30<sup>th</sup> 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 \$\infty 8.0 \frac{1}{2} 2023.before D.P.

SCANNELS KPST KPST

> (Muhammad Akbar Khan) Member (E)

(Kalim Arshad Khan) Chairman 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.

(Fareeĥa Paul) Member (E) <del>(Rozi</del>na 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) Due to Winter Vacations the case is adjourned to 25.04.2022 for the same as before.

∑ READÉR

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)

Charles to the

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.

Process Fee

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)

Form- A

### FORM OF ORDER SHEET

Court of	 	
e No	9174	/2020

	Case No	9174 /2020
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	.2	3
1-	10/08/2020	The appeal presented today by Mr. Noor Muhammad Khattai Advocate may be entered in the Institution Register and put up to the
7-	() () () () () () () () () () () () () (	Learned Member for proper order please.
2- (		REGISTRAR This case is entructed to 5. People 6
TARI KPS	VED!	This case is entrusted to S. Bench for preliminary hearing to be put up there on
e har	<b>Vei</b> ta	MEMBER(J)
.11.202	:0	Nemo for appellant.
	D:	Since the Members of the High Court as well as of the
		strict Bar Association, Peshawar, are observing striked ay, therefore, learned counsel for appellant is no
	av	ailable today. Adjourned to 19.01.2021 on which date t
	сф	me up for preliminary hearing before S.B.
		(Muhamm <del>ad Jamal Khan)</del> Member (Judicial)

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 10928 /2020

AMEER MUHAMMAD

3.

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. 10228 /2020

Mr. Ameer Muhammad, Village Secretary,
Village Council Dheri Khattak, District Nowshera.
APPELLAN

### **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 ΛĮ.

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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.
- 6- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so for. Hence the present

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

### **GROUNDS:**

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

AMEER MUHAMMAD

THROUGH:

NOOR MOHAMMAD KHATTAK

**ADVOCATE** 

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M.	NO	/2020	
	IN	l .	
APPEAL N	0	/2020	
AMEER MUHAMMAD	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 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</u> & <u>16.10.2019</u> whereby the 75% promotion quota have been done/washed away.
- 3. That, all the three ingredients required for grant of stay are in favor of the appellant.
- 4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to act upon on the impugned service rules dated <u>5.4.2018</u>, <u>1.8.2018</u> & <u>16.10.2019</u> till the disposal of the instant service appeal.

**APPELLANT** 

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE, High Court Peshawar



EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

GAZETTE

# LHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

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

### NOTIFICATION

Dated: 26th January, 1978.

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 Fransfer) Rules, 1975 and in consultation with the information services and General Administration Department and the Finance Department, the Local Government Cooperation, Social affilias, Tourism No. Section Officer(LG-1) 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

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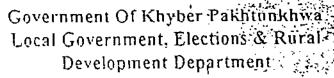
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recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agril: Political Science, Public Administration,	1430 KHYBER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRA				Physics Chemistry, Mathematics		_(	/
recognized University in Economics, statistics, social works sociology,  Animal Husbandry, Agril: Political	1430 KHYBER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRA				Science, Public Administration,		-	/_
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a) 2 Class Master Degree from a	1430 KHYBER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRA		and not more than 30	ties,		Project Manager	<i> -</i> 	)
Not loss than 21 years 1)			Not less than 21 years		2 <sup>ml</sup> Clas	Assistant Director/	3	

17 Junior Clerk Matriculation or equivalent qualification from recognized board		16 Village Secretary Intermediate from recognized Board	15 Senior Clerk	14 Junior Auditor Matriculation or equivalent qualification from recognized board	shorthand in English and 35 words  per trinute in typing	h) Speed 80 words per infinites in	and and	13 Steno Typist a) Matriculation or equivalent	per minute in typing	b) Speed 80 words per minutes in	12 Stenographer a) Matriculation or equivalent qualification from recognized board	Accounts	the subjects or equivalent qualification in	_	Senior Auditor Degree from recognized University	KHYBER PAKHTUNKWHA GOV
Not less than 18 years and not more than 25 years	Actus Actus	Not less than 18 years		years  years  years			years	Not less than 18 years		jene	Not less than To years and not more than 25	N. I.	years	and not more than 25	Not less than 18 years	KHYRER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE, 2019
iii) Not less than 80% by inflat recrument from amongst holders of the iv). Not more than 20% by selection on merit from amongst holders of the post Daftaries and Poen—in the Deptt; with a least three years service such. Qualification prescribed for initial recruitment.		By Initial Recruitment	the post Junior Clerk in the Deptt: with a least three years service such, who have minimum qualification prescribed for initial recruitment	Dy illum recommend		Service Such.	post Junior Clork /Senior Clerk in the Deptt: with a least three years	(i) Not less than 50% by selection on ment from amongst holders of the	CON Landial expending and	,	Dy Italian Nocionations	De hilled Recomment	service such, who have minimum qualification prescribed for initial	halders of the post Junior Clerk in the Depti: with a least three years	i) 50% by initial recruitment and	NARY, 12th JUNE, 2019 1431

Sd/-xxx
ATTAIJR REJIMAN WHAN
Secretary to Goyt; of NAV.E.P.
Local Goyt; Cooperation, Social Welfarr, Toucism &
Raral Development Department.



Page 1104





Dated Peshawar, the 05th April, 2018

No. SOULG-112-188/SSRC/2018. 981 In exercise of the power conferred by sub-rule (2) of the mile 3 of the Knober Pakhtunkulu Civil Servants (Appointment, Promotion and Transfer) Rule: 189 the Local Government, Elections and Rural Development Department Khyber Pakhtunkulua, in consultation with the Establishment & Administration Department and the Finance Department is hereby directs that in this Department's Notification No. DG/2-W2N(2)/73-dated 26.01 1978, the following further amendments shall be made, namely (5)

### AMENDMENTS

In the Appendixu-

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

Frita I Singeriege	Atlenst Second Class 21 to 30 ii)	Seventy-five (75), per cent by
The American	Bachetor's Dogree from a plears.	promotion, on the basis of
1	recognized University	seniority-cum-fitness.
4		amongst the Senior Secretary
1		Village / Neighborhood Council.
		with atleast five (05) year service
;		as such: and
1		Twenty-five (25) per cent by
•	7 X 19/1	initial recruitment.

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

Secretary
Velage
Neighborhood

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

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

Secretary Intermediate or 30 promotion, on the basis of seniority-cum-fitness, action amongst the Naib Oasids and Chowkidars in the Village or Neighborhood and atleast six (06) numbers. Certificate in Computer from a recognized linstitute with experience in Mission of the Naib Oasids and Chowkidars in the Village of 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	,		*		
	15	Secretary Village Neighborhood Council	Intermediate or equivalent qualification from a recognized Board and atleast six (06) months. Certificate in Computer from a recognized institute with experience in MS-1000cc. Impage and	years.	seniority cum fitness. Se from amongst, the Naib Oasids and Chowkidars in the Village And 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

ATZISTED

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

Provided that the candidate shall be preferably a bunafide resident of the same Village I Neighborhood Council: If such candidate is not available in the sume Village / Neighborhood Council then the candidates: Village (17) ແປງສຸດອຸກເ frum Neighborhood Council;

Provided further that in case of non-availability of candidate Village 1 from adjacent Neighborhood Council then from  $\forall \text{illage} \ \vdash^{i_1} i$ other Neighborhood Council in that Tehsil Council.

SECRETARY TO GOVERNMENT OF KP LOCAL GOVT, FLECTIONS & RURAL DEVELOPMENT DEPARTMENT ..

United Peshawar, the 05th April, 2018 ..

### No. SQILG-112-188/SSRC/2018.-

Copy forwarded to:-

- 4. Administrative Secretaries to Covernment of Khyber Pakhtunkhwa.
- 4. Divisional Commissioners in Khyber Pakhtonkhwa.
- The Secretary to Governor, Khyber Pakhfunkhwa, Peshawar,
- The PSO to Chief Minister, Khyther 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 Pakhtukhwa.
- 10 The Registrar, Peshawar High Court, Peshawar,
- 11 Al District and Session Judges in Khyber Pakhtunkhwa.
- ADUCT Assistant Directors, LG&RDD in Khyter 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
  - 2 The PS to Senior Minister for LG.E&RO Khyber Pakhtunkhwa. Department.
  - .5 The PS to Secretary LG.E&ROD Pestinious
  - 6 The Office Order file.

(HAYI MUHAMINATH) SECTION OFFICER (ESTAB) Phone # 091-9213224

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PILL

GAZETTE



### 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 1st August 2018.

No. SO (LG-f)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.
"I. I	Director	-	-	•	By transfer from amongst PAS, PCS
1 (	General.	,			and PMS officer in BPS-20.".
•		<u> </u>	!		

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

Ī	١.	2.	1	3.	4.	5	6.
•	"IA.	Director.	· · ·		-		By promotion, on the basis of
j			· . ]				seniority-cum-fitness, from
-		]	Į		į		amongst Deputy Directors and
					ļ		Assistant Directors (Senior) with
	! 1			ĺ i	ļ	i i	at least seven (07) years service as
	1					1	such or twelve (12) years service.
	Ì	ļ			,		as Assistant Director and above.
	•	ļ				1	as Assistant Director and assist
	1	1		[ ]	1		Note: For the purpose of
	}			1	į		Note: For the purpose of promotion to the post of
	i					1	
	الري .				1	İ	Director, there shall be
	11	PER EN		İ	į		maintained a joint
				ĺ	-		seniority list of Deputy
i i	\$ { *! }-1 **			1.	],		Directors and Assistant
	; /	i I			1 .	}	Directors (Senior).";
	,	•		;	ļ Ī	1	

### 1426 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 12th JUNE, 2019-

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

"IB '					
	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.
1 D.	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.
(I.I.)	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.";
4					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-cumfitness, 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."

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

- (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 Seco Class Bachel Degree from recognized University;	or's	18 to 30 years.	By initial recruitment.";
		(b) six months Diploma in C AutoCAD fro recognized Technical Institute; and	om a		
		(c) at least two y experience in relevant field	1		

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

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

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

428 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 12th JUNE, 2019

Operator (a) At least Second - 21 to 32 By initial	2019	<u> </u>		TRAUKI	THIR GOVE GAZEFFE, EX		2.	1'.	$\gamma A_{\overline{k}}^{\overline{k}}$
Operator.  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		<del></del>	5.	4,	(a) At least Son-	(a)	Compilter	14	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		By initial	21 to 32			(4)		,	}
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	ent.";	recruitment	years.			Ì .	- p		
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	-		•			ļ			į
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	-				Computer	}	- 		į
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	٠ .				Science (BCS)/	İ			
(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			1 .			į	•		
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			-		Technology.				
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		-	-		(BIT) (04-years)	,			.
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(j) after Serial No. 19, the following new entries shall be inserted, in the respective columns, namely:

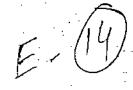
1.	<u>2</u> .	3.	4.		. 6
194.	Driver.	Preferably literate and holding a valid Driving License.	•	18 to 40 years.	By initial recruitment.":

(l) 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,
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Page. NOS



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



### MOTIFICATION

Dated Feshawhr, the 16th October, 2019

No. SO(E) LG/2-138/SSRC/2019.— In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khiyber Pakhtenkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khiyber Pakhtuniyhwa, 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, dired 26,01 1978, the following further amendments shall be made, namely:

### <u>AMENDMENTS</u>

### Little Appendix,-

- Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:
  - () "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the patient 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 in least three years pervice as such; and
  - iii) Ten percent by promotion, on the basis of seniority-cont-fitness, from amongst the Senior Scale Stonographers and Assistants with at least three years service as such 7;
  - Mote: For purpose of premotion to the post of Assistant Director against ten percent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistanta.":
- against Serial No. 2, in column No.6, for the existing entries, the following shall be substituted, namely:
  - i) "Fifty (50) per cem by promotion, on the basis of seniority-cum-fitness, from amongst the Superimendents with at least three years service as such; and
  - Fifty (50) per cent by initial recruitment,";
- against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted, namely:
  - i) i "Twenty per term by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as ruch 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 postess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University, and
  - (iii) Seventy per Cent by initial recruitment.":

ADESTER

- against Serial No. 6 in column No.6, for the words, colon and slash "Assistants/Accountants/Sentor Scale Stenographer", the word "Accountants" shall
- against Serial No. 15A, in column No.6, for the word, figure and brackets "ten (10)", the word, figure and brackets "five (U5)" 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 amongst the Naib Quaids and Chowkidars in the Village Council / Neighborhood Council with semonty at Tehal level, having Secondary School Ceruficate 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 recrumment:

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&RO DEPARTMENT

### o. <u>60(E)LG/2-188/58RC/2019</u>.-

Dated Peshawar, the 16th October, 2019 -

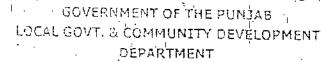
Copy forwarded to:-

- All Asimmistrative Secretancs to Government of Klayber Pakhtunkhwa.
- Air Divisional Commissioners in Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- The PSO to Chief Minister, Rhyber Pakhtunkhwa Peshawer,
- The I'SO to Chief Secretary, Khyber Pakhtunkhwa Peshawa?.
- The Director General, LG,E&RDD, Khyber Pakhtunkhwa Peshawar.
- The Secretary, Khyber Pakhiunkhwa Public Service Commission, Peshawar,
- All Flead of Attached Departments in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Klyber Pakhjunkhwa.
- 10. The Registrar, Peshawar High Court, Peshawar.
- 11. All District and Session Judges in Khyber Pakhtunkhwa.
- All-Assistant Directors: COXICDD in Knyber:Pakhtunkhiva.
- 13. The Manager Government printing press, Poshawar for publication in the next Government Gazettee Notification, 100 copies of the Notification may be sent to this Department.
- The PS to Senior-Minister for LC, E&RD Khyber Fakhteakhwa:
- 15. The PS to Secretary LG.E&RDD Peshawar.

id. The Office Order file.

(HAJI MUHAMMAD) SECTION OFFICER (ESTAB) Phone # 001-9213224





(16)

Dated Lahore the 27th July, 2018

### NOTIFICATION

NO.SO.Admo-ICLG)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&R ) Service Pules, 1981 and Punjab Government District Service (Town/Tehsil Municipal cadro) Rules 2005 w.e f 01.07.2018.-

	Sr#	Post	Present Scale	Up gradation
	<u>i</u> . ·	Union Secretary (Committee)	BS- 07	BS-11
	<u> </u>	Union Secretary (CD) ,	6S-11	. <del>3</del> S- <u>1</u> 4

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: -

- Tige Secretary, Government of the Punjab, Finance Department
- The Director General, LG&CD Pumpab Lahore with the requestato amend the service rules accordingly.
- 3. All the Directors, LG&CD in the Punjao.
- 4. All the District Accounts Officers in the Punjab.
- 5 All the Debuty Directors, LG&CD in the Punjab.
- 6. Alt Chairmen of Union Councils, in the Punjab.
- 7. The Assistant Director (UC), at the PHQ, Lahore.
- 9. Trasper กีปล.

(MAEMOOD AHMAD) DEPUTY SECRETARY (ADMN.)

Rana Mahboob Hussein, All Punjab Secretarics UCs Association Punjab.

H STA

THE SECRETARY,

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

.Subject:

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 (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 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.

ecretary (VC/NH Council)



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Before the Ap Service Tribunal Mehawar

OF 2020.

Ancer Muhammad (APPELLANT)
(PLAINTIFF)
(PETITIONER)

**VERSUS** 

Govt: of UP & Mus (RESPONDENT)

I/We Choneux Myhamma

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. 18 / 67 /2020

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

MIR.ZAMAN SAJI

AFRASIYAB KHAN ADVOCATES

OFFICE:

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

### U

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 0228 /2020.

٠,			
M	Ir. Ameer Muhammad	Арр	ellant
	VERSUS	•	٠
1.	The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.	Civil Sec	retaria
3. 4.	The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar. The Secretary Local Government Development Department, Civil Secretari The Secretary (Finance) Department, Khyber Pakhtunkhwa Civil Secretaria The Director General, Local Government & Rural Development Depakhtunkhwa	at, Peshaw	> <b>r</b>

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S .#	Description of Documents	Annexure	Page #
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2	Affidavit		5
. 3 1	Notification No. SO(LG-1)2-188/SSRC/2018 dated 05.4.2018	Annex-I	6-7
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 <sup>st</sup> February 2018	Annex-IV	19

Respondents

Through

Deponent

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

### Appeal No. 18228 /2020.

Mr. Amer Muhammae

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

### 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.
- 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.
- The present appeal is time barred. ٧.
- That the instant appeal is bad for mis-joinder and non-joinder of necessary and proper vi.
- That this Honorable Tribunal lacks jurisdiction to adjudicate upon the matter. vii.

### 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-1)2-188/SSRC/2018 dated 16.10.2019 has allowed the channel of promotion to the appellant upto the post of Director (BPS-19) instead of Deputy Director (BPS-18) previously allowed under Service Rules Vide Notification No. DG (RWP)7(2)/73 dated 26-01-1978. (Annexure as I, II & III).
- 3. In reply, it is stated that the promotion quota to the post of Supervisor (BPS-14) still exists whereas promotion to the post of Assistant Accountant (BPS-14) has been abolished, being dying cadre. Similarly, the post, of Development Officer and Project Manager do not exist anymore, therefore, the same has been deleted from the Service



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

- 4. The Provincial Government vide letter No.SO (FR) FD/8-25/2014/Local Govt./3379 dated 1<sup>st</sup> February 2018 (Annex-IV) has upgraded the posts of Village Secretary as under:
  - a. 850 posts of Village Secretary upgraded from BPS-07 to BPS-11 and re-designated as Senior Village Secretaries having 10 years' service.
  - b. 2961 posts of Village Secretary upgraded from BPS-07 to BPS-09 and redesignated as Junior Village Secretary having less than 10 years' service.

In addition to above,

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

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

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

It is further submitted that the length of service for promotion of Junior. Village/Neighbourhood Secretary (BPS-09) to the post of Senior Village/Neighbourhood Secretary (BPS-11) has been reduced and amended from 10 years to 5 years vide Notification No. SO (LG-1) 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&RID, Khyber Pakhtunkhwa Respondent No.5

14

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

Secretary Inance Department, Khyber Pakhtunkhwa Respondent No.4

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

<u>S</u>

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 10	<del>}}\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</del>	•,		
Mr. Ameey	Muhamma			
	- Tomme	· · · · · · · · · · · · · · · · · · ·	***************************************	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. 10238 "Amon Monamoral" are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.

Deponent

CNIC #. <u>17301-2416976-9</u> Cell #.<u>0336-9170959</u>

Identified By

Advocate General Khyber Pakhtunkhwa 6) L

Local Government, Elections & Rural
Development Department
D. No.

### NOTIFICATION

DATED OF GOVERNMENT

Dated Peshawar, the 05th April, 2018

No. SO(LG-I)2-188/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, 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:

			71/1
<b>~10</b> .	Supervisor	Atleast Second Class 21 to 30 i) Seventy-five (75) per cent by	$\pi$ $W$
		Bachelor's Degree from a years. promotion, on the basis o geognized University. promotion, on the basis of seniority-cum-fitness.	1 1
		amongst the Senior Secretary	<b>y (O Y</b>
	•	Village / Neighborhood Council with atleast five (05) year service	ام ۲ ا،
		as such; and	11
		ii) Twenty-five (25) per cent by	19/4

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

Senior Secretary Village / Neighborhood		By promotion, on the basis of seniority- cum-fitness, from amongst the Junior Secretary Village / Neighborhood Council, with atleast ten (10) year
 Council.	 	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
Ι,	'			

2

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Refor

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-uvuilability 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

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

Dated Peshawar, the 05th April, 2018

### Copy forwarded to:-

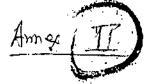
- 1. All Administrative, Secretaries to Government of Khyber Pukhtunkhwa.
- 2. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 3: The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar,
- 4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- 5. The PSO to Chief Secretary, Khyber Pakhtenkhwa Peshawar,
- 67 The Director General, LG E&RDD. Khyber Pakhtunkhwa Peshawur.
- 7. The Secretary, Khyber Rakhtunkhwa Public Service Commission, Peshawar.
- 8. All Head of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Deputy Commissioners in Khyber Pakhiukhwa.
- 10. The Registrar, Peshawar High Cuurt, Poshawar.
- 11. All District and Session Judges in Khyber Pakhtunkhwa.
- 12. All Assistant Directors, LO&RDD in Khyber Pakhtunkhwa.
- 13. The Manager Government printing press. Peshawar for publication in the next Government Gazettee Notification, 40 copies of the Notification may be sent to this Department.
- 14. The PS to Senior Minister for LO, E&RD Khyber Pakhtunkhwa.
- 15. The PS to Secretary LO. E&RDD Peshawar.
- 16. The Office Order file.

البخالعة

SECTION OFFICER (ESTAB)
Phone # 091-9213224

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

### NOTIFICATION

Dated Peshawar, the 01st August, 2018

No. SO(LG-D2-188/SSRC/2018.— In exercise of the power conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkwha Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department, is pleased to direct that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

### AMENDMENTS

In the Appendix,-

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

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

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

1. 2. 3. 4. 5. 6.

"IA. 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).";

(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).	•	<b>-</b> .	•	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.
!!	IE.	Deputy Director (Technical).	-	•	By premotion, 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:

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

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

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

2,	
"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.";

- (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 provise 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.	<u> </u>
	rator	At least Second Class Bachelor's Degree from a recognized University;		18 to 30 years.	By initial recruitment.";

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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.		

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

1.	2.	3.	14.	5.	6.
<b>"11.</b>	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	(a) At least Second Class		21 to 32	By initial
	Operator.	Bachelor's Degree in		years.	recruitment,";
	; ·	Computer Science		, ,	
•		(BCS)/ Information	_	ļ. ,	
		Technology (BIT)			
<u>-</u>		(04-years) or its			
		equivalent			
		qualification from a			
	1	recognized			•
		University; or			
		(b) At least Second Class			
i.		Bachelor's Degree			1
•		from recognized			
		University with one	ļ		
	-	year Diploma in	·		
		Information			
		Technology from a			
		recognized Board of			
		Technical Education.			

(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		18 to 40	By initial
		holding a valid Driving		years.	recruitment."; and
	-	License,		<b>'</b> '.	
-		,	}		`



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

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

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

Dated Peshawar, the 01st August, 2018

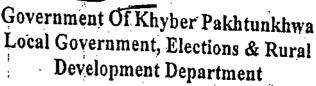
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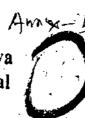
- 1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 2. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- 5. The PSO to Chief Secretary, Khyber Pakhtunkhwa 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







### NOTIFICATION

Dated Peshawar, the 16th October, 2019

No. SO(E)LG/2-188/SSRC/2019,-In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil 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.";
  - Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and
  - Ten percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such.";
  - 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.";
- 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
  - Fifty (50) per cent by initial recruitment.";
- against Serial No.5, in column No. 6, for the existing entries, the following shall be
- against Serial No.5,

  Application of the property of the prope "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
  - Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and

Seventy per cent by initial recruitment."

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

- 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
  - 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.-

8

Dated Peshawar, the 16th October, 2019

### Copy forwarded to:-

- 1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 2. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- 5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 6. The Director General, LG, E&RDD, Khyber Pakhtunkhwa Peshawar.
- 7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 8. All Head of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 10. The Registrar, Peshawar High Court, Peshawar.
  - 11. All District and Session Judges in Khyber Pakhtunkhwa.
  - 12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
  - 13. The Manager Government printing press, Peshawar for publication in the next Government Gazettee Notification. 100 copies of the Notification may be sent to this Department.
  - 14. The PS to Senior Minister for LG, E&RD Khyber Pakhtunkhwa.
  - 15. The PS to Secretary LG, E&RDD Peshawar.
  - 16. The Office Order file.

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



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

## NOTIFICATION

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

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. Services Province Civil Servants (Appointment, Tourism and Rural Development Department is pleased to and General Administration Department and the Finance Department, the Local Government Cooperation, Social exercise of the powers conferred Promotion and Transfer) Rules, by sub-rule lay down the method of appointment, qualification and 1975 and in consultation with the Information, of the rule 3 of the North West Fronties

(Atta Ur Rehman Khan)
Secretary to Govt: of N.W.F.P
Local Govt:, Cooperation,
Social Welfare, Tourism and
Rural Development Department

## NO.DG(RWP)7/(2)73

Copy of the above forwarded to the:-

- 1. All Administrative Secretaries to Government of NWFP.
- All Divisional Commissioners in NWFP
- 3: Secretary to Governor, NWFP, Peshawar
- 4. Secretary, Public Service; Commission, NWFP, Peshawa
- All Heads of Attached Department in NWFP
- All Deputy Commissioner/Political Agent in NWFP.
- All District and Session Judge in NWFF
- Registrar, Peshawar High Court Peshawar
- 9. Deputy Secretary-II, I S&GAD
- 10. All Section Officer in S&GAD
- 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
- Manager Government Printing Press, Peshawar for publication in the next Government Gazettee Notification, 30 Copies of the Notification may be sent to this Department.
- Deputy Director (PWP), Rural Development, NWFP, Peshawar for information with reference to so-Services-III IS&RAD No.SOS-III(S&GAD)4-6/75 dated 21st January, 1978.

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				. 2	'		·	<u> </u>	,		- <b>-</b>	S. No.
•			Manager /Progress *	Assistant Director/						Directors	Deputy 2	Nomenclature of post
Psychology, Physics, Chemistry,	- X 12 5	Bo Hu	University in - Economics, Statistics, Social	a) 2 <sup>nd</sup> Class Master's Degree from a	Planning & Dev: or Forest in Grade-16 or above.	H T M	and b) Five year experience in	Agril: Political Science, Public Admn: Geography or Social Psychology;	Statistics, Social Works/ Sociology, Animal Husbandry,	Degree from a recognized University in Economics,	a) 2 <sup>nd</sup> Class Master's	Qualification for initial recruitment
		-				,					4	Qualification for promotion
		· · · · · · · · · · · · · · · · · · ·	years	Not less than 21 years and there than						years more years	Not less than	Age_limit for initial recruitments
			st Development Officers and Sub- onal (Assistant Engineers)	<ol> <li>50% by initial recruitment and</li> <li>50% by selection on merit with due</li> <li>regard seniority from amongst holders of</li> </ol>					Department) Project Managers & Progress Officers with at least years experience as such.	with due t the hol ant Direc	i) 25% by initial recruitment and 75% by	Method of appointment

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

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

Dated Peshawar, the 01-02-2018

 $T\mathfrak{o}$ 

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

Village / Neibourhood Council Secretaries (1878-07)		BPS-11 and re-designated as Senior
3501	2651	850

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.

Kudit copy may be prepared and sent to this department for authentication.

of Elina Man

Yours faithfully

SECTION OFFICER (FR)

Copy is forwarded to: -

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

SECTION OFFICER (FR)