.2019.
2. That the appellant intends to place the order seeking withdrawal of his promotion dated 21.12.2018 which is necessary for just decision of the instant matter.

It is therefore, humbly submitted that the document provided for in the instant application may please read as integral part of the instant matter; by bring the same on record.

Appellant**Through****Ali Azim Afridi**

Advocate High Court

Contact # 0333-9555000


BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

CM No. /2019

IN RE:-

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.....Appellant

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.....Respondent(s)

AFFIDAVIT*Jawad*

I **Jawad Ahmad** ~~Senior~~ **Senior Clerk Directorate of LG & RDD, Khyber Pakhtunkhwa, Peshawar**, do hereby solemnly affirm that the contents of the application are true and correct to the best of my knowledge, belief, ability and nothing has been concealed therein from the Hon'ble Court.

Jawad
Deponent

Jawad
ATTESTED

25-04-2019

MIAN SIBGHAT ULLAH SHAH
ADVOCATE
Notary Public/Oath Commissioner
Peshawar High Court Peshawar



(4)

**OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

Dated the Peshawar 21st December, 2018

OFFICE ORDER

No. Director (LG)/3-12/DPC/2016-17/13470 In partial modification of this office order of even number and dated 10th October 2018 and consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 19.12.2018, the Competent Authority has been pleased to promote Mr. Mohammad Asif Junior (BPS-11) lying at Sr. No. 16 of the seniority list to the post of Senior Clerks (BPS-14) in place of Mr. Jawad Ahmad lying at Sr. No. 17 of the Seniority list who was provisionally promoted, with immediate effect. The promotion orders of Mr. Jawad Ahmad shall be treated as withdrawn as Mr. Mohammad Asif Junior Clerk has provided the requisite documents within the given time of one month.

On his promotion, services of Mr. Mohammad Asif Senior Clerk are placed at the disposal of Director LG&RDD Merged Districts Secretariat for further posting as Senior Clerk (BPS-14) against vacant posts in merged areas.

Sd/xx
Director General
LG&RDD

Endst: of Even No & Date

Copy of the above is forwarded to the:

1. Section Officer (Estab), LGE&RDD, Khyber Pakhtunkhwa.
2. Director LG&RDD Merged District Secretariat Warsak Road Peshawar.
3. PA to Director General, LG&RDD Peshawar.
4. All above named officials for information & compliance.


Assistant Director (Admin/HR)
LG&RDD