14.09.2022

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakhel, Learned Assistant Advocate General alongwith Aizazul Hasan, Assistant for respondents present.

( iii)

File to come up alongwith connected Service Appeal No. 9150/2020 titled "Hidayat Shah Vs Government of Khyber Pakhtunkhwa" on 25.11.2022 for arguments before D.B.

1.2022

Counsel for the appellant present. Mr. Muhammad Member (J) Jan, District Attorney for the respondents present.

(Fareel Paul)

File to come up alongwith connected Service Appeal No. 9150/2020 titled "Hidayat Shah Vs Government of Khyber Pakhtunkhwa" on 30.01.2023 for arguments before the D.B.

(Fareeha Paul) Member (E)

(ozina Rehman) Member (J)

(Rozina Rehman)

28.12.2021

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.04.2022 for the same as before.

1. 11

25.04.2022

Clerk of learned counsel for the appellant present. Mr. Aizazul Hassan Superintendent alongwith Mr. Muhammad "Adeel Butt, learned Additional Advocate General for the respondents present.

File to come up alongwith connected Service Appeal No.9150/2020 titled Hidayat Shah Vs Government of Khyber Pakhtunkhwa on 18:07.2022 before the D.B.

(Rozina-Rehman) Member (J)

(Fareeha Paul)

Member(E)

(Salah-Ud-Din) Member (J)

18.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Aizazul Hassan Superintendent for respondents present.

File to come up alongwith connected Service Appeal No.9150/2020 titled "Hidayat Shah Vs. Government of Khyber Pakhtunkhwa" on 14.09.2022 for arguments before D.B.

(Rozina Rehman) Member (J)

Due to Winter Vacations the case is adjourned to 25.04.2022

for the same as before.

چ READER

25.04.2022

Clerk of counsel for the appellant present. Mr. Aizazul Hassan Superintendent alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

File to come up alongwith 9150/2020 titled Hidayat Shah Vs Government of Khyber Pakhtunkhwa, on 18.07.2022 before the D.B.

(Rozina Rehman) Member (J)

(Salah-Ud-Din) Member (J)

18.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Aizazul Hassan Superintendent for respondents present.

File to come up alongwith connected Service Appeal No.9150/2020 titled "Hidayat Shah Vs. Government of Khyber Pakhtunkhwa" on 14.09.2022 for arguments before D.B.

(Fareeha Paul) Member(E)

(Rozina Rehman) Member (J)

- 19.01.2021

enosited Process Fee

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on \*19.05.2021 before S.B.

19.05.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 01.09.2021 for the same as before. 

Reader

(Rozina Nehman) lember

(J)

01.09.2021

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Zain, AD for respondents present.

Learned AAG sought time for submission of written reply/comments. Adjourned. The respondents are directed to submit written reply/comments within 10 days. To come up for written reply/comments as well as arguments before the D.B on 28.12.2021.

> (MIAN MUHAMMAD) MEMBER (E)

Form- A

والمحرجة الأعار والمستخر والمراجع والمحال المحرج

#### FORM OF ORDER SHEET

Court of\_ /2020 Case No.-Order or other proceedings with signature of judge Date of order S.No. proceedings 3 2 1 The appeal presented today by Mr. Noor Muhammad Khattak 10/08/2020 1-Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. 2-This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>2.11</u> 2.2. MEMBER(]) 02.11.2020 Nemo for appellant. Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 19.01.2021 on which date to come up for preliminary hearing before S.B. (Muhammad Jamat Khan)-Member (Judicial)

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 9153 /2020

IJAZ ALI SHAH

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V/S

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GOVT. OF KP & OTHERS

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APPELLANT

THROUGH:

#### NOOR MOHAMMAD KHATTAK, ADVOCATE

ROOM NO. 3, UPPER FLOOR, NEW ISLAMIA CLUB BUILDING, KHYBER BAZAR, PESHAWAR CITY 0345-9383141

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

#### APPEAL NO.\_\_\_\_/2020

Mr. Ijaz Ali Shah, Village Secretary, Village Council Jangdara, U/C Ghurghasht, District Buner.

APPELLANT

#### VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- **3** The Secretary Local Government, Election & Rural Development Department, Civil Secretariat, Peshawar.
- 4- The Secretary (Finance) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5- The Director General Local Govt:, Election & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.

...... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES OF THE RESPONDENT DEPARTMENT NOTIFIED ON 5.4.2018, 1.8.2018 & 16.10.2019 WHEREBY THE PROSPECTS OF PROMOTION OF THE APPELLANT TO THE NEXT HIGHER SCALES HAS BEEN DONE AWAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the impugned service rules Notified on 5.04.2018, 1.8.2018 & 16.10.2019 may kindly be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and the respondents be directed to consider the appellant for promotion to the next higher scale/scales under the old rules notified on 26.01.1978. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

#### R/SHEWETH: ON FACTS:

1-

That the appellant is the employee of the respondent Department and is presently serving as Village Secretary since from the date of appointment till date quite efficiently That according to the old rules of 1978, after appointment the village secretaries has 75% promotion quota to the post of Supervisor (BPS-14) & Assistant Accountant (BPS-14), 50% quota was reserved from supervisor & Assistant Accountant to Development Officer (BPS-16) and where after from the post of Development Officer to the Village Secretary was in a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Manager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were based on the basis of seniority cum fitness. Copy of the rules is already attached.

The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Neighborhood Council (BPS-11) and Junior Secretary Village Neighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (BPS-14) with 75% quota. Copy of the impugned rules is already attached.

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That appellant feeling aggrieved filed Departmental appeal but no reply has been received so for. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... G.

#### **GROUNDS:**

- A- That the impugned service rules dated 5.4.2018, 1.8.2018 and 16.10.2019 framed by the respondents whereby ignoring the appellant from promotion to the next higher scales is against the Law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- **B-** That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- **C-** That, the treatment meted out to the appellant is clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan, 1973.
- **D-** That according to Article 37 of the Constitution the state is bound to promote social justice and eradication of social evils and accordingly the action and inaction of the respondents squarely falls in violation of the said Article.
- **E-** That, inspite of all the requisites available with the appellant the respondents acted in a malafide and arbitrary manner by issuing the impugned service rules dated 5.4.2018 & 16.10.2019.
  - That, the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- **G-** That, the ignoring the appellant from promotion to the next higher scales is violative of Article-38 (e) of the Constitution of Pakistan, 1973.
- **H-** That the appellant seek permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 10,8.2020

F-

THROUGH:

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M. NO.\_\_\_/2020 IN

VS

APPEAL NO.

/2020

IJAZ ALI SHAH

**GOVT: OF KPK & OTHERS** 

#### APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO ACT UPON THE IMPUGNED SERVICE RULES DATED 5.4.2018, 1.8.2018 & 16.10.2019 TILL THE DISPOSAL OF THE ISNTANT SERVICE APPEAL

#### R.SHEWETH:

- 1. That, the appellant has filed the above titled service appeal before this Honorable Tribunal in which no date has so far been fixed.
- 2. That, appellant filed the above mentioned service appeal against the impugned service rules dated <u>5.4.2018</u>, <u>1.8.2018 & 16.10.2019</u> whereby the 75% promotion quota have been done/washed away.
- 3. That, all the three ingredients required for grant of stay are in favor of the appellant.
- 4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to act upon on the impugned service rules dated <u>5.4.2018</u>, <u>1.8.2018</u>, <u>8.16.10.2019</u> till the disposal of the instant service appeal.

APPELLANT

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> - 4--31,5

> > į.

THROUGH:

# NOOR MOHAMMAD KHATTAK

ADVOCATE. High Court Peshawar

#### <u>OFFICE OF THE</u> <u>ASSISTANT DIRECTOR LG & RDD,</u> BUNER.

Ar

September 28, 2015.

#### APPOINTMENT ORDER.

<u>No. 2345-2438/AD/LG&RDD/Buner.</u> Consequent upon the recommendations of the Selection & Recruitment Committee Meeting held today on 28-09-2015 at 10.00 am circulated vide no. 4122-27/Estt: dated 28-09-2015, the following are hereby appointed as Village Secretary, BPS-07 (7490-415-19940) in Village Councils as noted against their names in District Buner with immediate effect:

	Name of Candidate	Father Name	Address	Posting at Village Council	Former UC
	Muhammad .	Muhammad	Bekhanai Tehsil Gagra		Soray
		Azam Khan		VC Bekhanai	
	Jehangir Khan	Azam Khan		· · · ·	
	Ishfaq Ahmad	Nazir Ahmad	Mekho Khpa Tehsil Gagra	VC Mairagai	
1	Ismaq Annao		· · ·	-	
	Ibadullah	Masood	Bazarkot Tehsil Gagra	VC Topai	
	Jaifoor Khan	Amroz Khan	Tangora Tehsil Gagra	VC Tangora	Gulbandi
-	Junaid Ali	Muhammada	Tangora Tehsil Gagra	VC Gul Bandai	1
	· · · ·	Khan	· · ·		-1
	Amir Zeb Khan	Anwar Zeb	Gumbat Tehsil Gagra	VC Gumbat	Pandir
	Sajid Alam	Muhammad	Pandir Tehsil Gagra	VC Pandir	ranun
		Alam Zeb			
3	Kifayatullah	Muhammad	Kot Tehsil Gagra	VC Sher Ali	
	/	Fareed		· · · · · · · · · · · · · · · · · · ·	- I .
<del>,</del> .	Syed Rahib Shah	Sahib Shah	Manzaro Kohai Tehsil -Gagra	V,C Shangra	
0	Subhanullah	Ata-ur-Rahman…	Guluno Borhai Tehsil	VC Batara	Batara
U	Suonanullan		Gagra		
11	Gul Zaman	Said Akbar Khan	Banj Karha Tehsil Gagra	VC Banj Karha	
12	Zia-ur-Rahman	Shams-ur-	Kuz Shamnal Tehsil Gagra	VC Kuz Shamnal	
. 2	Dia-ui-Kannan	Rahman			
13	Muhammad Iqbal		Bilandai Tehsil Gagra	VC Bar Shamnal	
$\frac{13}{14}$	Taimat	Ismail	Banj Karha Tehsil Gagra	VC Guluno Borai	
$\frac{16}{15}$	Sher Ali Khan	Raidullah Khan	Budal Tehsil Gagra	VC Budal	
1 <u>5</u> 16	Muhmmad	Muhammad	Kalpani Tehsil Gagra	VC Kalpani-II	Gagra
10	Habibullah	Shafiullah			·
17	Ikram Syed	Meraj Syed	Sunigram Tehsil Gagra	VC Sunigram	Rega
17	I Ikrain Syed	,			·
18	Khadim Hussain	Said Shah	Takhtaband Tehsil Gagra	VC Rega-II	
18	Altaf Hussain	Nasrullah Khan	Cheena Tehsil Gagra	VC Cheena	Norez
		Kemia Said	Cheena Tehsil Gagra	VC Dherai	
20	Irfan Ali	Amir Rahman	Kuz Ghanarh Tehsil Gagra	VC Chanarh	
21	Inayat-ur-	CYTTER I VALUET			<u> </u>
	Rahman	Muhammad	Chena Tehsil Gagra	VC Barkalai	
22	Inamullah	Yousaf		VC Darkalai	

	•	<b>, -</b>		· · · · ·	O(A)
	a thussain	Mubarak Hussam	Kas Koroona Tehsil Khadukhel	VC Dagai	
158	Abid Zada	Sherin Zada	Ghurghushto Tehsil Khadukhel	VC Ghurghushto	Ghurghusht o
59	Adil Zada	Sherin Zada	Ghurghushto Tehsil Khadukhel	VC Nogram	
	Ijaz Ali Shah	Syed Anwar Shah	Ghurghushto Tehsil Khadukhel	VC Jangdara	
61	Johar Zamau	Shah Zaman	Ghurghushto Tehsil Khadukhel	VC Bagh	
62	Falak Naz	Allah Dad	Dargalai Tehsil Khadukhel	VC Dargalai	Sarwai
63	Mushtaq Ahmad	Aurangzeb	Damner Tehsil Khadukhel	VC Ghazikot	
64		Muhammad Amin	Dakarha Tehsil Khadukhel	VC Dakarha	
, . 65	Bahar Ali	Muhammad Israr	Sarkikhel Pul Tehsil Khadukhel	VC Panjtar	
66	Khursheed Ali	Ameer Jamil	Chinglai Tehsil Khadukhel	VC Chinglai-I	Chinglai
61	Zain_ul_Abideen	Shams-ul-Hadi	Jaba Chuwan Kangalai Tehsil Khadukhel	VG-Kangalai	Kalan Kangalai
61	3 Yousaf Ali	Fazl-e-Hadi	Kalan Tehsil Khadukhel	VC Kalan	, , , , , , , , , , , , , , , , , , ,
. 6	Ahmad Zamin	Said Taa Khan	Koga Tehsil Mandanr	VC Koga-I	Koga
7	) Muhammad Ilyas	Hazrat Ghani	Koga Tehsil Mandanr	VC Ambela	
7	l Lutf-ur-Rahman	Hifz-ur-Rahman	Sura Tehsil Mandanr	VC Sura-I	Nawagai
. 7	2 Sved Mujtaba Hussain	Syed Anwar Hussain	Nawagai Tehsil Mandanr	VC Nawagai-I	
7		Malak Amaan	Nawagai Tehsil Mandanr	VC Sura-II	
7	4   Shabir Ahmad	Shah Muhammad	Korea Tehsil Mandanr	VC Khanano Dherai	Makhranai
· - 7	5   Muhammad Ali	Bakhti Rahman	Korea Tehsil Mandanr	VC Makhranai	
7		Ahmad Khan	Nagrai Kuz Kalai Tehsil Mandanr	VC Nagrai	Amazi
7	7 - Salimullah	Samiullah .	Charorai Tehsil Mandanr	VC Charorai	
7	8 Aamır Suhail	Afzal Khan	Charorai Tehsil Mandanr	VC Chanal	· · · ·
7	9 Khyal Muhammad	Pir Jamal	Zaranai Malka Tehsil Mandanr	VC Malka	Kandar Katai
8	0 Muhammad Darvesh	Hajidullah	Toot Sar Nagrai Tehsil Mandanr	VC Khanpur	
8	1 Syed Shahabuddin	Syed Haroon Sultan	Malka Tehsil Mandanr	VC Kandar Katai	- 
	- I Shanabuddin				

<u>Terms and Conditions</u>: The appointment of the abovementioned candidates (appointees) shall be governed subject to the following conditions:

- 1. That they shall be governed by such rules / policy in vogue and policy which shall be circulated by the Provincial Government from time to time.
- 2. That they shall not be allowed to draw their salary until verification of their certificates / Degree from the respective institutions / Boards / Universities.

ALLANCE



- That their services are liable to termination on one month prior notice from either side. In case of resignation, they shall submit prior notice of one month or they shall deposit one month gross pay in the Government Treasury.
- 4. That they shall produce health and age certificate from the concerned Medical Superintendent before assuming charge of the post.
- 5. That they shall be on probation for one year, their services shall be terminated if their performance is not found up to the mark during the probation period.
- 6. That they shall perform their duty at their place of posting and in case of putting influence for their transfer, disciplinary proceedings shall be initiated against such official(s).
- 7. That they shall join their duty / post with in fifteen days of issuance of this appointment order failing which the same shall stand cancelled.
- 8. That they shall have to strictly follow their job description and assignments as, and when entrusted upon them.
- 9. . That all rules / policies relating to government servants will be admissible to them.
- 10. That the policy concerning deduction of GP Fund etc. shall be applicable @ prescribed rate as determined by the Government of Khyber-Pakhtunkhwa.
- 11. That they shall be entitled, in accordance with the rules, for the pay sanctioned for such post.

#### Endst. of even No. & Date

: District Nazim, Buner.

- 2. PSO to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 3. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 4. PS to secretary, Local Government & Rural Development department, Peshawar,
- 5. PA to DG Local Government, Peshawar, -
- 6. Tehsil Nazim, Daggar.
- 7. Tensil Nazim, Gagra.
- S. Tehsil Nazim, Mandanr.
- 9. Tehsil Nazim/Khadukhel.
- 10. District Accounts Officer, Buner.
- 11. Medical Superintendent District Headquarter Hospital, Daggar.

12. All appointees for compliance.

Assistant Director LG&RDD Buner.

Assistant Director LG&RDD Buner.

EXITRAORDINARY GOVERNMENT GOVERNMENT FIGURE FACTOR FOR THE FOR THE FORMERT FOR THE START OF NORTH WEST FRONTIER FOR THE LOCAL-GOVERNMENT, ELECTION AND RURAL DEVELO For No. Section Officer(LC-1) 2-188/93-Vol-11: h exercise of the powers conferred by ani-nic (2) of the inite of the information services and the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the powers conferred by ani-nic (2) of the inite of the both aniany (1978). Nonserrelation with the information services are confident on the future of the solution of the inite of the powers conferred by ani-nic (2) of the inite of the both anian (2) of the inite of the inite of the powers conferred by ani-nic (2) of the inite of the both anian (2) of the inite of the ini		•	1429				
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Junior Clerk	Village Secretary	Senior Clerk	Junior Auditor	Steno Typist	Stepographer (Junior Scale)	Senior Auditor
Matriculation or equivalent qualification from recognized board	Intermediate from recognized Board		Matriculation or equivalent qualification from recognized board	<ul> <li>a) Matriculation or equivalent qualification from recognized board and</li> <li>b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing</li> </ul>	<ul> <li>a) Matriculation or equivalent qualification from recognized board and</li> <li>b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing</li> </ul>	KHYBER PAKHTUNKWHA GOVERNMENT GAZE Degree from recognized University Note: Preference will be given to persons holding Degree with Commerce as one of the subjects or equivalent qualification in Accounts
Not less than 18 years and not more than 25 years	Not less than 18 years and not more than 25 years		Not less than 18 years and not more than 2.5 years	- Not less than 18 years and not more than 25 years	Not less than 18 years and not more than 25 years	
<ul> <li>iii) Not less than 80% by initial recruitment and</li> <li>iv) Not more than 20% by selection on merit from amongst holders of the post Daflaries and Poen in the Deptt: with a least three years service such. Qualification prescribed for initial recruitment</li> </ul>	By Initial Recruitment	by selection on merit with the regards seniority from nanongst holders of the post Junior Clerk in the Depte with a least three years service such, who have minimum qualification prescribed for initial recruitment	By hidial Recruitment	<ul> <li>i) Not less than 50% by initial recriminent and</li> <li>ii) Not more than 50% by selection on meril from amongst holders of the post Junior Clerk /Senior Clerk in the Depit: with a least three years service such.</li> </ul>	By Initial Recruitment	TE, EXTRAORDINARY, 12"       JUNE, 2019       1431         Not less than 18 years       i) 50% by initial recruitment and         and not more than 25       ii) 50% by selection on merit with due regards seniority from amongst         holders of the post Junior Clerk in the Deptt: with a least three years         service such, who have minimum qualification prescribed for initial         recruitment

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> Sil/-xxx ATTADR REDNAN KHAN Secretary to Cavt: of N.W.F.P. Local Covt:, Cooperation, Social Welfare, Tourism & Roral Development Department.

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Page Ki4

Government Of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department

Dated Peshawar, the 05" April, 2018

#### NOTIFICATION

Nm SO(LG-1)2-188/SSRC/2018.- 981 In exercise of the power conferred by sub-rule (2) of the rule 3-of the Khyber Pakhtunkscha Civil Servants (Appointment, Promotion and Transfer) Roles, 1989 the Local Government, Elections and Rural Development Department Khyber Pakhtunkhiwa, in constitution with the Establishment & Administration Department end the Finance Department is hereby directs that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

#### AMENDMENTS

for serial No. 10 the following shall be substituted, in the respective columnst name

#### In the Appendixy.

Seventy-five £75) per cent by Second Class 21 to 30 m 10 Supervisor Atleast promotion, on the basis of Bache or s'Ougree from veen senionty-cum-fitness. m from recegnized University amongst the Senior Secretary Village / Neighborhood Council. with atleast five (05) year service as such, and (ii) Twenty-five (25) per cent by initial recruitment.",

(b) after serial No. 15, the following new entries shall be inserted, in the respectively columns, namely

	Senior	4	•	
۰.	4 Sectetary Village	, i		1
	Neighborte	หายื		
۱.	Council			

By promotion, on the basis of seniorincum-fitness, from amongst, the Junior Secretary Village -/ Neighborhood Council, with atleast ten (10) year service as such 7, and

ie) to serial No. 16, the following shall be substituted, in the respective columns, namely:

6 1	seri(sr	Arleast Second	Closs 18	10 <sup>†</sup> i)	
S		Intermediate	0, 30	,	promotion, on the basis of
٧		equivalent quali		urs į	semanty-cum-fitness. from amongst the Naih Qasids, and
• •	Neighborhood			I	Chowkidars in the Village
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		Computer fro		ł.	Secondary School Certificate in
		recognized losely		•	· · · · · · · · · · · · · · · · · · ·
•		experience in			recognized Board or Institut
		Office. Impag	e and	ł	with three (03) year service a
i.		Internet	I	I	such: and
		5		[	30011-0110 *
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iii) Eighty (80) per cent by initial 1 = a recruitment

> Provided that the candidate shall be preterably a bunafide resident of the same Village 7 Neighborhood Council. If such candidate is not available in the same Village Neighborhood Council then the candidates: Village 7 adjacent ไกมกา Neighborhood Council:

Provided further that in case of non-availability of candidate adjacent Village mont Neighborhood Council then from other Village 2DV Neighborhood Council in that Tehsi' Councii.

> (HAU MUHAMMAD SECTION OFFICER (ESTAB) Phone # 091-9213224

SECRETARY TO GOVERNMENT OF KP OCA' GOVE FILCTIONS & RURAL DEVELOPMENT DEPARTMENT

Dated Peshawar, the 05" April, 2018

# No. SO(LG-112-188/SSRC/2018.-

Copy forwarded to -

- Ad Administrative Secretaries to Covernment of Khyber Polymorkhyte
- 2. All Divisional Commissioners in Khyber Pakhtimkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar,
- The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- The PSO in Chief Secretary, Khyber Pakatankhiya Peshawar,
- The Director General, LC E&ROD, Kiyper Pakhtunkhwa Peshawar
- The Secretary, Khyber Pakhunkhwa Public Service Commission, Peshawar, 6
- 5. All Head of Attached Departments in Klipher Pakhtunkhwa
- 9 All Depaty Commissioners in Khyber Pachinkhina.
- 10. The Registrar, Peshawar High f. ourt. Peshawat.
- 11 All District and Session Judges in Khyber Pakhiunkhwa.
- 1214H Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
- 13 The Manager Government printing press Peshawar for publication in the next Government Gázettee Notification 40 copies of the Notification may be sent to this
- Department 14 The PS to Senior Minister for LG.E&RD Khyber Pakhtunkhwa
- 15. The PS to Secretary LC.E&RDD Pestu not
- 16. The Office Order file

TESTED

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

GAZETTE

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

<u>GOVERNMENT OF THE KHYBER PAKHTUNKHWA</u> LOCAL GOVERNMENT. ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT.

#### **NOTIFICATION**

Peshawar, dated the 1<sup>st</sup> August 2018.

No. SO (LG-I)2-188/SSRC/2018.-In exercise of the powers conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department, in consultation with the Establishment and Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG (RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

#### **AMENDMENTS**

In the Appendix,-

for Serial No. 1 the following shall be substituted, in the respective columns, namely:

1. 2.	3.	4.	5.	6.	
"1. Director General.	i - 1	- · · · · · · · · · · · · · · · · · · ·	-	By transfer from amongst PAS, PCS and PMS officer in BPS-20.".	•

(b)

(a)

for Serial No. 1A, the following shall be substituted, in the respective columns, namely:

2.	3.	4.	5.	6.
"I.A. Director.	-			By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors and Assistant Directors (Senior) with at least seven (07) years service as such or twelve (12) years service as Assistant Director and above.
FSTED				Note: For the purpose of promotion to the post of Director, there shall be maintained a joint seniority list of Deputy Directors and Assistant Directors (Senior).";

# 1426 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 12th JUNE, 201

 $\cdot$ (c)

after Serial No. 1A, as so substituted, the following new entries shall be inserted, in the respective columns, namely:

					•
"1B.	Director (Technical).	-		-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors (Technical) with at least seven (07) years service as such or twelve (12) years service, as Assistant Engineer and Assistant Director (Technical) and above.
	Deputy Director/Assistant Director (Senior).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors with at least five (05) years service as such.
1D.	Deputy Director (Finance and Accounts).		_	-	By promotion, on the basis of seniority-cum-fitness, from amongst Accounts Officers with at least five years service as such.
1E.	Deputy Director (Technical).		-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers and Assistant Directors (Technical) with-five (05) years service as such and having a Bachelor's Degree in Civil Engineering.";
					Note: For the purpose of promotion to the post of Deputy Director (Technical), there shall be maintained a joint seniority list of Assistant Engineers and Assistant Directors (Technical).";

(d) against Serial No. 2, in column No. 2, the slash and words "/Planning Officer" shall be deleted.

(e) against Serial No. 3, in columns 3 and 6, the following shall respectively be substituted, namely:

6. "At least Second Class Master's (i) Fifty (50) per cent by promotion, on the Degree in Commerce / Business basis on the basis of seniority-cum-Administration/BS (Honours) fitness, from amongst the Accountants Finance and Accounting or its with at least five (05) years service as equivalent qualification from a such: recognized University. Provided that if no suitable officer is available for promotion then by transfer.; and (ii)fifty (50)per cent initial by recruitment.".

# KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 12th JUNE, 2019 1427

- (f) against Serial No. 5, in column No. 2, for the words "Sub Divisional Officer", the words and brackets "Assistant Director (Technical)" shall be substituted.
- (g) against Serial No. 7, in column Nos. 2 and 6, for the existing entries, the following shall respectively be substituted, namely:

2.		6
"Assistant.	(i)	Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least three years' service as such; and
	(ii)	twenty-five percent initial recruitment.";

(h) against Serial No. 9, in column No. 6, in clause (iii), the full-stop, appearing at the end shall be replaced by colon and thereafter the following proviso shall be added, namely:

"Provided that if no suitable officer is available for promotion then by transfer.";

after Serial No. 9, as so amended, the following new entries shall be inserted, in the respective columns, namely:

1.	1.	3.	4,	5.	6.
**9B.	Auto CAD Operator.	<ul> <li>(a) At least Second</li> <li>Class Bachelor's</li> <li>Degree from a</li> <li>recognized</li> <li>University;</li> </ul>	-	18 to 30 years.	By initial recruitment:";
		(b) six months Diploma in Civil AutoCAD from a recognized Technical Institute; and		1	
		(c) at least two years experience in relevant field.		1	

(j) for Serial No. 11 the following shall be substituted; in the respective columns, namely:

	_					· · ·
	<u> </u>	2	3	4	5.	6.
	"11.	Accountant.	At least Second Class	-	21 to 30	By initial
			Bachelor's Degree in		years.	recruitment:
			Business Administration		,	
			or its equivalent	•	'	Provided
			qualification, from a			that till the
	i	İ	recognized University.	l		appointment
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	-			ĺ		recruitment
-1	1	1				the post
						shall be
	a					filled by
	i /	1		•		transfer.";
	L 1.			· .	1 · · · ·	

(k)

for Serial No. 14, the following shall be substituted, in the respective columns, namely:

(i)

	<u> </u>		3	4,	5.	th JUNE, 2019
<sup>4</sup> 14.	Computer	(a)	At least Second	·'	21 to 32	By initial
l i I	Operator,		Class Bachelor's	-	years.	recruitment.";
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			Science (BCS)/	-		· .
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1	,   ,		Technology		1	
ĺ			(BIT) (04-years)			
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			(b)	Degree in Computer Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent qualification from a recognized University; or	<ul> <li>Degree in Computer Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent qualification from a recognized University; or</li> <li>(b) At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical</li> </ul>	Degree in       Computer         Science (BCS)/       Information         Technology       (BIT) (04-years)         or its equivalent       qualification         qualification       from a         recognized       University; or         (b)       At least Second         Class Bachelor's       Degree from         recognized       University with         one year       Diploma in         Information       Technology from         a recognized       Board of         Technology from       a recognized

after Serial No. 19, the following new entries shall be inserted, in the respective columns, namely:

1. 2.	3.	4.	5.	6.
"19A. Driver.	Preferably literate and holding a valid Driving License.	•	18 to 40 years.	By initial recruitment."; and

(1) for Serial No. 20, in column No. 2, after the word and slash "Chowkidar/", the word "Sweeper" shall be added.

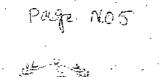
SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT.

Printed and published by the Manager, Staty. Ptg. DeptL, Knyber Pakhtunidawa, Peshawar,

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#### Government Of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department

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#### NOTIFICATION

#### Dated feshawar, the 16th October, 2019 No: SO(E)LG/2-188/SSRC/2019 .-In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servands (Appointment, Promotion and Transfer) Rules, 1989, the Local Covernment, Elections and Rural Development Department Khyber Pakhunkhwa, in consultation with the Establishment & Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978. the following further amendments shall be mode, namely:

#### AMENDMENTS

#### In the Appendix.-

a)

- Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, numely:
  - i) Fritty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service.";
- ii) Forty per cent by promotion, on the basis of semionly-cum-fitness, from amongst the Progress Officers with at least three years service as such: and
- Ten percent by promotion, on the basis of seniority-cum-fitness, from amongst iii) the Senior Scale Stonographers and Assistants with at least three years service as such. T:
- Mote: For purpose of promotion to the post of Assistant Director against ten percent quota, there shall be maintained a joint semonity hat of Senior Scale Stenographers and Assistants ":
- against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely a
  - "Titty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and
  - ii) Fifty (50) per cent by minul reentitment.":
  - against Serial No 5, in column No. 6, for the existing entries, the following shall be substituted, namely:
  - i) . "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diplome holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
- (i) . Ton per cent by promotion, on the basis of semiority-cum-fitness, from amongsty-Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and TESTED
  - Sevenny per cent by initial recruitment.".

against Sprint No. 6, in column No.6, for the words, colon and slash "Assistante/Accountants/Senior Scale Stenographer", the word "Accountants" shall

wguanst Serial No. 35%. In column 1996, for the word, figure and brackets "ten (10)". the word, figure and brackets "five (05)" shall be substituted; and

against Serial No. 16, in column No.6 for the existing entry, the following shall be

Twenty (20) per cent by promotion on the basis of seniority-cum-fitness, from  $\mathbb{B}$ amongst the Naib Oasids and Chowkidars in the Village Council / Neighborhood Conneil with seniority at Tehsil level, having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such: and

Eighty (80) per cent by initial recruitment. iΩ

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Conneil. If such candidate is not available in the same Village Council / Neighborhood Council then the condidate from adjacent Village Council / Neighborhood Council,

Provided further that in case of non-availability of candidate from adjacent Village Council / Neighborhood Council then from any other Village Council / Neighborbood Council in that Tebsil.".

#### SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA LG.E&RD DEPARTMENT

#### No. SO(E):\_G/Z-188/SSRC/2019.-

# Dated Peshawar, the 16th October, 2019

(EAJI MUHAMMAD) SECTION OFFICER (ESTAB) 2hone # 001-9213224

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Copy forwarded to !-

1. All Administrative Secretaries to Government of Kliyber Pakhtunkhwa.

All Divisional Commissioners in Elayber Pakhtunkhwa.

3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar

The PSO to Chief Minister, Khyber Pakhtuakhwa Peshawar.

The PSO to Chief Secretary, Khyber Pakhtunkhwa, Pesht was

The Director General, LG,E&RDD, Noyber Pakhtonkhiva Peshawar,

The Secretary, Khyber Pakhunkhwa Public Service Commission, Peshawar,

All Hend of Astaclied Departments in Kliyber Pakhtunkhwa.

9. Ail Deputy Commussioners in Khyber Pakhtonkhwa.

10 The Registrar, Peshawar High Court, Feshawar

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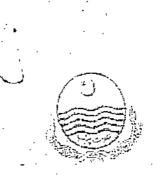
11. All District and Session Judges in Khyber Pakhtunkhiva.

H2-Al-Assistant Directors: LCCCKDD1n-Khyber PakhtunEhiva

13. The Manager Government printing press, Poshawar for publication in the next Government Gazenee Notification, 100 copies of the Notification may be sent to this Department.

- The PS to Senior Minister for LG, S&RD, Khyber Pakhnakhwa. 15. The PS to Secretary LG.E&RDD Peshniver.

16. The Office Order file.



#### GOVERNMENT OF THE PUNJAB LOCAL GOVT. & COMMUNITY DEVELOPMENT DEPARTMENT

16

Dated Lahore the 27th July, 2018

# NOTIFICATION

NO.SO.Admn-I(LG)1-4/15: The Competent Authority is pleased to approve up-gradation of the following posts of Secretary Union Councils appointed under the Punjab LG&RD Service Rules, 1981 and Punjab Government District Service (Town/Tehsil Municipal cadre) Rules 2005 w.e.f 01.07.2018:-

	Sr≠	Fost	Present Scale	Up gradation	
	1.	Union Secretary (Committee)	6S- 07		
•	<u> </u>	Union Secretary (CD)		BS-14	

 The additional financial implication shall be met out of the budget of the respective Union Councils.

#### SECRETARY LOCAL GOVT. & COMMUNITY DEVELOPMENT DEPARTMENT

#### NO & DATE EVEN

A copy is forwarded for information & necessary action to: -

- The Secretary, Government of the Punjab, Finance Department.
- 2. The Director General, LG&CD Punjab Lahore with the request to amend the service rules accordingly.
- 3. All the Directors, LG&CD in the Punjab.
- 4. All the District Accounts Officers in the Punjab.
- 5. All the Deputy Directors, LG&CD in the Punjab
- 6. All Chairmen of Union Councils, in the Punjab.
- 7. The Assistant Director (UC), at the PHQ, Labore.

PETER ED

8. Master file

CC >

(MAGMOOD AHMAD) DEPUTY SECRETARY (ADMN.)

Rana Mahboob Hussain, All Puniab Secretaria's UCs Association Punjab.

ATTASTED

# THE SECRETARY,

9-67

Local Government, Elections & Rural Development Department, Khyber Pakhtunkhwa, Peshawar

.

Sir,

Subject

ΤG

# DEPARTMENTAL APPEAL AGAINST THE NOTIFICTIONS DATED 5.4.2018 & 16.10.2019 AND FOR THE REVIVAL/RESTORATION THE OLD SERVICE STRUCTURE NOTIFIED ON 26.01.1978

Most respectfully, it is stated that I am working as Village Secretary under your king control. I am qualified and performing my duties with my full devotion. According to the service structure Notified on 26.01.1978, the prospects of promotion for Village Secretaries were in line. That according to the said rules of . 1978, after appointment the village secretaries has 75% promotion quota to the post of Supervisor (BPS-14) & Assistant Accountant (SPS-14), 30% quota was reserved from supervisor & Assistant Accountant to Development Officer (BPS-15) and where efter from the post of Development Officer to the Village Secretary was in a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Marjager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were pesed on the basis of seniority cum fitness. The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Neighborhood Council (BPS-11) and Junior Secretary Village Neighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (SPS-14) with 75% aupta,

Astonishingly the old service structure was further amended through Impegned notification dated 16-10-2013 whereby the channel of promotions has been limited to the post of Developmental Officer (BPS-16) and where after no channel of promotion has been lift for the cadre of Village Secretary rather the APT Rules, 1939.

It is therefore, requested that the impugned Notifications dated 25.11.1978, may be revived/restored and as such I may be considered for promotion under the old rules dated 25.01.1978.

Obediently Yours,

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ve Tangdake District Brones Secretary (VC/NH Council)

. U/c Bhulghas 2 to Cell No. 0344-9654538

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		Charges Reals

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# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 9153 /2020. Mr. Alĭ Nα Appellant VERSUS 1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat 2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar. 3. The Secretary Local Government Development Department, Civil Secretariat, Peshawar 4. The Secretary (Finance) Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar

5. The Director General, Local Government & Rural Development Department, Khyber

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3       Notification No. SO(LG-I)2-188/SSRC/2018 dated 05.4.2018         4       Notification No. SO(LG-I)2-188/SSRC/2018 dated 05.4.2018	-	1-4	1.
4         Notification No. SO(LG-I)2-188/SSRC/2018 dated 05.4.2018           5         Notification No. SO(LG-I)2-188/SSRC/2018 dated 01.08.2018           6         alongwith 1075		. 5	1 .
5 Notification No. SO(LC-1)2-188/SSRC/2018 dated 01 08 2018	Annex-I	.6-7	1
	Annex-II	8-11	•
6 No.SO (FR) FD/8-25/2014/Local Govt./3379 dated 1 <sup>st</sup> February	Annex-III	12-18	I
	Annex-IV	19	

Through

Respondents

USIL Deponent

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL <u>PESHAWAR</u>

Appeal No. 9153 /2020.

ANI

.....Appellant

#### VERSUS

- 1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
- 2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3. The Secretary Local Government Development Department, Civil Secretariat, Peshawar.

4. The Secretary (Finance) Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.

5. The Director General, Local Government & Rural Development Department, Khyber Pakhtunkhwa.

Respondents

# JOINT PARA WISE REPLY ON BEHALF OF RESPONDENTS No. 1 to 5

Respectfully Sheweth!

#### Preliminary Objections;

- i. The Appellants have no locus standi and cause of action.
- ii. The Appellants have not come to the Service Tribunal with clean hands.
- iii. The Appellants have submitted incorrect & irrelevant documents and concealing the facts & truth from the Honorable Service Tribunal.
   iv. The Appeal is not maintainable.
- iv. The Appeal is not maintainable.
- v. The present appeal is time barred.
- vi: That the instant appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- vii. That this Honorable Tribunal lacks jurisdiction to adjudicate upon the matter.

#### ON FACTS

- 1. Pertains to record.
- Incorrect, The Provincial Government vide Notification bearing No. SO (LG-I)2-188/ SSRC/2018 dated 05.4.2018, No. SO (LG-I)2-188/SSRC/2018 dated 01.8.2018 and No. SO(LG-I)2-188/SSRC/2018 dated 16.10.2019 has allowed the channel of promotion to the appellant upto the post of Director (BPS-19) instead of Deputy Director (BPS-18) previously allowed under Service Rules Vide Notification No. DG (RWP)7(2)/73 dated 26-01-1978. (Annexure as I, II & III).

3. In reply, it is stated that the promotion quota to the post of Supervisor (BPS-14) still exists whereas promotion to the post of Assistant Accountant (BPS-14) has been abolished, being dying cadre. Similarly, the post, of Development Officer and Project Manager do not exist anymore, therefore, the same has been deleted from the Service

Rules thus wrongly pointed out by the petitioners. However, channel of promotion of the Village Secretary upto the post of Director (BPS-19) still exists.

4. The Provincial Government vide letter No.SO (FR) FD/8-25/2014/Local Govt./3379 dated 1<sup>st</sup> February 2018 (Annex-IV) has upgraded the posts of Village Secretary as under:-

**a.** 850 posts of Village Secretary upgraded from BPS-07 to BPS-11 and re-designated as Senior Village Secretaries having 10 years' service.

b. 2961 posts of Village Secretary upgraded from BPS-07 to BPS-09 and redesignated as Junior Village Secretary having less than 10 years' service.

In addition to above,

c. 89 posts of Supervisor upgraded from BPS-09 to BPS-14.

The channel of promotion of Village Secretary upto the post of Director (BPS-19) is intact.

Therefore necessary amendments in the Service Rules Notified on 26.01.1978 have been made, keeping in the view the requisite length of service for promotion of Junior Village Secretary (BPS-9) to the post of Senior Village Secretary (BPS-11) and it is worth mentioning that the onward channel of promotion is still intact upto the post of Director (BPS-19).

It is further submitted that the length of service for promotion of Junior Village/Neighbourhood Secretary (BPS-09) to the post of Senior Village/Neighbourhood Secretary (BPS-11) has been reduced and amended from 10 years to 5 years vide Notification No. SO (LG-I) 2-188/SSRC/2018 dated 16.10.2019; thereby allowing straightaway promotion to the petitioners after completion of 5 years' service instead of waiting for 10 years.

5. Irrelevant, hence denied.

6. As already explained, the channel of promotion has been maintained and amendments in Service Rules have been made after upgradation of the Village/Neighbourhood Secretary from BPS-07 to BPS-9 for Junior Village Secretary and BPS-07 and BPS-11 for Senior Village Secretary respectively.

Furthermore, as already explained the length of service for promotion to Senior Village/Neighbourhood Secretary has been reduced from 10 years to 5 years, hence appellants have no locus standi/cause of action to file the instant service appeal.

#### REPLY TO GROUNDS:

A. Incorrect, There is no bar in Service Rules for promotion from the post of Village Secretary (BPS-09) upto the post of Director (BPS-19) LG&RD. (Annex as I,II & III).

- B. Incorrect. The Appellants have been treated as per Law/Rules/Policy.
- C. Incorrect, Already explained above.
- D. Incorrect. The respondents acted as per Law/Rules/Policy.
- E. Incorrect. The Service Rules provide an ample opportunity for promotion of Village Secretary upto the post of Director (BPS-19) LG&RDD on his turn as per Law/Rules/Policy.
- F. Incorrect, already explained in Para 3, 4 and 6 of the facts.
- G. Incorrect. Promotions take place as per Law/Rules/Policy in vogue.
- H. The Respondents seek permission to produce further record and relevant arguments during the tribunal proceedings.

It is, therefore, humbly prayed that the instant Service Appeals being devoid of merits may be dismissed with cost please.

Director General LG&RD Khyber Pakhtunkhwa Respondent No.5

24

Secretary LG, E&RDD, Khyber Pakhtunkhwa Respondent No.3

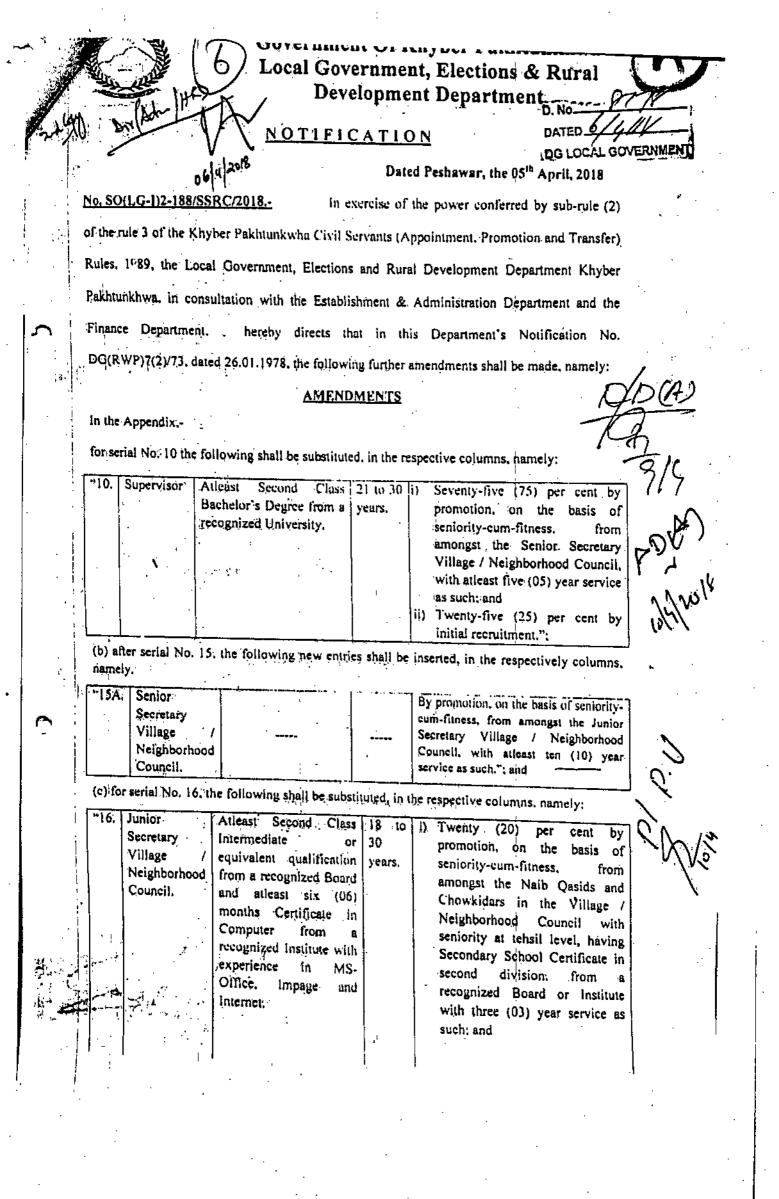
Secretal

Secretary Finance Department, Khyber Pakhtunkhwa Respondent No.4

Secretary Establishment Department, Khyber Pakhtunkhwa Respondent No.1 & 2

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

9153 12020. <u>Appeal No.</u> ha .....Appellant VERSUS The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat 1. Peshawar. 2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar. 3. The Secretary Local Government Development Department, Civil Secretariat, Peshawar. 4. The Secretary (Finance) Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar. 5. The Director General, Local Government & Rural Development Department, Khyber Pakhtunkhwa. .....Respondents AFFIDAVIT I, Mr. Azaz-ul-Hassan office Assistant (Litigation) in Directorate General Local Government & Rural Development, Peshawar solemnly affirm and declare on oath that Joint Para wise reply in Appeal. No. 9153 " [192 Mi sha are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court. RAM Deponent E L CNIC #. 17301-2416976-9 Cell #.0336-9170959 Identified By Advocate General Khyber Pakhtunkhwa



<u>ii)</u> ...)

H.

1

Eighty (80) per cent by Initial recruitment;

Provided that the candidate shall be preferably a bonafide regident of the same Village / Neighborhood Council. If such candidate is not available in the same Village / Neighborhood Council then the candidates. from adjacent Village / Neighborhood Council:

Provided further that in case of non-availability of candidate from adjacent Village / Neighborhood Council then from any other Village / Neighborhood Council in that Tehsil Council.

#### SECRETARY TO GOVERNMENT OF KP LOCAL GOVT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

#### Dated Reshawar, the OSM April, 2018

Copy forwarded to:-

*p* 

SO(LG-1)2-188/SSRC/2018 .-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.

2. All Divisional Commissioners in Khyber Pakhtunkhwa,

3: The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.

4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.

5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.

67. The Director General, LG.E&RDD. Khyber Pakhtunkhwa Peshawar.

7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.

8. All Head of Attached Departments in Khyber Pakhtunkhwa.

9. All Deputy Commissioners in Khyber Pakhtukhwa.

10. The Registrar, Peshawar High Court, Peshawar,

11. All District and Session Judges in Khyber Pakhtunkhwa.

12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.

13. The Manager Government printing press. Peshawar for publication in the next Government Gazettee Notification. 40 copies of the Notification may be sent to this Department.

14. The PS to Senior Minister for LO,E&RD Khyber Pakhtunkhwa.

15. The PS to Secretary LG. C&RDD Peshuwur.

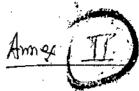
16. The Office Order file.

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SECTION OFFICER (ESTAB Phone # 091-9213224

-9





### Government Of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department

#### <u>NOTIFICATION</u>

Dated Peshawar, the 01<sup>st</sup> August, 2018 No. SO(LG-D2-188/SSRC/2018. In exercise of the power conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkwha Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department, is pleased to direct that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978,

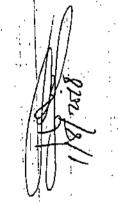
the following further amendments shall be made, namely:

#### AMENDMENTS

In the Appendix,-

(a) for Serial No. I the following shall be substituted, in the respective columns, namely:

1.	2,	3.	4.	5.		ł
 "1." 	Director General.	-	•	-	By transfer from amongst PAS, PCS and PMS officers in BPS-20.".	
<u> </u>	1	ł	<u> </u>		· · · · · · · · · · · · · · · · · · ·	1



(b) for Serial No. 1A, the following shall be substituted, in the respective columns, namely:

<ul> <li>*1A. Director.</li> <li>By promotion, on the basis of seniority- cum-fitness, from amongst Deputy Directors and Assistant Directors (Senior) with at least seven (07) years' service as such or twelve (12) years' service as Assistant Director and above.</li> <li><u>Note:</u> For the purpose of promotion to the post of Director, there shall be maintained a joint seniority list of Deputy Directors and Assistant Directors (Senior).";</li> </ul>

(c)

after Serial No. 1A, as so substituted, the following new entries shall be inserted, in the respective columns, namely:

"1B.	Director (Technical).	/-	-	-	By promotion, on the basis of seniority- cum-finess, from amongst Deputy Directors (Technical) with at least seven (07) years' service as such or twolve (12) years' service, as Assistant Engineer and Assistant Director (Technical) and above.
1C.	Deputy Director/Assistant Director (Senior).		-	+	By promotion, on the basis of seniority- cum-fitness, from amongst Assistant Directors with at least five (05) years' service as such.

1D:	Deputy Director (Finance and Accounts).		•	By promotion, on the basis of seniority- cum-fitness, from amongst Accounts Officers with at least five years' service as such.
1E.	Deputy Director (Technical).	•	· -	By promotion, on the basis of seniority- cum-fitness, from amongst Assistant Engineers and Assistant Directors (Technical) with five (05) years' service as such and having a Bachelor's Degree in Civil Engineering.";
				<u>Note:</u> For the purpose of promotion to the post of Deputy Director (Technical), there shall be maintained a joint seniority list of Assistant Engineers and Assistant Directors (Technical).";

(d)

(e)

**(f)** 

(g) .

against Serial No. 2, in column No. 2, the slash and words "/Planning Officer" shall be deleted.

against Serial No. 3, in columns 3 and 6, the following shall respectively be substituted, namely:

3. "At least Second Class Master's Degree in Commerce / Business Administration/B5 (Honours) Finance and Accounting or its equivalent qualification from a recognized University.	seniority-cum-fitness, from amongst the Accountants with at least five (05) years' service
---	---

against Serial No. 5, in column No. 2, for the words "Sub Divisional Officer", the words and brackets "Assistant Director (Technical)" shall be substituted.

against Serial No. 7, in column Nos. 2 and 6, for the existing entries, the following shall respectively be substituted, namely:

	2.		6
"Assistant.		· · ·	<ul> <li>(i) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least three years' service as such; and</li> <li>(ii) twenty-five percent by initial recruitment.";</li> </ul>

against Serial No. 9, in column No. 6, in clause (iii), the full-stop, appearing at the end shall be replaced by colon and thereafter the following proviso shall be added, namely:

"Provided that if no suitable officer is available for promotion then by transfer.";

(i) (i

(h)

after Serial No. 9, as so amended, the following new entries shall be inserted, in the respective columns, namely:

	1.	2.	3,	4.	5,	6.
	"9B.	Auto CAD Operator,	(a) Af least Second Class Bachelor's	•	18 to 30 years.	By initial recruitment.";
•		•	Degree from a recognized			г., а
	L		University;			•

		<u> </u>	<u> </u>	·····	•	
.	 (b) six months Diploma in Civil AutoCAD from a recognized	, ,	•			].
	 Technical Institute; and		•••			
	(c) at least two years' experience in relevant field.		• •		• ,	

(j) ·

(k)

(i)

for Serial No. 11 the following shall be substituted, in the respective columns, namely:

_ 1.	2, -	3,	4.	5.	6.
<b>"</b> 11.	Accountani.	At least Second Class Bachelor's Degree in Business Administration or its equivalent qualification, from a recognized University.		21 to 30 years.	By initial recruitment: Provided that till the appointment of a suitable person on initial recruitment the post shall be filled by transfer,";

for Serial No. 14, the following shall be substituted, in the respective columns, namely:

1.	2.	3,	4.	5. ;	6.
•"14.	Computer	(a) At least Second Class		21 to 32	By initial
ļ	Operator.	Bachelor's Degree in		years.	recruitment.";
		Computer Science			
		(BCS)/ Information			
		Technology (BIT)		· •.	
÷		(04-years) or its	Ì	.	
•	· ·	equivalent		) · .	
		qualification from a	ļ	· ·	
1.	·	recognized			
	,	University; or	1.		
		(b) A: least Second Class			
Į:		Bachelor's Degree	1	· ·	
ŀ		from recognized			
		University with one	; [		
<b>)</b> .	:	year Diploma in			
		Information	Į		· ·
		Technology from	1		
;		recognized Board o			
		Technical Education,			

after Serial No. 19, the following new entries shall be inserted, in the respective columns, namely:

٠.	•				ł	·
	1.	2.	3.	4.	5.	6,
	"19A	Driver.	Preferably literate and	-	18 to 40	By initial
			holding a valid Driving		years.	recruitment."; and
			License.			
	<u>ن</u> ــــــــــــــــــــــــــــــــــــ	l				•

(m) for Serial No. 20, in column No. 2, after the word and slash "Chowkidar/", the word "Sweeper" shall be added.

#### SECRETARY TO GOVERNMENT OF KP LOCAL GOVT. ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

#### No. SO(LG-I)2-188/SSRC/2018.-

#### Dated Peshawar, the 01st August, 2018

Copy forwarded to:-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.

2. All Divisional Commissioners in Khyber Pakhtunkhwa.

3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.

4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.

5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.

6. The Director General, LG, E&RDD, Khyber Pakhtunkhwa Peshawar.

7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.

8. All Head of Attached Departments in Khyber Pakhtunkhwa.

9. All Deputy Commissioners in Khyber Pakhtukhwa.

10. The Registrar, Peshawar High Court, Peshawar.

11. All District and Session Judges in Khyber Pakhtunkhwa.

12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.

13. The Manager Government printing press, Peshawar for publication in the next Government Gazettee Notification. 40 copies of the Notification may be sent to this Department.

14. The PS to Secretary LG, E&RDD Peshawar.

15. The Office Order file.

(HAJI WUHAMMAD) SECTION OFFICER (ESTAB) Phone # 091-9213224



Government Of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department

#### NOTIFICATION

#### Dated Peshawar, the 16th October, 2019

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No. SO(E)LG/2-188/SSRC/2019.-In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG(RWP)7(2)/73. dated 26.01.1978, the following further amendments shall be made, namely:

#### AMENDMENTS

in the Appendix,-

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a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:

 "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service.";

i) Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and

 Ten percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such.";

<u>Note:</u> For purpose of promotion to the post of Assistant Director against ten percent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistants.";

against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely:

i) "Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and

ii) Fifty (50) per cent by initial recruitment.";

against Serial No.5, in column No. 6, for the existing entries, the following shall be ( calbstituted, namely:

"Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;

Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and

Seventy per cent by initial recruitment.";

against Serial No. 6, in column No.6, for the words, colon and slash "Assistants/Accountants/Senior Scale Stenographer", the word "Accountants" shall be substituted;

against Serial No. 15A, in column No.6, for the word, figure and brackets "ten (10)", the word, figure and brackets "five (05)" shall be substituted; and

against Serial No. 16, in column No.6 for the existing entry, the following shall be substituted, namely:

 Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village Council / Neighborhood Council with seniority at Tehsil level, having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such: and

ii) Eighty (80) per cent by initial recruitment:

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such candidate is not available in the same Village Council / Neighborhood Council then the candidate from adjacent Village Council / Neighborhood Council;

Provided further that in case of pon-availability of candidate from adjacent<sup>3</sup> Village Council / Neighborhood Council then from any other Village Council / Neighborhood Council in that Tensil.".

#### SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA LG, E&RD DEPARTMENT

#### No. SO(E)LG/2-188/SSRC/2019.-

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#### Dated Peshawar, the 16th October, 2019

#### Copy forwarded to:-.

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.

2. All Divisional Commissioners in Khyber Pakhtunkhwa,

3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.

4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.

5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.

6. The Director General, LG, E&RDD, Khyber Pakhtunkhwa Peshawar.

7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar,

8. All Head of Attached Departments in Khyber Pakhtunkhwa.

9. All Deputy Commissioners in Khyber Pakhtunkhwa.

10. The Registrar, Peshawar High Court, Peshawar.

11. All District and Session Judges in Khyber Pakhtunkhwa.

12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.

13. The Manager Government printing press; Peshawar for publication in the next Government Gazettee Notification. 100 copies of the Notification may be sent to this Department.

14. The PS to Senior Minister for LG,E&RD Khyber Pakhtunkhwa.

- 15. The PS to Secretary LO, E&RDD Peshawar,
- 16. The Office Order file.

(HAJI MUHAMMAD) SECTION OFFICER (ESTAB) Phone # 091-9213224

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3. Manager Government Printing Press, Peshawar for publication in the next Government Gazettee Notification, 30 Copies of the Notification may be sent to this Department.	ι Ω
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No.DG (RWP) 7/ (2) 73.	R
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Social Welfare, Tourism and	
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s conditions specified in column 3 to 6 of the appendix to this Notification,	0
Welfare, Tourism and Rural Development Department is pleased to lay down the method of appointment. Multication, Social	Συ Σ
Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 and i	<u>р</u> т
P 7(2)/73: In exercise of the powers conferred by sub-rule (2) of the	) z

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LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT GOVERNMENT OF NORTH WEST FRONTIER PROVINCE

# NOTIFICATION

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Peshawar, dated the 26<sup>th</sup> January, 1978

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#### GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

NO.SO(FR)FD//8-25/2014/Local Gpvt./3379

this

Dated Peshawar, the 01-02-2018

The Secretary to Govt: of Khyber Pakhtunkhwa, Local Government Department.

Subject: -

To

#### - <u>SERVICE STRUCTURE FOR THE POST OF SUPERVISOR AND</u> <u>VILLAGE / NEIBOURHOOD COUNCIL SECRETAIRES.</u>

Dear Sir,

I am directed to refer to your Department letter No. SO(LG-I)2-176/2016 dated ... 16-01-2018 on the subject noted above and to say that the Competent Authority has been pleased to upgrade 3501 posts of <u>VILLAGE / NEIBOURHOOD COUNCIL</u> <u>SECRETAIRES</u> and 89 posts of Supervisor in Local Government Department in the following manner:-

Council Secretaries	BPS-07 to BPS-09 having less than	Number of Posts upgraded from BPS-07 to BPS-11 and re-designated as Senior Secretaries Village/Neibourhood/Council having at least 10 years or more service.
3501	2651	

Total Sanctioned Strength of Supervisor (BPS-09) Number of posts upgraded to BPS-14 with same nomenclature of the posts 89

2. The Administrative Department may prepare service rules of the aforesaid posts and notify after fulfillment of all codal formalities.

udit copy may be prepared and sent to this department for authentication.  $\Lambda$ 

Yours faithfull

850

Copy is forwarded to: -

SOLEIX

SECTION OFFICER (FR)

Budget Officer (PFC-III), Finance Department for information and necessary action.

SECTION OFFICER (FR)