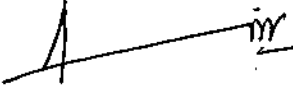


# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 219/2023

S No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/1/2023	<p>The appeal of Mr. Shahid Akbar resubmitted today by Mr. Asif Ali Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Shahid Akbar son of Wali Akbar r/o Mohallah Tawas Khe Village Sangao Tehsil Katlang District Mardan received today i.e. on 20.01.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is wrong.
- 2- Copy of termination/withdrawal of appointment order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of final/rejection order of departmental appeal is not attached with the appeal which may be placed on it.
- 4- Sub-rule-4 of rule-6 of the Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect shall also be shown as respondent.
- 5- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 287 /S.T,

Dt. 23/1 /2023

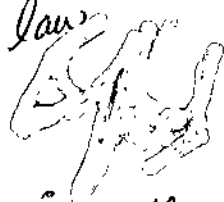
*Amal*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Asif Ali Shah Adv.  
High Court at Peshawar.

*Respected Sir!*

*The above mentioned objections are hereby removed. The instant appeal may kindly be fixed earlier.*

*Para. 1 has been rectified and relevant law has been quoted.*

*Para. 2 impugned order is available is  on page 11*

*Para. 3 The objection is removed by attaching the copy of departmental appeal (the order has been written on the bottom of the page)*

*Para. 5 objection is removed by attaching another set of appeal along with annexures.*

*The once again I request that the instant appeal may kindly be fixed earlier as soon as possible, if the instant appeal is not fixed earlier, the appellant would suffer irreparable loss.*

*Para. no concern with private respondent. 24.01.2023*

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

Service Appeal No. 219 2023

Shahid Akbar S/o Wali Akbar  
R/o Mohallah Tawas Khel, Village Sangao Tehsil  
Katlang & District Mardan

..... Appellant

Versus

Govt. of K.P.K. Through Secretary Local Government  
& others..... Respondents

**INDEX**

S.NO.	PARTICULARS	ANNEXURES	P/NO.
1	Memo of Appeal		1-4
2	Addresses of the Parties		5
3	Copy of Advertisement	A	6
4	Copy of appointment order	B	7
5	Copy of Medical & Charge Report	C & D	8-9
6	Copy of Application	E - E2	10-11
7	Copy of withdrawal order & appointment order of Yousaf Shah	F & G	12-13
8	Copy of Writ Petition & Judgment <i>Rev. Petition</i>	H & I J & K	14-26
9	Wakaltnama		27

Appellant  
Through:  
Asif Ali Shah A.S.C  
&

Syed Bilal Bacha  
Advocate High Court, Peshawar

Dated: 16.01.2023

**OFFICE:** -3-A, Haroon Mansion Khyber Bazar Peshawar.

Cell # 0333-9006806, 03469466739

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

Service Appeal No. 219 2023

Shahid Akbar S/o Wali Akbar  
R/o Mohallah Tawas Khel, Village Sangao Tehsil Katlang, District  
Mardan.

..... Appellant.

Versus

1. Govt. of K.P.K. Through Secretary Local Government & Rural Development, Civil Secretariat Peshawar.
2. Director General, Local Government & Rural Development & Rural Development of K.P.K. Civil Secretariat Peshawar.
3. Deputy Commissioner, District Mardan.
4. Assistant Director Local Government & Rural Development, Mardan.
5. Village Secretary, VC Rorya-01 Tehsil & District Mardan.

..... Respondents

APPEAL U/S-4 NWFP SERVICE TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED LETTER NO. AD  
LG(MRD)/ESTB/SERVICE/2020-M499-A  
DATED:23.10.2020.

**Prayer in Appeal:**

**ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED TERMINATION ORDERS OF THE APPELLANT BY RESPONDENTS THROUGH IMPUGNED LETTER NO. AD LG (MRD)/ESTB/SERVICE/2020-M499-A DATE. 23.10.2020. MAY PLEASE BE SUSPENDED AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RELEASE THE SALARIES AND OUTSTANDING ARREARS OF THE APPELLANT AND MAY ALSO PAY MONTHLY SALARY TO THE APPELLANT WITHOUT ANY STOPPAGE.**

*Respectfully Sheweth,*

The Appellant Most humbly submit as under: -

**Brief Facts:**

1. That the appellant is a law-abiding citizen and bona fide resident of Mohallah Tawas Khel, Village Sangao Tehsil Katlang & District Mardan.
2. That respondent No.4 advertised some 164 posts of Naib Qasid (BPS-03) per advertisement published in the daily newspaper. (Copy of the advertisement is attached as Annexure-A).

2

3. That the Appellant applied for the vacant post and in this regard, the meeting of the District Selection Committee was conducted and the Appellant along with others were recommended and selected for recruitment.
4. That on for the aforesaid post after passing through the proper procedure the Appellant was appointed, per "Appointment Order" dated: 09.03.2020 being the deserving/successful candidate and posted in VC Rorya-01 Tehsil & District Mardan. (Copy of the Appointment Order is attached as Annexure-B).
5. That in compliance with the said office order, the Appellant reported in VC Rorya-01 Tehsil & District Mardan and after taking over the charge on the direction of Respondent No.4 the Appellant performed duties in the office of respondent No.5. the Appellant passed through a medical examination and police clearance certificate for service book preparation. The appellant from the appointment to august 2020 performed his duties but without any reason, the salary was stopped and the appellant was orally informed that there is no vacant post for the appellant. (Copy of medical & charge report is attached as annexure C&D).
6. That the salary of the Appellant was stopped by the respondents without any reason for which the Appellant approached respondent No.2 and submitted a written application but to date no response, that's why the appellant filed A Writ Petition No. 3364-P/ 2020 for redressal of his grievances. The Comments were called from the respondents, but the respondents delayed the matter in submitting comments that's why The Honorable Court was pleased to attach the salary of the respondent. (Copy of the application is attached as Annexure-E).
7. That when the comments were filed the respondents mala-fidly withdraw the appointment order of the appellant vide impugned Letter No.NO. AD LG(MRD)/ESTB/SERVICE /2020-M499-A DATED. 23.10.2020, during the pendency of the Writ Petition on the ground that another employee Muhammad Arsalan was reinstated and once Yousaf Shah was appointed. It was surprising that the person namely Yousaf Shah in active service of KP Police. (Copy of the Withdrawal Order and Appointment Order of Yousaf Shah are attached as Annexures F & G).
8. That the Writ Petition No.3662-P2021 Title: Shahid Akbar versus Govt. Of KPK & Others was dismissed by the Honorable Divisional Bench of their Lordship Mr. Justice Lal Jan Khattak & Mr. Justice Abdul Shakoor Vide Judgment Dated: 12.05.2022. (copy of writ petition & judgment is annexure H & I as attached).
9. That the appellant filed a review petition of Order / Judgment dated: 12.05.2022 but the same is also dismissed vide Order / Judgment dated: 30.11.2022. (Copy of Order / judgment dated: 30.11.2022 is attached) J & K.

(3)

10. That after dismissal of Review Petition the appellant filed a departmental appeal but respondent No.3 but a few days before the filling of this Appeal the Respondent No.3 returned the departmental appeal with observation that the appeal of the appellant is not maintainable, hence this appeal on the grounds interalia:-

**GROUND:** -

- A. That the Appellant was appointed by the respondent department on the post of NaibQasid through proper channel vide office order and after joining the said post the Appellant is performing his duties regularly but the stoppage of the salary respondents is against the law and unjustifiable.
- B. That the Appellant for the sake to keep his service safe regularly providing his service but the respondents department taking duty from the Appellant like in a government beggar camp and not paying salary to the Appellant violating his fundamental rights, hence, the appellant approached this Honorable Tribunal for release of his salary and the respondent No.4 issued the impugned Order of withdrawal of appointment order during the pendency of the Writ Petition, the respondents have no prerogative to issue the impugned without adopting the legal procedure, hence, this Hon'ble Court have the prerogative to interfere in such like matters.
- C. That the Appellant has an excellent service record and performed duty and was too excellent, hence not paying the salary to the Appellant by the respondents is great discrimination and the impugned order of withdrawal of the appointment order during the pendency of Writ Petition had no legal footing.
- D. That the Appellant is assiduous and punctual in his duty, therefore no complaint was received by the respondents against the Appellant but the respondents unlawfully stopped the salary of the Appellant, which is against the law and fundamental rights and the Appellant was approached before the Peshawar High Court in Writ Petition No. 3364-P/2020 and during pendency the salary of respondent No. 4 was attached by the Honorable Court due to non-compliance of submission of comments and the respondent No. 4 while taking revenge from the meagre the respondent issued impugned order dated: 23.10.2020, which is illegal, unlawful and inoperative upon the right of the Appellant and liable to be set aside and the appellant has right of reinstatement in service with all consequential benefits from the date of the impugned order.
- E. That the Appellant having minor children, and the Appellant is the only person to earn livelihood for his family, so the illegal and unlawful act of the respondents has fallen the Appellant as well as his family in a great financial crisis, so needs interference of this Honorable tribunal on humanitarian grounds too.
- F. That unless an order of reinstatement in service and payment of salary of the Appellant is not issued, serious miscarriage of justice would be caused to the Appellant and would be suffered

(4)

by the orders of the Respondents which are fanciful, suffering from patent perversity and material irregularity, needs correction from this Hon'ble Court.

- G. That the Appellant, after running from pillar to post but of no avail, finally decided to approach this Honorable Court for seeking justice as no other adequate and efficacious remedy is available to him.
- H. That the Appellant reserves the right to advance other points at the time of hearing this petition.

**ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED TERMINATION ORDERS OF THE APPELLANT BY RESPONDENTS THROUGH IMPUGNED LETTER NO. AD LG(MRD)/ESTB/SERVICE/2020-M499-A DATED. 23.10.2020. MAY PLEASE BE *set aside* AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RELEASE THE SALARIES AND OUTSTANDING ARREARS OF THE APPELLANT AND MAY ALSO PAY MONTHLY SALARY TO THE APPELLANT WITHOUT ANY STOPPAGE.**

**ANY OTHER RELIEF DEEMS FIT IN THE CIRCUMSTANCES, WHICH IS NOT SPECIFICALLY ASKED FOR MAY PLEASE ALSO BE GRANTED TO THE APPELLANT.**

**INTERIM RELIEF.**

***IT IS FURTHER PRAYED THAT DURING THE PENDENCY OF THIS SERVICE APPEAL THE RESPONDENTS MAY KINDLY BE DIRECTED TO RELEASE THE SALARY AND OUTSTANDING ARREARS OF THE APPELLANT.***

APPELLANT

Through  
Asif Ali Shah A.S.C  
&  
Syed Bilal Bacha  
Advocates High Court.


Dated: 16.01.2023

VERIFICATION:

It is verified that (as per the information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Advocate



(5)

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

Service Appeal No. \_\_\_\_\_ 2023

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Shahid Akbar S/o Wali Akbar  
R/o Mohallah Tawas Khel, Village Sangao Tehsil Katlang &  
District Mardan.

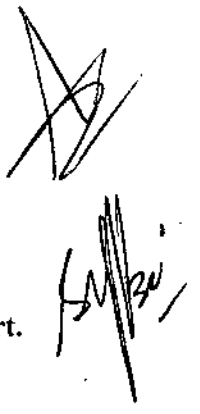
**RESPONDENTS:**

1. Govt. of K.P.K. Through Secretary Local Government & Rural Development, Civil Secretariat Peshawar.
2. Director General, Local Government & Rural Development & Rural Development of K.P.K. Civil Secretariat Peshawar.
3. Deputy Commissioner, District Mardan.
4. Assistant Director Local Government & Rural Development, Mardan.
5. Village Secretary, VC Rorya-01 Tehsil & District Mardan.

.....Respondents

Date: 16.01.2023

APPELLANT  
Through  
Asif Ali Shah A.S.C  
&  
Syed Bilal Bacha  
Advocates High Court.





(6)

Annexure = "A"

## بھرتی برائے نائب قاصد مردان

خان اخبار فروروش ملاکنڈ چوک مردان روزنامہ آج 22/10/2017

خان اخبار فروروش ملاکنڈ چوک مردان روزنامہ آج 22/10/2017

حکومت پاکستان اور وفاقی حکومت خیبر پختونخوا

دفتر اسسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی ضلع مردان

اشتہار برائے بھرتی نائب قاصد (BPS-03)

دفتر بڈا کوونچ انجیر ہوڈ کونسل میں نائب قاصد کی خالی آسامیوں کو پر کرنے کیلئے متعلقہ ونچ انجیر ہوڈ کونسل کے ڈویژنل منسٹر کے خالی اہل امیدواروں سے درخواستیں مطلوب ہیں جو کہ اس اشتہار کی اشاعت کے پندرہ یوم کے اندر اندر اسسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی ضلع مردان کے دفتر میں دفتری اوقات کار کے دوران جمع تصدیق شدہ دستاویزات جمع کرائی جاسکتی ہیں۔

تفصیلی آسامیاں و مطلوبہ قابلیت اور دل کار عمر کی حد نیچے درج ہیں

نمبر شمارہ / ضلع	نائب قاصد	بنیادی سکیل	تعداد آسامی	ضلع مردان کے ونچ انجیر ہوڈ کونسل	عمر کی حد
1- مردان	نائب قاصد	03	164	(1) متعلقہ ونچ انجیر ہوڈ کونسل کا مستقل باشندہ ہو	18-40

(1) متعلقہ ونچ انجیر ہوڈ کونسل کے سکوتی باشندے کو ترجیح دی جائے گی۔ (2) ونچ انجیر ہوڈ کونسل میں نائب قاصد کے خالی آسامیوں کے بارے میں تفصیلی دفتر بڈا سے حاصل کئے جاسکتی ہیں۔ مطلوبہ قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواست ہے کہ اس اشتہار کی اشاعت کے پندرہ یوم کے اندر اندر اپنے دستاویزات جمع ڈویژنل منسٹر کے دفتر میں جمع کرائے۔

المشہور

**Say No to Corruption / Drugs** INF(P)6020

محکمہ بلدیات و دیہی ترقی ضلع مردان

ہر قسم آن لائن رجسٹریشن کیلئے **ٹیکسا** نزد شاہ میڈیسن نیفل مارکیٹ ملاکنڈ روڈ مردان **لیاقت**

ATTESTED

ATTESTED  
R. M. Khan



(7)  
Annexure "B"  
**OFFICE OF THE  
ASSISTANT DIRECTOR (SENIOR)  
LG & RDD DISTRICT MARDAN**

Dated: 09<sup>th</sup> March 2020

**OFFICE ORDER:**

No. AD/LG&RDD/(MDN)/Office-Order/ 305 Consequent upon the recommendations of the Departmental Selection Committee, Mr. Shahid Akbar S/O Wali Akbar is hereby appointed as Naib Qasid (BPS-03) VC/NC Rorya-01 Tehsil & District Mardan as per following terms & conditions with immediate effect in the public interest, please.

**TERMS & CONDITIONS:**

1. The selectee will be governed by such rules and regulations issued by the Govt: or may be issued hereinafter for category of post to which he belongs.
2. Before assumption of charge the selectee will provide Medical Fitness Certificate from the Medical Superintendent DHQ Hospital Mardan, Police Clearance Certificate from Local Police Station and an affidavit on judicial stamp paper for good conduct, punctuality and will compulsorily perform duty at least for 02 years on this post.
3. The Selectee will remain on probation period/provisionally for Two years.
4. In case, the selectee wish to resign from service at any time, one month prior notice should be necessary or in lieu thereof one month pay shall be forfeited.
5. The documents/particulars reflected/submitted by the selectee will be abided upon him/them, if found fake or bogus.
6. The orders may be withdrawn any time, without assigning any reason.
7. An affidavit/judicial Stamp paper will be submitted by the applicant concerned that in case of any litigation, he will be exclusively responsible, and in case of any misconduct, absence from official duty or non punctuality will be tantamount to disciplinary action under E&D/Service rules.
8. If the Naib Qasid concerned, where his duty has been assigned, is found absent somewhere else from VC/NC, will be terminated & dismissed with immediate effect.
9. The salary will be activated only and only subject to relaxation of age from Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.

~~Assistant Director (Senior)  
Local Govt. & Rural Dev. Deptt:  
Mardan~~

**Even No. & Date.**

**Copy of the above is forwarded to the:**

1. Director General, LG & RDD Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, District Mardan.
3. District Police Officer, Mardan
4. MS DHQ Hospital Mardan.
5. District Accounts Officer, District Mardan.
6. Progress Officer, LG&RD Mardan.
7. Accountant, LG&RDD Mardan.
8. Supervisor, LG&RDD Tehsil & District Mardan.
9. Secretary VC/NC Rorya-01 Tehsil & District Mardan.
10. Official Concerned.

~~Assistant Director (Senior)  
Local Govt. & Rural Dev. Deptt:  
Mardan~~

★  
**ATTESTED**

**ATTESTED**  
Signature

(8)

Ammerine: "C" (10)

**MEDICAL CERTIFICATE**

DNO: 894/16ms

Name of Official Mr. Shahid Akbar 1601-0271514-1

Caste of Race Afghan

Father's Name Wali Akbar

Residence Toxas Khel, P/O Sangah, Sangao, Tehsil Kallang District Mardan

Date of Birth 16-03-1998 (As Per Civic)

Exact Height by measurement 5-6"

Exact mark of identification NIL

Signature of the Official

Signature of the Head of Office

Seal of Office

I do hereby certify that I have examined Mr. Shahid Akbar for employment in the office of the Assistant Director (S) Local Govt Mardan and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this is disqualification for employment in the office of the above as Naib Qasid BPS-03 his age according to his own statement 22 year and by appearance about year Twenty two yr



LEFT HAND THUMB AND FINGER IMPRESSION

Date: 10-03-2020

Medical Superintendent,  
DHQ Hospital, Mardan

Medical Superintendent,  
D.H.Q. Hospital, Mardan

ATTESTED

ATTESTED  
*[Signature]*

(9)

Annexure  
D

The Assistant Director,  
LG and Rdd Distt. Mandan.

Subject :- Request for Tiring Report.

R/Sir,

Consequent upon my letter

no. 305 dt - 09-03-2020, I hereby  
submit my Tiring report to day i.e  
18-03-2020.

Thanking you.

Yours obediently,

Shd

Shahid Akbar - S/O  
Wali Akbar.

V.C Roria No-I

Mandan city.

(Documents attached.)

Annual Report  
Submitted today  
Secretary  
LG Roria-1  
Mandan  
18/03/2020

ATTESTED  
[Signature]

★  
ATTESTED

10

Annexure E 20

To

Director General LG & RDD  
KPK Peshawar

Subject: APPLICATION AGAINST ORDER OF ASSISTANT DIRECTOR SENIOR LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT MARDAN VIDE WHICH THE APPLICANT WAS STOPPED VERBALLY FROM WORKING AS NAIB QASID IN VC/NC RORYA -I DISTRICT MARDAN

Respected Sir,

It is humbly submitted as under: -

1. That the applicant was appointed as Naib Qasid (BPS-3) in VC/NC Rorya-I District Mardan vide letter No.AD/LG&RDD(MDN)/Office Order 305 dated: 09.03.2020 (copy attached)
2. That in pursuance of the said order the applicant joined his post of duty vide the attached copy of joining report dated: 18.03.2020.
3. That the applicant performed his duties for found months and for the said period salary was paid by the concerned authority.
4. That in the meantime A.D restrained the applicant not to come for duty without mentioning any reason(s).
5. That the applicant belongs to very poor family and has remained jobless for long time.
6. That restraining the applicant from duty without any written order or reason is against the dispensation of natural justice.

In view of the above it is humbly requested that the verbal order of the AD(Senior) LG&RDD Mardan may kindly be set aside and the concerned authority may be directed to re-instate the applicant on his post in greater interest of justice.

Dated: 16.07.2020

Yours Obediently,

SHAHID AKBAR  
S/O Wali Akbar  
R/O Sangao, Tehsil  
Katlang District Mardan

ATTESTED

ATTESTED  
Sulbi

11

Amr  
E2

To,  
THE ASSISTANT DIRECTOR LOCAL GOVERNMENT AND RURAL  
DEVELOPMENT MARDAN.

Subject: REINSTATEMENT OF SERVICE AND RELEASED OF SALARY AND ARREARS.

Respected sir!

It is respectfully submitted that I have been appointed as Naib Qasid(BPS-03) as per advertisement published in the daily newspaper on dated: 09.03.2020. being a deserving / successful candidate and posted in village council Rorya -01 tehsil & district Mardan. By the compliance of the said office order I reported in VC Rorya-01 tehsil & district Mardan.

From the date of appointment 06.03.2020 I performed my duties with zeal & zest till august 2020. Due to non- payment of the salary I have filed Writ Petition and during proceeding I got knowledge of the termination/ cancellation No. AD LG (MRD)/ESTB/SERVICE/2020-499 of my appointment, and I impugned the same in Writ Petition. The Honorable High Court directed me to approach the service tribunal; thereafter I filed a review petition but the same as dismissed hence this appeal against the impugned termination/ cancellation.

I humbly request that in view of the above submission that the said application for the re-instatement of my service my kindly be accepted. Furthermore, the impugned letter no. AD LG (MRD)/ESTB/SERVICE/2020-499 may kindly be set aside and my salaries and arrears my kindly be released at earliest because I am a poor and this is the only source of the livelihood and shelter of my entire family.

Appellant:  
Shahid Akbar S/o Wali akbar R/o  
Sangao tehsil Katlang District  
Mardan.  
Cell: 03469316276

Date: 30.11.2022

*appeal is not maintainable  
w.m.e. dismissed  
15/11/2022*

*attached  
S/Amr*

Annex-"F"  
OFFICE OF THE ASSISTANT DIRECTOR

72  
20



**LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT**  
MARDAN

Phone: 0937 9230067

Email: adlgmardan2@gmail.com

No. AD LG(Mrd)/Estb/Service/2020-M4/99-A

Dated: October, 23, 2020

OFFICE ORDER

Consequent upon the directions of the finding of enquiry report conducted by 1)- Mr. Sheraz Ahmad, Deputy Director (Litigation)/Enquiry Officer, and 2)- Mr. Asad Ullah Khan Deputy Director (Admin/HR)/Enquiry Officer, Local Government and RDD, Khyber Pakhtunkhwa, received in this office vide letter No. Director (LG)3-40/Application/2019/17069 dated 7/10/2020 from Assistant Director (Admin/HR). On the recommendation of enquiry committee, and issuance of re-instatement order No. AD LG(Mrd)/Estb/Service/2020-M4/99, Mr. Muhammad Arsalan Naib-Qasid into service from the date of termination, the appointment order of Mr. Shahid Akbar S/O Wali Akbar resident of Village Sangao is hereby reverted/withdrawn from the date of its issue.

Assistant Director (Sr)  
LG & RDD Mardan

Copy Forwarded to:

1. Director General, Local Government & RDD, Khyber Pakhtunkhwa.
2. District comptroller of Accounts, Mardan.
3. Progress Officer, Local Govt & RDD, Mardan.
4. Office Assistant, Local Govt & RDD, Mardan.
5. Mr. Shahid Akbar S/O Wali Akbar Resident of Sangao Tehsil Katlang.

Assistant Director (Sr)  
LG & RDD Mardan

ATTESTED

Assistant Director Sr  
LG & RDD  
Distt. Mardan

13



**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Annex "G"

194

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email [dpd\\_mardan@yahoo.com](mailto:dpd_mardan@yahoo.com)  
Facebook: District Police Mardan



**ORDER**

Mr. Yousaf Shah S/o Raza Shah R/o Sarbadal Khel Sangao Tehsil Kattlang District Mardan, has been qualified in Recruitment process conducted by ETEA-2019, is hereby appointed as Constable B.P.S-07 (10990-610-29290) on three years probation period, with effect from 30.12.2019, and allotting him Constabulary No. 3766 with immediate effect.

Height	5-7
Chest	33 x 35
Education	BA
Date of Birth	20.03.1994
O.B No.	<u>2816</u>
Dated	<u>30-12</u> 2019

  
District Police Officer  
Mardan





عمر اکبر  
Annexure  
"H"

(11)



**BEFORE THE PESHAWAR HIGH COURT,  
PESHAWAR**

W.P. No. \_\_\_\_\_ /2021

Shahid Akbar S/o Wali Akbar  
R/o Mohallah Tawas Khel, Village Sangao Tehsil  
Katlang & District Mardan  
..... Petitioner.

Versus

1. Govt. of K.P.K. Through Secretary Local Government & Rural Development, Civil Secretariat Peshawar.
  2. Director General, Local Government & Rural Development & Rural Development of K.P.K. Civil Secretariat Peshawar.
  3. Deputy Commissioner, District Mardan.
  4. Assistant Director Local Government & Rural Development, Mardan.
  5. Village Secretary, VC Rorya-01 Tehsil & District Mardan.
- ..... Respondents

**WRIT PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF THE ISLAMIC  
REPUBLIC OF PAKISTAN 1973.**

**Respectfully Sheweth,**

The petitioner humbly submits as under:-

**ATTESTED**  
EXAMINER  
Peshawar High Court

**Brief facts:**

1. That the petitioner is law abiding citizen and bona fide resident of Mohallah Tawas Khel, Village Sangao Tehsil Katlang & District Mardan.
2. That respondent No.4 advertised some 164 posts of Naib Qasid (BPS-03) per advertisement published in the daily news paper. (Copy of advertisement is attached as Annexure-A).
3. That the petitioner applied for the vacant post and in this regard the meeting of the District Selection Committee was conducted and the petitioner along with others were recommended and selected for recruitment.

15

4. That for the aforesaid post after passing through the proper procedure, the petitioner was appointed, per "Appointment Order" dated: 09.03.2020 being the deserving / successful candidate and posted in VC Rorya-01 Tehsil & District Mardan. (Copy of the Appointment Order is attached as Annexure-B).
5. That in compliance of the said office order, the petitioner reported in VC Rorya-01 Tehsil & District Mardan and after taking over the charge on the direction of Respondent No.4 the petitioner performed duties in the office of respondent No.5. The petitioner was passed through medical examination and police clearance certificate for service book preparation. The petitioner from appointment till August, 2020 performed his duties but without any reason the salary has not been paid and the petitioner was orally informed that there is no vacant post for the petitioner. (Copy of medical & charge report is attached as annexure C&D).
6. That the salary of the petitioner was stopped by the respondents without any reason for which the petitioner approached to respondent No.2 and submitted a written application but no response that's why the petitioner filed writ petition No.3346-P/2020 for redressal of his grievances. The comments were called from the respondents but the respondents delayed the matter in submission of comments that's why this court was pleased to attached the salary of the respondents. (Copy of application is attached as annexure-E).
7. That when the comments were filed the respondents mala-fidly withdraw the appointment order of the petitioner vide impugned Letter No. AD LG(Mrd)/Estb/Service/2020-M499-A dated October, 23 2020 during pendency of writ petition on the ground that another employee Muhammad Arsalan has been reinstated and one Yousaf Shah has been appointed. It is surprising that the person namely Yousaf Shah is in the active service of KP Police. (copy of withdrawal Order and appointment order of Yousaf Shah are attached as annexure-F&F)
8. That during pendency of WP No.3346-P/2020 after filing of comments by the respondents the petitioner got knowledge the impugned Letter No. AD LG(Mrd)/Estb/Service/2020-M499-A dated October, 23 2020 vide which the appointment order of the petitioner has been withdrawn, the petitioner submits before the Hon'ble bench for withdrawal of petition No.3346-P/2020 with

**ATTESTED**  
EXAMINER  
Peshawar High Court

(B)

permission to file a afresh one, which was allowed. hence, this petition.

9. That the petitioner having no other alternate adequate remedy, hence this writ petition is filling on the grounds inter-alia:-

**GROUND:-**

A. That the petitioner has been appointed by the respondents department on the post of Naib Qasid through proper channel vide office order and after joining of the said post the petitioner is performing his duties regularly but the stoppage of the salary and withdrawal order by respondents is against law and unjustifiable.

B. That the petitioner for the sake to keep his service safe regularly providing his services but the respondents department taking duty from petitioner like in government beggar camp and not paying salary to petitioner violating his fundamental rights, hence, the petitioner approaches this Hon'ble Court for release of his salary and the respondent No.1 issued the impugned Order of withdrawal of appointment order during pendency of case, the respondents have no prerogative to issue the impugned order without adopting the legal procedure and this Hon'ble Court have the prerogative to interfere in such like matters.

C. That the petitioner has excellent service record and performed duty and was too excellent, hence not paying the salary to petitioner by the respondents is great discrimination and the impugned order of withdrawal of the appointment order during pendency of petition have no legal footing.

D. That the petitioner is very hardworking and punctual in his duty, but the respondents had unlawfully stopped the salary of the petitioner, which was against the law and fundamental rights and the petitioner approached this Hon'ble Court vide WP No.3346-P/2020 and during pendency the salary of Respondent No.4 had been attached by this Hon'ble Court due non compliance of submission of comments and the respondent No.4 while taking revenge from the poor the petitioner issued impugned Order dated:23.10.2020, which is illegal, unlawful and inoperative upon the

RECEIVED  
PESHAWAR HIGH COURT  
2020

**ATTESTED**  
EXAMINER  
Peshawar High Court

(27)

rights of the petitioner and liable to be set aside and the petitioner has right of reinstatement in service with all consequential benefits from the date of impugned order.

- E. That the petitioner having minor children and the petitioner is only person to earn livelihood for his family, so the illegal and unlawful act of the respondents has fallen the petitioner as well as his family in a great financial crises, so needs interference of this Hon'ble Court on humanitarian grounds too.
- F. That unless an order of reinstatement in service and payment of salary of the petitioner is not issued, serious miscarriage of justice would be caused and the petitioner would be suffered by the orders of the Respondents which are fanciful, suffering from patent perversity and material irregularity, needs correction from this Hon'ble Court.
- G. That the petitioner, after running from pillar to post but of no avail, finally decided to approach this Hon'ble Court for seeking justice as no other adequate and efficacious remedy is available to him.
- H. That the petitioner reserves rights to advance other points at the time of hearing this petition.

IT IS, THEREFORE, PRAYED THAT IN VIEW OF THE ABOVE SUBMISSIONS THE INSTANT WRIT PETITION MAY GRACIOUSLY BE ACCEPTED AND THE RESPONDENTS MAY KINDLY BE DIRECTED:

- i. To declare the impugned Letter No. AD LG(Mrd)/Estb/Service/2020-M499-A dated October, 23 2020, ultra vires, unconstitutional, void abinitio, illegal and inoperative upon the rights of the petitioners.

**ATTESTED**  
EXAMINER  
Peshawar High Court

**ATTESTED**

- List of Books.**
1. Constitution of Islamic Republic of Pakistan 1973.
  2. Any other law books as per needs.

**Certificate.**  
 Certified that Writ Petition No. 3346-P/2020 has earlier been filed by the Petitioner which was withdrawn with permission to file a afresh one on the above subject before this Honorable Court.

Syed Bilal Bacha  
 Advocates High Court.

Asif Ali Shah  
 &

Through

PETITIONER

IT IS FURTHER PRAYED THAT DURING THE PENDING OF THIS WRIT PETITION THE IMPUGNED TERMINATION ORDERS OF PETITIONER BY RESPONDENTS THROUGH IMPUGNED LETTER NO. AD LG(MRD)/ESTB / SERVICE/2020-M499-A DATED OCTOBER, 25 2020 MAY PLEASE BE SUSPENDED AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RELEASE THE SALARIES AND OUTSTANDING ARREARS OF THE PETITIONER AND MAY ALSO PAY MONTHLY SALARY TO PETITIONER WITHOUT ANY STOPPAGE.

**Interim Relief:**

- ii. To reinstate the services of the petitioner from his initial appointment with all back benefit.
- iii. To direct the respondents to issue the monthly salary of the petitioner from the date of appointment till date and onward.

19

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W. P No. /2020

Shahid Akbar.....Petitioner

**VERSUS**

Govt of KP & others .....Respondents

**AFFIDAVIT**

I, **Shahid Akbar** S/o Wali Akbar R/o Tawas Khail, Sangawo, Tehsil Katlang, District Mardan, do hereby solemnly affirm and declare on oath that contents of the accompanying are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**Identified by**

**Asif Ali Shah**  
Advocate, High Court  
Peshawar.

**DEPONENT**

CNIC No. 16101-0271514-1

Cell No. 0346-9316276

30624

Shahid Akbar  
Wali Akbar

Shahid Akbar  
Wali Akbar  
Asif Ali Shah

**EXHIBIT TO BE FILED**  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized under Article 214 of  
the Constitution of Pakistan Order 1973

17 MAY 2022

09/07/2021

RECEIVED

(26)  
Annexure "I"



**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
*(Judicial Department)*

**Writ Petition No.3662-P/2021**

**Shahid Akbar**  
**Vs**  
**Government of K.P.K through Secretary Local**  
**Government & Rural Development, Civil Secretariat,**  
**Peshawar & others**

For Petitioner(s): Mr. Asif Ali Shah, Advocate.

For respondent(s): Mr. Mujahid Ali, AAG, alongwith Mr. Wilayat Shah.

Date of hearing: 12.05.2022

**JUDGMENT**

**ABDUL SHAKOOR, J.-** Through the instant constitutional petition, filed under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, the petitioner seeks the following relief: -

*"It is, therefore, prayed that in view of the above submissions the instant Writ Petition may graciously be accepted and the respondents may kindly be directed:*

- i. To declare the impugned Letter No.ADLG(Mrd)/Estb/Service/2020-M499-A, dated October, 23 2020, ultra vires, unconstitutional, void ab-initio, illegal and inoperative upon the rights of the petitioners.
- ii. To reinstate the services of the petitioner from his initial appointment with all back benefit.

PS

**ATTESTED**  
EXAMINER  
Peshawar High Court

21

- 2 -

*iii. To direct respondents to issue the monthly salary of the petitioner from the date of appointment till date and onward."*

2. Facts, in brief, are that the petitioner, has applied for the post of Naib Qasid (BPS-03) in *Local Government & Rural Development, Government of KPK*, duly advertised/published in Daily News Paper. After due process, petitioner was appointed as per "Appointment Order", dated 09.03.2020, and posted in VC Rorya-01. Thereby, the petitioner reported for duty and has served in the office of respondent No.5 till August, 2020, without being paid any salary and thus the petitioner was orally informed that there is no vacant post for the petitioner. Due to salary stoppage, petitioner moved written application to respondent No.2, but was in vain, thereafter he filed W.P No.3346-P/2020, the comments were filed and during pendency of the said writ petition, the respondents vide impugned Letter No.AD LG(Mrd)/Estb/Service/2020-M499-A, dated October, 23, 2020, withdraw the appointment of petitioner on the ground that another employee Muhammad Arsalan has been reinstated and one Yousaf Shah has been appointed. Subsequently, after getting knowledge of the impugned letter, petitioner has submitted before the Court for withdrawal of aforesaid writ petition bearing No.3346-P/2020, with permission to file a fresh one, which was allowed, hence, the instant petition.

SR

Durki, SSS.

(D.B) Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble Mr. Justice Abdul Shakoor, J.

ATTESTED  
EXAMINER  
Peshawal High Court



22

3. Arguments heard and record gone through.
4. Admittedly, the petitioner has served the *Education Department* for certain period of time and **Article 212 of the Constitution of Islamic Republic of Pakistan** clearly stipulates that the Tribunal constituted by an appropriate legislature by way of Act shall have an exclusive jurisdiction in respect of matters related to the terms & conditions of service who are or have been in the service of Pakistan including disciplinary matters.
5. For ready reference, the relevant section of Article 212 is reproduced herein below:

**"212(1): Notwithstanding anything hereinbefore contained the appropriate Legislature may by Act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of--**

**(a): matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matters."**

6. No doubt, the appointment letter of the petitioner has been withdrawn but petitioner through the instant petition has sought a relief of his reinstatement in service with effect from his initial appointment with all back benefits, thus, in essence, he is admitting that his service has been terminated which undoubtedly falls within the contemplation of terms &

SPS

**ATTESTED**  
EXAMINER  
Peshawar High Court

23  
-4-

conditions of civil servants as stipulated in Chapter-II of Khyber Pakhtunkhwa, Civil Servants Act, 1973.

7. In such view of the matter, petitioner for the redressal of his grievance i.e. his reinstatement in service, has to approach Khyber Pakhtunkhwa Service Tribunal, constituted under Khyber Pakhtunkhwa Service Tribunal Act, 1974.

8. For what has been discussed above, the instant petition being not maintainable, stands dismissed.

*Jan*  
JUDGE  
*AP*  
JUDGE

Announced.  
12.05.2022

37189  
Date of Presentation of Application ..... 17-5-22  
No of Pages ..... 10  
Copying fee .....  
Total ..... 40  
Date of Preparation ..... 17-5-22  
Date of Delivery of Copy ..... 17-5-22  
Received By ..... *6/1/pe*

RECEIVED  
Hon'ble Mr. Chief Justice  
Authorised Under Article 8, 1 of  
The Governor's Order 198  
17 MAY 2022

Ans T

151 (24)



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Review Petition No. 89F/2022

In WP No. 3662-P/2021

Shahid Akbar S/o Wali Akbar
R/o Mohallah Tawas Khel, Village Sangao Tehsil Katlang & District Mardan
Petitioner.

Versus

- 1. Govt. of K.P.K. Through Secretary Local Government & Rural Development, Civil Secretariat Peshawar.
2. Director General, Local Government & Rural Development & Rural Development of K.P.K. Civil Secretariat Peshawar.
3. Deputy Commissioner, District Mardan.
4. Assistant Director Local Government & Rural Development, Mardan.
5. Village Secretary, VC Rorya-01 Tehsil & District Mardan.

Respondents

REVIEW PETITION UNDER SECTION 114 CPC OF ORDER, JUDGMENT DATED: 12.05.2022, VIDE WHICH THIS HONOURABLE COURT HELD THAT THE PETITION WAS DISMISSED IN LIMINE.

RE-FILED TODAY
Deputy Registrar
09 JUN 2022

Respectfully Sheweth,

The petitioner humbly submits as under:-

- A. That the Writ Petition No.3662-P2021 Title: Shahid Akbar versus Govt. Of KPK & Others was dismissed by the Honourable Divisional Bench of their Lordship Mr. Justice Lal Jan Khattak & Mr. Justice Abdul Shakoor Vide Judgment Dated: 12.05.2022.
B. That after the Announcement of Judgment dated: 12.05.2022 the Petitioner Was Satisfied from the Judgment but it was surprising moment for the Petitioner and his Counsel when they received the attested copy of judgment of this Honorable Court.

ATTESTED
EXAMINER
Peshawar High Court

25

Ann K



**PESHAWAR HIGH COURT PESHAWAR**  
**FORM "A"**  
**FORM OF ORDER SHEET**

<i>Date of Order or Proceedings</i>	<i>Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary</i>
2	3
30.11.2022	<p><b><u>Review Petition No. 89-P/2022 in WP No. 3662-P/2021.</u></b></p> <p>Present:</p> <p>Mr. Asif Ali Shah, Advocate for petitioner.</p> <p>*****</p> <p><b><u>ROOH-UL-AMIN KHAN, J:-</u></b> Through instant petition, petitioner seeks review of judgment of this Court dated 12.5.2022 passed in WP No. 3662-P/2021.</p> <p>2. The petitioner earlier filed writ petition No. 3662-P/2021, wherein he had challenged the Letter No. AD LG/Mrd)/Estb/Service/2020-M499-A dated 23.10.2020, whereby the appointment order of petitioner as Naib Qasid in Local Government &amp; Rural Development Government of Khyber Pakhtunkhwa was withdrawn. The writ petition was dismissed vide judgment dated 12.5.2022 to approach the Khyber</p>

*Rooh ul Amin*

*ATTESTED*

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

(26)

2

**Pakhtunkhwa Service Tribunal.**

3. Heard. It is settled law that the Court can review its judgment or order, but in a situation where an error of law or fact has materially affected the merits of the case, which is not the case herein. Moreover, the grounds agitated for review of the judgment under review would amount to reopening of the case which has already been dealt with and attended by this Court. No errors were apparently found in the judgment under review, which could justify the review.

4. Accordingly this petition being meritless is hereby dismissed.

**Announced on;**  
**30<sup>th</sup> of November, 2022**

*Rooh ul Amin*  
**SENIOR JUSTICE**

*AS*  
**JUDGE**

**Juzum** (DB) Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Abdul Shakoor

ENTITLED TO BE TRUE COPY

CLERK

PAKHTUNKHWA HIGH COURT, PESHAWAR  
 Sindh Road Under Article 8.7 of  
 the Constitution of Pakistan 1973

02 DEC 2022

6/234

2-12-22

No. \_\_\_\_\_

Date of Presentation of Application *3.12*

No of Pages \_\_\_\_\_

Copying fee *12*

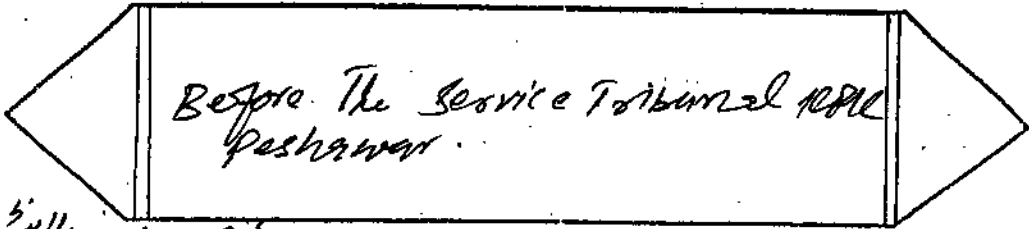
Total \_\_\_\_\_

Date of Preparation of Copy *2-12-22*

Date of Delivery of Copy *2-12-22*

Received By *AS*

بعدالت



2028ء جناب بطور

شاید اگر بنام حکومت ۲۰۲۸ء

16-01-2028

موزعہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سید علی شاہ، سید بلال باجیہ کیلئے محمد الہی محمد الہی محمد الہی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کسی وی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ 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 سندر ہے۔

المرقوم 16 ماہ جولائی 2028ء

واہ العی

107418

۵۳۳۳-۹۵۵۶۸۵۶ کے لئے منظور ہے۔

بمقام سرورس / سٹیٹل / سٹیٹل

66-18-1183

۵۳۴۶-۹۴۶۶۷۳۹