



30<sup>th</sup> Jan, 2023

Junior of learned counsel for the appellant present. Mr. Naseer-ud-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

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)


  
(Rozina Rehman)  
Member (J)

25.11.2022

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.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

28.12.2021

Due to Winter Vacations the case is adjourned to 25.04.2022  
for the same as before.



READER

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)

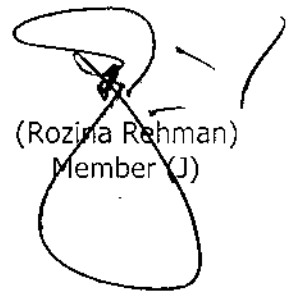


(Rozina Rehman)  
Member (J)

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.

Appellant Deposited  
Security & Process Fee



(Rozina Rehman)  
Member (J)

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

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)



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

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

**SHAHID HUSSAIN**

**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**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 10210 /2020

Diary No 9694

Dated 4-9-2020

Mr. Shahid Hussain, Village Secretary,  
Village Council Mana Khel, District Nowshera.

..... **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

Filed to-day

Registrar

4/9/2020

and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure ..... **A.**

- 2- 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.**
- 3- 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.
- 4- 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.
- 5- That it is pertinent to mention that the post of Village Secretary in Local Government Department of Punjab in BPS-14 while in the respondent Department the post of Village Secretary is in BPS-9. Copy of the Notification is attached as annexure ..... **F.**
- 6- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Hence the present



appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **G.**

**GROUND:**

- 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.

APPELLANT

  
SHAMID HUSSAIN

THROUGH:

  
NOOR MOHAMMAD KHATTAK  
ADVOCATE

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

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

**SHAHID HUSSAIN VS 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 INSTANT 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 5.4.2018, 1.8.2018 & 16.10.2019 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 5.4.2018, 1.8.2018 & 16.10.2019 till the disposal of the instant service appeal.

APPELLANT

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

ADVOCATE,  
High Court Peshawar

A-5

**DISTRICT GOVERNMENT NOWSHERA.**  
**OFFICE OF DISTRICT COORDINATION OFFICER.**

Dated the, 30<sup>th</sup> August, 2001.

**NOTIFICATION.**

**NO.DCO(EA)1-1/NSR/2001.** The following officials of District cadre are hereby transferred and posted as Secretaries Union Councils mentioned against their names w.e.f 1-7-2001 in public interest :-

SNO	NAME OF OFFICIAL	BPS	FROM	TO
1-	Abdul Raziq.	5	DC office	UC, Mera Akora Khattak.
2-	Amir Zeb Khan.	5	-do-	UC, Kahi.
3-	Jehanzeb.	6	LGRDD	UC, Akbar Pura.
4-	Akhtar Munir.	6	-do-	UC, Chowki Mumrez.
5-	Mohammad Roccadar Khan.	6	-do-	UC, Taru.
6-	Sajid Akhtar.	6	-do-	UC, Kurvi.
7-	Ahmad Zeb.	5	DC office	UC, Nizampur.
8-	Fazal Ihsan.	5	-do-	UC, Jalozai.
9-	Niamat Gul.	5	-do-	UC, Shah Kot.
10-	Asad Ali Shah.	6	LGRDD	UC, Manki Sharif.
11-	S.Ayub Shah.	6	-do-	UC, Inzari.
12-	Shah Faisal.	6	-do-	UC, Badrashi.
13-	Nayer Iqbal.	5	-do-	UC, Dheri Kati Khel.
14-	Taj Ali Khan.	7	DC office	UC, Kheshki Bala.
15-	Shaukat Ali.	6	LGRDD	UC, Kheshki Payan.
16-	Amal Khan.	7	DC office	UC, Mandoori.
17-	Imtiaz Hussain.	5	-do-	UC, Khairabad.
18-	Mohammad Nasir.	5	-do-	UC, Shaidu.
19-	Mohammad Anyaz.	7	-do-	UC, Dak Ismail Khel.
20-	Moazam Khan.	6	LGRDD	UC, Akora Khattak.
21-	Shariq Hayat.	5	DC, LGRDD	UC, Adam Zai.
22-	Miskeen.	5	DC office	UC, Dag Besud.
23-	Qazi Ejaz.	6	LGRDD	UC, Pir Pai.
24-	Niaz Umer.	6	DC office	UC, Pir Sabaq.
25-	Amjad Ali.	5	-do-	UC, Pabbi.
26-	Shaheen Akbar.	6	LGRDD	UC, Dagai.
27-	Mohammad Nawaz.	5	DC office	UC, Mohib Banda.
28-	Tahir Ali.	6	LGRDD	UC, Ghanderi.
29-	Noor Mohammad.	5	DC office	UC, Nowshera city.
30-	Khalid Javid.	5	-do-	UC, Amangarh.
31-	Shah Hussain	5	-do-	UC, Nawan Killi.
32-	Arif Hussain.	6	LGRDD	UC, Chowki Town.
33-	Arshad Usman.	5	DC office	UC, Kabul River.
34-	Asad Mohammad.	5	DC office	UC, Bara Banda.
35-	Saif-ur-Rehman.	6	LGRDD	UC, Ziarat Ka ka Sahib.
36-	Taj Badshah.	7	DC office	UC, Aza Khel Bala.
37-	Abdul Samad.	5	-do-	UC, Pahari Kati Khel.
38-	Saleem Shah.	6	LGRDD	UC, Balu.
39-	Raza Gul.	5	DC office	UC, Khudrezi-Khansher Gachi.
40-	Ejaz Khan.	6	LGRDD	UC, Zara Maima.

SNO	NAME OF OFFICIAL	BPS	FROM	TO
41-	Aman Ullah	5	DOR & E. office.	UC, Misri Banda
42-	Sharafat Ullah	7	-do-	UC, Dakhili Spin Khak.
43-	Mohammad Ajmal	7	SC, IGRDD	UC, Rashakai
44-	Aslam Khan	7	-do-	UC, Jehangira
45-	Saifur Rehman	6	DC's office	U.C. Mughalki

100  
S/A

The above officials will perform their duties till further orders in their own pay and scale.

District Coordination Officer,  
Nowshera.

Endst. No.DCO(EA)1-1/NSR/2001.

Dated Nowshera, the August 10, 2001.

Copy forwarded to:-

- 1- The Secretary, Govt. of NWFP, Establishment and General Admn. Peshawar.
- 2- The Secretary, Govt. of NWFP, Local Govt. Elections & R.D., Peshawar for formal approval.
- 3- The District Accounts Officer, Nowshera.
- 4- PS to Nazim District Govt. Nowshera.
- 5- PS to Naib Zilla Nazim, Zilla Council Nowshera.
- 6- All Nazims, U.C. concerned.
- 7- The officials concerned for strict compliance.
- 8- Personal files of officials concerned.

*[Signature]*  
District Coordination Officer,  
Nowshera.

*[Handwritten signature]*

*[Handwritten mark]*

B-6

EXTRAORDINARY  
GOVERNMENT

REGISTERED NO. P/II  
G A Z E T T E



# KHYBER PAKHTUNKHWA

Published by Authority  
PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

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

**NOTIFICATION**  
Dated: 26th January, 1978.

No. Section Officer(LG-I) 2-188/93-Vol-II: In exercise of the powers conferred by sub-rule (2) of the rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 and in consultation with the information services and General Administration Department and the Finance Department, the Local Government Cooperation, Social Affairs, 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.

S.No.	Nomenclature of post	Qualification for initial recruitment	Qualification for promotion	Age limit for initial recruitments	Method of appointment
1	2	3	4	5	6
1	Deputy Director	a) 2 <sup>nd</sup> Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agril: Geography or Social Psychology and b) Five year experience in Agriculture, Animal Husbandry Education, Social Welfare, Planning & Dev. or Forest in Grade-16 or above.		Not less than 30 years and not more than 35 years	i) 25% by initial recruitment, and 75% by on merit with due regards to seniority from amongst the holders of the posts of Assistant Director Rural Development (including the defunct basis Democracies Dept.) Project Managers & Progress Officers with at least years experience as such.

**ATTESTED**

2	Assistant Director/ Project Manager /Progress Officer	a) 2 <sup>nd</sup> Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agril: Political Science, Public Administration, Geography or Social Psychology, Physics, Chemistry, Mathematics		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Development Officers and Sub-Divisional (Assistant Director Engineer)
3	Accounts Officer	2 <sup>nd</sup> Class Master's Degree in Commerce / Business Administration, or G.A.S qualified persons of Pakistan Audit Deptt: or Provincial Local Audit Department.		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Superintendent the Deptt: with a least three years service such.
4	Development Officer	2 <sup>nd</sup> Class Master Degree from a recognized University in Economics, statistics, social works/ sociology, Animal Husbandry, Agriculture, Public Admn: Political Science Geography or Social Psychology		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post supervisor, RD in the deptt: with at least Note: Service in distinct vill: Deptt and the purpose of service under this
5	Sub Divisional Officer /Assistant Director Engineer	Degree in Engineering or equivalent qualification from a recognized University		Not less than 21 years and not more than 30 years	i) 75% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post the overseers
6	Superintendent				By the selection on merit with due regards to seniority from amongst holders of the Assits./Accountants/ Senior Stenographer /Senior Auditors with least five years experience as such.
7	Assistant / Accountant	Degree from recognized University		Not less than 21 years and not more than 30 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy: in the Deptt: with at least years experience as such.
8	Stenographer (Senior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 100 words per minutes in shorthand in English and 40 words per minute in typing		Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Stenographer (Junior Clerk).
9	Overseer	Diploma from recognized Institute		Not less than 21 years and not more than 25 years	By Initial Recruitment
10	Supervisor	Degree from recognized University		Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy: in Deptt with least years experience as such.

**KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 12<sup>th</sup> JUNE 2019. 1431**

11	Senior Auditor	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	i) 50% by initial recruitment and 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
12	Stenographer (Junior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing	Not less than 18 years and not more than 25 years	By Initial Recruitment
13	Steno Typist	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing	Not less than 18 years and not more than 25 years	i) Not less than 50% by initial recruitment and ii) Not more than 50% by selection on merit from amongst holders of the post Junior Clerk /Senior Clerk in the Deptt: with a least three years service such.
14	Junior Auditor	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	By Initial Recruitment
15	Senior Clerk	-	-	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
16	Village Secretary	Intermediate from recognized Board	Not less than 18 years and not more than 25 years	By Initial Recruitment
17	Junior Clerk	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	ii) Not less than 80% by initial recruitment and iv) Not more than 20% by selection on merit from amongst holders of the post Daffaries and Poon in the Deptt: with a least three years service such. Qualification prescribed for initial recruitment

Sd/-xxx

**ATTIAUR REHMAN KHAN**  
Secretary to Govt: of N.W.F.P.  
Local Govt., Cooperation, Social Welfare, Tourism &  
Rural Development Department.



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

Handwritten marks and numbers: 9, 9, 9

NOTIFICATION

Dated Peshawar, the 05<sup>th</sup> April, 2018

No. SO(LG-1)2-188/SSRC/2018-1981. In exercise of the power 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 Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and 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

In the Appendix

for serial No. 10 the following shall be substituted, in the respective columns, namely:

10.	Supervisor	Atleast Second Class Bachelor's Degree from a recognized University.	21 to 30 years.	i) Seventy-five (75) per cent by promotion, on the basis of seniority-cum-fitness, from 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.
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(b) after serial No. 15, the following new entries shall be inserted, in the respectively columns, namely:

15A.	Senior Secretary Village / Neighborhood Council.			By promotion, on the basis of seniority-cum-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 Village / Neighborhood Council.	Atleast Second Class 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.	18 to 30 years.	i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village / Neighborhood Council with seniority at tehsil level; having Secondary School Certificate in second division, from a recognized Board or Institute with three (03) year service as such; and
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ATTESTED

ATTESTED



9/A

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 / 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 Peshawar, the 05<sup>th</sup> April, 2018

No. SO/LG-D2-188/SSRC/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 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. 1
13. The Manager Government printing press, Peshawar for publication in the next Government Gazette 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 LG.E&RDD, Peshawar.
16. The Office Order file.

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

EXTRAORDINARY

REGISTERED NO. PIII

GOVERNMENT

GAZETTE



D-10

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

### GOVERNMENT OF THE KHYBER PAKHTUNKHWA 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,-

- (a) 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 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.	4.	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.  <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).";

APPROVED

- (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.
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.”;  <b>Note:</b> 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  (ii) fifty (50) per cent by initial recruitment.”

- (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.";

- (i) 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; (b) six months Diploma in Civil AutoCAD from a recognized Technical Institute; and (c) at least two years experience in relevant field.	-	18 to 30 years.	By initial recruitment.";

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

1.	2.	3.	4.	5.	6.
"11.	Accountant.	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.";

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

1.	2.	3.	4.	5.	6.
"14.	Computer Operator.	(a) At least Second Class 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.	By initial recruitment.";

(i) 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

(i) 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,  
State. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

**ATTESTED**

E-14

Page No 5



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



NOTIFICATION

Dated Peshawar, the 16<sup>th</sup> 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 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:-

- a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:
  - i) "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.";
  - ii) "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
  - iii) "Ten per cent 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.";

Note: 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.";
- b) 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.";
- c) 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 diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
  - ii) 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
  - iii) Seventy per cent by initial recruitment.";

**ATTESTED**

OFFICE OF THE SECRETARY

- d) 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;
- e) 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
- f) 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
  - 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."

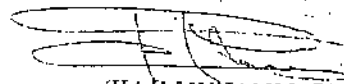
SECRETARY TO GOVERNMENT OF KHYBER  
PAKHTUNKHWA LG,E&RD DEPARTMENT

No. SO(E)LG/7-188/SSRC/2019.-

Dated Peshawar, the 16<sup>th</sup> October, 2019

Copy forwarded to:-

- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- The Director General, LG,E&RDD, Khyber Pakhtunkhwa Peshawar.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- All Head of Attached Departments in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- The Registrar, Peshawar High Court, Peshawar.
- All District and Session Judges in Khyber Pakhtunkhwa.
- All Assistant Directors, LG,E&RDD in Khyber Pakhtunkhwa.
- The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 100 copies of the Notification may be sent to this Department.
- The PS to Senior Minister for LG,E&RD, Khyber Pakhtunkhwa.
- The PS to Secretary LG,E&RDD Peshawar.
- The Office Order file.

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

ATTESTED

ATTESTED



GOVERNMENT OF THE PUNJAB  
LOCAL GOVT. & COMMUNITY DEVELOPMENT  
DEPARTMENT

F-16

Dated Lahore the 27<sup>th</sup> July, 2018

NOTIFICATION

NO.SO.Admin-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#	Post	Present Scale	Up gradation
1.	Union Secretary (Committee)	BS-07	BS-11 ✓
2.	Union Secretary (CD)	BS-11	BS-14 ✓

2. 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:-

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

ATTESTED

(MAHMOOD AHMAD)  
DEPUTY SECRETARY (ADMIN.)

CC:-

Rana Mahboob Hussain, All Punjab Secretaries UCs Association Punjab.

ATTESTED



TO

THE SECRETARY,  
Local Government, Elections & Rural Development Department,  
Khyber Pakhtunkhwa, Peshawar.

C7 (7)

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATIONS DATED  
5.4.2018 & 16.10.2019 AND FOR THE REVIVAL/RESTORATION  
THE OLD SERVICE STRUCTURE NOTIFIED ON 26.01.1978

Sir,

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 (BPS-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% quota.

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 (BPS-16) and where after no channel for promotion has been left 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.

Dated: 8/5/2020

Obediently Yours,

Shahid Hussain  
Secretary (VC/NH Council) iObaid Hussain  
w/c Maria Khan  
Cell No. 0200 5771294

*cf*

18



Shipper's Account # CASH

Consignment # 1910 01830879

Sales Tax Invoice # 18

DOMESTIC

**Shipper Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Tel: 212

**Consignee Information**

Name: SALGA  
 Address: 113 W. PARK  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Tel: \_\_\_\_\_

**Dimensions of Shipment**

Length (cm) \_\_\_\_\_  
 Width (cm) \_\_\_\_\_  
 Height (cm) \_\_\_\_\_  
 Total Weight \_\_\_\_\_

**Service Type**

Overnight   
 Special Handling   
 Second Day   
 Same Day   
 Sunday/Holiday   
 Other \_\_\_\_\_

I, a non-resident consignee, hereby agree to the terms and conditions set forth on the reverse of invoice's copy in accepting this shipment. Shipper agrees to be liable for special incident for consequential delays or damages arising from carriage. M&P discards all packages unclaimed or uncollected in respect to lost shipment. The amount under this consignment will not be insured by the shipper. Will be treated for shipper's risk alone.

Insurance: Do You Require Coverage? YES  NO

Comments: DOX

Shipper's Signature  
 Contention Note: Not Applicable

Ins. Premium: 11  
 Declared Value: 11

Collection by: 2525 Date: \_\_\_\_\_  
 Code: \_\_\_\_\_ Time: \_\_\_\_\_

<b>CASH</b>	<input type="checkbox"/>
<b>CRÉDIT</b>	<input type="checkbox"/>
Charged Rate	
Other Charges	
Insurance	
Taxes	
As per Invoice	
Total Amount	

Customer Care: (92-21) 111 202 202 | contact@mulphilog.com

NTN: 0860540-8

*[Handwritten signature]*

VAKALATNAMA

Before the UP Service Tribunal, Peshawar

OF 2020

Shahid Hussain (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. of UP & others (RESPONDENT)  
(DEFENDANT)

I/We Shahid Hussain S/o Iqbal Hussain

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.

Dated:      /      / 2020

Shahid Hussain S/o Iqbal Hussain  
CLIENT 17201-2251356-5

ACCEPTED

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**MIR ZAMAN SADI**

&

**AFRASIYAB KHAN**  
ADVOCATES

**OFFICE:**

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

(1)

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

**Appeal No. 10270 /2020.**

Mr. Shahid Hussain .....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.

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Respondents

Through

*[Handwritten Signature]*

Deponent

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

Appeal No. 10210 /2020.

Mr. Shahid Hussain.....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.
- 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.
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 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 re-designated 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.

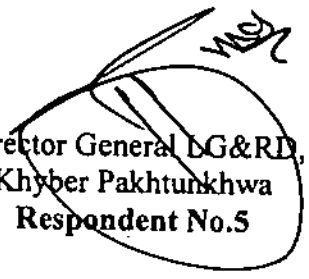
Furthermore, as already explained the length of service for promotion to Senior Village/Neighbourhood Secretary has been reduced from 10 years to 5 years, hence appellants have no locus standi/cause of action to file the instant service appeal.

#### **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.



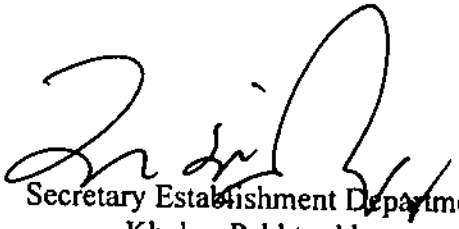
Director General LG&RD,  
Khyber Pakhtunkhwa  
Respondent No.5



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



Secretary 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. 10210 /2020.

Mr. Shahid Hussain .....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

**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. 10210 "Shahid Hussain" are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.

*Azaz-ul-Hassan*

Deponent  
CNIC #. 17301-2416976-9  
Cell #. 0336-9170959

Identified By



Advocate General  
Khyber Pakhtunkhwa



**Local Government, Elections & Rural  
Development Department**

D. No. PTN  
DATED 6/4/18  
DG LOCAL GOVERNMENT

**NOTIFICATION**

Dated Peshawar, the 05<sup>th</sup> April, 2018

**No. SO(LG-1)2-188/SSRC/2018.-**

In exercise of the power 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 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:-

for serial No. 10 the following shall be substituted, in the respective columns, namely:

*10.	Supervisor	Atleast Second Class Bachelor's Degree from a recognized University.	21 to 30 years.	i) Seventy-five (75) per cent by promotion, on the basis of seniority-cum-fitness, from 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."
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(b) after serial No. 15; the following new entries shall be inserted, in the respectively columns, namely.

*15A:	Senior Secretary Village / Neighborhood Council.	---	---	By promotion, on the basis of seniority-cum-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 Village / Neighborhood Council.	Atleast Second Class 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.	18 to 30 years.	i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village / Neighborhood Council with seniority at tehsil level, having Secondary School Certificate in second division, from a recognized Board or Institute with three (03) year service as such; and
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D/D (A)  
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Refer  
to  
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				<p>(ii) Eighty (80) per cent by initial recruitment;</p> <p>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;</p> <p>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.</p>
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SECRETARY TO GOVERNMENT OF KP  
LOCAL GOVT. ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT

No. SO(LG-D2-188/SSRC/2018.-

Dated Peshawar, the 05<sup>th</sup> April, 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 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 Gazette 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 LG,E&RDD Peshawar.
16. The Office Order file.

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

8

Amree II



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

## NOTIFICATION

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 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, 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. 1 the following shall be substituted, in the respective columns, namely:

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

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

1.	2.	3.	4.	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.  <b>Note:</b> 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).";

(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.
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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		(b) six months Diploma in Civil AutoCAD from a recognized Technical Institute; and (c) at least two years' experience in relevant field.			
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(j) for Serial No. 11 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"11.	Accountant.	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.";

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

1.	2.	3.	4.	5.	6.
"14.	Computer Operator.	(a) At least Second Class 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.	By initial recruitment.";

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(l) 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

11

- (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-D)2-188/SSRC/2018.-

Dated Peshawar, the 01<sup>st</sup> 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 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. 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.

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



(12) Annex-1/1

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

**NOTIFICATION**

Dated Peshawar, the 16<sup>th</sup> 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 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:-

- a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:
- i) "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.";
  - ii) 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
  - iii) Ten per cent 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.";

**Note:** 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.";

- b) 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.";
- c) 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 diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
  - ii) 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
  - iii) Seventy per cent by initial recruitment.";

*Div/Adm/HR*  
17/10/2019

*Director (H.R./Adm)*  
*circulate among field off'cers*  
18/10

J\*


S.No.	Nomenclature of post	Qualification for initial recruitment	Qualification for promotion	Age limit for initial recruitments	Method of appointment
1	2	3	4	5	6
1	Deputy Directors	a) 2 <sup>nd</sup> Class Master's Degree from a recognized University in Economics, Statistics, Social Works/ Sociology, Animal Husbandry, Agril: Political Science, Public Admn: Geography or Social Psychology; and b) Five year experience in Agriculture, Animal Husbandry Education, Social Welfare, Planning & Dev: or Forest in Grade-16 or above.		Not less than 30 years and not more than 35 years	i) 25% by initial recruitment and 75% by merit with due regard to seniority from amongst the holders of the posts of Assistant Director Rural Development (including the defunct basis Democracies Department) Project Managers & Progress Officers with at least years experience as such.
2	Assistant Director/ Project Manager /Progress Officer	a) 2 <sup>nd</sup> Class Master's Degree from a recognized University in Economics, Statistics, Social Works/ Sociology, Animal Husbandry, Agril: Political Science, Public Administration, Geography or Social Psychology, Physics, Chemistry, Mathematics.		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regard seniority from amongst holders of the post Development Officers and Sub-Divisional (Assistant Engineers)

95

		words per minute in typing			
13	Steno Typist	a) Matriculation or equivalent qualification from recognized board and b) Speed 60 words per minutes in shorthand in English and 35 words per minute in Lytting	Not less than 18 years and not more than 25 years	i) Not less than 50% by initial recruitment and ii) Not more than 50% by selection on merit from amongst holders of the post Junior Clerk in the Department with a least three years service such. Who have the minimum qualification prescribed for initial recruitment.	
14	Junior Auditor	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	By Initial Recruitment	
15	Senior Clerk	-	-	By selection on merit with due regard to seniority from amongst holders of the post Junior Clerk in the Department with a least three years service such. By Initial Recruitment	
16	Village Secretary	Intermediate from recognized Board	Not less than 18 years and not more than 25 years		
17	Junior Clerk	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	i) Not less than 80% by initial recruitment and ii) Not more than 20% by selection on merit from amongst holders of the post Daftaries and Peon in the Department with a least three years service such. Qualification prescribed for initial recruitment	



(19)



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

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

Dated Peshawar, the 01-02-2018

Annex **IV**

To

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

Subject: - SERVICE STRUCTURE FOR THE POST OF SUPERVISOR AND VILLAGE / NEIBOURHOOD COUNCIL SECRETAIRES.

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 VILLAGE / NEIBOURHOOD COUNCIL SECRETAIRES and 89 posts of Supervisor in Local Government Department in the following manner:-

Total Sanctioned Strength of Village / Neighbourhood Council Secretaries (BPS-07)	Number of Village/Neighbourhood Council Secretaries upgraded from BPS-07 to BPS-09 having less than 10 years of service.	Number of Posts upgraded from BPS-07 to BPS-11 and re-designated as Senior Secretaries Village/Neighbourhood/Council having at least 10 years or more service.
3501	2651	850

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

2. The Administrative Department may prepare service rules of the aforesaid posts and notify after fulfillment of all codal formalities.
3. Audit copy may be prepared and sent to this department for authentication.

*SO(E)+SO(FR)  
 For m  
 [Signature]*

Yours faithfully

*[Signature]*

SECTION OFFICER (FR)

Copy is forwarded to; -

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

SECTION OFFICER (FR)