30th Jan, 2023

Junior of learned counsel for the appellant present. Mr. Naseerud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Last opportunity is granted to argue the case on the next date failing which the case will be decided on the available record without arguments. Adjourned. To come up for arguments on 28.02.2023.before D.B.

(Muhammad Akbar Khan) Member (E)

(Kalim Arshad Khan) Chairman

14.09.2022

25.11.2022

Junior to counsel for appellant present.

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

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.

(Fareeha Paul) Member (E)



Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

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.

(Fareena Paul) Member (E)

(Rozina Rehman) Member (J)

8.12.2021

Due to Winter Vacations the case is adjourned to 25.04.2022

for the same as before.



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 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

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.

(Rozina man) Mømber (1)

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.

≷eader

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

FORM OF ORDER SHEET

Court of 10243 Case No.-2020 S.No. Date of order Order or other proceedings with signature of judge proceedings 3 2 1 The appeal presented today by Mr. Noor Muhammad Khattak 04/09/2020 1-Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. REGISTR 2-This case is entrusted to S. Bench for preliminary hearing to be put up there on $2 \cdot 11 \cdot 2_0 \cdot 2_0$ MEMBER(J) 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-Jamal-Khan) Member (Judicial)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 9219 /2020.

Mr. Abdul Shakoor

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.

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4	Notification No. SO(LG-I)2-188/SSRC/2018 dated 01.08.2018	Annex-II	8-11
5	Notification No. SO(LG-I)2-188/SSRC/2018 dated 16.10.2019 alongwith 1978 Service Rules	Annex-III	12-18
6	No.SO (FR) FD/8-25/2014/Local Govt./3379 dated 1 st February 2018	Annex-IV	19 -

Respondents

Through

- and assals

.....Appellant

Deponent

<u>'HE KHYBER PAKHTUNKHWA SERVICE TRIBUNAI</u> **PESHAWAR**

Appeal No. 9219 12020. Mr. Abdyl Shakovy

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

.....Appellant

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

Respectfully Sheweth!

Preliminary Objections;

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

ON FACTS

1. Pertains to record.

2. 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 up to 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 1st 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 up to 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

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

Secré

Secretify Finance Department, Khyber Pakhtunkhwa Respondent No.4

Secretary Establishment Department Khyber Pakhtunkhwa Respondent No.1 & 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 9219 /2020.		;	
Mr. Abdul Shakoor			A na allan é
	VEDSUS	·····	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

<u>AFFIDAVIT</u>

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. $\underline{9219}$ ("Mbdul Shakoon") are true and correct to the best of my knowledge & belief and nothing has been intentionally

concealed from this Honorable Court.

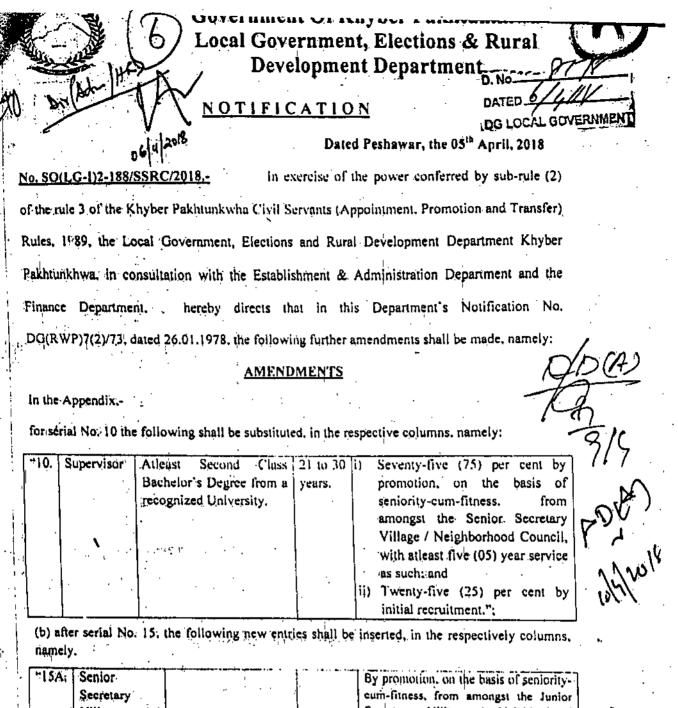
Deponent

Real

Identified By

Advocate General Khyber Pakhtunkhwa ^c Deponent CNIC #. <u>17301-2416976-9</u> Cell # <u>0336-9170959</u>





Serietary Village / -----Neighborhood Council.

<u>. .</u> .

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

(c) for serial No. 16? the following shall be substituted, in the respective columns, namely:

"16. Junior Secretary	Atleast Second Class Intermediate or	Twenty (20) per cent by
Village /	Intermediate or equivalent qualification from a recognized Board and atleast six (06) months Certificate in Computer from a recognized institute with experience in MS- Office: Impage and Internet;	promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village / Neighborhood Council with seniority at iensil level, having Secondary School Certificate in second division, from a recognized Board or Institute with three (03) year service as such; and

Eighty (80) per cent by Initial recruitment;

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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 / 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 QSIN April, 2018

Copy forwarded to:-

No. SO(LG-1)2-188/SSRC/201

L. 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 Reshawar,

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, Poshawar,

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 Oovernment Gazettes 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 LO.E&RDD Peshawar.

16. The Office Order file.

الدخلة

SECTION OFFICER (EST Phone # 091-9213224



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

NOTIFICATION

Dated Peshawar, the 01st August, 2018

Ame

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,-

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

-	1.	2.	3.	4.	5.	6.
•••	"1.	Director General.	-	-	-	By transfer from amopgst PAS, PCS and PMS officers in BPS-20.".

(b)

(a)

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

1.	2.	3.	4.	5.	6
η Ϊ Α.	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.
					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).";



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.
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.

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4.	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).";

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

(e)

(d)

i i

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

recognized University.	Provided that if no suitable officer is available for	10 20
promotion then by transfer.; and	promotion then by transfer.; and	or
(ii) fifty (50) per cent by initial recruitment."	(ii) fifty (50) per cent by initial recruitment.".	

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	<u>. </u>	
"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 by initial recruitment.";

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:

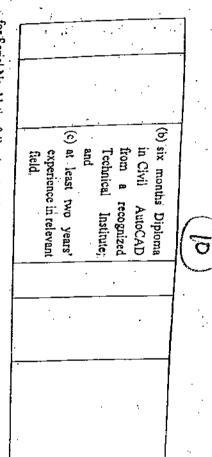
1.	2.	3.	4.	5.	6
"9B.	Auto CAD Operator.	 (a) At least Second Class Bachelor's Degree from a recognized University; 	•	18 to 30 years,	By initial recruitment,";
L	·				

(1)

(g)

(h)

(i)



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

		-				:	
•	[. :			"11.	
					-	Accountant,	1
		~ ~	qualification, from a	Business Administration	Bachelor's Degree in	At least Second Class	9
		ـــــــــــــــــــــــــــــــــــــ				•	•
					years.	21 to 30 By	
	the post shall be filled by transfer.";	initial recruitment	appointment of a	Provided that till the	recruitment:	By initial	6

for Serial No. 14, the following shall be substituted, in the nely:

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Computer (a) At least Second Class 21 to 32 By initial Operator. Bachelor's Degree in Computer' Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent 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 Technical Education. 21 to 32 years. Perculumen			<u> </u>	_			-,	.1		-;	•				 	•		·"14.	-
- ο _Γ μ το α. το μ το		,			<u>`</u>			-					-				Operator.	Computer	2,
- 21 to 32 years.	Technical Education.	recognized Board of	Technology from a	Information	Diploma	University with one			(b) At least Second Class	University; or	recognized	from	equivalent	0ŗ			Bachelor's Degree in	(a) At least Second Class	3
			. <u> </u>		-	- :												;	*
By initial recruitmer											_						years.	21 to 32	5.
H H		<u> </u>						<u>.</u>						•			recruitment.";	By initial	ē.

• • •

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

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	19A.	F	
	19A. Driver.	2,	
1	Preferably literate and holding a valid Driving License.	3	
	•	4	
	18 to 40 By years. rec:	ų s	_
	By initial recruitment."; and	6.	

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(LC-I)2-188/SSRC/2018 .-

Dated Peshawar, the 01" 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 MUHAMMAD)

SECTION OFFICER (ESTAB) Phone # 091-9213224

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	;	,	• •-	

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

NOTIFICATION

Dated Peshawar, the 16th October, 2019

of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber No. SO(E)LG/2-188/SSRC/2019.-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)77 dated 26,01.1978, the following further amendments shall be made, namely: In exercise of the powers conferred by sub-rule (2) S:

....

AMENDMENTS

🖞 In the Appendix

 $\mathbf{a} \in \mathbf{A}$ gainst Serial No. 2, in column No. 6, for the existing entries, the following shall b substituted, namely:

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

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

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

Note: For purpose of promotion to the post of Assistant Director against ten percent quota, there Stenographers and Assistants." shail 8 maintained a joint seniority list of Senior Scale

ubstituted, namely gainst Serial No. 3, in column No.6, for the existing entries, the following shall be

"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

Fifty (50) per cent by initial recruitment."

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

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

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

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

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, LO,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.

- 45. The PS to Secretary LG, E&RDD Peshawar.
- 16. The Office Order file.

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

13. Manager Government Printing Press, Peshawar for publication in the next Government Gazettee Notification, 30 Copies of the Notification may be sent to this Department. 14. Deputy Director (PWP), Rural Development, NWFP, Peshawar for information with reference to so-Services-III IS&RAD 14. No SOS_TITICSCAD(4-6/75, dated 21st January, 1978
 Section Officer (Legis), Govt of NWFP, Law Department with to SO Reg 1(4)76/452 dated 8th October, 1978. Section Officer (Inform:), Govt of NWFP, S&GAD with reference to his letter No SO 5-III(IS&GAD)4-6/75 dated 8th October, 1978.
uty Secretary-II, I S&GAD Section Officer in S&GAD.
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5. All Heads of Attached Department in NWFP. 6. All Deputy Commissioner/Political Agent in NWFP.
3. Secretary to Governor,NWFP,Peshawar. 4. Secretary, Public Service Commission, NWFP, Peshawar.
Divisional Commissioners in NWFP.
rded to the:
Social Welfare, Tourism and Rural Development Department
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(Atta Ur Rehman Khan) Secretary to Govt: of N.W.F.P.
Welfare, Tourism and Rural Development Department is pleased to lay down the method of appointment, qualification and others conditions specified in column 3 to 6 of the appendix to this Notification, which shall be applicable to posts borne on the Rural Development Department specified in column 2 of the said appendix.
<pre>IP) 7(2)/73: In exercise of the powers conferred by sub-rule (2) of Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 and condition of the power and the Finance Department</pre>
Peshawar, dated the 26 ⁻ⁿ January, 1978
NOTIFICATION
LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF NORTH WEST FRONTIER PROVINCE

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VAKALATNAMA

Cervice Tribunal Neshawar Before the

OF 2020

Abdul Shalcoor

(APPELLANT) _(PLAINTIFF) (PETITIONER)

<u>VERSUS</u>

<u>Gowd</u> of <u>Ip</u> <u>J</u> <u>Othes</u> (RESPONDENT) (DEFENDANT) <u>I/We</u> <u><u>Ak</u><u>dw</u> <u>Shalloor</u> Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.</u>

Dated.____/2020

Jul Shakoo 8 **CLIEN**

<u>ACCEPTED</u> NOOR MOHAMMAD KHATTAK

SHAHZULLAH YONSAFZAI

MIR ZAMAN SAFI ADVOCATES.

OFFICE:

Flat No.3, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar City. Phone: 091-2211391 Mobile No.0345-9383141



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 9219 /2020

ABDUL SHAKOOR

V/S

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. Abdul Shakoor, Village Secretary, Village Council Kalkot, District Upper Dir.

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.

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.

<u>R/SHEWETH:</u> ON FACTS:

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

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That according to the service rules Notified on 26.1.1978 the initial scale of the appellant was in BPS-6 which was later on upgraded to BPS-7. That under the said Rules the prospects of promotion was on up to the post of Deputy Director (BPS-18) but later on vide impugned Notifications dated 5.4.2018, 1.8.2018 and 16.10.2019 the channel of promotion has been limited to the post of Developmental Officer (BPS-16) and where after no channel for promotion has been lift for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Civil Servant Act, 1973 & APT Rules, 1989. Copies rules and impugned rules are attached as annexure **B, C, D & E.**

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

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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.
- **F-** 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

AKOOR

THROUGH:

NOOR MOHAMMAD KHATTAK

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

C.M. NO.____/2020

APPEAL NO. ____/2020

VS

ABDUL SHAKOOR

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 & 16.10.2019</u> till the disposal of the instant service appeal.

APPELLANT

THROUGH: NOOR MOHAMMAD KHATTAK ADVOCATE, High Court Peshawar

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				Deputy Director .	2	Nomenclature of	"No. Section Officer() r) Rules, 1975 and in c al Development Depar		10					· · ·				
1 10 00 00 00 00 00 00 00 00 00 00 00 00	b) Five year experience in Agriculture. Animal Unsbandry Education, Social Welfare, Phanning& Dev: or Forest in Grants Life a choice.	Animal Husbandry, Agril. Geography or Social Psychology and	statistics, social works sacialogy.	a) 2 nd Class Master Degree from a	3	applicable to posts borne on the future Development Dependence of Age 1 S.No. Nomenclature of Qualification for initial recruitment Qualification for Age 1	LG-1) 2-188/93-Vol-II: In exercise of the po onsultation with the information services an intent is pleased to lay down the method of		CAL GOVERNMENT, ELECTION			KHYJ		•	GOVERNMENT		EXTRAORDINARY	
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KHYBER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE, 2019

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Local Cover, Cooperation, Social Welfare, Tourism &

Secretary to Covt: of N.W.F.P.

Rural Dévelopment Department.

Page hi4

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

NOTIFICATION

Dated Peshawar, the 05th April, 2018

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an highly (80) per cent by initial (3)? rectivitiment

Provided that the candidate shall be metodoly to buintifide sesident of the same Village 13. Neighborhoad Council. If such candidate is not available in the same Village Neighborhood-Control then the candidates. lam advicent Vallage Neightenhaut Chunch

any dee further that in case at moustaining of candidate from affacent Veloge I Neighborhood Council then from Village - ·/] ery ether Neigrooment Council in Indi Tensi, Loundi

TETARY TO COVERNMENT OF KP DEVELOPATE DEPARTMENT

Dated Peshawar, the 05" April, 2018

No. SOILG-112-185 55RC 2018 -

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A Colored Care of the States of the

The Secretary to Governor, Kityber Poster of the Peshawor

The PSC in Chief Minister, Kity for Pakity of Hiss Peshawar.

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Laff Activity Directors, LOGROD in Kligher Pakhtunkliwa 13 The Mudager Groemman pointing these Pestawan for publication in the next the ament flagetter Northeattan, 40 games of the Notification may be sent to this

11 The TS in Sen of Minister for LG.E&RD Kinsher Pakhtunkhwa.

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(HAU MUTHAMMAD SECTION OFFICER (ESTAB) Phone # 091-9213224

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

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 1st 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.-

(a)

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

1.	2.		3.	4.	5.	6,
	irector eneral.	1	-	-	-	By transfer from amongst PAS, PCS and PMS officer in BPS-20.".

(b)

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

1, 2.	. 3. 1 4.	1 5.	6.
1A. 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.
ATTESTED			<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).";

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 12# JUNE, 2

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

"IB.	Dírector (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.
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.";
					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:

3.		6.
At least Second Class Master's Degree in Commerce / Business Administration/BS (Honours) Finance and Accounting or its equivalent qualification from a recognized University.	(i)	Fifty (50) per cent by promotion, on the basis on the basis of seniority-cum- fitness, from amongst the Accountants with at least five (05) years service as such: Provided that if no suitable officer is available for promotion then by transfer.; and
4	(ii)	fifty (50) per cent by initial recruitment.".

<u>1426</u> • • • •

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)	rwenty-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.";

. (i)

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

I.	2.	3,	4.	5.	6.
"9B.	Auto CAD	(a) At least Seco		18 to 30	By initial
	Operator.	Class Bache		years.	recruitment.";
	t 1	Degree from	a ·		
1.	ļ	recognized	ĺ		
	1	University;	·	-	-
j		(b) six months			
		Diploma in	Civil		
	1	AutoCAD f	roma	1	
i	ļ	recognized			
,	l r	Technical	- *		
	· ·	Institute; an	d	1	
	•	(c) at least two	Vears		
i	İ	experience:			1
	·Ì.	relevant fie	(
	!	i icicvant ne.	1947.	· · ·	

(j)

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

. I.	1 2.	3.	4.	5.	6.
111.	Accountant.	At least Second Class	~	21 to 30	·By initial
i	-	Bachelor's Degree in		years.	recruitment:
		Business Administration	-		
		or its equivalent	-		Provided
		qualification. from a			that till the
		recognized University.			appointment
i	1		l l		of a suitable
		,	 		person on
· ·	4	1		1	initial
			; •		recruitment
VIIE.	STED				the post
n a s = c			1		shall be
	; {				filled by
¦ ∦					transfer.";
1			-	1	

(k)

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

(13)

14 <u>83 / KHYB</u>	<u>ER PAKHTUN</u>	<u>KWHA G</u>	<u>OVT: GAZETTE, EX</u>	TRAOR	DINARY, 12	th JUNE 2019
<u> </u>	2.		3.	4.	5.	6.
	Computer Operator.	(a)	At least Second		21 to 32	By initial
			Class Bachelor's Degree in Computer Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent qualification from a recognized	-	years.	recruitment.";
		(b) 	University; or At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.			

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

['].	2.	3.	4.	5.	6
"19A.	Driver.	Preferably literate and	-	18 to 40	By initial
ļ	i	holding a valid Driving		years.	recruitment.";
		License.			and
	1		Ę		

(l)

ATTESTED

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. Deptt., Kryber Pakhtumidwa, Peshawar.



Pauge NOS

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

NOTIFICATION

Dated Feshawar, the 16th October, 2019

indiana.

No. SO(E)T_G/2-188/SSRC/2019______ In exercise of the powers conferred by sub-rule (2) of jule 3 of the Khyber Paklatankhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Electrons 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 omendments shall be made, namely:

AMENDMENTS

In the Appendix.-

ATTESTED

- Against Script No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely.
 - Fifty per cent by initial recrustment through Khyber Pakhamkhwa Public
 Services Commission on the patient of syllabus prescribed for the Officers in Provincial Management Service ";
 - ii) Forty per cent by promotion, on the basis of spriterity-cum-fitness, from amongst the Progress Officers with at least three years service as such: and []
 - Ten percept by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stonographers 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 Stenographets and Assistants.": 1
- against Serial No. 3, in column No 6, for the existing entries, the following shall be submitted, namely:
 - (i) "Fifty (50) per cerr by promotion, on the basis of seniority-coun-fitness, from priority the Superimtendents with at least three years service as such; and
 - Fifty (50) per cont by lettial community.
 - against Seria, No.5, in column No. 5, for the existing entries, the following shall be substituted, nothely:
 - i) "To endy per cent by promotion, on the basis of seniority-cum-fitness, from encoded diplome holder Sub-Engineers with at least ten years service as such and have passed the prescribed Depintmental Examination;
 - ii) Teal cent by momentum on the basis of seniority-conn-fitness, from amongstory Sub-Englecters with at least five years service up such and who possess -Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and
 - ni) Sevenn per cert by nintua recruitment.",

against Senial No. 6. in column No.6, for the words, colon; and slash "Assistants/Accountants/Senior Scale Slenographer", the word "Accountants" shall

against Serial No. 15A, in colonia Nu.f. for the word, figure and brackets "ten (10)", the word, figure and brackers "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 I) amongst the Nuib Oosids and Chowkidars in the Village Council / Neighborhood -Conneil with semonts 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 cert by initial recruitment:

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such condidate is not available in the same Village Council / Neighborhood Council then the candidate from adjácent 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 4: Neighborhood Council in that Tehsit ".

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

No. SO(E)1.C/2-138/SSRC/2019 -

Dated Teshawar, the 16th October, 2019

(HAJI MUHAMMAD) UTION OFFICER (ESTAB) Phone # 091-2213224

Copy forwarded to:-

1. All Administrative Secretands to Government of Khyber Pakhtunkhwa,

A.J Divisioout Communicationers in Elayber Pakhtunkhwa, The Scorelery to Covernor, Khyber Pakhtunkhwa, Peshawar,

The PSO to Chief Simuler, Knyber Polynumkhwa Peshawar, The PSO to Chief Secretary, Rhyber Pukhtunkhya Peshawar

The Director General, UG.E&RDS, Khyter Pakhtunkhwa Peshawar,

The Secretary, Khyber Pathtinkhwa Public Service Commission, Peshawar, 8 All Head of Atlached Departments in Knyber Pakhtunkhwa,

6. All Deputy Commissioners in Kliyber Pakhtunkhwz.

10 The Registrar, Peshawar High Court, Feshawar,

11. All District and Session Judges in Klipber Pakhtunkhwa.

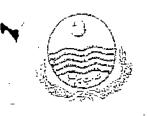
-All-Assistant Directors, ECCIDD in Knytter Pakhtunkhiva

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

4. The PS to Senior Minister for LC. EXPRO Khyber Pakhamaliwa

15. The PS to Secretary LG.E&RDD Peshawer, 16 The Office Order file

ATTESTED



GOVERNMENT OF THE PUNJAB LOCAL GOVT. & COMMUNITY DEVELOPMENT DEPARTMENT

Dated Lahore the 27th July, 2018

NOTIFICATION

<u>NO.SO_Admn-I(LG)1-4/15</u>: 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#	Post	Present Scale	Up gradation	1
1	Union Secretary (Committee)	85- 07	BS-11	
2.	Union Secretary (CD)	 65-11	BS-14	:
'		<u> </u>	1	1

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

SECRETARY LOCAL GOVT. & COMMUNITY DEVELOPMENT DEPARTMENT

<u>NO & DATE EVEN</u>

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

- 1. 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
- All Chairmen of Union Councils, in the Punjab.
- The Assistant Director (UC), at the PHQ, Lahore.
- 8. Master file.

(MAGMOOD AHMAD) DEPUTY SECRETARY (ADMN.)

CC:-

Rena Manbach Hussey). All Pumab Secretaries UCs Association Punjab.

THE SECRETARY,

Khyber Pakhtunkhwa, Péshawar.

Local Government, Elections & Rural Development Department,

Subject:

Sir,

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 kind 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 (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 (SPS-18). All these promotions were based 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 (BPS-14) with 75% cucia.

Astonishingly the old service structure was further amended through impugned notification dated 16-10-2019 whereby the channel of promotions has been limited to the post of Developmental Officer (SPS-16) and where after no channel for promotion has been lift for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Law & APT Rules, 1989.

It is therefore, requested that the impugned Notifications dated 15.04.2018 & 16.10.2019 may be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and as such I may be considered for promotion under the old rules dated 26.01.1978.

ATTESTED

Obediently Tours,

BAW STROOM -- Secretary (VC/NH Council) -u/c_ Kalizot-Cell No.