

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 605/2019

Date of institution ..... 09.05.20219

Muhammad Abbas, Ex-Village Secretary (BPS-07), O/O Assistant  
Director Local Government and Rural Development, Mardan.

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Local  
Government Election & Rural Development Department, Peshawar  
and four others.

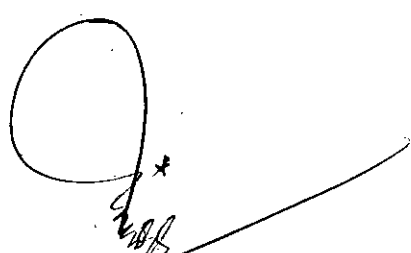
ORDER  
12.04.2022

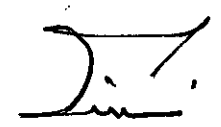
Mr. Noor Muhammad Khattak, Advocate, for the appellant  
present. Mr. Wilayat Shah, Supervisor alongwith Mr. Riaz Ahmed  
Paindakhel, Assistant Advocate General for official respondents No. 1  
to 4 present. Private respondent No. 5 alongwith clerk of his counsel  
present.

Learned counsel for the appellant stated at the bar that the  
grievance of the appellant has been redressed, therefore, he wants  
to withdraw the instant appeal. In this respect, learned counsel for  
the appellant submitted an application, which is placed on file.

In view of the above, the appeal in hand stands dismissed as  
withdrawn. Parties are left to bear their own costs. File be consigned  
to the record room.

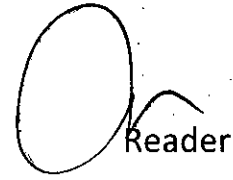
ANNOUNCED  
12.04.2022

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 28.07.2021 for the same.

  
Reader

28.07.2021

None for the appellant and Mr. Muhammad Adeel Butt, Learned Additional Advocate General for respondents present.

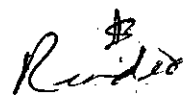
Due to general strike of the Peshawar Bar Association, the case is adjourned to 17.12.2021 for the same before D.B.

  
(Rozina Rehman)  
Member (Judicial)

  
Chairman

17.12.21

DIB is on TOUR case to come up  
For the same on Dated. 12-4-22


  
Reader

26.11.2020

Counsel for the appellant and Zara Tajwar, DDA alongwith Wilayat Shah, Supervisor for the official respondents and private respondent No. 5 in person present.

On 09.08.2019 Mr. Zeeshan Ahmad son of Zahir Shah was impleaded as respondent No. 5, however, the order lacked directions to the office for formal endorsement of the added respondent in the memorandum of appeal. The name of said respondent is not added in the panel of respondents till date. The office is, therefore, required to include the name of Zeeshan Ahmad son of Zahir Shah R/O Mohallah Zamin Abad, Mardan as respondent No. 5 with red ink in the memorandum of appeal.

To come up for arguments on 01.01.2021 before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

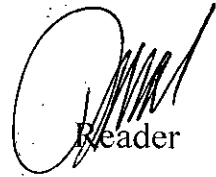
01.01.2021

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.

  
Reader

31.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.

  
Reader

22.06.2020

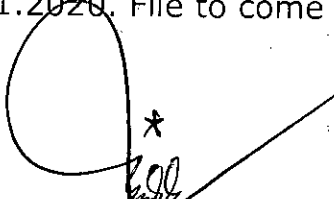
Due to public holiday on account of COVID-19 the case is adjourned for the same on 09.09.2020 before D.B.

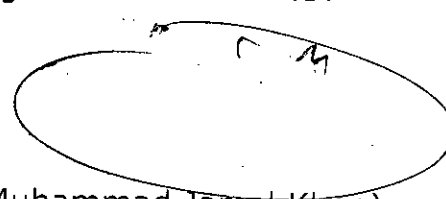
  
Reader

09.09.2020

Mr. Afrasyab Wazir, Advocate for appellant is present. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Walayat Shah, Supervisor are also present.

According to the learned counsel his senior namely Mr. Noor Muhammad Khattak, Advocate is busy in the Hon'ble Peshawar High Court, Peshawar, therefore, he requested for adjournment. Request is acceded to, the appeal is adjourned to 26.11.2020. File to come up for arguments before D.B.

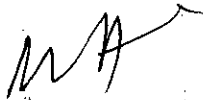
  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

22.01.2020

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani learned District Attorney for the respondents present. Adjourned to 07.02.2020 for further proceedings/arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

07.02.2020

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Walayat Shah Supervisor for respondents present. Appellant submitted application for adjournment. Adjourn. To come up for further proceedings/arguments on 11.03.2020 before D.B.

  
Member

  
Member

11.03.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for official respondent present. Private respondent with counsel present. Arguments of learned DDA and learned counsel for private respondent heard. Learned counsel for the appellant not available. It appears that the appellant secured ad-interim relief from this Tribunal but is now shying away to argue the present case. In the circumstances of the case, the ad-interim relief granted to the appellant is not extended any further and deemed vacated. Adjourn. To come up for arguments on 31.03.2020 before D.B.

  
Member

  
Member

29.11.2019 Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Imran, Village Secretary for respondents no. 1 to 4 and private respondent no.5 with counsel present. Appellant seeks adjournment as his counsel is not available today. Adjourned but as a last chance. To come up for arguments on 10.12.2019 before D.B.

Member

Member


10.12.2019 Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Wilayat Shah, Supervisor for official respondents present.


Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Adjourned to 03.01.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member


03.01.2020 Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 22.01.2020 before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

11.11.2019


prosecuting from duty and being supervised by the  
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil,  
litigation along with Mr. Waqar Shah, superintendent for the  
Assistant AG along with Mr. Waqar Shah, superintendent for the  
respondents present. learned counsel for the appellant seeks  
ad adjournment. Adjourned to 21.11.2019 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member


21.11.2019


Junior to counsel for the appellant present. Mr. Zia Ullah  
learned Deputy District Attorney alongwith Mr. Asad Ali Chan  
village Secretary for the respondents present. Junior to counsel for  
the appellant seeks adjournment as senior counsel for the  
appellant is not available. Adjourned. To come up for arguments  
on 29.11.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

30.08.2019 Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondent present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 16.10.2019 before D.B

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

16.10.2019 Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Wilayat Shah, Supervisor for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.11.2019 before D.B.

  
Member

  
Member

06.11.2019 Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Imran Secretary V.C present. Learned counsel for the appellant seeks adjournment. Since interim relief was granted in the present case, adjourned for a short date. To come up for arguments on 11.11.2019 before D.B.

  
Member

  
Member



09.08.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant submitted rejoinder. Application for impleadment of Zeeshan Ahmad Son of Zahir Shah is already available on file and learned counsel Mr. Khalid Rehman representing him, present and stated that the applicant Zeeshan Ahmad has already been recommended for selection/appointment against the post of Village Council Secretary Mardan Khas-II therefore he is a necessary party in the present service appeal. Learned counsel for the appellant and learned DDA showed their no objection if the said application is allowed.

In view of submission of learned counsel for the applicant and no objection from other side, the application is accepted and Zeeshan Ahmad son of Zahir Shah is impleaded in the present service appeal as private respondent No.5. To come up for reply of private respondent No.5 and arguments on 28.06.2019 before D.,B


Status-quo to the extent of ~~post~~ filling up the post of Village/Neighborhood Council Secretary Mardan Khas-II is granted till the date fixed.

  
Member

  
Member

26.08.2019 Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Wilayat Shah, Supervisor for official respondents and private respondent no. 5 in person present. Appellant seeks adjournment due to general strike on the call of Peshawar Bar Association. Adjourn. To come up for arguments on 30.08.2019 before D.B.

Status-quo to the extent of filling up the post of Village/Neighborhood Council Secretary Mardan Khas-II is granted till the date fixed.

  
Member

  
Member

01.07.2019

Appellant with counsel present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Waliyat Shah Supervisor for the respondents present and seeks time to file written reply/comments. To come up for written reply/comments on 15.07.2019 before S.B. Status-quo to the extent of the post of the appellant regarding Village/Neighborhood Council Secretary (BPS-17) Mar Khas-II is granted till further orders

  
Member

15.07.2019

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Wilayat Shah, Supervisor for the respondents present.

Reply on behalf of the respondents has been submitted. The same is placed on record. To come up for arguments on 30.07.2019 before the D.B. The appellant may submit rejoinder, within a fortnight, if so advised.

Chairman 

30.07.2019

Appellant with counsel and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Wilayat Shah Supervisor present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 09.08.2019 before D.B.

  
Member

  
Member

17.06.2019

Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Waliyat Shah, Supervision for the respondents present.

The present appeal was earlier admitted vide order sheet dated 21.05.2019 and was fixed for written reply/comments as well as notice was issued to the respondents on application for interim relief for 18.07.2019. However, learned counsel for the appellant submitted application for earlier hearing before hon'ble Chairman of this Tribunal on 28.05.2019. The application was accepted and the case was fixed for 17.06.2019 and notice was also issued to the concerned. Today learned counsel for the appellant contended that ~~appellant~~ the appellant was appointed as Village/Neighborhood Council Secretary (BPS-7) vide order dated 23.02.2016 in Local Government Department. It was further contended that the appellant joined Abdul Wali Khan University Mardan as Computer Operator and the appointment of the appellant in Abdul Wali Khan University Mardan was declared as illegal vide order dated 29.06.2018 and accordingly his services were terminated. Learned counsel for the appellant further contended that now the appellant has applied to his parent department to join the same on the basis of right of lien. It was further contended that the respondent-department has made advertisement for the post of Village/Neighborhood Council Secretary (BPS-7) through test and interview. It was further contended that if the post of the appellant is filled up by the respondent-department through fresh appointment then the present service appeal of the appellant will be become infructuous and requested that the status-quo to the extent of the post of Village/Neighborhood Council Secretary (BPS-7) Union Council Mardan Khas-II may be granted.

On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant is not entitled for sought of status-quo. He has got no locu standi.

Perusal of the record reveals that earlier appellant was appointed as Village/Neighborhood Council Secretary (BPS-7) in Local Government Department vide order dated 23.02.2016. However he joined Abdul Wali Khan University Mardan as Computer Operator and later on his appointment in the said Abdul Wali Khan University Mardan was declared as illegal vide order dated 29.06.2018. Now the appellant has filed the service appeal to rejoin his parent department on the basis of his reserved right of lien. Admittedly, if the post of the appellant is filled up through fresh appointment than the present appeal of the appellant will be become infructuous therefore, status-quo to the extent of the post of the appellant regarding ~~as~~ Village/Neighborhood Council Secretary (BPS-7) Mardan Khas-II is granted till further orders. However, the respondent-department is at liberty to fill up the posts of other Village/Neighborhood Council Secretary beside the post of the appellant. Case to come up for written reply/comments on 01.07.2019 before S.B.

  
(Muhammad Amin Khan Kundi)

Member

21.05.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant was initially appointed as Village/Neighborhood Council Secretary vide order dated 23.02.2016. The appellant however joined Abdul Wali Khan University as Computer Operator. The appointment of the appellant at Abdul Wali Khan University was declared illegal vide order dated 26.06.2018 and accordingly his services stood terminated. The appellant has filed the present service appeal for the issuance of directions to the respondents to allow the appellant to rejoin his service as Village Secretary.

The appellant has not been able so far to substantiate the fact that while performing his duties as Village Secretary, he applied to Abdul Wali Khan University Mardan through proper channel.

However in the interest of justice, the present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 18.07.2019 before S.B.

Annexed with the memorandum of appeal is an application for interim relief. Notice of the same be also issued to the respondents for the date fixed.

Appellant Deposited  
Security & Process Fee  
21/5/19

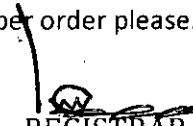
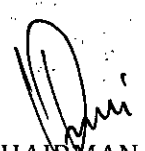
  
Member

## Form- A

## FORM OF ORDER SHEET

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

Case No. 605/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/05/2019	<p>The appeal of Mr. Muhammad Abbas presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/5/19</p>
2-	10/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
20.05.2019		<p>Learned counsel for the appellant present.</p> <p>Upon query by this Tribunal as to whether the appellant while performing his duties as Village Secretary applied for the post of Computer Operator at Abdul Wali Khan University Mardan through proper channel or otherwise. Learned counsel for the appellant seeks adjournment to furnish copy of the application of the appellant to the Abdul Wali Khan University Mardan. Adjourn. To come up for preliminary hearing on 21.05.2019 before S.B.</p> <p style="text-align: right;">Member</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 605 /2019

**MUHAMMAD ABBAS**

**VS**

**GOVT: OF KP**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,  
ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 605 /2019

Diary No. 742

Mr. Muhammad Abbas, Ex-Village Secretary (BPS-7),  
O/O Assistant Director Local Govt: & Rural Development, Mardan.

Dated 09/5/2019

..... **Appellant**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Local Govt. Election & Rural Development Department, Peshawar.
- 2- The Deputy Commissioner, District Mardan.
- 3- The Director General, Local Govt. & Rural Development, Khyber Pakhtunkhwa, Peshawar.
- 4- The Assistant Director, Local Govt. & Rural Development Department, District Mardan.

26/11/2020  
5- Zeeshan Ahmad s/o Zahid Shah **RESPONDENTS**  
R/O Mohallah Zamin Abad, Mardan.

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING THE APPELLANT TO REJOIN HIS PARENT DEPARTMENT I.E. LG&RD DEPARTMENT AS VILLAGE SECRETARY (BPS-7) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

**That on acceptance of this appeal the respondents may kindly be directed allow the appellant to rejoin his parent Department i.e. LG&RD DEPARTMENT as Village Secretary (BPS-7) with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

Filed to-day

Registrar

9/5/19

**R.SHEWETH:**

**ON FACTS:**

- 1- That the appellant was initially appointed as Village/Neighborhood Council Secretary (BPS-07) in the office of respondent no.4 on the proper recommendation of Departmental selection committee and after fulfilling all the codal formalities required for recruitments vide order dated 23.2.2016. Copy of the appointment order is attached as annexure ..... **A.**

- 2- That the appellant joined the respondent Department as Village Secretary and started performing his duty quite efficiently, whole heartedly and upto the entire satisfaction of his high ups and performed his duty for quite considerable time with the respondent Department and received his <sup>monthly</sup> salaries till November 2016. Copy of the ~~medical~~ Salary Slip is attached as annexure ..... **B.**
- 3- That while performing his duty with the respondents some posts were advertised in Abdul Wali University Mardan including the post of Computer Operator, the appellant applied through proper channel for the post of Computer Operator. Copy of the NOC and service certificate are attached as annexure ..... **C and D.**
- 4- That after fulfilling all the codal formalities the appellant became successful and was issued with appointment order dated 01.12.2016 as computer operator (BPS-16) from Abdul Wali Khan University Mardan. Copy of the appointment order is attached as annexure ..... **E.**
- 5- That on appointment in the Abdul Wali Khan University, Mardan the appellant was relieved by the respondent Department and consequently the appellant took over the charge of his post in the Abdul Wali Khan University, Mardan by submitting his medical certificate and charge report. Copies of Charge Report and Medical Certificate are attached as annexure ..... **F & G.**
- 6- That, unfortunately while serving at Abdul Wali Khan University, Mardan for about 18 months the appellant received notification dated 29.06.2018 whereby the services of the appellant were terminated during probationary period as per AWKUM Statutes. Copy of the notification is attached as annexure ..... **H.**
- 7- That where after the appellant filed Departmental appeal before his parent Department i.e. respondent No.4 for rejoining of his previous service in light of FR 14(A) but the same was not responded till date. Copy of the Departmental appeal is attached as annexure ..... **I.**
- 8- That having no other remedy the appellant preferred the instant appeal inter alia on the following grounds.

**GROUND:**

- A- That the inaction of the respondents by not allowing the appellant to join his parent Department in light of FR-14(A) is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of Law.



- B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That in light of FR 14(A) the appellant is fully entitle for rejoining of his parent Department i.e. respondent Department but the respondents are not willing to do the same.
- D- That the respondents acted in arbitrary and malafide manner while not allowing the appellant to rejoin his parent Department in light of FR 14(A).
- E- That appellant is highly qualified and skillful person having sufficient experience in the respondents Department, therefore appellant is fully entitle for rejoining of his parent Department.
- F- That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the norms of natural justice.
- G- That, all the requisites have been fulfilling by the appellant for joining his new assignment at Abdul Wali Khan University Mardan and whereafter the appellant has properly relinquished the charge of village Secretary at the respondent Department hence not allowing the appellant to join his parent Department is against the dictum of Fundamental Rules.
- H- That the inaction of the respondents by not allowing the appellant to join his parent is violative of clause 24(A) of the General clauses Act 1897.
- I- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

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

Dated: 07.05.2019

APPELLANT



**MUHAMMAD ABBAS**

THROUGH:



**NOOR MOHAMMAD KHATTAK**

**&**



**MUHAMMAD MAAZ MADNI  
ADVOCATES**

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

**APPEAL NO. \_\_\_\_\_/2019**

**MUHAMMAD ABBAS**

**VS**

**GOVT: OF KP**

**APPLICATION FOR RESTRAINING THE**  
**RESPONDENTS NOT TO FILL UP THE POST OF**  
**VILLAGE SECRETARY (BPS-07) TILL THE**  
**DISPOSAL OF THE ABOVE MENTIONED APPEAL**

**R.SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the inaction of the respondent Department by not allowing the appellant to rejoin his parent Department i.e. LG&RD Department as Village Secretary (BPS-07).
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the inaction of the respondents by not allowing the appellant to rejoin his parent Department is the utter violation of law and prevailing Rules.

It is therefore most humbly prayed that on acceptance of this application the respondents may very kindly be restrained from filling the post of Village Secretary (BPS-07) till the disposal of the above mentioned appeal.

Dated: 08.05.2019

**APPLICANT**



**MUHAMMAD ABBAS**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



OFFICE OF THE DEPUTY COMMISSIONER MARDAN

No. 604/DC (M) Dated Mardan, the: 23/12/2016

A-6

APPOINTMENT ORDER

Consequent upon the recommendation of the Selection & Recruitment Committee made in its Meeting held on 23-02-2016 at 10:00 am, the following persons placed on the merit list are hereby appointed as Secretary (BPS-07) of Village / Neighborhood Council as noted against their names, in district Mardan, with immediate effect, on the terms and conditions appended below:

Sr.#	Name	Father Name	D.O.B	Appointed for VC/NC
1	Tahir Rahman	Ghafoor Rahman	05-03-1989	Rorya-1
2	Syed Bilawal Hussain	Syed Bashir Hussain	25-09-1990	Rorya-2
3	Salmanullah	Pir Muhammad	15-03-1993	Bakyana
4	Hamad Ali	Niaz Ali	20-03-1990	Manga-1
5	Muhammad Asad zia	Farman-ud-Din	05-03-1990	Manga-2
6	Muhammad Abbas	Muhammad Shafi	07-10-1988	Mardan Khas-2
7	Muhammad Arif	Muhammad Ghawas	27-03-1989	KasKoroona-1
8	Waqas Khan	Riaz Khan	21-04-1992	KasKoroona-2
9	Nasir Khan	Mehraban Shah	19-01-1991	KasKoroona-3
10	Yaseen Ahmad	Noor Muhammad	12-12-1991	Khazana Dheri-1
11	Arshad Ali	Jan Said	17-03-1991	Khazana Dheri-2
12	Tahir Hussain	Akbar Hussain	11-02-1990	Sheikh Yousaf-1
13	Syed Amjid Ali Shah	Syed Jamal Shah	15-08-1991	Sheikh Yousaf-2
14	Ammar Hassan	Gulzar Ali	23-09-1992	Bughdad Rural-1
15	Umar Hayat	Nadir Khan	31-10-1987	Bughdad Rural-2
16	Mubassar Shah	Fazle Malik	18-03-1992	Chamtar Dheri
17	Junid Rahman	Kifayatullah	01-02-1991	Dagai-1
18	Muhammad Ismail	Sher Muhammad Khan	02-2-1993	Dagai-2
19	Muhammad Junid	Muhammad Yaseen	03-01-1992	Bagh-e-Irum-1
20	Habibullah	Niaz Nabi	15-04-1986	Bagh-e-Irum-3
21	Tamioor Khan	Abdul Sattar	01-03-1987	Chak Toru
22	Muhammad Iltaf	Muhammad Khursheed.	16-03-1992	Khawaja Rashaka

ATTESTED

M.

147	Muhammad Waqas	Sheikh Muhammad Yousaf	20-02-1996	Fatima-1
148	Jafar Khan	Gul Rahman	01-07-1991	Fatima-2
149	Amin-ul-Haq	Mumtaz Khan	30-05-1992	Hamza Khan
150	Ibadullah	Darwish Khan	04-06-1993	Qazi Abad
151	Hamair Ali	Gul Sher	04-04-1991	Garyala
152	Muhammad Sahib	Namoos Khan	05-01-1994	Bahi Khan
153	Amir Seeyab Yousaf	Haji Mir Zaman	14-04-1988	Gujrat-2
154	Habibullah	Kifayatullah	08-05-1992	Jungara
155	Shakoor Khan	Gulzar Muhammad	20-03-1991	Barikab
156	Safarish Khan	Abdullah	04-03-1994	Katakhat
157	Muhammad Tayyab	Shamshad Khan	02-04-1986	Kotarpan
158	Basit Ali	Muhammad Ali	29-04-1995	Chak Mardan-1
159	Shams-ul- Islam	Taj Muhammad	20-04-1987	Chak Mardan-2
160	Hussain Muhammad Irshad	Zahir Shah	04-06-1988	Mardan Rural-1
161	Zakir Khan	Taza Gul	17-03-1991	Mardan Rural-2
162	Wajid Khan	Muhammad Umar Khan	20-04-1994	Par Hoti-2
163	Sajjad Khan	Abdur Rahman	25-04-1993	Par Hoti-3

**Terms and Conditions:**

1. Their services shall be governed by rules / prescribed Policy of the Government.
2. They will be considered on probation for a period of one year which may be extended for further one year. During the probation period, their services are liable to be dispensed without assigning any reason or notice, if their performance was not found up to the mark.
3. This offer of appointment is subject to verification of their academic credentials/ Degrees, certificate etc. from the concerned recognized Board/ Institute/ University etc. If any of the credentials of a person are found fake, his appointment will liable to be cancelled. Moreover, necessary legal action would also be initiated against him.
4. Health and age certificate issued by the medical superintendent DHQ Hospital, Mardan be produced before joining the post.
5. Every candidate will have to produce an affidavit on stamp paper of worth Rs. 500/- that the candidate belongs to the same VC/NC in which he/she is appointed.
6. Any other law, rules or instructions issued from Government from time to time would also be applicable.
7. If the above offer is accepted, you should report to the office of Assistant Director, Local Govt: & Rural Development Department, Mardan within fifteen days of the issuance of this office order, otherwise the offer will automatically stand cancelled.

**ATTESTED**

*M. J. J.*

*[Signature]*

⑧  
M. J. 23/2/16  
Deputy Commissioner/  
(Chairman S & R Committee)  
Mardan.


Endst. Even No. Date:

Copy is forwarded to the:

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Local Govt. Elections & Rural Development Department, Peshawar.
2. The commissioner Mardan Division, Mardan
3. The Director General, Local Govt. & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
4. The PSO to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
5. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. The Section Officer (Establishment), Local Govt. & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
7. The Medical Superintendent DHQ Hospital Mardan.
8. The District Accounts Officer, Mardan.
9. Assistant Director, Local Govt. & Rural Development Department, Mardan.
10. All concerned for compliance.

ATTESTED

A

  
Assistant Director (LG&RDD)  
(Secretary S & R Committee)  
Mardan.

**Dist. Govt. NWFP-Provincial**  
**District Accounts Office Mardan**  
**Monthly Salary Statement (November-2016)**



B-9

**Personal Information of Mr MUHAMMAD ABBAS d/w/s of MUHAMMAD SHAFI**

Personnel Number: 00774681      CNIC: 1610151181921      NTN:  
 Date of Birth: 07.10.1988      Entry into Govt. Service: 25.02.2016      Length of Service: 00 Years 09 Months 007 Days

**Employment Category: Active Temporary**

Designation: VILLAGE SECRETARY      80003411-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6339-

Payroll Section: 002      GPF Section: 002      Cash Center:  
 GPF A/C No:      Interest Applied: No      GPF Balance: 6,648.00

Vendor Number: -

**Pay and Allowances:**      Pay scale: BPS For - 2016      Pay Scale Type: Civil      BPS: 07      Pay Stage: 0

	Wage type	Amount		Wage type	Amount
001	Basic Pay	9,220.00	1000	House Rent Allowance	1,059.00
210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
973	Adhoc Allowance 2010@ 50%	1,765.00	2148	15% Adhoc Relief All-2013	290.00
199	Adhoc Relief Allow @10%	187.00	2211	Adhoc Relief All 2016 10%	922.00

**Deductions - General**

	Wage type	Amount		Wage type	Amount
007	GPF Subscription - Rs 844	-844.00	3501	Benevolent Fund	-180.00
004	R. Benefits & Death Comp:	-450.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00      Recovered till November-2016: 0.00      Exempted: 0.00      Recoverable: 0.00

**Gross Pay (Rs.): 16,875.00      Deductions: (Rs.): -1,474.00      Net Pay: (Rs.): 15,401.00**

Employee Name: MUHAMMAD ABBAS

Account Number: 0012757900796603

Bank Details: HABIB BANK LIMITED, 221275 CANTT BRANCH, MARDAN. CANTT BRANCH, MARDAN., MARDAN

Notes:      Opening Balance:      Aailed:      Earned:      Balance:

Permanent Address:

City: mardan      Domicile: -      Housing Status: No Official

Temp. Address:

City:      Email: mabbas.mrd@gmail.com

*Attested*

**ATTESTED**

*[Signature]*

*[Signature]*  
 Asstt. A/c Officer,  
 Old the D.C.A, Mardan

OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

No. 550 /AD LG & RDD Date 1 Mardan the, 11/07/2016

C-10

Mr. Muhammad Abbas Khan,  
Secretary, NC Mardan Khas,  
in Mardan District.

Subject: NOC for Interview  
Memo

Please refer to your application dated 11-07-2016 on the subject cited above and to inform you that this office has no object for taking interview for the post of Computer Operator (BPS-16) in the Abdul Wali Khan University Mardan.

ATTESTED

*[Handwritten signature]*

*[Handwritten signature]*  
Assistant Director,  
Local Govt & RDD Mardan.






OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

No. 191 / AD LG & RDD Dated Mardan the 08 / 03 / 2017

D-11

CERTIFICATE

This is to certify that Mr. Muhammad Abbas has served in this Department of Local Govt & Rural Development Department as Village Secretary Neighborhood Council Mardan Khass-II, from 24-02-2016 to 06-12-2016 (BPS-07)

  
Assistant Director Sr  
Local Govt & RDD Mardan  
Assistant Director (Sr)  
LG & RDD (Sr)  
Mardan

ATTESTED





**ABDUL WALI KHAN UNIVERSITY MARDAN**  
**Khyber Pakhtunkhwa, Pakistan**

Phone No. 0937-843356, Fax No. 0937-843357

Website: [www.awkum.edu.pk](http://www.awkum.edu.pk),

Email: [registrar@awkum.edu.pk](mailto:registrar@awkum.edu.pk)

E-12

F. No. 1(8)-Reg-1/AWKUM/2016/17620

December 01, 2016

Mr. Muhammad Abbas  
S/O Muhammad Shafi  
House No. C/1275, Mohalla Rustam Khel, Tehsil & Distt. Mardan

**Subject: Appointment as Computer Operator (BS-16) on regular basis**

Consequent upon the recommendations of the Selection & Promotion Committee, the Competent Authority has been pleased to appoint you as **Computer Operator (BS-16)** on regular basis, with effect from the date of your joining/taking over the charge of the post, on the terms & conditions as stated below:

**Terms & Conditions:**

1. That your appointment shall be initially on probation for a period of one year, extendable for further one year. The Appointing Authority, after completion of the period of probation, may confirm your appointment as per provisions contained in Abdul Wali Khan University Mardan Service Statutes-2013.
2. That your service shall be governed by the terms and conditions as provided under the Statutes that are in vogue or amended from time to time and also by such rules and regulation as may be notified by the Competent Authorities from time to time.
3. That You will have to provide the following:
  - i. *Resignation/relieving from your parent department, if already employed at any Government Department/Semi Government/Autonomous Organization.*
  - ii. *Undertaking to serve Abdul Wali Khan University Mardan for at least 3 years.*
  - iii. *Medical Fitness Certificate from an authorized Medical Officer of the university or Medical Superintendent or Civil Surgeon of Govt. Civil Hospital as may be prescribed by the university. The Certificate shall be placed on record after being duly scrutinized by the Audit Officer of the university.*
  - iv. *Police Clearance Certificate from the office of the District Police Officer of your home district.*
  - v. *Declaration on stamp paper, duly countersigned by a Magistrate, of non-affiliation with any political party and non-involvement in any kind of politics and that you shall abstain from all such activities, as long as you remain in the service of the University.*
  - vi. *Declaration of assets and liabilities (moveable and immoveable) held by you or your dependents and will continue to provide the same on annual basis.*
  - vii. *Verification of credentials/degrees from the respective issuing authority.*
4. If your credentials/degrees are proved fake/tempered/bogus, at any subsequent stage, your service shall be liable to termination without notice.
5. Your resignation from the service at Abdul Wali Khan University Mardan shall be dealt as per provisions contained in section 13 (1-5) of Abdul Wali Khan University Mardan Service Statutes-2013 or the statutes that are in vogue at the time.
6. If the offer is acceptable to you on the terms & conditions as given above, you are required to report, in person, for duty to the undersigned within 15 days after issuance of this order.

**ATTESTED**

  
Registrar

**Distributions:**

1. PS to Vice Chancellor
2. Treasurer
3. Additional Registrar
4. R.A.D (Audit)
5. Pay Officer
6. Superintendent (Estt.)
7. Personal file
8. Relevant file



G-14

DNO: 2039 MAS/PA

**MEDICAL CERTIFICATE**

Name of Official Mr & Muhammad Abbas 16101-5118192-1

Caste or Race Afghan

Father's Name Muhammad Shafi

Residence House no 1275/K Mahallah Ruzstan Khel Mardan

Date of Birth 07-10-1988 (As Per civic)

Exact Height by measurement 5-8"

Exact mark of Identification NIL

Signature of the Official

Signature of the Head of Office

Seal of Office

I do hereby certify that I have examined Mr. Muhammad Abbas for employment in the office of the ANLU Mardan and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this is disqualification for employment in the office of the above as Computer Operator BS-16 his age according to his own statement 28 year and by appearance about year Twenty Eight years



LEFT HAND THUMB AND FINGER IMPRESSION

*[Signature]*  
Medical Superintendent,  
DHQ Hospital, Mardan.

~~Medical Superintendent~~  
~~DHQ Hospital Mardan~~

03/10/16

Date: 03/10-2016

ATTESTED

*[Signature]*



# ABDUL WALI KHAN UNIVERSITY MARDAN

KHAYBER PAKHTUNKHWA, PAKISTAN

Ph# 0937 843356 Fax# 0937 843357

Email: registrar@awkum.edu.pk, registraroffice@awkum.edu.pk

15

F.No. 1(2)-Reg-1/AWKUM/2016/7733

December 08, 2016

## OFFICE ORDER

Consequent upon the selection/arrival of the staff, the following Computer Operators are hereby posted at the stations, mentioned against their names.

Sr#	Name	Place of Duty
1.	Mr. Muhammad Abbas	Department of J&MC
2.	Mr. Muhammad Alamgir Khan	GP Fund Section
3.	Mr. Sajid Hussain Shah	Treasurer Office
4.	Mr. Shahab Ullah	Department of Islamic Studies
5.	Mr. Hamad Hussain	Pakhtunkhwa College of Arts
6.	Mr. Arsalan Abdullah	On the Disposal of Coordinator, SRH, Campus

All the codal formalities of joining may be ensured and proper taking of the charge be confirmed and reported.

Additional Registrar

Copy to:

1. PS to Vice Chancellor
2. PA to Registrar
3. IODs/HOSs/Principal Concerned
4. Treasurer
5. RAD
6. Pay Officer
7. Personal Files
8. Relevant File

ATTESTED

CHARGE REPORT

F-13

Referring to appointment letter/office order/notification No. 1 (8)-Reg-1/AWKUM/2016/17620 dated 7-12-2016 I have taken the complete charge of my duty as Computer Operator FN FN/AN.

Signature 

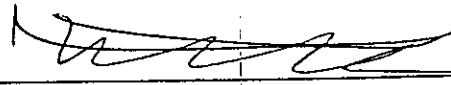
Name Muhammad Abbas

Designation Computer Operator

Confirmation

I solemnly confirmed that

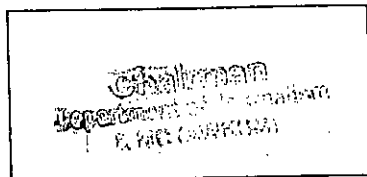
Muhammad Abbas has joined dept. of Jmc as C.O.



Head of Section \_\_\_\_\_

ATTESTED

Office Seal:





Registrar



OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

No. 980 / AD Dated Mardan the 06/12/2016

To

Mr. Muhammad Abbas,  
Secretary, Neighborhood Council,  
Mardan Khass-II.

Subject: - Charge Relinquish Report.  
Memo:

Please refer to your application dated 06-12-2016, on the subject cited above and to inform you to relinquish the charge of the post of Secretary Neighborhood Council, Mardan Khass-II, and hand over charge to Mr. Amjad Ali Shah Secretary Mardan Khass-I, accordingly.

  
Assistant Director Sr,  
Local Govt & RDD Mardan.

ATTESTED



16



OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

No. 981 / AD Dated Mardan the, 06/12/2016

To

The Registrar,  
Abdul Wali Khan University,  
Mardan.

17

Subject: - Charge Relinquish Report.  
Memo:

Please refer to the subject cited above that Mr. Muhammad Abbas Secretary Neighborhood Council Mardan Khas-II, has been relieved of his duties with effect from 06-12-2016

  
Assistant Director Sr,  
Local Govt & RDD Mardan.


Endst. No. & date even:  
Copy is forwarded to the:

1. Muhammad Abbas Ex-Secretary NC Mardan Khas-II.  
For information.

ATTESTED



Assistant Director Sr,  
Local Govt & RDD Mardan.

Received  
  
06/12/16

The Registrar,  
Abdul Wali Khan University,  
Mardan.

Date: 23-11-2017

18

Through (Dean of Social Sciences)

Subject: Pay Fixation

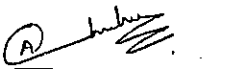
Respected Sir,

It is stated that I Muhammad Abbas has served at the Department of Local Government as a Village Secretary Neighborhood Council Mardan Khas II and relived on 6<sup>th</sup> December 2016 from the said post and joined Abdul Wali Khan University as a Computer Operator on 7<sup>th</sup> December 2016. I have submitted my relieving and last pay certificate with my joining letter in Abdul Wali Khan University.

You are kindly requested to adjust my previous increment for December 2016 and also my increment for 2017.

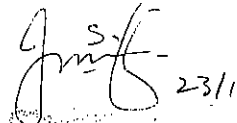
I will be grateful to you for this act of kindness.

The service certificate, relieving, NOC and last pay certificate are attached herewith.



Muhammad Abbas  
Computer Operator  
Journalism and Mass Communication,  
Abdul Wali Khan University  
Mardan.

*strongly recommended.*

 23/11


Signature of  
& AC (M.A.)

Copy to:

1. Pay Officer
2. Personal File



*Strongly Recommended and Forwarded for necessary action*

  
23/11/2017

ATTESTED





The Assistant Director,  
Local Govt & Rural  
Development Mardan.


19

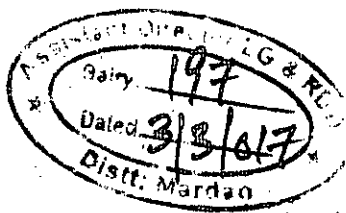
Subject:- Request to provide Service Certificate

Sir,


It is humbly requested that I was working as a "Secretary N/C Mardan Khas 2". I have been relieved from my duties on 6th Dec, 2016 because of new appointment at "Abdul Wali Khan University". Now I need my service certificate mentioning my job duration which was from 24th Feb, 2016 to 6th Dec, 2017.

Therefore You are kindly requested to provide me a service certificate. I will be thankful.

(A)   
Muhammad Abbas  
Ex-Secretary N/C  
Mardan Khas 2  
Dated: 3-3-2017



ATTESTED  


Assistant  
Please  
Put up on  
File  




OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

20

No. 171 / AD LG & RDD Dated Mardan the 08/03/2017

CERTIFICATE

This is to certify that Mr. Muhammad Abbas has served in this Department of Local Govt & Rural Development Department as Village Secretary Neighborhood Council Mardan Khass-II, from 24-02-2016 to 06-12-2016 (BPS-07)

Assistant Director Sr,  
Local Govt & RDD Mardan.

slc

ATTESTED



21

OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

No. 981 / AD Dated Mardan the 06/12/2016

To

The Registrar  
Abdul Wali Khan University,  
Mardan.

Subject: -  
Memo:

Charge Relinquish Report.

Please refer to the subject cited above that Mr. Muhammad Abbas Secretary  
Neighborhood Council Mardan Khas-II, has been relieved of his duties with effect from 06-12-  
2016

Assistant Director Sr,  
Local Govt & RDD Mardan.

Endst. No. & date even:

Copy is forwarded to the:

1. Muhammad Abbas Ex-Secretary NC Mardan Khas-II.  
For information.

Assistant Director Sr,  
Local Govt & RDD Mardan.

ATTESTED

Received  
  
06/12/16



# ABDUL WALI KHAN UNIVERSITY MARDAN

Khyber Pakhtunkhwa, Pakistan

Phone No. 0937-843356, Fax No. 0937-843357

Website: [www.awkum.edu.pk](http://www.awkum.edu.pk)

Email: [registrar@awkum.edu.pk](mailto:registrar@awkum.edu.pk)

H-22

F.No. 1(2)-Reg-1/AWKUM/2018/22941

June 23, 2018

## NOTIFICATION

Consequent upon the recommendations of the Inquiry Committee constituted by the Syndicate in its 25<sup>th</sup> (Emergency) meeting held on February 26, 2018, notified vide notification 1(1)-Reg-1/AWKUM/2018/21758 dated March 09, 2018 to inquire into the illegal appointments made in the university & subsequent approval by the Syndicate in its 26<sup>th</sup> meeting held on June 28, 2018, wherein, the Syndicate unanimously endorsed and approved the recommendations of the Inquiry Committee and decided that since there were no sanction budgeted posts available at that time, hence, all the appointments made in response to Advertisement No. 48 are declared illegal, without lawful authority and of no legal effect as cited in judgment of Honorable Supreme Court of Pakistan in Writ Petition No. 6 of 2011, C.M.A. No. 5216 of 2012 and H.R.C. No. 49012-P of 2010 dated March 17, 2014 regarding "illegal appointments and corruptions in EOBI".

Accordingly, the Services of Mr. Muhammad Abbas S/O Muhammad Shafi, KPO, BPS-16 stand terminated forthwith during probationary period as per AWKUM Statutes.

*H-29/6.18*  
REGISTRAR

Copy to:

1. PS to Vice Chancellor
2. All members of the Syndicate
3. Treasurer
4. R.A.D
5. Pay Officer
6. Concerned Department/Section
7. Official concerned
8. Personal File
9. Relevant File

ATTESTED

*[Signature]*

Dated: 17<sup>01</sup>/<sub>2019</sub>

*[Signature]*

Muhammad Abbas  
Village Secretary (BPS-7)

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

No. \_\_\_\_\_/2019

Muhammed Abbas

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. of KP & Others

(RESPONDENT)  
(DEFENDANT)

I/We Muhammed Abbas

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. \_\_\_\_\_/\_\_\_\_\_/2019

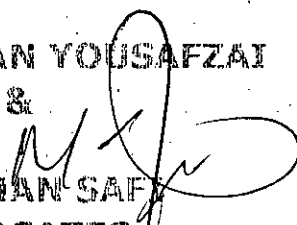


CLIENT

  
ACCEPTED

NOOR MOHAMMAD KHATTAK

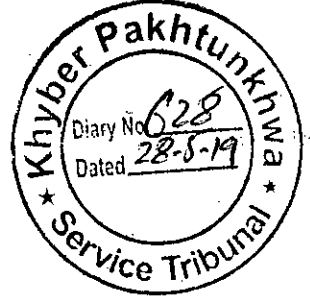
SHAHZULLAH KHAN YOUSAFZAI

&  
  
MIR ZAMAN SAFF  
ADVOCATES

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**



put up to the court with relevant appeal.

Muhammad Abbas

**VERSUS**

Secretary Local Govt. and Other

Ready

28/5/19

Service Appeal No. 605/2019

Next Date 18/07/2019

Subject: **EARLY HEARING IN THE ABOVE TITLED SERVICE APPEAL**

Respected Sir,

The appellant submits as under:-

1. That the above titled appeal is fixed for 18/07/2019.
2. That along with the service appeal, the appellant has submitted application for status quo.
3. That on the previous date 21/05/2019, the Honourable Tribunal has admitted the appeal and only notice for status quo has been given to the respondents.
4. That selection of the concerned post is in within a few days.
5. That if status quo is not granted, the appeal of the appellant will become infructuous.
6. That early hearing in the instant appeal is necessary for ends of justice.

It is therefore, requested that order may be passed accordingly.

Appellant

Through

**NOOR MUHAMMAD KHATTAK**  
Advocate, High Court,  
Peshawar

Be accelerated to 17/6/2019. Notices to all concerned be issued.

28/5/19

Received for 17/6/2019. M-19

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

Muhammad Abbas

**VERSUS**

Secretary Local Govt. and Other

**AFFIDAVIT**

I, Muhammad Abbas S/o Muhammad Shafi R/o Mohallah Rustam Khel, Tehsil and District Mardan, do hereby solemnly affirm and declare on oath that all the contents of instant **APPLICATION** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



**DEPONENT**

**CNIC No. 16101-5118192-1**

**Before the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.**

**Service Appeal No. 605/2019**

Muhammad Abbas, Ex-Village Secretary (BPS-7).

.....Appellant


Versus

Government of Khyber Pakhtunkhwa through Secretary Local Govt: Election & Rural  
Development Department, Peshawar and Others.

.....Respondents

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Sr.#	Description	Annexure	Page	
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2	Reply		2	4
3	Affidavit		5	
4	Reply of stay Application		6	
5	Copy of NOC	"A"	7	
6	Copy lien rules	"B"	8	
7	Copy of letter No. 995/AD LG & RDD Mardan dated 29-11-2018.	"C"	9	
8	Copy of Advertisement	"D"	10	
9	Copy of ETEA result	"E"	11	14

  
Assistant Director (Sr)  
Local Govt & Rural Development  
Mardan



**Before The Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.**

**Service Appeal No. 605/2019**

**Muhammad Abbas, Ex-Village Secretary (BPS-07),**

O/O Assistant Director Local Govt: & Rural Development Department, Mardan.

.....Appellant

**Versus**

1. The Government of Khyber Pakhtunkhwa through Secretary Local Govt: Election & Rural Development Department, Peshawar.
2. The Deputy Commissioner, District Mardan.
3. The Director General, Local Govt: & Rural Development, Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Director, Local Govt: & Rural Development Department, District Mardan.

.....Respondents

**REPLY ON BEHALF OF RESPONDENTS**

**Respectfully Shewth:**

**Preliminary objections;**

1. That the appellant has got no cause of action/locus standi.
2. That the appellant has not come to this Honorable Service Tribunal with clean hands.
3. That the instant appeal is based upon, malicious/vexatious, frivolous grounds.
4. That the appellant is stopped by his own conduct to file the instant appeal.
5. That the instant appeal is against the relevant recruitment policy.
6. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties to the appeal.
7. That the instant appeal is badly time barred.
8. That the instant appeal is not maintainable in its present form. As after relinquishment of charge by appellant the post in question could not be kept vacant for long period hence interview was conducted to fill up the same and the requisite process is completed for the said purpose.
9. That the appellant was yet under probation, when he relinquished the charge of the post he had held and resumed duty at Abdul Wali Khan University and served for 18 months there.
10. That the appellant had contested his case against the Abdul Wali Khan University Mardan till Supreme Court of Pakistan but failed.
11. That the matter is not related to the terms and condition of the service, but the appellant has sought the direction of the court. Hence, this Honorable Tribunal lacks jurisdiction in matter in hand.

**ON FACTS.**

1. Para-01 is correct to the extent that the appellant was appointed on the recommendation of Departmental Selection Committee after fulfilling all the codal formalities vide order No. 604/DCM dated 23-02-2016.
2. The appellant served this Department for about 9 months when he was under probation.
3. Para-03 is incorrect. The appellant did not apply through proper channel as required under the required procedure law and rules. However he requested for NOC for taking interview for post of office Assistant in Abdul Wali Khan University Mardan which was granted to him vide this office letter No. 550/AD LG & RDD Mardan dated 11-07-2016 (Copy is Annexure 'A').

  
Assistant Director (Sr)  
LG & RDD  
Mardan

4. Para-04 is incorrect. No codal formalities as required under the relevant procedure from post to post has been observed. The appellant got NOC only for participating in the interview and on the basis of the same interview he was appointed as Computer Operator.
5. Incorrect. The appellant relinquished the charge in question which could not be kept vacant for long period, therefore the appellant was allowed to relinquish the charge of the post of Secretary NC vide this office letter No. 981/AD LG & RDD Mardan dated 06-12-2016 as he was appointed as Computer Operator in BPS-16. In Abdul Wali Khan University Mardan. Moreover, as per rules retention of lien of a civil servant if selected for appointment in semi autonomous/autonomous body Could not be retained (F/B)
6. Para No. 6. Pertains to record of Abdul Wali Khan University Mardan, which has not been impleaded as respondent by the appellant
7. Incorrect. He requested the Department for re-joining of his post but as he left the Department during probation period and has got no right of Lien to the post. Therefore the appellant vide letter No. 995/AD LG & RDD Mardan dated 29-11-2018 has been informed that he cannot be considered for re-appointment as his post was declared vacant and advertised, ETEA test has been conducted, the merit list has been received to this office from ETEA, and interview has also been conducted. It is further added that the candidates participated in whole procedure mentioned above have not been included in the panel of respondents. Copy of letter No 995/AD, dated 29.11.2018, advertisement of the post ETEA test are(F/C,F/D & F/E)
8. Incorrect. The appellant has not completed probation period of one year therefore he has no right to be allowed to re-join this Department. It is further added that the appellant has got no cause of action for filling the present appeal.


#### ON GROUNDS:


- A. The appellant was not allowed for re-joining the post of Secretary VC because he left the Department before completion of his probation period and have preferred more benefit by joining of scale BPS-16. Therefore no fundamental rights have been violated by not allowing the appellant to re-join this Department.
- B. Incorrect. The appellant was treated in accordance with law and rules as the appellant has not followed the right course in the matter required under the Law. As such University is semi government, grant of lien in according to the rules cannot be granted from permanent to temporary post. Therefore no violation of article 4 & 25 of the constitution of Islamic Republic of Pakistan has been done.
- C. Incorrect. The appellant have no right to re-join this Department as he has not completed the probation period nor has adopted the right course as required under relevant law/rules.
- D. Incorrect. The respondents have not acted in-arbitrary and malafide manner by not allowing the appellant as he was not entitled to re-join this Department.
- E. Incorrect. The appellant has performed duty only for nine months and has left this Department for a little personal benefit by joining the post of BPS-16 instead of (BPS-09) in a semi-autonomous body i.e. Abdul Wali Khan University Mardan.
- F. Incorrect. The respondents have never discriminated the appellant and nor violated the norms of natural justice by not allowing the appellant to Re-join this Department as he has left this Department before completion of probation period, nor he was entitle for lien as per rules.
- G. Incorrect. On his selection the appellant was relieved to join his new Assignment in Abdul Wali Khan University Mardan and his lien was not retained against the post of neighborhood/village council Secretary as his appointment was in an Autonomous body. Moreover he was also on probation, therefore he has no right to re-join the post of Secretary VC/NC after more than two years which he served / spent in Abdul Wali Khan University Mardan.

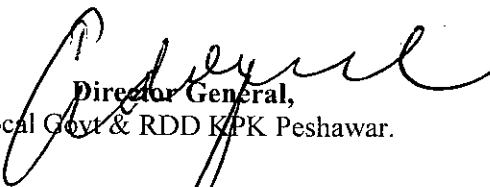
  
Assistant Director (Sr)  
LG & RDD  
Mardan

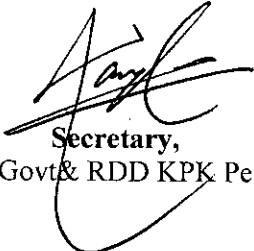
H. Incorrect. The respondents have not violated any rules as the appellant himself left the Department and join Abdul Wali Khan University Mardan, at his sweet well.

In view of the above it is requested that this Honorable Service Tribunal may graciously dismiss Appeal of the Appellant with cost.

  
Assistant Director  
Local Govt & RDD Mardan.  
Assistant Director (Sr)  
LG & RDD  
Mardan

  
Deputy Commissioner,  
Mardan.  
Deputy Commissioner  
Mardan

  
Director General,  
Local Govt & RDD KPK Peshawar.  
Director General  
Local Govt: Rural Development  
Khyber Pakhtunkhwa

  
Secretary,  
Local Govt & RDD KPK Peshawar.

Before The Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.

Service Appeal No. 605/2019

MUHAMMAD ABBAS

VS

GOVT: OF KP

REPLY TO APPLICATION FOR RESTRAINING THE  
RESPONDENTS NOT TO FILL UP THE POST OF  
VILLAGE SECRETARY (BPS - 07) TILL THE  
DISPOSAL OF THE ABOVE MENTIONED APPEAL


Respectfully Shewth:

1. Para-01 relates to The record.
2. Para-02 is incorrect. The appellant himself left this Department and joined Abdul Wali Khan University Mardan.
3. Para-03 is Incorrect. The appellant has no right of action because he has left this Department before completion of probation period, nor has got any lien as per required rules and law.
4. Para-04 is Incorrect. As the appellant has no right to Re-join this Department, therefore question of violation of law and rules does not arise. Moreover, the appellant has not included the Candidates applied to the vacant post of VC/NC who have participated in whole process according to law, rules and policy, and are waiting for their appointment.

It is therefore, most humbly prayed that by acceptance of this reply the status quo may kindly be vacated and respondent be allowed to fill the vacant post of the NC Mardan Khass-II, so that the work of the said NC may be run smoothly and the people of the locality may not suffer due to the act of a person who is trying to gain personal benefits, and has no right/cause of action.

Dated: \_\_\_\_\_/06/2019.

Respondent No. 4

  
Assistant Director  
Local Govt: & RDD Mardan.  
(Himself & for Respondent (6) 1 to 3)  
Assistant Director (6)  
LG & RDD  
Mardan

**Before the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.**

**Service Appeal No. 605/2019**

Muhammad Abbas, Ex-Village Secretary (BPS-7);

O/O Assistant Director Local Govt: & Rural Development, Mardan.

.....Appellant

Versus


1. The Government of Khyber Pakhtunkhwa through Secretary Local Govt: Election & Rural Development Department, Peshawar.
2. The Deputy Commissioner, District Mardan.
3. The Director General, Local Govt: & Rural Development, Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Director, Local Govt: & Rural Development Department, District Mardan.

.....Respondents

**AFFIDAVIT**

I Fazlullah Assistant Director, Local Govt & RDD Mardan do hereby solemnly affirm and declare that the contents of the accompanying Para-Wise Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Deponent

  
(Fazlullah)  
Assistant Director (Sr)  
LG & RDD  
Mardan  
CNIC No. 14502-0999-1

OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT  
MARDAN

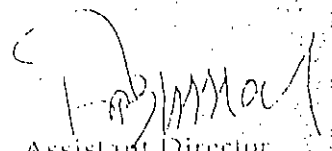
No. 550 /AD LG & RDD Date: Mardan the, 11/07/2016

0-10

Mr. Muhammad Abbas Khan,  
Secretary, NC Mardan Khas,  
in Mardan District.

NOC for Interview

Please refer to your application dated 11-07-2016 on the subject cited above and inform you that this office has no object for taking interview for the post of Computer Operator B.S-01 in the Abdul Wah Khan University Mardan.

  
Assistant Director,  
Local Govt & RDD Mardan



  
Assistant Director (Sr)  
LG & RDD  
Mardan

be made against a permanent post. The definition of permanent post is given in FR-9 (22) and temporary post in FR-9 (30). Apart from this definition from practical point of view all posts on SNE are temporary posts and all posts converted into permanent in Revenue Budget are permanent posts. In terms of Rule 16 of the APT Rules, 1989 read with Section-7 (3) of Civil Servants Act, 1973, after successful completion of probation, confirmation of servant can be made but against a permanent post held by him substantively whereas temporary can be filled regularly but not substantively. As such Government servant after successful completion of probation period after his direct recruitment or promotion become a regular employee against that post but not confirmed unless permanent vacancy becomes available to him.

2. On availability of a permanent vacancy in a cadre, confirmation shall be made there against on the basis of seniority-cum-fitness. It may be mentioned that if that post when converted into permanent and becomes available for confirmation, not the existing incumbent of that permanent post but the senior most in the cadre is confirmed against it irrespective of the fact whether he is holding the charge of that post or not. Even if an officer or official retires before his confirmation in service and after his retirement it comes to knowledge that some vacancies were available for their confirmation while in service, so in terms of section 7(4) of the Civil Servants Act, 1973 they should be confirmed first w.e.f. the dates of availability of the vacancies in their favour. These vacancies will be treated available again for confirmation of others w.e.f., the dates of retirement or death of the employees who were confirmed as such there against.

3. All the Departments are therefore advised to be guided by the relevant rules as explained above and carry out the exercise for confirmation of their employees in the aforesaid manner.

(Authority: Letter No.SOR.VI(E&AD)1-11/2003 Dated 2nd September 2003)

**Retention of lien by the civil servants/ acceptance of resignation on ex-post facto basis.**

I am directed to refer to the subject noted above and to state that instructions have been issued time and again that a Civil Servant, if selected for appointment in autonomous/semi-autonomous bodies remains no more a Civil Servant. Consequently, right of lien cannot be granted to such employees. Appointment of civil servants in the autonomous/ semi-autonomous bodies is considered as fresh/ direct appointment, therefore they have to tender resignation before joining the autonomous/semi-autonomous bodies.

2. The Provincial Government has noticed that civil servants are still making requests for retention of lien, which are being entertained by Administrative Departments. In certain cases, officers/officials have even been relieved on the condition of prior resignation from civil service. Such civil servants do not tender resignation in the hope of getting right of lien. Subsequently, they apply for acceptance of resignation from civil service. Such civil servants do not tender resignation in the hope of getting right of lien. Subsequently, they apply for acceptance of resignation from retrospective effect after considerable time.

3. In view of the above all concerned are advised to note that Civil Servants selected for appointment in autonomous/semi-autonomous bodies shall tender their resignation prior to joining posts in the autonomous/semi-autonomous bodies and no one shall be relieved

  
Assistant Director (Sr)  
LG & RDD  
Mardana



OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVT & RURAL DEV: DEPARTMENT MARDAN

No. 995/AD.LG & RDD Dated Mardan the, 29/11/2018

To,

The Assistant Director (Admin/HR),  
Local Govt & RDD Khyber Pakhtunkhwa Peshawar.

Subject: - **Permission For Re-Joining The Post Of Neighborhood Council Secretary.**

Memo:

Please refer to your good office letter No. Director (LG)3-1/Establishment/2017/13195 Dated Peshawar, the 13<sup>th</sup> November 2018 on the subject cited above.

In this connection the requisite detail report is as follows.

It is submitted that Mr. Muhammad Abbas S/o Mohammad Shafi Ex-Secretary was appointed as Secretary NC Mardan Khas-II vide order No. 604/DC (M) Dated 23-02-2016 (Copy of order as Annexure-A) later on after completion of about 09 Months service (under probation period) he has been relieved from the post of Secretary NC Mardan Khas-II vide letter No. 981/AD (M) Dated Mardan 06-02-2016 (Copy of Application letter Annexure as B&C).

He was appointed as Computer Operator (BPS-16) in AWKUM University Mardan vide Appointment Order No. 1 (8)Reg-I/AWKUM/2016/17620 Dated 11-12-2016 & Posting Order No. 1 (2)-Reg-I/AWKUM/2016/17733 Dated 08-12-2016 (Copy of order Annexure-D&E).

It is worth mentioning that after about 2 years on the recommendation of Inquiry Committee the appointment was found illegal, unlawful and accordingly the Services of Mr. Mohammad Abbas S/o Mohammad Sahfi were terminated during Probation period as per AWKUM Statutes per Notification F. No 1 (2) Reg-1/AWKUM/2018 (Copy Annex-F).

Now the incumbent concerned requests that he may again be considered for appointment as Secretary NC.


In this respect it is submitted that on his joining the post of Computer Operator (BPS-16) in AWKUM, his post of Secretary NC was declared vacant and has been advertised, ETEA test conducted and the merit list has been received to this office from ETEA authorities.

Keeping in view the above facts, it is stated that the applicant cannot be considered for re-appoint on the post of Secretary NC Mardan Khas-II at this stage.

Endst. No. & date even:

**Copy is forwarded to the:**

1. PA to Director General, LG & RDD Khyber Pakhtunkhwa Peshawar.
2. Mr. Mohammad Abbas R/o District Mardan w.r.t his application.  
for information please.

  
Assistant Director Sr,  
Local Govt & RDD Mardan.  
Assistant Director (Sr)  
LG & RDD  
Mardan

  
Assistant Director (Sr)  
LG & RDD  
Mardan



**اشتہار برائے پبلسٹی سیکرٹری (BPS-07) برائے ویج ایجوکیشنل ڈائریکٹر اور کونسل ڈائریکٹر**  
**طرک (BPS-11) برائے دفتر اسٹنٹ ڈائریکٹر محکمہ تعلیمات و دیگر سرکاری ادارے**

دفتر پبلسٹی سیکرٹری برائے ویج ایجوکیشنل ڈائریکٹر اور کونسل ڈائریکٹر محکمہ تعلیمات و دیگر سرکاری ادارے کی خالی آسامیوں کو پُر کرنے کے لئے اہل امیدواروں سے درخواستیں مطلوب ہیں۔ خالی آسامیوں کے بارے میں تفصیل دفتر پبلسٹی سیکرٹری کے پاس کی جاسکتی ہے۔

**مطلوبہ قابلیت اور دیگر شرائط:**

نمبر شمار	طبع	نام آسامی	نام ویج ایجوکیشنل ڈائریکٹر	تعداد آسامی	بیماری سکیم
1	مردان	ویج سیکرٹری برائے ویج ایجوکیشنل ڈائریکٹر	1- مردان خاص-2	20	07
			2- ٹیچر ایجوکیشن		
			3- سپرنٹنڈنٹ ایجوکیشن		
			4- ایجوکیشنل آفیسر		
			5- ایجوکیشنل آفیسر		
			6- ایجوکیشنل آفیسر		
			7- ایجوکیشنل آفیسر		
			8- ایجوکیشنل آفیسر		
			9- ایجوکیشنل آفیسر		
			10- ایجوکیشنل آفیسر		
			11- ایجوکیشنل آفیسر		
			12- ایجوکیشنل آفیسر		
			13- ایجوکیشنل آفیسر		
			14- ایجوکیشنل آفیسر		
			15- ایجوکیشنل آفیسر		
			16- ایجوکیشنل آفیسر		
			17- ایجوکیشنل آفیسر		
			18- ایجوکیشنل آفیسر		
			19- ایجوکیشنل آفیسر		
			20- ایجوکیشنل آفیسر		

1- حکومت کے تصدیق شدہ بورڈ سے ایف اے ایف ایس ای ایس کے سادگی قابلیت  
 2- حکومت کے تصدیق شدہ بورڈ سے ایف اے ایف ایس ای ایس کے سادگی قابلیت  
 کوریس پاس کیا اور ان (Urpage) کے ذریعہ ایف اے ایف ایس ای ایس کے سادگی قابلیت حاصل ہو۔

نمبر شمار	طبع	نام آسامی	نام ویج ایجوکیشنل ڈائریکٹر	تعداد آسامی	بیماری سکیم
2	مردان	ویج سیکرٹری	مردان	11	11

مطلوبہ قابلیت: تصدیق شدہ بورڈ سے ایف اے ایف ایس ای ایس کے سادگی قابلیت

1- ویج سیکرٹری برائے ویج ایجوکیشنل ڈائریکٹر: متعلقہ ویج ایجوکیشنل ڈائریکٹر کے  
 سکریٹری کے دفتر میں دی جانے والی آسامیوں میں سے کسی ایک آسامی کو ترجیح دینا ہوگا جس کے پاس ویج ایجوکیشنل ڈائریکٹر کے  
 ایجوکیشنل ڈائریکٹر کے امیدوار کو منتخب کیا جائے گا۔ اگر اس کے باوجود متعلقہ امیدوار موجود نہ ہو تو اسی شخص کے امیدوار کو  
 میرٹ کی بنیاد پر منتخب کیا جائے گا۔

2- جونیئر کلاک: امیدوار متعلقہ طبع کے ڈومیسائل کا حامل ہو۔  
 3- تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی۔  
 4- سرکاری ملازمین اپنے شعبے کی رسالت سے درخواستیں ہیج کر سکتے ہیں۔

**درخواست دینے کا طریقہ کار:-**

امیدواران اپنی درخواستیں آن لائن ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے [www.etea.edu.pk](http://www.etea.edu.pk) سے مورخہ 28 ستمبر 2017 تک ہیج کر سکیں۔ (درخواست میں دینے والے کو ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے تمام تر ضروری درخواستیں  
 دینا ہوں گی) درخواست گزار آن لائن درخواست کارڈ آف جس پر کپیڈ ٹوکن نمبر موجود ہو، ہیج کر سکیں  
 500 روپے (پانچ سو روپے) کی رقم یا ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 ہیج کر سکیں اور اس کے لئے درخواست فارم بمطابق ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 (پاسپورٹ سائز) کپیڈ ٹوکن نمبر 2017 اور ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 سرورس ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 کریں۔ تقریری امتحان کے لئے بذریعہ SMS مطلع کیا جائے گا۔ ٹیسٹ داغ دینے کے لئے کوئی بھی نہیں ہوگی۔  
 ٹیسٹ داغ دینے کے لئے درخواست گزار اپنے ٹیسٹ داغ دینے کے لئے درخواست گزار کو ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 ٹیسٹ داغ دینے کے لئے درخواست گزار کو ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 ٹیسٹ داغ دینے کے لئے درخواست گزار کو ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں  
 ٹیسٹ داغ دینے کے لئے درخواست گزار کو ایف اے ایف ایس ای ایس کے سادگی قابلیت کے لئے ہیج کر سکیں

Assistant Director (S) LG & RDD Mardan

اشتہار: خالصتاً ذرا لوہا اسٹنٹ ڈائریکٹر  
 محکمہ تعلیمات و دیگر سرکاری ادارے

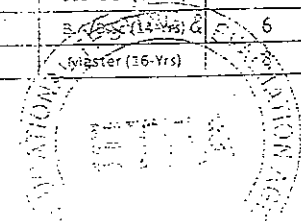
**Recruitment of Village Secretary (BPS-07) in the Office of Assistant Director LG/RDD - Mardan**  
**Final Merit-List of District "MARDAN" (Excluding Interview Marks)**

ROLL NO.	Candidate Name	Father Name	UC/V/C/NC	D.O.B	CELL NO.	ETE TEST MARKS/ 100	SSC %age Marks	HSSC %age Marks	Basic Edu: Marks/ 70	Highest Qualification	Add: Higher Qualification Marks/ 12	Experience Marks/ 10	TOTAL MARKS/ 192	Interview Marks/
05935	NAZEER KHAN	AYUB JAN	Babini X	06-Apr-1993	923442175554	50	73.90%	66.82%	70	Master (15-Yrs)	8	0	128	
06533	HAMZA FAWAD	FAWAD MUHAMMAD	Baghe Inam X	02-Apr-1997	923121193000	40	74.48%	66.45%	70	B.A/B.Sc (14-Yrs)	6	0	116	
05240	JAN MUHAMMAD	SHAMSUL QAMAR	✓ Bari Cham-1	15-Jan-1989	923469347531	48	62.19%	66.55%	70	Master (15-Yrs)	8	4	130	✓
05354	MUHAMMAD SHERAZ	HAYAT MUHAMMAD	✓ Bari Cham-1	03-Jan-1990	923339868789	59	59.71%	49.64%	53	Bachelor (16-Yrs)	8	0	120	✓
05679	ASADULLAH	MUHAMMAD ILYAS KHAN	✓ Bari Cham-1	04-Jan-1992	923009013328	45	52.11%	51.45%	53	Bachelor (16-Yrs)	8	0	106	✓
05059	MUHAMMAD KAMRAN	MUHAMMAD ZAMIR	✓ Bari Cham-1	15-Sep-1986	923459353343	41	55.06%	51.91%	53	Master (16-Yrs)	8	0	102	
05969	NUMAN	GHULAAM RASOOL	✓ Behram Khan Kilay	25-Apr-1993	923138797223	54	59.24%	65.00%	61	Master (16-Yrs)	8	0	123	
05999	MUHAMMAD NAEEM	QAIM KHAN	✓ Behram Khan Kilay	10-Jun-1993	923123553735	40	70.10%	51.27%	62	F.A/F.Sc (12-Yrs)	0	0	102	
05416	ISHTIQ ALAM	KHURSHID ALAM	✓ Bezo Kharki-2	15-Mar-1990	923438913884	51	77.43%	68.09%	70	M.S/M.Phil (18-Yrs)	12	0	133	
05162	ABDUL WAHID	NISAR ULLAH	Bezo Kharki-2	15-Mar-1988	923479618870	49	60.48%	65.73%	70	Master (16-Yrs)	8	4	131	
05064	ZIA UR RAHMAN	RAHMAN UD DIN	Bezo Kharki-2	10-Jan-1987	923439722102	51	75.71%	68.43%	70	Master (16-Yrs)	8	0	129	
05065	SHAH-D-ALI	MUHAMMAD IBRAHIM	Bezo Kharki-2	15-Jan-1997	923455590737	48	63.88%	61.00%	70	Master (15-Yrs)	8	0	126	
05267	MUHAMMAD AKRAM	PAHIM KHAN	Bezo Kharki-2	02-Mar-1989	923438914056	48	76.29%	65.55%	70	Master (15-Yrs)	8	0	126	
05384	KASHIF ULLAH	ZAHIR SHAH	Bezo Kharki-2	12-Feb-1990	923459287993	42	86.00%	66.55%	70	M.S/M.Phil (18-Yrs)	12	0	124	
05038	FARHAD ALI	RAHAM SALAH	Bezo Kharki-2	03-Feb-1985	923469358957	40	63.43%	53.64%	62	Master (15-Yrs)	8	0	110	
06149	SHAHZAD KHAN	SHER ALAM	Bezo Kharki-2	11-Apr-1984	923435473175	40	56.10%	55.09%	62	Bachelor (16-Yrs)	8	0	110	
05970	SAJJAD KHAN	MUHAMMAD UMAR KHAN	✓ Chak Mardan-2	25-Apr-1993	922130912125	47	50.28%	70.93%	70	B.A/B.Sc (14-Yrs)	5	4	127	
05663	MUHAMMAD TAIMUR KHAN	GUL BAHADAR	✓ Chak Mardan-2	17-Jun-1999	923055720260	43	76.09%	64.09%	70	F.A/F.Sc (12-Yrs)	0	0	113	
05837	SUFAID MUHAMMAD	FIDA MUHAMMAD	✓ Chak Mardan-2	06-Aug-1992	923459356714	41	55.00%	48.36%	53	Bachelor (16-Yrs)	8	0	102	
05193	SHABEER AHMAD	ABDUL WAHID	✓ Dheri	15-Apr-1988	923439172484	47	66.24%	66.82%	70	Bachelor (16-Yrs)	8	0	125	
05651	MUHAMMAD TAYIF	BAKHT RANGZEB	✓ Dheri	09-Sep-1991	923449191503	48	81.11%	74.00%	70	F.A/F.Sc (12-Yrs)	0	0	118	
05673	BAKHT SHED	GUL HAIDER	✓ Dheri	01-Jan-1992	923485049486	45	60.44%	50.45%	62	B.A/B.Sc (14-Yrs)	6	4	117	
06463	ILYAS UMAR	NOOR UL ZADA	✓ Dheri	05-Jul-1996	923429031084	42	59.33%	69.00%	70	F.A/F.Sc (12-Yrs)	0	0	112	
05110	IHTISHAM UL HAQ	NOOR UL HAQ	✓ Dheri	20-Dec-1987	923449191525	42	67.05%	55.27%	62	B.A/B.Sc (14-Yrs)	6	0	110	
06532	AAMIR TUFAIL	SAEED GUL	✓ Dheri	02-Apr-1997	923409333198	42	65.43%	55.09%	62	F.A/F.Sc (12-Yrs)	0	0	104	
05411	SABIR BAHADR	KHAN BAHADAR	✓ Dheri	11-Mar-1990	923472010981	42	42.95%	51.27%	48	B.A/B.Sc (14-Yrs)	6	0	96	
05197	MUHAMMAD UBAID ULLAH	MUHAMMAD DIYAR KHAN	✓ Gali Bagh-2	20-Apr-1988	923339430791	53	74.12%	76.45%	70	Bachelor (16-Yrs)	8	0	131	✓
05785	JAN SHER	MUHAMMAD SHER	✓ Gali Bagh-2	02-Apr-1992	923348662863	43	67.56%	65.36%	70	Bachelor (16-Yrs)	8	0	121	✓
05928	ABDUL NAEEM KHAN	ABDUL QAYUM KHAN	✓ Gali Bagh-2	03-Apr-1993	923109928400	51	62.86%	59.91%	62	Bachelor (16-Yrs)	8	0	121	✓
05204	NAVEED SHER	ALAM SHER	✓ Gali Bagh-2	30-Jun-1985	9234693265067	42	59.06%	62.55%	61	B.A/B.Sc (14-Yrs)	6	0	109	✓
05706	SHAH KHALID	SHAHID	✓ Gali Bagh-2	11-Feb-1992	923139408610	47	54.44%	51.82%	53	Master (16-Yrs)	8	0	108	✓

Secretary - MARDAN

Applications/Commissions accepted. Experience marks awarded to candidates having relevant Experience in Govt. Sector.

**Assistant Director (Sr)  
LG & RDD  
Mardan**



Recruitment of Village Secretary (BPS-07) in the Office of Assistant Director LG/RDD - Mardan  
Final Merit-List of District "MARDAN" (Excluding Interview Marks)

L.N.O.	Candidate Name	Father Name	UC/VC/NC	D.O.B	CELL NO.	ETEA TEST MARKS/ 100	SSC %age Marks	HSSC %age Marks	Basic Edu: Marks/ 70	Highest Qualification	Add: Higher Qualification Marks/ 12	Experience Marks/ 10	TOTAL MARKS/ 192	Intervi Marks/
346	FAIZAN BADSHAH	FAZAL BADSHAH	✓ Gujar Garhi-3	02-Jul-1995	923319960036	57	80.38%	65.55%	70	Bachelor (15-Yrs)	8	0	135	
297	TAHIR ALI	ZARKHAN UDDIN	10 Gujar Garhi-3	02-Apr-1995	923139514685	49	79.43%	65.27%	70	Master (16-Yrs)	8	0	127	
606	TAIKDEER AHMAD	FAZAL KHAN	11 Gujar Garhi-3	09-Apr-1991	923109959323	46	68.33%	50.06%	70	Bachelor (16-Yrs)	8	0	124	
543	SYED FAWAD SACHA	SHEHRYAR BADSHAH	Gujar Garhi-3	28-Feb-1991	923159335009	42	69.00%	70.00%	70	Master (16-Yrs)	8	0	120	
909	FIDA ULLAH	ZAHIR ULLAH	Gujar Garhi-3	17-Mar-1993	923459357873	41	72.11%	72.28%	70	Master (16-Yrs)	8	0	119	
007	MUHAMMAD ZEESHAN	SHAUKAT ALI	Gujar Garhi-3	02-Aug-1993	923159615761	40	86.19%	80.82%	70	Bachelor (15-Yrs)	8	0	118	
292	MUHAMMAD NUMAN	MUKHTAR MUHAMMAD	Gujar Garhi-3	31-Mar-1995	923120098795	42	76.76%	64.27%	70	B.A./B.Sc (14-Yrs)	6	0	118	
912	TAHIR SAID	ZAIN UD DIN	Gujar Garhi-3	20-Mar-1993	923139593498	44	78.95%	54.82%	62	Bachelor (16-Yrs)	8	0	114	
113	ZAHIRSAID	ZAIN UD DIN	Gujar Garhi-3	25-Mar-1994	923000435028	44	72.76%	52.64%	62	Master (16-Yrs)	8	0	114	
190	MUHAMMAD TALHA HAIDER	ZAFAR ULLAH KHAN	Gujar Garhi-3	10-Jun-1994	923028709928	41	82.10%	78.45%	70	F.A./F.Sc (12-Yrs)	0	0	111	
245	FARHAD ALI	MURAD ALI	✓ Gujar Garhi-3	09-Feb-1995	923366289280	42	59.33%	60.00%	61	B.A./B.Sc (14-Yrs)	6	0	109	
334	LATIF ULLAH	MUHAMMAD AYUB	Sujrat	30-Apr-1995	923444234803	46	70.19%	51.84%	70	Bachelor (16-Yrs)	8	0	124	
727	MACHAN ALI	ERISAN ALI	41 Gujar-2	01-Sep-1993	923115514896	52	72.38%	65.55%	70	F.A./F.Sc (12-Yrs)	0	0	122	
158	SULEMAN KHAN	BADSHAH KHAN	2 Hathyan-1	10-Mar-1988	923469314195	46	69.05%	55.92%	62	Master (16-Yrs)	8	0	116	
165	MUHAMMAD FAROOQ KHAN	ABDULLAH	13 Hathyan-1	19-Jan-1990	923442827654	43	58.48%	58.54%	53	Master (16-Yrs)	8	0	104	
228	SHAHID KHAN	MALIK ALI KHAN	✓ Jam. of Garhi-2	05-Feb-1997	9234730947789	57	71.22%	74.18%	70	Bachelor (16-Yrs)	8	0	130	
145	MUHAMMAD IMRAN KHAN	SHER KHAN	17 Jamel Garhi-2	16-Mar-1991	9234739204819	50	70.35%	73.45%	70	Bachelor (16-Yrs)	8	0	128	
145	GAJUMIGUL	BANAT GUL	6 Jamel Garhi-2	10-Feb-1995	923451504140	42	61.05%	61.82%	70	Bachelor (16-Yrs)	8	0	120	
76	MUHAMMAD GHANI	USMAN GHANI	Jamal Garhi-2	14-Jan-1996	923466534918	44	68.19%	68.57%	70	F.A./F.Sc (12-Yrs)	0	0	114	
14	MUHAMMAD SAHIB	RAHEEM SHAH	Jamal Garhi-2	18-Mar-1996	923404619445	43	63.43%	56.09%	62	B.A./B.Sc (14-Yrs)	6	0	111	
00	ZAHOOR ALI KHAN	FASIH UL LISAN	✓ Jamel Garhi-2	10-Mar-1993	923459340545	40	54.10%	46.18%	62	B.A./B.Sc (14-Yrs)	6	0	108	
96	ADNAN	UMAR GHANI	✓ Kalu Shah	18-Apr-1988	923130094973	49	62.47%	63.45%	70	Bachelor (16-Yrs)	8	0	127	
26	SALAD	AMANULLAH KHAN	15 Kalu Shah	05-Mar-1992	923005022626	41	63.44%	57.64%	62	B.A./B.Sc (14-Yrs)	6	0	109	
75	NAVEED AHMAD	KHADIM SHAH	3 Kalu Shah	10-Jul-1997	923479304685	40	58.82%	42.82%	47	Master (16-Yrs)	8	0	95	
05	TARIQ AHMAD	SASHID AHMAD	Kassi,roodna	17-Mar-1994	923139431401	48	50.95%	48.91%	62	Bachelor (16-Yrs)	8	0	118	
74	SYED JALAL SHAH	SYED GHAFFAR SHAH	16 Katli Garhi	10-Mar-1994	923469318671	53	61.33%	71.55%	70	Bachelor (16-Yrs)	8	10	141	
56	MUHAMMAD AYAZ	AJMEER KHAN	11 Katli Garhi	17-Mar-1997	923409035100	48	77.33%	75.36%	70	Master (16-Yrs)	8	0	126	
18	IRFAN ALI	HAZIR GUL	Katli Garhi	25-Feb-1997	923465356574	47	78.22%	69.55%	70	Master (16-Yrs)	8	0	125	
26	KAMRAN ZAMIR	ROYHAN ZAMIR	Katli Garhi	30-Mar-1996	923475191094	48	76.57%	70.64%	70	B.A./B.Sc (14-Yrs)	6	0	124	
48	AYAZ KHAN	TAJ MUHAMMAD	Katli Garhi	15-Mar-1992	923429191087	52	73.44%	52.73%	62	Bachelor (16-Yrs)	8	0	122	
75	FAROOQ ALI	GUL YARIM	Katli Garhi	21-Mar-1991	923429192283	47	74.76%	47.82%	62	Master (16-Yrs)	8	4	121	

Secretary -- MARDAN

Errors/Omissions accepted. Experience marks awarded on the basis of relevant Experience in Govt Service

**Assistant Director (Sr)  
LG & RDD  
Mardan**

Recruitment of Village Secretary (BPS-07) in the Office of Assistant Director LG/RDD - Mardan  
Final Merit-List of District "MARDAN" (Excluding Interview Marks)

ROLL NO.	Candidate Name	Father Name	UC/VC/NC	D.O.B	CELL NO.	ETEA TEST MARKS/ 100	SSC %age Marks	HSSC %age Marks	Basic Edu: Marks/ 70	Highest Qualification	Add: Higher Qualification Marks/ 12	Experience Marks/ 10	TOTAL MARKS/ 192	Intervi: Marks/
06672	AAQIS SHAH	FAZAL REHMAN	✓ Sarobi	31/02/1992	923145538609	48	50.24%	55.27%	53	B.A/B.Sc (14-Yrs)	6	0	107	
05121	SHOAB MUHAMMAD	FAZAL MUHAMMAD	✓ Shahbaig	30-Mar-1994	923059425424	48	66.95%	61.64%	70	Master (16-Yrs)	8	0	126	
05883	AQIF KHAN	SHAH ZAMAN	Shahbaig	17-Feb-1993	923339879414	46	80.00%	76.36%	70	Bachelor (16-Yrs)	8	0	124	
06195	TUFAIL AHMAD	MUHAMMAD IBRAHIM	Shahbaig	15-Jul-1994	923446224576	47	76.48%	79.45%	70	B.A/B.Sc (14-Yrs)	6	0	123	
06285	ABDUL WAJID	MOEEN UD DIN	Shahbaig	24-Mar-1995	923156583583	44	68.95%	69.27%	70	Bachelor (16-Yrs)	8	0	122	
05286	RASOOL KHAN	GUL WALI KHAN	Shahbaig	26-Mar-1989	923049489900	48	60.48%	54.55%	62	Master (16-Yrs)	8	0	118	
05769	MUDASSIR ALI	ZUSAIR SHAH	Shahbaig	25-Mar-1992	923459290536	40	71.89%	56.18%	62	Bachelor (16-Yrs)	8	7	117	
05145	TAHIR	HUSSAIN KHAN	Shahbaig	08-Feb-1988	923369861601	43	46.82%	49.50%	53	Bachelor (16-Yrs)	8	0	104	
05287	SAMI UL HAQ	MUHAMMAD FAROOQ	✓ Shahbaig	28-Mar-1989	923750140145	43	55.81%	54.82%	53	B.A/B.Sc (14-Yrs)	6	0	102	
05041	SALAH UD DIN	USMAN UD DIN	Shahbaz Garhi-3	27-Feb-1985	923340469861	55	70.12%	71.91%	70	M.S/M.Phil (18-Yrs)	12	0	137	
05470	SYED FAYAZ ALI SHAH	SHAMSHER ALI	Shahbaz Garhi-3	27-Jun-1990	923109866088	58	72.00%	64.64%	70	Bachelor (16-Yrs)	8	0	136	
05753	ADNAN AHMAD	MUHAMMAD IBRAHIM	Shahbaz Garhi-3	17-Mar-1994	923093094450	50	77.89%	82.05%	70	Bachelor (16-Yrs)	8	0	136	
05534	MURAD ALI KHAN	MURAD ALI KHAN	Shahbaz Garhi-3	10-Feb-1984	923032700770	49	70.24%	72.50%	70	M.S/M.Phil (18-Yrs)	12	0	131	
05400	MUHAMMAD IMRAN	MUHAMMAD PERVEZ	Shahbaz Garhi-3	03-Mar-1990	923000364305	52	85.52%	80.82%	70	Bachelor (16-Yrs)	8	0	130	
05791	ALLAH YAR	SHAH JEHAN	Shahbaz Garhi-3	05-Apr-1992	923100440941	45	67.89%	70.93%	70	Bachelor (16-Yrs)	8	0	123	
05719	SHER AFGHAN	MUHAMMAD PERVEZ	Shahbaz Garhi-3	31-Mar-1991	923000000000	40	71.73%	69.79%	70	Bachelor (16-Yrs)	8	0	118	
05285	MUHAMMAD AMRIS	ZAMIR MUHAMMAD	Shahbaz Garhi-3	30-Mar-1989	923000000000	42	71.73%	69.79%	67	M.S/M.Phil (18-Yrs)	12	0	116	
06003	MUHAMMAD AMIR	INDOR UL HADI	Shahbaz Garhi-3	02-Jul-1993	923454470912	41	69.90%	73.80%	70	B.A/B.Sc (14-Yrs)	6	0	111	
05794	MUHAMMAD AMIR	YAKHLI KHAN	Shahbaz Garhi-3	06-Apr-1992	923149655187	40	65.11%	47.82%	52	Master (16-Yrs)	8	0	110	
06197	MUHAMMAD AMIR	GHULAM SHAH	Shahbaz Garhi-3	02-Aug-1994	923472808849	43	68.10%	57.09%	62	B.A/B.Sc (14-Yrs)	6	0	105	
05036	MUHAMMAD AMIR	JANAB SHAH	Shahbaz Garhi-3	18-Oct-1984	923139080830	43	55.06%	50.18%	53	B.A/B.Sc (14-Yrs)	6	0	102	
05078	WAREED KHAN	BARADAR KHAN	Sharif Abad	10-Sep-1997	923460309597	55	72.35%	70.06%	70	Master (16-Yrs)	8	0	133	
05040	HAYAT ULLAH	LAJBAR KHAN	Sharif Abad	20-Feb-1985	923170072022	41	62.47%	47.91%	62	Master (16-Yrs)	8	0	111	
05005	ALAMGIR KHAN	AKRAM KHAN	Sharif Abad	30-Apr-1977	923149894395	49	56.47%	51.27%	53	Master (16-Yrs)	8	0	110	
05848	FAROOQ	ZAREEN SHAH	Siraman-3	13-Oct-1997	923140009184	45	77.81%	69.27%	70	Master (16-Yrs)	8	0	123	
06315	UMAIR KHAN	SIRAJ UR REHMAN	Siraman-3	07-Apr-1994	923159449847	43	71.14%	67.09%	70	Bachelor (16-Yrs)	8	0	121	
05612	MUHAMMAD SHANAF	MUSLIM KHAN	Siraman-3	30-Apr-1991	9231492119091	58	51.33%	57.55%	53	Master (16-Yrs)	8	0	119	
05018	TAHIR ULLAH	HEAD ULLAH	Union Council (Urban)	30-1-1991	923147436447	40	60.89%	59.55%	62	Master (16-Yrs)	8	0	110	

*(Handwritten Signature)*



Village Secretary -- MARDAN  
 Assistant Director (Sr)  
 LG & RDD  
 Mardan

BEFORE THE KHYER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 605 /2019

Muhammad Abbas ..... Appellant

Versus

The Govt. of KP and others ..... Respondents

**INDEX**

S.#	Description of Documents	Date	Annexure	Pages
1.	Memo of Application			1-2
2.	Copy of Advertisement		A	3
3.	Copy of Merit List		B	4-7
4.	Copy of CNIC, Domicile Certificate and Birth Certificate		C	8-10
5.	Status-quo order of this Hon'ble Tribunal	21-5-19	D	11-12
6.	Wakalat Nama			13

put up to the court with relevant appeal.

Reader

7/8/19.

Applicant

Zeeshan Ahmad  
S/o Zahir Shah  
R/o Tehsil & District Mardan  
Union Council Mardan Khaas

Through

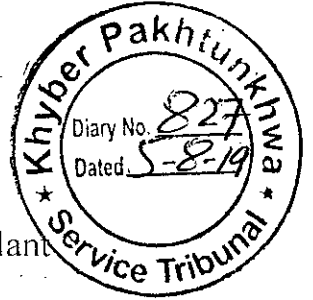
Khaled Rahman  
Advocate, Supreme Court

&

Muhammad Amin Ayub  
Advocate, High Court  
4-B, Haroon Mansion,  
Khyber Bazar, Peshawar  
Cell # 0345-9337312

Dated: \_\_\_/08/2019

Service Appeal No. 605/2019



Muhammad Abbas ..... Appellant

Versus

The Govt. of KP and others ..... Respondents

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**Application for impleadment in the panel of Respondents in the titled Service Appeal.**

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Respectfully Sheweth,

1. That the titled Appeal is pending before the Hon'ble Tribunal and is scheduled for hearing on 09.08.2019.
2. That vide advertisement (*Annex:-A*), multiple posts for appointment on Union Councils level including Village Council Secretary Mardan Khaas were advertised. The applicant being qualified in terms of advertisement, applied for the post of Village Council Secretary (BPS-7) Mardan Khaas who participated in written test and secured 6<sup>th</sup> position in the Merit List. Pursuant the merit list applicant was issued interview letter dated 29.04.2019 (*Annex:-B*), he was interviewed and got successful. It is pertinent to mention here that five topper candidates were not from the concerned Union Council that i.e Mardan Khaas, therefore, they were not considered for appointment against the said post while Petitioner being bonafide resident of the said Union Council as is evident from the CNIC, Domicile Certificate and Birth Certificate (*Annex:-C*) was to be issued appointment order against the post of Village Council Secretary (BPS-7), Mardan Khaas being the sole resident of the said Union Council.
3. That applicant was waiting for appointment order but meanwhile was informed by the concerned quarter that due to status-quo order dated 21-05-2019 (*Annex:-D*) of this Hon'ble Tribunal passed in the titled Service Appeal appointment order of applicant could not be issued.

4. That proper advertisement, test and interview were conducted for the post of Village Council Secretary (BPS-7) Mardān Khaas wherein appellant got successful, therefore, the Department is duty bound to issue the appointment order of applicant against the said post, but due to status quo order of this Hon'ble Tribunal, appointment order of applicant is not being issued.
5. That being necessary and proper party, the impleadment of the applicant in the titled Service Appeal is necessary on the ground that he has been recommended for selection/appointment against the post of Village Council Secretary (BPS-7) Mardān Khaas which is not only in the interest of justice but the same will also enable the Hon'ble Tribunal to reach to a just and proper conclusion by passing a well-reasoned Judgment.

It is, therefore, humbly prayed that the applicant may graciously be allowed to be arrayed as Respondent in the titled appeal in the panel of Respondents to defend his rights.

**Applicant**

**Zeeshan Ahmad**  
S/o Zahir Shah  
R/o Tehsil & District Mardān  
Union Council Mardān Khaas

Through

**Khaled Rahman,**  
Advocate, Supreme Court

&

**Muhammad Amin Ayub**  
Advocate, High Court

Dated: \_\_\_/08/2019

**Affidavit**

I, Zeeshan Ahmad S/o Zahir Shah, do hereby affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent

**ATTESTED**



Annex A

3

**اشتراک برائے میٹرنگ سیکرٹری (BPS-07) برائے ویج ایجر ہونڈ کونسل و میٹرنگ**  
**کلک (BPS-11) برائے دفتر اسٹنٹ ڈائریکٹر تعلیمات اور کونسل اعلیٰ تعلیمات و کونسل ترقی**

دفتر پڑا کو بیچ سیکرٹری برائے ویج ایجر ہونڈ کونسل اور میٹرنگ کلک برائے دفتر اسٹنٹ ڈائریکٹر تعلیمات اور کونسل اعلیٰ تعلیمات و کونسل ترقی کی خالی آسامیوں کو پُر کرنے کے لئے اہل امیدواروں سے درخواستیں مطلوب ہیں۔ خالی آسامیوں کے بارے میں تفصیل دفتر پڑا سے حاصل کی جاسکتی ہے۔  
**مطلوبہ قابلیت اور دیگر شرائط:**

نمبر شمار	منصب	نام آسامی	نام ویج ایجر ہونڈ کونسل	تعداد آسامی	نمائی سکین
1	مردان	ویج سیکرٹری برائے ویج ایجر ہونڈ کونسل	1۔ مردان خاص-2 2۔ خواجہ راجہ 3۔ بہرام خان گل 4۔ کمرات-2 5۔ شریف آباد 6۔ چک مردان-2 7۔ منیار-2 8۔ شہ پور کوسمی-3 9۔ سکدری-3 10۔ کمر کوسمی-3 11۔ گل ہارٹ-2 12۔ ادری ہم-1 13۔ تھیمان-1 14۔ شاہ چک 15۔ کالو شاہ 16۔ کی کوسمی 17۔ سردانی 18۔ بیڑ خرنک-2 19۔ جمال کوسمی 2۔ 20۔ ڈیگری	20	07

مطلوبہ 1۔ حکومت کے تعین شدہ پورے ایف اے / ایف ایس ای پاس کے مساوی قابلیت  
 2۔ حکومت کے تعین شدہ ایف اے / ایف ایس ای پاس کے مساوی قابلیت اور کم از کم 16 سالہ عمر کی پاس کی ہونے اور (Language) ایف اے / ایف ایس ای پاس میں موجود حاصل ہو۔

نمبر شمار	منصب	نام آسامی	نام ویج ایجر ہونڈ کونسل	تعداد آسامی	نمائی سکین
2	مردان	میٹرنگ کلک	مردان	11	11

مطلوبہ قابلیت 1۔ تعین شدہ پورے ایف اے / ایف ایس ای پاس کے مساوی قابلیت  
 عمر کی حد 30-18

1۔ ویلج سیکرٹری برائے ویج ایجر ہونڈ کونسل: متعلقہ ویج ایجر ہونڈ کونسل کے سکریٹری ہونے کی ضرورت ہے اور اس کی آواز اس ویج ایجر ہونڈ کونسل میں متعلقہ امیدوار موجود نہ ہونے کے متعلق ویج ایجر ہونڈ کونسل کے امیدوار کو منتخب کیا جائے گا۔ اگر اس کے باوجود متعلقہ امیدوار موجود نہ ہو تو اسی تحصیل کے امیدوار کو میٹرنگ کی بنیاد پر منتخب کیا جائے گا۔  
 2۔ جونیئر کلرک: امیدوار متعلقہ سطح کے ڈیپلومہ پاس کیا ہونا چاہئے۔  
 3۔ تمام تقرریاں حکومت شہر بہاولپور کے متعلقہ دفتر کے مطابق خالصتاً میٹرنگ کی بنیاد پر ہوں گی۔  
 4۔ سرکاری ملازمین اپنے جگہ کی مراعات سے درخواستیں جمع کرا سکتے ہیں۔

**درخواست دینے کا طریقہ کار:-**  
 امیدواران اپنی درخواستیں آن لائن ایف اے کی ویب سائٹ [www.elea.edu](http://www.elea.edu) سے مورخہ 28 دسمبر 2017 تک جمع کرائیں۔ (درخواست میں دیے گئے کوآڈ کے درست نہ ہونے کی تمام ذمہ داری درخواست دہندہ پر ہوگی) درخواست گزار جمع شدہ آن لائن درخواست کارڈز آؤٹ میں پیکچر ٹیکنیکل نمبر موجود ہے جس کی قیمت 500 روپے (پانچ سو روپے) قابل واپسی HBL کے کسی بھی برانچ میں مجوزہ ڈیپازٹ سلب پر ایف اے کے اکاؤنٹ میں جمع کروائیں اور اس کے لئے درخواست فارم میں اصل ڈیپازٹ سلب (ETEA Copy) 2 عدد لگائیں۔ (پاسپورٹ سائز) پیکچر لائسنس اور ڈیپازٹ سلب اور ٹیکس اسٹامپ کے ساتھ تصدیق شدہ فوٹو کاپی بذریعہ ایک ایجوکیشنل سرورس ایف اے دفتر (سکٹر E8۔ کمان نمبر 22، گل ہارٹ 13 حیات آباد فیئر 77، ویج ایجر ہونڈ کونسل) کے پتے پر ارسال کریں۔ تحریری امتحان کے لئے بذریعہ SMS مطلع کیا جائے گا۔ ٹیسٹ داغی کے لئے کوئی TAIDA ٹیکس نہیں دیا جائے گا۔  
 نوٹ:- آن لائن درخواست جمع کرنے کے لئے درخواست گزار اپنے تعلیمی دستخط کو آؤٹ اور Scanned اور Passport size Pict (پاسپورٹ سائز تصویر کی سائٹ کاپی) ضرور اپنے ساتھ رکھیں۔ درخواستیں جمع کرائے گی آخری تاریخ 15 جنوری 2018ء ہے، مقررہ تاریخ کے بعد کوئی درخواست قابل قبول نہیں ہوگی۔

**اشتراک برائے میٹرنگ سیکرٹری اسٹنٹ ڈائریکٹر تعلیمات اور کونسل اعلیٰ تعلیمات و کونسل ترقی**  
**کلک (BPS-11) برائے دفتر اسٹنٹ ڈائریکٹر تعلیمات اور کونسل اعلیٰ تعلیمات و کونسل ترقی**

Assistants for (S) LG & RUQ Mardan

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Department of Village Secretary (BPS-07) in the Office of Assistant Director, LG/RDD - Mardan  
Final Merit-List of District "MARDAN" (Excluding Interview Marks)

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**Annex B - 4**

ROLL NO.	Candidate Name	Father Name	UC/VC/NC	D.O.B	CELL NO.	ETEA TEST MARKS/100	SSC Marks Marks	HSSC Marks Marks	Basic Edu. Marks/70	Highest Qualification	Add. Highc. Qualification Marks/12	Experience Marks/10	TOTAL MARKS/ 192	Interview Marks/
06252	MUHAMMAD ZAMIR	KOSHAN ZAMIR	Katti Garhi	22-Feb-1965	92345936072	45	82.00%	72.73%	70	B.A/B.Sc (14-Yrs)	6	0	121	
05132	SAIB IQBAL	RAFDAT KHAN	Katti Garhi	14-Jan-1963	92342317172	44	70.24%	71.91%	70	B.A/B.Sc (14-Yrs)	6	0	120	
05730	AFZAL AHMAD	MUHAMMAD YACUB	Katti Garhi	09-Mar-1992	92313135825	42	78.29%	64.18%	70	B.A/B.Sc (14-Yrs)	6	0	118	
05721	FAZAL RAYED	ABDUL SATAR	Katti Garhi	02-Mar-1992	923439574723	47	75.57%	56.73%	62	Master (16-Yrs)	8	0	117	
06538	ZAFAR IQBAL	SULTAN BAHADER	Katti Garhi	04-Apr-1997	9233555624157	43	81.43%	75.19%	70	B.A/B.Sc (12-Yrs)	0	0	113	
06045	ASAD ULLAH	SAFYAR KHAN	Khwaja Rashke	13-Jan-1994	923449166881	52	65.24%	69.42%	70	Master (16-Yrs)	8	0	130	
06257	ZAHOR KHAN	MUKAM KHAN	Khwaja Rashke	02-Mar-1995	923449593215	40	60.00%	60.45%	70	B.A/B.Sc (14-Yrs)	6	0	116	
05449	SADAM HUSSAIN	RAHIM GUL	Khwaja Rashke	25-Apr-1966	92303978359	40	65.31%	66.27%	70	B.A/B.Sc (14-Yrs)	6	0	116	
05424	MUHAMMAD KHAN	KHALID KHAN	Khwaja Rashke	25-Mar-1990	923435347767	43	60.48%	50.73%	62	B.A/B.Sc (14-Yrs)	6	0	111	
05733	MUHAMMAD KAEEM	IHSAN ULLAH	Khwaja Rashke	10-Mar-1992	923459779605	42	75.33%	59.64%	62	B.A/B.Sc (14-Yrs)	6	0	110	
05947	SAIF ULLAH	FAZAL E ANJOLA	Mardan Khas-2	10-Oct-1992	923348448319	70	82.57%	70.36%	70	Bachelor (16-Yrs)	3	0	148	
06144	ADNAN ULLAH	MUHAMMAD ULLAH	Mardan Khas-2	10-Oct-1992	923119019117	47	60.57%	70.50%	70	Master (16-Yrs)	8	0	125	
05137	PIRJI	KHUSHAL KHAN	Mardan Khas-2	26-Jan-1967	923134625599	49	69.81%	69.04%	62	Master (16-Yrs)	8	0	119	
05505	MUHAMMAD WAQAS SAIED	MUHAMMAD SAIED KHAN	Mardan Khas-2	01-Jan-1991	9231190390090	42	64.00%	57.64%	62	M.S/M.Phil (16-Yrs)	12	0	116	
06006	SHAHAB ULLAH	GUL SHAH MEER	Mardan Khas-2	25-Jul-1993	923449526542	44	78.67%	78.73%	70	B.A/B.Sc (12-Yrs)	0	0	114	
06208	ELDHAN AHMAD	ELDHAN KHAN	Mardan Khas-2	10-Oct-1992	923119070001	40	59.62%	65.83%	61	Master (16-Yrs)	8	0	109	
05011	ASIF SELC	MIRYA SHAH	Mardan Khas-2	06-Feb-1960	923149917579	46	54.88%	40.27%	47	M.S/M.Phil (16-Yrs)	12	0	105	
05051	KASHIF AZMAT	MUHAMMAD AZMAT ULLAH	Mardan Khas-2	30-Nov-1968	923139959074	44	57.53%	47.12%	53	Bachelor (16-Yrs)	3	0	105	
06607	MUHAMMAD MUSAWIR SHAH	KHAYAT KHAN	Mardan Khas-2	20-Mar-1990	923109192400	45	67.05%	55.82%	62	B.A/B.Sc (12-Yrs)	0	0	105	
05043	HASIR SAIED	MIRYA SHAH	Mardan Khas-2	31-Mar-1965	923149644494	48	43.65%	52.45%	48	Master (16-Yrs)	8	0	104	
06585	ZAWAR HUSSAIN	AYUB KHAN	Mardan Khas-2	07-Feb-1998	923120943202	40	70.82%	59.91%	62	B.A/B.Sc (12-Yrs)	0	0	102	
05653	ABDUL HASEEB SHAH	NADAR KHAN	Mardan Khas-2	11-Apr-1991	923449585455	42	55.00%	54.00%	53	B.A/B.Sc (14-Yrs)	6	0	101	
05972	ZUBAIR SHAH	MUSLIM SHAH	Mardan Khas-2	29-Apr-1966	923109169304	40	54.57%	49.64%	53	B.A/B.Sc (16-Yrs)	6	0	99	
06140	MUHAMMAD USMAN	MUHAMMAD IQBAL	Mayer-2	06-Apr-1997	923140895927	46	78.29%	76.27%	70	Bachelor (16-Yrs)	3	0	124	
05731	SIGHAT ULLAH	JALAL ULLAH	Mayer-2	09-Mar-1992	923119918972	50	66.00%	49.45%	62	Master (16-Yrs)	8	0	120	
05515	ADIL AHMAD	TRIA MUHAMMAD	Mayer-2	14-Jan-1991	923119131908	40	60.56%	53.45%	70	Bachelor (16-Yrs)	3	0	118	
03050	MUHAMMAD SAIED	MUHAMMAD SAIED	Mayer-2	16-Feb-1966	923439204950	49	55.12%	64.00%	61	B.A/B.Sc (14-Yrs)	5	0	116	
06328	BERAL KHAN	MUHAMMAD ELDHAN	Mayer-2	17-Apr-1995	923449528188	40	61.52%	59.00%	62	B.A/B.Sc (14-Yrs)	6	0	108	
06130	MUBASHIR MEHMOOD	INAYAT ULLAH	Mira Esra	03-Apr-1994	923135205605	45	74.95%	63.55%	70	Bachelor (16-Yrs)	8	0	124	
06515	HANZA QADEER	ABDUL QADEER	Muslim Acad	17-Mar-1997	923119073715	42	74.43%	70.91%	70	B.A/B.Sc (12-Yrs)	0	0	112	
06080	WISAL MUHAMMAD	GUL KHAN	Sirobi	09-Mar-1994	923449521690	42	60.00%	60.93%	70	Master (16-Yrs)	8	0	120	

Village Secretary - MARDAN.

Assistant Director (Sr) LG & RDD Mardan.

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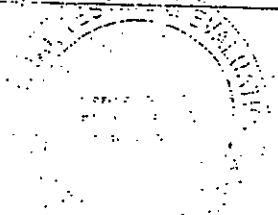
Recruitment of Village Secretary (BPS-07) in the Office of Assistant Director LG/RDD - Mardan  
 Final Merit List of District "MARDAN" (Excluding Interview Marks)

Sl. No.	Candidate Name	Father Name	UC/VC/NC	D.O.B	CELL NO.	ETEA TEST MARKS/ 100	SSC %age Marks	HSSC %age Marks	Basic Edu: Marks/ 70	Highest Qualification	Add: Higher Qualification Marks/ 12	Experience Marks/ 10	TOTAL MARKS/ 192	Intervi: Marks/
55	AAQIB SOHAIL	FAZAL REHMAN	✓ Sarabi	21/12/1992	923145523609	48	50.24%	55.27%	53	B.A/B.Sc (14-Yrs)	5	0	107	
56	SHOAB MUHAMMAD	FAZAL MUHAMMAD	✓ Shahbaig	30-Mar-1994	923059425424	48	66.95%	61.64%	70	Master (15-Yrs)	8	0	126	
59	IAF KHAN	SHAH ZAMAN	Shahbaig	17-Feb-1993	923339879414	46	80.00%	76.36%	70	Bachelor (14-Yrs)	8	0	124	
62	TUFAN AHMAD	MUHAMMAD IBRAHIM	Shahbaig	15-Jul-1994	923446224576	47	76.48%	79.45%	70	B.A/B.Sc (14-Yrs)	5	0	123	
53	ABDUL MAJID	MOEEN UD DIN	Shahbaig	24-Mar-1995	923158383553	44	63.95%	69.27%	70	Bachelor (16-Yrs)	8	0	122	
54	MUASSIR ALI	ZUBAIR SHAH	Shahbaig	26-Mar-1989	923049483900	48	60.43%	54.55%	52	Master (15-Yrs)	8	0	118	
55	TAHIR	HUSSEIN KHAN	Shahbaig	25-Mar-1992	923459290336	40	71.89%	55.18%	62	Bachelor (15-Yrs)	8	7	117	
56	SAMI UL HAQ	MUHAMMAD FARDOQ	✓ Shahbaig	08-Feb-1993	923369861601	43	46.82%	49.50%	53	Bachelor (15-Yrs)	8	0	104	
50	SALAH UD DIN	USMAN UD DIN	Shahbaig	23-Mar-1989	9232750140145	43	55.81%	54.82%	53	B.A/B.Sc (14-Yrs)	6	0	102	
54	SYED FAYAZ ALI SHAH	SHAMSER ALI	Shahbaz Garhi-3	27-Feb-1994	923348348061	55	70.12%	71.91%	70	M.S/M.Phil (18-Yrs)	12	0	137	
53	ADHAN AHMAD	MUHAMMAD IBRAHIM	Shahbaz Garhi-3	27-Jun-1995	923109866688	58	72.00%	64.64%	70	Bachelor (15-Yrs)	8	0	136	
52	MUHAMMAD ANWAR	MUHAMMAD PERVEZ	Shahbaz Garhi-3	17-Feb-1994	923059425424	50	77.69%	62.09%	70	Bachelor (15-Yrs)	8	0	136	
53	MUHAMMAD BIRAN	MUHAMMAD PERVEZ	Shahbaz Garhi-3	10-Feb-1994	923059425424	49	70.24%	72.30%	70	M.S/M.Phil (18-Yrs)	12	0	131	
52	ALLAH YAR	SHAH JEHAN	Shahbaz Garhi-3	03-Mar-1990	923059425424	52	85.52%	80.32%	70	Bachelor (15-Yrs)	8	0	130	
57	SHER AFCHAN	MUHAMMAD PERVEZ	Shahbaz Garhi-3	05-Apr-1992	923059425424	45	67.89%	70.93%	70	Bachelor (15-Yrs)	8	0	123	
52	MUHAMMAD ANWAR	MUHAMMAD PERVEZ	Shahbaz Garhi-3	17-Feb-1994	923059425424	49	70.24%	72.30%	70	Bachelor (15-Yrs)	8	0	118	
50	MUHAMMAD AMIR	RUOF UL HAQ	Shahbaz Garhi-3	20-Apr-1996	923145523609	42	71.78%	50.73%	67	M.S/M.Phil (18-Yrs)	12	0	115	
57	MUHAMMAD ANWAR	MUHAMMAD PERVEZ	Shahbaz Garhi-3	02-Jul-1994	923446224576	41	69.50%	73.80%	70	B.A/B.Sc (14-Yrs)	7	0	111	
51	MUHAMMAD ANWAR	MUHAMMAD PERVEZ	Shahbaz Garhi-3	06-Apr-1992	923149055187	40	65.11%	47.82%	62	Master (15-Yrs)	8	0	110	
50	MUHAMMAD ANWAR	MUHAMMAD PERVEZ	Shahbaz Garhi-3	02-Aug-1994	923471208348	43	68.10%	57.09%	62	B.A/B.Sc (14-Yrs)	0	0	105	
50	MUHAMMAD ANWAR	MUHAMMAD PERVEZ	Shahbaz Garhi-3	18-Oct-1990	923129030690	43	55.06%	50.15%	53	B.A/B.Sc (14-Yrs)	6	0	102	
50	HAYAT ULLAH	ABDUL KHAN	Sharif Abad	10-Sep-1992	923469309557	55	72.35%	70.03%	70	Master (16-Yrs)	8	0	133	
50	ALAMGIR KHAN	AHKAM KHAN	Sharif Abad	20-Feb-1995	923145523609	41	62.47%	47.91%	62	Master (15-Yrs)	8	0	111	
48	FARDOQ	GAREEM KHAN	Shahbaz Garhi-3	30-Apr-1977	923149055187	49	56.47%	51.27%	53	Master (16-Yrs)	8	0	110	
43	AMRAN KHAN	SHAH ZEENAT	Shahbaz Garhi-3	13-Oct-1992	923149055187	45	77.81%	69.27%	70	Master (15-Yrs)	8	0	123	
45	MUHAMMAD AMRAN	MUHAMMAD PERVEZ	Shahbaz Garhi-3	07-Apr-1997	923149055187	43	71.41%	50.73%	67	Bachelor (15-Yrs)	8	0	121	
40	TAHIR ULLAH	IBRAHIM KHAN	Shahbaz Garhi-3	10-Apr-1991	923149055187	58	81.09%	67.55%	59	Master (15-Yrs)	8	0	119	
40	MUHAMMAD AMRAN	MUHAMMAD PERVEZ	Shahbaz Garhi-3	01-Mar-1997	923149055187	40	62.89%	50.65%	62	Bachelor (15-Yrs)	8	0	110	

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Secretary - MARDAN  
 Omissions or errors in Experience marks of candidates may not be made to the credit of any candidate.

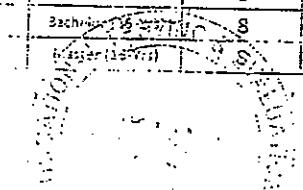


Recruitment of Village Secretary (BPS-07) in the Office of Assistant Director, LG/RDD - Mardan  
Final Merit-List of District "MARDAN" (Excluding interview Marks)

L NO.	Candidate Name	Father Name	UC/VC/NC	D.O.B	CELL NO.	ETEA TEST MARKS/ 100	SSC Marks	HSSC Marks	Bank Exam Marks/ 70	Highest Qualification	Add. Higher Qualification Marks/ 12	Experienced Marks/ 10	TOTAL MARKS/ 192	Interview Marks/
346	FAIZAN BADSHAH	FAZAL BADSHAH	Gujar Garhi-3	02-Jul-1995	923319860036	57	80.38%	65.55%	70	Secelor (15-Yrs)	8	0	135	
297	TAHIR ALI	ZAKHIAN UDDIN	Gujar Garhi-3	02-Apr-1995	923139514585	49	79.43%	65.27%	70	Master (15-Yrs)	8	0	127	
505	TAJMEER AHMAD	FAZAL KHAN	Gujar Garhi-3	09-Apr-1991	923109959322	46	58.33%	60.06%	70	Bachelor (15-Yrs)	8	0	124	
543	SYED FAWAD BACHA	SMERERYAR BADSHAH	Gujar Garhi-2	23-Feb-1991	923139335008	42	69.00%	70.00%	70	Master (15-Yrs)	8	0	120	
309	FIDA ULLAH	ZAHIR ULLAH	Gujar Garhi-3	17-Mar-1993	923459357873	41	72.11%	72.28%	70	Master (15-Yrs)	8	0	119	
307	MUHAMMAD ZEESHAN	SHAUKAT ALI	Gujar Garhi-3	02-Aug-1993	923139615761	40	85.19%	80.82%	70	Bachelor (15-Yrs)	8	0	118	
292	MUHAMMAD NUMAN	MUKHTAR MUHAMMAD	Gujar Garhi-3	31-Mar-1995	923120098795	42	76.76%	64.27%	70	B.A/B.Sc (14-Yrs)	5	0	118	
312	TAMIR SAID	ZAIN UD DIN	Gujar Garhi-3	20-Mar-1993	923139393498	44	78.95%	54.82%	62	Bachelor (15-Yrs)	8	0	114	
113	ZAHIR SAID	ZAIN UD DIN	Gujar Garhi-2	25-Mar-1994	923000435028	44	72.75%	52.64%	62	Master (15-Yrs)	8	0	114	
190	MUHAMMAD TALHA HADEP	ZAFAR ULLAH KHAN	Gujar Garhi-3	10-Jun-1994	923028709928	41	82.10%	78.45%	70	F.A/B.Sc (12-Yrs)	0	0	111	
345	FARHAD ALI	MURAD ALI	Gujar Garhi-3	09-Feb-1995	923365289280	42	59.33%	60.00%	61	B.A/B.Sc (14-Yrs)	6	0	109	
334	LATIF ULLAH	MUHAMMAD AYUB	Gujar Garhi-2	06-Apr-1995	923444234305	46	70.19%	61.54%	70	Bachelor (15-Yrs)	8	0	124	
317	HADISAN ALI	ERHAN ALI	Gujar Garhi-2	01-Sep-1995	923145514595	52	72.38%	55.55%	70	F.A/B.Sc (12-Yrs)	0	0	122	
158	SULEMAN KHAN	BADSHAH KHAN	Hathyan-1A	10-Mar-1988	923469214195	46	69.05%	55.82%	62	Master (15-Yrs)	8	0	116	
165	MUHAMMAD FAROOQ KHAN	ABDULLAH	Hathyan-1	19-Jan-1990	923442827654	43	58.48%	58.64%	53	Master (15-Yrs)	8	0	104	
128	SHAHID KHAN	MUHAMMAD ALI	Jamal Garhi-2	04-Feb-1991	923399432708	50	71.72%	74.19%	70	Bachelor (15-Yrs)	8	0	130	
145	MUHAMMAD IMRAN KHAN	ERHAN ALI	Jamal Garhi-2	27-Feb-1992	923399432708	50	70.35%	78.45%	70	Bachelor (15-Yrs)	8	0	128	
146	QAYUM GUL	RANAT GUL	Jamal Garhi-2	13-Feb-1995	923451506147	42	61.05%	61.82%	70	Bachelor (15-Yrs)	8	0	120	
76	SULAIMAN GHANI	USMAN GHANI	Jamal Garhi-2	14-Jan-1996	923455534918	44	68.19%	68.57%	70	F.A/B.Sc (12-Yrs)	0	0	114	
14	UMAR SHAH	FARIZ SHAH	Jamal Garhi-2	18-Mar-1995	923404619445	43	63.43%	56.09%	62	B.A/B.Sc (14-Yrs)	6	0	111	
00	ZAHOR ALI KHAN	FASIH UL USAN	Jamal Garhi-2	10-Mar-1993	923459340545	40	64.10%	46.18%	62	B.A/B.Sc (14-Yrs)	5	0	108	
96	ADNAN	UMAR GHANI	Kalu Shah	18-Apr-1988	923130094978	49	62.47%	63.45%	70	Bachelor (15-Yrs)	8	0	127	
26	SAJAD	AMAR ULLAH KHAN	Kalu Shah	05-Mar-1992	923005022628	41	63.44%	57.64%	62	B.A/B.Sc (14-Yrs)	6	0	109	
75	NAVEED AHMAD	KHADIM SAH	Kalu Shah	10-Jul-1997	923479304655	40	58.82%	42.82%	47	Master (15-Yrs)	8	0	95	
05	TARIQ AHMAD	RASHID AHMAD	Kashkoraena	17-Mar-1994	923139431401	48	59.95%	48.91%	62	Bachelor (15-Yrs)	8	0	118	
74	SYED JALAL SHAH	SYED SHAFFAR SHAH	Kati Garhi	10-Mar-1991	923468318671	53	61.35%	71.55%	70	Bachelor (15-Yrs)	8	10	141	
56	MUHAMMAD AYAZ	NUMEER KHAN	Kati Garhi	17-Mar-1995	923409035100	48	77.33%	75.38%	70	Master (15-Yrs)	8	0	126	
18	IRFAN ALI	HASIR GUL	Kati Garhi	25-Feb-1992	923455356576	47	78.22%	69.55%	70	Master (15-Yrs)	8	0	125	
25	KAMRAN TAMIR	MOHAMMAM TAMIR	Kati Garhi	30-Mar-1996	923475191694	48	75.57%	70.64%	70	B.A/B.Sc (14-Yrs)	6	0	124	
48	AYAZ KHAN	TAJ MUHAMMAD	Kati Garhi	15-Mar-1992	923425191037	52	73.44%	52.73%	62	Bachelor (15-Yrs)	8	0	122	
75	FAROOQ ALI	GUL SHAH	Kati Garhi	21-Mar-1991	923425191037	47	74.78%	47.52%	62	Master (15-Yrs)	8	4	121	

Secretary - MARDAN

Errors/Omissions except of Superior's marks will be  
 a relevant responsibility of Candidate.  
 Assistant Director (Sr)  
 LG & RDD  
 Mardan



Recruitment of Village Secretary (BPS-07) in the Office of Assistant Director LG/RDD - Mardan  
Final Merit-List of District "MARDAN" (Excluding Interview Marks)

AES

ROLL NO.	Candidate Name	Father Name	HC/MC/NC	D.O.B	CELL NO.	E/EA TEST MARKS/100	SSC %age Marks	HSSC %age Marks	Basic Edu: Marks/70	Highest Qualification	Add Higher Qualification Marks/12	Experience Marks/10	TOTAL MARKS/192	Interview Marks/
05935	NAZEER KHAN	AYUB JAM	Babina ✓	06-Apr-1993	923442173554	50	73.90%	66.82%	70	Master (16-Yrs)	8	0	128	
06533	HAMZA FAWAD	FAWAD MUHAMMAD	Baghe Khan ✓	02-Apr-1997	923131193000	40	74.48%	66.45%	70	B.A/B.Sc (14-Yrs)	6	0	116	
05240	JAN MUHAMMAD	SHAMSUL QAMAR	Bari Cham-1 ✓	15-Jan-1989	922469347531	48	62.19%	66.55%	70	Master (16-Yrs)	8	4	130	
05354	MUHAMMAD SHERAZ	HAYAT MUHAMMAD	Bari Cham-1 ✓	03-Jan-1990	923339868789	59	59.71%	49.64%	53	Bachelor (16-Yrs)	8	0	120	
05679	ASADULLAH	MUHAMMAD ILYAS KHAN	Bari Cham-1 ✓	04-Jan-1992	923009013326	45	52.11%	51.45%	53	Bachelor (16-Yrs)	8	0	106	
05059	MUHAMMAD KAMRAN	MUHAMMAD ZAMIR	Bari Cham-1 ✓	15-Sep-1986	923459353343	41	55.06%	51.91%	53	Master (16-Yrs)	8	0	102	
05969	NUMAN	GHULAAM RASOOL	Behram Khan Kiley ✓	25-Apr-1993	923138797223	54	59.24%	65.00%	61	Master (16-Yrs)	8	0	123	
05999	MUHAMMAD NAEEM	QAIM KHAN	Behram Khan Kiley ✓	10-Jun-1993	923123553735	40	70.10%	51.27%	62	F.A/F.Sc (12-Yrs)	0	0	102	
05416	ISHTIAQ ALAM ✓	KHURSHID ALAM ✓	Bezo Kherki-2 ✓	15-Mar-1990	923438913884	51	77.43%	68.09%	70	M.S/M.Phil (18-Yrs)	12	0	133	
05162	ABDUL WAHID ✓	NISAR ULLAH ✓	Bezo Kherki-2 ✓	15-Mar-1983	923479618970	49	60.48%	65.73%	70	Master (16-Yrs)	8	4	131	
05064	ZIA UR RAHMAN ✓	RAHMAN UD DIN ✓	Bezo Kherki-2 ✓	10-Jan-1987	923439722102	51	76.71%	58.45%	70	Master (16-Yrs)	8	0	129	
05065	SHAHID ALI ✓	MUHAMMAD IBRAHIM ✓	Bezo Kherki-2 ✓	15-Jan-1987	923455999733	48	63.85%	61.00%	70	Master (16-Yrs)	8	0	126	
05267	MUHAMMAD AKRAM ✓	RAHIM KHAN ✓	Bezo Kherki-2 ✓	07-Mar-1989	923439914056	48	76.29%	65.55%	70	Master (16-Yrs)	8	0	126	
05384	KASHIF ULLAH ✓	ZAHIR SHAH ✓	Bezo Kherki-2 ✓	12-Feb-1990	923459287993	42	86.00%	66.55%	70	M.S/M.Phil (18-Yrs)	12	0	124	
05038	FARHAD ALI ✓	RAHAM SALAH ✓	Bezo Kherki-2 ✓	03-Feb-1985	923459358957	40	63.43%	53.64%	62	Master (16-Yrs)	8	0	110	
06149	SHAHZAD KHAN ✓	SHER ALAM ✓	Bezo Kherki-2 ✓	11-Apr-1984	923435473175	40	54.10%	55.09%	62	Bachelor (16-Yrs)	8	0	110	
05970	SAJJAD KHAN ✓	MUHAMMAD UMAR KHAN ✓	Chak Mardan-2 ✓	15-Apr-1993	922133512125	47	60.98%	70.93%	70	B.A/B.Sc (14-Yrs)	5	4	127	
06663	MUHAMMAD TAIMUR KHAN ✓	GUL BAHADAR ✓	Chak Mardan-2 ✓	17-Jun-1999	923055720260	43	78.09%	64.09%	70	F.A/F.Sc (12-Yrs)	0	0	113	
05837	SUFAID MUHAMMAD ✓	FIDA MUHAMMAD ✓	Chak Mardan-2 ✓	06-Aug-1992	923459356714	41	55.00%	48.35%	53	Bachelor (15-Yrs)	8	0	102	
05193	SHASBEER AHMAD ✓	ABDUL WAJID ✓	Dheri ✓	15-Apr-1983	923439172484	47	66.24%	66.82%	70	Bachelor (16-Yrs)	8	0	125	
05651	MUHAMMAD YAYF ✓	BAKHT RANGZEB ✓	Dheri ✓	09-Sep-1991	923449191503	48	81.11%	74.00%	70	F.A/F.Sc (12-Yrs)	0	0	118	
05673	BAKHT SHED ✓	GUL HAIDER ✓	Dheri ✓	01-Jan-1992	923485049486	45	60.44%	50.45%	62	B.A/B.Sc (14-Yrs)	6	4	117	
05463	ILYAS UMAR ✓	NOOR UL ZADA ✓	Dheri ✓	05-Jul-1996	923429031086	42	59.33%	69.00%	70	F.A/F.Sc (12-Yrs)	0	0	112	
05110	INTISHAM UL HAQ ✓	NOOR UL HAQ ✓	Dheri ✓	20-Dec-1987	923449191525	42	67.05%	55.27%	62	B.A/B.Sc (14-Yrs)	6	0	110	
05532	AAMIR TUFAIL ✓	SAEED GUL ✓	Dheri ✓	02-Apr-1997	923409833198	42	65.43%	55.09%	62	F.A/F.Sc (12-Yrs)	0	0	104	
05411	SABIR BAHADAR ✓	KHAN BAHADAR ✓	Dheri ✓	11-Mar-1990	923477011581	42	42.95%	51.27%	48	B.A/B.Sc (14-Yrs)	6	0	96	
05197	MUHAMMAD UBAID ULLAH ✓	MUHAMMAD DIYAR KHAN ✓	Gali Bagh-2 ✓	20-Apr-1988	92339430791	53	74.12%	75.41%	70	Bachelor (16-Yrs)	8	0	131	
05785	JAN SHER ✓	MUHAMMAD SHER ✓	Gali Bagh-2 ✓	02-Apr-1992	923343662353	43	67.56%	65.35%	70	Bachelor (16-Yrs)	8	0	121	
05928	ABDUL NAEEM KHAN ✓	ABDUL QAYUM KHAN ✓	Gali Bagh-2 ✓	03-Apr-1993	923109988400	51	62.86%	59.91%	62	Bachelor (16-Yrs)	8	0	121	
05204	NAVEED SHER ✓	ALAM SHER ✓	Gali Bagh-2 ✓	30-Jun-1985	923469365087	42	59.06%	62.53%	61	B.A/B.Sc (14-Yrs)	6	0	109	
05706	SHAH KHALID ✓	SHAHID ✓	Gali Bagh-2 ✓	11-Feb-1992	923139405810	47	54.44%	51.82%	53	Master (16-Yrs)	8	0	108	

7

B

Secretary - MARDAN

Applications accepted. Experience marks awarded by

Ministry in Govt. Serv.

Assistant Director (S) LG & RDD MARDAN



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name  
Zeeshan Ahmad



Father Name  
Zahir Shah



Gender	Country of Stay
M	Pakistan
Identity Number	Date of Birth
16101-9367501-1	10.09.1994
Date of Issue	Date of Expiry
08.07.2019	08.07.2029

Holder's Signature

Amir C  
B

16101-9367501-1

سٹیٹن پوزٹل سٹیشن آف ایئر سروس، خاص، مردان

سٹیٹن پوزٹل سٹیشن آف ایئر سروس، خاص، مردان

101111363423

Registrar General of Pakistan

گمشدہ کارڈ ملے پر قریبی لیو ایکس میں ڈال دیں

Handwritten signature


# DOMICILE CERTIFICATE - 3

## MARDAN

I declare that I was born of parents who are permanently domicile in Khyber Pakhtunkhwa having belonged to it by birth/settled in it. I belong by birth to village/Mohallah ZAMIN ABAD, MARDAN.

Tehsil MARDAN

District MARDAN

Signature of the applicant 

Date 24.07.2015

Pursuance to the declaration dated 24.07.2015 Field by

ZEEESHAN AHMAD

Son/Daughter/Wife of ZAHIR SHAH

Domiciled in the Khyber Pakhtunkhwa, it is here by certified that the

Said ZEEESHAN AHMAD is born

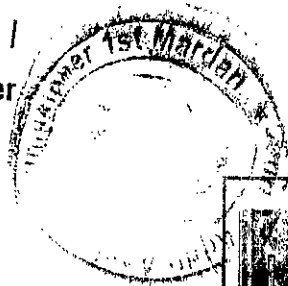
Of parents who are permanent resident of the Khyber Pakhtunkhwa having belonged to it by Birth/Settled in it

I have satisfied my self form personal knowledge verification over leaf that the above declaration is true certify.

This 31<sup>st</sup> Day of July 20 15

Assistant Commissioner /

Adl: Asstt Commissioner



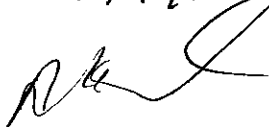
~~COUNTERSIGNED~~

~~Deputy Commissioner  
Mardan~~

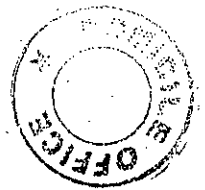
MARDAN / TAKHTBHAI / KATLANG



No 17941 Date 31/7/15



کا ۹۰/۶/۱۵



مردان کی زمینوں کی تفصیلات  
ملک زہیر شاہ ولد ضامن احمد مردان صاحب  
کو لکھو جسے انکاری نہیں ہے۔

Chief Officer  
G.O. District Office  
Mardan

# بیان حلفی

ZAMIN ABAD, MARDAN. 10.09.1994 تاریخ پیدائش ZAHIR SHAH پیر XXXX ZEESHAN AHMAD میں سہمی XXXX

تخصیص MARDAN. ضلع مردان حلفیہ اقرار کرتا ہوں کہ میں نے دوسرے ضلع ایجنسی سے کوئی ڈومیسائل حاصل نہیں کی  
کیا ہے۔ اور کوئی نفع مندرجہ درست اور صحیح ہیں

*Zam* دستخط درخواست کنندہ

ZAMIN ABAD, MARDAN. گاؤں محلہ ZAHIR SHAH پیر XXXX ZEESHAN AHMAD تصدیق کی جاتی ہے کہ سہمی XXXX

موضع MARDAN. ضلع مردان خیبر پختونخواہ کارہائشی و پیدائشی باشندہ ہے۔ اور اسکے ولدین بھی  
یہاں کے مستقل رہائشی و پیدائشی باشندہ گان ہیں۔

*Syed Umar*  
تصدیق نمبر دار تصدیق کنندہ  
Syed Umar  
N.A.B Ed.  
GHSS No 1 Mardan

رپورٹ پٹواری حلقہ حسب تصدیق سید SET کہ جس زمین ام ولد ہے۔ سید صاحب  
مردان کا سہمی سہمی و سہمی باشندہ ہے

ام پٹواری محمد اسلم اللہ صاحب  
دستخط  
27/11/2015

نام و دستخط تحصیلدار

نام و دستخط گروڈ اور سرکل



P04617053



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

پیدائش سرٹیفکیٹ

- 10

BIRTH CERTIFICATE

CRMS No: B181024-15-0405

FORM No: P04617053

درخواست دہندہ کا نام: طاہر شاہ

درخواست دہندہ کا شناختی کارڈ نمبر: 1610110699513

رشتہ: بیٹا

پیدائش کا ضلع: مردان	مذہب: اسلام	جنس: مرد	والدہ کا نام: یاسمین	والدہ کا نام: طاہر شاہ	بچے کا نام: ذیشان احمد
10-9-1994			1510190506470	1610110699513	

APPLICANT'S NAME: ZAHIR SHAH

APPLICANT'S CNIC NO: 1610110699513

RELATION: Son

CHILD'S NAME	FATHER'S NAME / NIC NO	MOTHER'S NAME / NIC NO	GENDER	RELIGION	DISTRICT AND DATE OF BIRTH
ZESHAN AHMAD	ZAHIR SHAH 1610110699513	YASMIN 1510190506470	MALE	ISLAM	MARDAN 10-9-1994

GRAND FATHER'S NAME: HAJI MINJAWAR

GRAND FATHER'S CNIC NO:

والدہ کا نام: طاہر شاہ  
والدہ کا شناختی کارڈ نمبر:

لیجنڈ: اندراج:

نارمل اندراج:  11-8-2016

تعمیر: اندراج:

ADDRESS: NEIGHBOURHOOD: ZAMIN ABAD, CITY: MARSAD, TEHSIL: MARDAN, DISTRICT: MARDAN

پتہ: نزد شاہ آباد، شہر مردان، تحصیل مردان، ضلع مردان

REGISTRATION NO: 11-8-2016

Handwritten signature and stamp of the Registrar, Mardan.

Handwritten signature of the Registrar, Mardan.



Annex D - 11

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 605 /2019

Entry No. 742

Dated 09/5/2019



Mr. Muhammad Abbas, Ex-Village Secretary (BPS-7),  
O/O Assistant Director Local Govt: & Rural Development, Mardan.  
..... Appellant

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Local Govt. Election & Rural Development Department, Peshawar.
- 2- The Deputy Commissioner, District Mardan.
- 3- The Director General, Local Govt. & Rural Development, Khyber Pakhtunkhwa, Peshawar.
- 4- The Assistant Director, Local Govt. & Rural Development Department, District Mardan.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING THE APPELLANT TO REJOIN HIS PARENT DEPARTMENT I.E. LG&RD DEPARTMENT AS VILLAGE SECRETARY (BPS-7) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the respondents may kindly be directed allow the appellant to rejoin his parent Department i.e. LG&RD DEPARTMENT as Village Secretary (BPS-7) with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day  
Registrar  
9/5/19

**R.SHEWETH:  
ON FACTS:**

- 1- That the appellant was initially appointed as Village/Neighborhood Council Secretary (BPS-07) in the office of respondent no.4 on the proper recommendation of Departmental selection committee and after fulfilling all the codal formalities required for recruitments vide order dated 23.2.2016. Copy of the appointment order is attached as annexure .....

**ATTESTED**

*[Handwritten Signature]*  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**A.**

21.05.2019

-13

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant was initially appointed as Village/Neighborhood Council Secretary vide order dated 23.02.2016. The appellant however joined Abdul Wali Khan University as Computer Operator. The appointment of the appellant at Abdul Wali Khan University was declared illegal vide order dated 26.06.2018 and accordingly his services stood terminated. The appellant has filed the present service appeal for the issuance of directions to the respondents to allow the appellant to rejoin his service as Village Secretary.

The appellant has not been able so far to substantiate the fact that while performing his duties as Village Secretary, he applied to Abdul Wali Khan University Mardan through proper channel.

However in the interest of justice, the present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 18.07.2019 before S.B.

Annexed with the memorandum of appeal is an application for interim relief. Notice of the same be also issued to the respondents for the date fixed.

Appellant Deposited Security & Process Fee

21/5/19

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Member

Date of Presentation of Application	5-8-2019
Number of Words	800
Copying Fee	12/-
Urgent	4/-
Total	16/-
Name of	SP
Date of Copy	5-8-2019
Date of Delivery of Copy	5-8-2019

1

WAKALAT NAMA

IN THE COURT OF

---

*Mouhammad Abbas*

\_\_\_\_\_ Petitioners

**VERSUS**

*Govt*

\_\_\_\_\_ Respondents

I/We \_\_\_\_\_ do hereby appoint **Mr. Khaled Rehman**, Advocate Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

**AND hereby agree:-**

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this

\_\_\_\_\_

**Attested & Accepted by**

**Khaled Rehman,**  
Advocate,  
Supreme Court of Pakistan

3-D, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458

NIC 16101-4888813-3  
BC No. 1048

  
\_\_\_\_\_  
**Signature of Executants**

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

**APPEAL No. 605/2019**

**MUHAMMAD ABBAS**

**VS**

**LG & RD DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**1 TO 11:**

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are stopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**


- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Incorrect and not replied accordingly. That while performing his duty with the respondents some posts were advertised in Abdul Wali Khan University Mardan including the post of Computer Operator, the appellant applied through proper channel and for the same the respondent Department issued proper NOC to the appellant.
- 4- Incorrect and not replied accordingly. That after fulfilling all the codal formalities which is necessary as per rule the appellant became successful and was issued with appointment order dated 01.12.2016 as Computer Operator (BPS-16) from Abdul Wali Khan University.
- 5- Incorrect and not replied accordingly. That on appointment in the Abdul Wali Khan University, Mardan the appellant was relieved by the respondent Department and consequently the appellant took over the charge of his post in the Abdul Wali Khan University, Mardan by submitting his medical certificate and charge report.

- 6- Incorrect and not replied accordingly. That Abdul Wali Khan University is not necessary party in the instant appeal.
- 7- Incorrect and not replied accordingly. That appellant filed Departmental appeal before his parent Department for rejoining of his previous serving in light of FR14(A) but the same was not responded.
- 8- Incorrect hence denied.

**GROUND:**  
**(A to E):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

**APPELLANT**  
  
**THROUGH:**  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATES**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 3986 /ST

Dated 03 / 12 / 2020

To

Mr. Zeeshan Ahmad S/O Zahir Shah,  
R/O Mohallah Zamin Abad, Mardan.

SUBJECT: - **ORDER IN APPEAL NO. 605/2019 MR. MUHAMMAD ABBAS.**

I am directed to forward herewith a certified copy of order dated 26.11.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

2006 S C M R 1630

[Supreme Court of Pakistan]

Present: Ch. Ijaz Ahmad and Syed Jamshed Ali, JJ.

EXECUTIVE DISTRICT OFFICER SCHOOLS AND LITERACY, DISTRICT DIR LOWER  
and others---Petitioners

Versus

QAMAR DOST KHAN and others---Respondents

Civil Petitions Nos.786, 787 and 788-P of 2004, decided on 8th May, 2005.

(Against the order, dated 28-8-2004 passed by High Court of Peshawar in Service Appeal No. 51 of 2003).

(a) North West Frontier Province Service Tribunals Act (I of 1974)---

---S. 4---Appeal before Service Tribunal---Maintainability---It is only a final order, original or appellate, against which an appeal lies to North West Frontier Province Service Tribunal.

(b) North West Frontier Province Service Tribunals Act (I of 1974)---

---Ss. 4 & 7---North West Frontier Province Service Tribunals Rules, 1974, R.27---Service Tribunal---Jurisdiction---Direction to departmental authorities---Non-availability of any final order---Grievance of civil servants was that after their appointment as PTC teachers, they were not posted anywhere---Service Tribunal allowed appeals filed by civil servants and directed departmental authority to issue posting orders---Plea raised by Authorities was that Service Tribunal did not have any jurisdiction to issue direction to them and appeal filed by civil servants was not maintainable as there was no final order---Validity---Powers contained in R.27 of North West Frontier Province Service Tribunals Rules, 1974, were not intended to enlarge the scope of S.4 of North West Frontier Province Service Tribunals Act, 1974---Such power was available to Service Tribunal while hearing an appeal and question of maintainability of an appeal was to be answered with reference to Ss.4 and 7 of North West Frontier Province Service Tribunals Act, 1974---There had not been such an order within the contemplation of S.4 of North West Frontier Province Service Tribunals Act, 1974, which could be brought under challenge before North West Frontier Province Service Tribunal---Relief claimed by civil servants through appeals was in the nature of a command to departmental authority to give them suitable posting---In essence, the civil servants were seeking writ of mandamus which jurisdiction the Service Tribunal did not possess---Petition for leave to appeal was converted into appeal and judgment passed by Service Tribunal was set aside---Appeal was allowed.

Secretary to the Government of N.-W.F.P., Agriculture Department v. Asmatullah Khan and others 2003 PLC (C.S.) 1289; Muhammad Amjad Malik v. Pakistan State Oils Co. Ltd. and others 2005 PLC (C.S.) 318; Muhammad Zahid Iqbal and others v. D.E.O. Mardan and others 2006 SCMR 285; Muhammad Sarwar v. The State PLD 1969 SC 278 and Board of Intermediate and Secondary Education, Lahore through its Chairman and another v. Mst. Salma Afroze and 2 others PLD 1992

3/16/03 ref.

(c) Jurisdiction----

---Question of jurisdiction---Raising for the first time before Supreme Court---Principles---Question of jurisdiction goes to the root of case and can be raised for the first time even while appearing before the highest Court of country---Only constraint where a party could be said to be estopped to raise question of jurisdiction would be where the party itself invoked jurisdiction of Court or Tribunal and on the result being unfavourable repudiates its own action and throws challenge to the jurisdiction of such Court or Tribunal but even in such a case, it depends on facts of that case---Yet another case where question of jurisdiction may not be entertained for the first time before superior Courts could be when the equities are plainly against the person raising objection and if upheld consequence would be to perpetuate all ill-gotten gain or to bring about a plainly unjust consequence---Objection to jurisdiction should not be shut even though raised for the first time before Supreme Court.

(d) Administration of justice---

---Duty of Court or Tribunal---Non-engaging of counsel by a party---Effect---Court or Tribunal has to decide lis before it in accordance with law and parties are not bound to engage a counsel---Justice according to law is the duty of Court, which can neither be abdicated in favour of whims or ignorance of litigants or their lawyers nor it be avoided or evaded on the pretext that a question of law going to the root of the case, was not raised promptly.

(e) Jurisdiction---

---Territorial or pecuniary jurisdiction---Scope---Objection to territorial or pecuniary jurisdiction is regulated by Civil Procedure Code, 1908 and Suit Valuation Act, 1887, respectively.

(f) Jurisdiction---

---Conferring of jurisdiction---Principle---Jurisdiction is conferred by either Constitution or law---Consent or acquiescence has never been considered as a factor conferring jurisdiction.

Maulvi Aziz-ur-Rehman v. Ahmad Khan and others 2004 SCMR 1622; Ali Muhammad and others v. Muhammad Shafi and others PLD 1996 SC 292; Shagufta Begum v. The Income Tax Officer, Circle XI, Zone-B, Lahore PLD 1989 SC 360 and Haji Abdullah Khan and others v. Nisar Muhammad Khan and others PLD 1965 SC 690 rel.

M. Saeed Khan, A.A.-G. for Petitioners (in all cases).

Khushdil Khan Mohmand, Advocate Supreme Court and Mir Adam Khan, Advocate-on-Record for Respondents (in all cases).

**ORDER**

**SYED JAMSHED ALI, J**---This order shall dispose of Civil Petitions Nos.786, 787 and 788-P of 2004 because common questions of law and fact are involved therein. The facts of the cases are briefly noted hereunder.



2. Qamar Dost Khan, respondent in C.P. No.786-P of 2004, Gul Zaman Khan, respondent in C.P. No.787-P of 2004 and Saeed Anwar in C.P. No.788-P of 2004 claimed to have been appointed as PTC teachers vide separate orders dated 23-4-1998. Their grievance in the appeals before the N.-W.F.P. Service Tribunal was that the departmental authorities were not issuing any posting order. Qamar Dost Khan, respondent in C.P. No.786-P of 2004, stated to have made a representation on 4-12-1999 to the Incharge Monitoring Cell and Complaints and a departmental representation on 21-10-2002 for a suitable posting and then approached the learned N.-W.F.P. Service Tribunal by filing appeals on 1-2-2003.

2-A. The appeals were contested on a number of grounds including that appeals were barred by time, and these were not maintainable as the respondents were not civil servants, since they had never taken over the charge of the post. On facts, the position taken was that the orders of appointment of the respondents were invalid and dubious. As far as respondents, Gul Zaman Khan, respondent in C.P. No.787-P of 2004 and Saeed Anwar, respondent in C.P.No.788-P of 2004, are concerned, apart from the objections noted above, an additional objection was taken that they were not duly qualified on the date of submission of the applications.

3. The learned Service Tribunal, however, relying on their own judgment in Appeal No.2879 of 2000 titled Nasrullah v. D.E.O. (M) Primary, Dir Lower and others, allowed all the three appeals notwithstanding their observation that "it is the burden of respondent-department to verify the authenticity of the claims of the appellants through fresh departmental enquiry, if they so desire".

4. The learned Additional Advocate-General, submits that the departmental appeal lay only against a final order and in these cases there was no order to be assailed before the learned Service Tribunal. The respondents were not permitted to join the posts because their appointment orders were forged and bogus and, therefore, they never acquired the status of a civil servant to invoke section 4 of the N.-W.F.P. Service Tribunals Act, 1974 and that the so-called departmental appeal was filed by Qamar Dost Khan on 21-10-2002 and that too not against any order, it was for directing a posting. In the other two cases, he submits that no representation was filed, even it be assumed that respondents could invoke the jurisdiction of N.-W.F.P. Service Tribunal. In case of Gul Zaman Khan and Saeed Anwar, he invited our attention to the copy of the PTC certificates, showing announcement of their result on 24-2-1998 while the public notice through press, inviting applications was issued on 3-10-1997 and the closing date was 13-10-1997. It was maintained that since they were not eligible, there was no question of their being summoned for test and interview for selection to the post of PTC teachers. He submits that no record of appointment of these respondents is available with the department.

5. The learned counsel for the respondents first addressed us in C.P. No.786-P of 2004. On the basis of pay rolls of a number of officials whose names find mention in the order, dated 23-4-1998 (in which name of respondent Qamar Dost also appears) such as Muhammad Rasheed, Asghar Khan, Muhammad Saleem Khan, Muhammad Ishaq and Inayat Ullah which were placed on record to contend that the aforesaid officers in the said order were in receipt of salaries which was by itself sufficient to defeat the plea of the departmental authorities that the order, dated 23-4-1998, was a forged document. Before we proceed further, we would like to observe here that the departmental representative had explained that the basis of this consolidated order, dated 23-4-1998 was separate orders, the copy of the orders being relied upon contain thirty-two so-called selectees but as a matter of fact sixteen out of them were genuine selectees and the department had record of those sixteen. Learned counsel for the respondents strenuously relied on the case of Nasrullah Khan relied upon by the learned Service Tribunal and Secretary to the Government of N.-W.F.P., Agriculture Department v. Asmatullah Khan and others 2003 PLC (C.S.) 1289 and Muhammad Anjad Malik v. Pakistan State Oil Co. Ltd. and others 2005 PLC (C.S.) 318 to contend that the rule of consistency was

right followed by the N.-W.F.P. Service Tribunal in allowing the appeal of the respondents. He urged that if the record was not available with the department, respondents should not be made to suffer. As far as Gul Zaman Khan and Saeed Anwar Khan are concerned, he submits that before the date of their selection, they had become eligible and, therefore, their selection was in order. As far as objection of non-maintainability of the appeals before the learned Service Tribunal is concerned, he contends that no such objection was taken before the learned Service Tribunal. He, however, relied on rule 27 of the N.-W.F.P. Service Tribunals Rules, 1974, which according to his reading, gave jurisdiction to the learned Service Tribunal to entertain and adjudicate upon the grievance of the respondents. He maintains that the respondents had submitted joining reports and had thus, become civil servants.

6. Exercising his right of rebuttal, the learned Additional Advocate-General relied on Muhammad Zahid Iqbal and others v. D.E.O. Mardan and others 2006 SCMR 285. Explaining the case of Nasrullah, he submitted that the fact of the said case were distinguishable because there was no allegation of fraud and forgery against Nasrullah.

7. Right of appeal has been created by section 4 of the N.-W.F.P. Service Tribunals Act, 1974. It will be appropriate to reproduce the said section:--

"Appeal to Tribunals.---Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal having jurisdiction in the matter:

Provided that:

- (a) -----
- (b) -----
- (c) ----- (underlining is ours)"

A plain reading of the said provision shows that it is only against a final order, original or appellate, against which an appeal lies to the N.-W.F.P. Service Tribunal. The powers of the Tribunal are given in section 7 of the said Act, according to which "the Tribunal may on appeal, set aside, vary or modify the order appeal against." (underlining is ours). Rule 27 of N.-W.F.P. Service Tribunals Rules, 1974 which is being relied upon by the learned counsel for the respondents is also reproduced hereinbelow:--

"Additional powers of the Tribunal.---Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal. "

The powers contained in rule 27 are not intended to enlarge the scope of section 4. A careful reading of the said rule shows that this power will be available to the Tribunal while hearing an appeal and the question of maintainability of an appeal is to be answered with reference to sections 4 and 7 of the Act. There has not been such an order within the contemplation of section 4 which could be brought under challenge before the learned N.-W.F.P. Service Tribunal. The relief claimed by the respondents through the appeals was in the nature of a command to the departmental authority to give them suitable posting. In essence, they were seeking issuance of writ of mandamus which jurisdiction the learned Tribunal did not possess.

8. The attention of the learned counsel for the respondents that the question of non-maintainability of the appeals before the learned Tribunal, in the absence of a final order of the departmental authority, not having been raised before the learned Tribunal, could not be allowed to be raised before this Court, has not impressed us for the reason that question of jurisdiction goes to the root of the case and could be raised for the first time even while appearing before the highest Court of the country. It is a fundamental principle of law that a Court or Tribunal has to decide the lis before it in accordance with law and parties are not bound to engage a counsel. Justice according to law is the duty of the Court which can neither be abdicated in favour of the whims or ignorance of the litigants or their lawyers nor it be avoided or evaded on the pretext that a question of law going to the root of the case was not raised promptly. In making the above observations, I am fortified by the following observations of this Court in Muhammad Sarwar v. The State PLD 1969 SC 278.

"It appears that the Judges were not properly advised, but it falls to be said that there is a well-known adage that a Judge must wear all the law of the country on the sleeve of his robe." (underlining is ours).

The rule laid down was reiterated in Board of Intermediate and Secondary Education, Lahore through its Chairman and another v. Mst. Salma Afroze and 2 others PLD 1992 SC 263. The only constraint where a party could be said to be estopped to raise question of jurisdiction would be where the party itself invoked jurisdiction of Court or Tribunal and on the result being unfavourable repudiates its own action and throws challenge to the jurisdiction of the said Court or Tribunal. But even in such a case, it will depend on the facts of that case. Yet another case where question of jurisdiction may not be entertained for the first time before superior Courts could be when the equities are plainly against the person raising objection and if upheld the consequence would be to perpetuate an ill-gotten gain or to bring about a plainly unjust consequence. Examined on the basis of the above stated principles, we do not see that the objection to jurisdiction should be shut even though raised for the first time before this Court. We find yet another reason for permitting the objection to be raised and that is to clarify the scope of jurisdiction of the learned Tribunal lest the impugned judgment becomes a precedent. We may add a word of caution i.e. that this judgment only deals with the subject-matter jurisdiction and not the territorial or pecuniary jurisdiction. Objections to the said jurisdictions are regulated respectively by the Code of Civil Procedure and the Suits Valuation Act.

9. We may also add that jurisdiction is conferred by either Constitution or law. Consent or acquiescence has never been considered as a factor conferring jurisdiction. The judgments of this Court in support of the above view-point are Maulvi Aziz-ur-Rehman v. Ahmad Khan and others 2004 SCMR 1622; Ali Muhammad and others v. Muhammad Shafi and others PLD 1996 SC 292; Shagufta Begum v. The Income Tax Officer, Circle XI, Zone-B, Lahore PLD 1989 SC 360 and Haji Abdullah Khan and others v. Nisar Muhammad Khan and others PLD 1965 SC 690.

10. Accordingly, these petitions are converted into appeals, are allowed and the judgment of the learned Service Tribunal is set aside.

M.11/E-2/SC

Appeal allowed.

2011 SCMR 442

[Supreme Court of Pakistan]

Present: Javed Iqbal and Raja Fayyaz Ahmed, JJ

Engineer HAFEEZULLAH---Petitioner

Versus

C.E.O. (PTCL) and others---Respondents

Civil Petition No. 85-Q of 2009, decided on 24th June, 2010.

(On appeal from the judgment dated 30-4-2009 passed by the High Court of Balochistan, Quetta in Constitution Petition No. 213 of 2008).

**Civil Servants (Confirmation) Rules, 1993---**

---R. 2 (b)---Fundamental Rules, R. 12-A---Constitution of Pakistan, Art. 185 (3)---Lien with parent department---Prerequisites---Petitioner was serving with Pakistan Telecommunication Corporation Limited (PTCL) and from there he joined Public Health Engineering Department through Public Service Commission---After joining of new department by petitioner, PTCL announced Volunteer Separation Scheme---Claim of petitioner was that when the Scheme was announced he had lien with PTCL, therefore, he was entitled to all benefits under the Scheme---Validity---Lien under R. 2 (b) of Civil Servants (Confirmation) Rules, 1993, meant the tide of civil servant to hold substantively a post on which he had been confirmed---Employee under Fundamental Rule, 12-A, on substantive appointment to any permanent post acquired a lien on that post and ceased to hold any lien previously acquired on any other post---For termination of lien of a permanent civil servant from his original department, three prerequisites had to be satisfied which were that the civil servant concerned had joined other department on regular basis; that the joining to other department was result of his selection; and that the selection was through a regular selection process---If above mentioned conditions were satisfied and civil servant had contested for such joining, he would have no claim about his lien in the previous department after expiry of probationary period---Lien could not be retained by petitioner in PTCL after joining Public Health Engineering Department on regular basis through Public Service Commission---Volunteer Separation Scheme could not be made applicable in case of petitioner which was launched after his joining Public Health Engineering Department which otherwise could not be availed being a regular government servant in Public Health Engineering Department---Supreme Court declined to exercise discretion in favour of petitioner and did not interfere in the judgment passed by High Court---Leave to appeal was refused.

Sajjad Hussain v. Secretary, Establishment Division 1996 SCMR 284; Muhammad Aslam v. Collector of Customs 1999 PLC (CS) 751; Ghulam Qadir v. Multan Central Co-op. Bank Ltd. PLD 1986 SC 1386; Dauran Khan v. Naseer Muhammad Khan PLD 1964 SC 136; W.H. King v. Gajendragadkar AIR 1950 Bom. 380; Hayat Muhammad v. Election Authority 1985 SCMR 1909; Hayat Muhammad and 4 others v. Election Authority and others 1985 SCMR 1909; Jai Singh v. State AIR 1952 All. 991 and Jai Singh v. State 1952 Cri. L. Jour 1755 ref.

Petitioner in person.

Kamran Murtaza, Advocate Supreme Court and M.W.N. Kohli, Advocate-on-Record for Respondents Nos. 1 to 3.

Date of hearing: 24th June, 2010.

**JUDGMENT**

**JAVED IQBAL, J.**---This petition for leave to appeal is directed against judgment dated 30-4-2009 whereby the Constitution Petition preferred on behalf of petitioner has been dismissed.

2. The facts of the case have been mentioned elaborately in the judgment impugned, repetition whereof would be of no use.

3. Mr. Kamran Murtaza, learned Advocate Supreme Court entered appearance on behalf of petitioner and contended that the legal and factual aspects of the controversy have not been appreciated in its true perspective which resulted in serious miscarriage of justice. In order to support the said contention it is submitted that

Volunteer Separation Scheme (VSS) has been misinterpreted and misconstrued, benefit whereof could have been granted to the petitioner. It is urged emphatically that the question of lien has not been adverted to properly and if the petitioner having lien in PTCL, cannot be deprived of the benefits accrued by introducing Volunteer Separation Scheme (VSS) as the petitioner has got a permanent status with PTCL, and, therefore, the Volunteer Separation Scheme (VSS) would be applicable in his case. It is also submitted that how 15 years service rendered by the petitioner could be thrown away.

4. We have carefully examined the above mentioned contentions as adduced on behalf of petitioner and petitioner's judgment impugned in the light of relevant record of the case with eminent assistance of Mr. Kamran Mortaza, learned Advocate Supreme Court for the petitioner. The petitioner had invoked the Constitutional jurisdiction of High Court with prayer "that his petition may be accepted and direction may kindly be given to respondents to entertain the claim of petitioner allowing financial benefits under the Scheme known as Volunteer Separation Scheme (VSS)". An in-depth scrutiny of record would reveal that petitioner himself originally had applied for the post of Assistant Engineer in Public Health Engineering Department, Govt. of Balochistan through Public Service Commission in view of the better future prospects and selected and subsequently got himself relieved from PTCL. The learned Advocate Supreme Court was asked pointedly as to whether the petitioner was compelled to leave the post which the petitioner was holding and the reply of learned Advocate Supreme Court was that there was no such compulsion with the submission that petitioner could not have been deprived from benefit of Volunteer Separation Scheme (VSS). We are not persuaded to agree with such submission for the simple reason that the petitioner had left PTCL under Volunteer Separation Scheme (VSS) which was meant for serving employees of PTCL. Had the petitioner been in the service of PTCL, the scenario would have been different. The petitioner was probably aggrieved due to non-promotion in PTCL, but it is not the case of petitioner that he was either ignored or superseded and hence could not be promoted which compelled him to leave PTCL which was certainly due to bleak and remote chance for promotion. It must not be lost sight of that petitioner had joined PTCL being an unqualified Engineer and got higher qualification at the cost of PTCL which at least makes it abundant clear that atmosphere in PTCL remained congenial and petitioner himself had left PTCL and joined Public Health Engineering Department.

5. We have also examined the question of lien as pressed into service time and again on behalf of the petitioner. The learned Advocate Supreme Court could not convince us that as to how the petitioner could have left PTCL in PTCL after joining Public Health Engineering Department and that too through Public Service Commission. It is to be noted that "Lien" means the title of a civil servant to hold substantively a post on which he has been confirmed (Rule-2 (b) of Civil Servants (Confirmation) Rules, 1993). There is no cavil to the proposition that an employee on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post (F.R. 12-A). Learned Advocate Supreme Court had failed to point out any other rule to take a different view from the one mentioned hereinabove. It is well-settled by law that on the termination of lien of a permanent Civil Servant from his original Department three prerequisites had to be satisfied which are as under:

- (i) the Civil Servant concerned had joined other Department on regular basis;
- (ii) the joining to other Department was result of his selection;
- (iii) the selection was through a regular selection process.

If the above mentioned conditions are satisfied and a Civil Servant had consented for such joining, he would have no claim about his lien in the previous Department after expiry of probationary period. In this regard we are fortified by the dictum laid down in *Sajjad Hussain v. Secretary, Establishment Division* (1996 SCMR 254), *Muhammad Aslam v. Collector of Customs* (1999 PLC (CS) 751). The case of petitioner has been examined on the touchstone of the criterion as mentioned hereinabove and we are of the considered view that lien cannot be retained in PTCL after joining the Public Health Engineering Department on regular basis through the Public Service Commission. The Volunteer Separation Scheme (VSS) cannot be made applicable in the case of petitioner which admittedly and undisputedly was launched after his joining Public Health Engineering Department which otherwise could not be availed being a regular Government servant in Public Health Engineering Department. Learned Division Bench of High Court of Balochistan has examined the entire controversy with diligent application of mind in the judgment impugned, relevant portion whereof is reproduced hereinbelow for ready reference:--

"We have considered the arguments advanced by learned counsel for the parties and perused the record. From the perusal of record, it transpires that vide order dated 27th May, 2006, the petitioner was relieved from the department having joined the Provincial Government, and thus; by no stretch of imagination it could be retained that he had a lien in the said department. Strange enough that how his lien is maintained when, he is appointed through Balochistan Public Service Commission by the Provincial Government. On relieving him from the said post of PTCL; he went out of the Cadre of said department, however, in his service could be considered for the purpose of Pensionsary benefits. The Volunteer Separation Scheme

(VSS) was introduced after his joining the Provincial Government and was applicable to the existing employees, details whereof have been given in the aid separation scheme. For the sake of argument, even if the contention of petitioner is accepted and his separation scheme is allowed, it would create anomaly, as a retired person cannot hold a regular employment in either of the Government Department. Since the petitioner was selected and had joined the Provincial Government and having been relieved from the said department, as he was not in the list of employees serving in the PTCL. It was not incumbent upon the department to have replied with regard to Volunteer Separation Scheme (VSS), as he had lost the status of employee of the department."

6. It is well-settled by now that "the grant of leave is a matter of discretion and not of right. Where petitioner was found to be not entitled to equitable relief under Art.199 he was also not entitled to grant of discretionary relief of leave to appeal. The Constitution does not impose any limitation as to the circumstances, which would justify or warrant the grant of leave to appeal." Ghulam Qadir v. Multan Central Co-op. Bank Ltd. (PLD 1986 SC 1386), Dauran Khan v. Naseer Muhammad Khan (PLD 1964 SC 136), W.H. King v. Gaiendragadkar, AIR 1950 Bom. 380, Hayat Muhammad v. Election Authority (1985 SCMR 1909), Hayat Muhammad and 4 others v. Election Authority and others (1985 SCMR 1909), Jai Singh v. State (AIR 1952 A11.991), Jai Singh v. State (1952 Cri.L.Jour 1755).

7. In view of what has been discussed hereinabove, the petition being devoid of merit is dismissed and leave refused.

M.H/H-2/SC Petition dismissed.

[Supreme Court of Pakistan]

**Present: Javed Iqbal and Raja Fayyaz Ahmed, JJ****Engineer HAFEEZULLAH---Petitioner****Versus****C.E.O. (PTCL) and others---Respondents**

Civil Petition No. 85-Q of 2009, decided on 24th June, 2010.

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Sajjad Hussain v. Secretary, Establishment Division 1996 SCMR 284; Muhammad Aslam v. Collector of Customs 1999 PLC (CS) 751; Ghulam Qadir v. Multan Central Co-op. Bank Ltd. PLD 1986 SC 1386; Dauran Khan v. Naseer Muhammad Khan PLD 1964 SC 136; W.H. King v. Gajendragadkar AIR 1950 Born. 380; Hayat Muhammad v. Election Authority 1985 SCMR 1909; Hayat Muhammad and 4 others v. Election Authority and others 1985 SCMR 1909; Jai Singh v. State AIR 1952 All. 991 and Jai Singh v. State 1952 Cri. L. Jour 1755 ref.

Petitioner in person.

Kamran Murtaza, Advocate Supreme Court and M.W.N. Kohli, Advocate-on-Record for Respondents Nos. 1 to 3.

Date of hearing: 24th June, 2010.

**JUDGMENT**

**JAVED IQBAL, J.**---This petition for leave to appeal is directed against judgment dated 30-4-2009 whereby the Constitution Petition preferred on behalf of petitioner has been dismissed.

2. The facts of the case have been mentioned elaborately in the judgment impugned, repetition whereof would be of no use.

3. Mr. Kamran Murtaza, learned Advocate Supreme Court entered appearance on behalf of petitioner and contended that the legal and factual aspects of the controversy have not been appreciated in its true perspective which resulted in serious miscarriage of justice. In order to support the said contention it is submitted that

Volunteer Separation Scheme (VSS) has been misinterpreted and misconstrued, benefit whereof could have been granted to the petitioner. It is urged emphatically that the question of lien has not been adverted to properly and the petitioner having lien in PTCL cannot be deprived of the benefits accrued by introducing Volunteer Separation Scheme (VSS) as the petitioner has got a permanent status with PTCL and, therefore, the Volunteer Separation Scheme (VSS) would be applicable in his case. It is also submitted that how 15 years service rendered by the petitioner could be thrown away.

4. We have carefully examined the above mentioned contentions as adduced on behalf of petitioner and perused the judgment impugned in the light of relevant record of the case with eminent assistance of Mr. Kamran Murtaza, learned Advocate Supreme Court for the petitioner. The petitioner had invoked the Constitutional jurisdiction of High Court with prayer "that his petition may be accepted and direction may kindly be given to respondents to entertain the claim of petitioner allowing financial benefits under the Scheme known as Volunteer Separation Scheme (VSS)". An in-depth scrutiny of record would reveal that petitioner himself at his own applied for the post of Assistant Engineer in Public Health Engineering Department, Govt. of Balochistan through Public Service Commission in view of the better future prospects and selected and subsequently got himself relieved from PTCL. The learned Advocate Supreme Court was asked pointedly as to whether the petitioner was compelled to leave the post which the petitioner was holding and the reply of learned Advocate Supreme Court was that there was no such compulsion with the submission that petitioner could not have been deprived from benefit of Volunteer Separation Scheme (VSS). We are not persuaded to agree with such submission for the simple reason that the petitioner had left PTCL under Volunteer Separation Scheme (VSS) which was meant for serving employees of PTCL. Had the petitioner been in the service of PTCL the position would have been different. The petitioner was probably aggrieved due to non-promotion in PTCL but it is not the case of petitioner that he was either ignored or superseded and hence could not be promoted which compelled him to leave PTCL which was certainly due to bleak and remote chance for promotion. It must not be lost sight of that petitioner had joined PTCL being an unqualified Engineer and got higher qualification at the cost of PTCL which at least makes it abundant clear that atmosphere in PTCL remained congenial and petitioner himself had left PTCL and joined Public Health Engineering Department.

5. We have also examined the question of lien as pressed into service time and again on behalf of the petitioner. The learned Advocate Supreme Court could not convince us that as to how the petitioner could have kept lien in PTCL after joining Public Health Engineering Department and that too through Public Service Commission. It is to be noted that "Lien" means the title of a civil servant to hold substantively a post on which he has been confirmed (Rule-2 (b) of Civil Servants (Confirmation) Rules, 1993). There is no cavil to the proposition that an employee on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post (F.R.12-A). Learned Advocate Supreme Court had failed to point out any other rule to take a different view from the one mentioned hereinabove. It is well-settled by now that for the termination of lien of a permanent Civil Servant from his original Department three prerequisites had to be satisfied which are as under:

- (i) the Civil Servant concerned had joined other Department on regular basis;
- (ii) the joining to other Department was result of his selection;
- (iii) the selection was through a regular selection process.

If the above mentioned conditions are satisfied and a Civil Servant had consented for such joining, he would have no claim about his lien in the previous Department after expiry of probationary period. In this regard we are fortified by the dictum laid down in Sajjad Hussain v. Secretary, Establishment Division (1996 SCMR 284), Muhammad Aslam v. Collector of Customs (1999 PLC (CS) 751). The case of petitioner has been examined on the touchstone of the criterion as mentioned hereinabove and we are of the considered view that lien cannot be retained in PTCL after joining the Public Health Engineering Department on regular basis through the Public Service Commission. The Volunteer Separation Scheme (VSS) cannot be made applicable in the case of petitioner which admittedly and undisputedly was launched after his joining Public Health Engineering Department which otherwise could not be availed being a regular Government servant in Public Health Engineering Department. Learned Division Bench of High Court of Balochistan has examined the entire controversy with diligent application of mind in the judgment impugned, relevant portion whereof is reproduced hereinbelow for ready reference:--

"We have considered the arguments advanced by learned counsel for the parties and perused the record. From the perusal of record, it transpires that vide order dated 27th May, 2006, the petitioner was relieved from the department having joined the Provincial Government, and thus; by no stretch of imagination, it could be termed that he had a lien in the said department. Strange enough that how his lien is maintained when, he is appointed through Balochistan Public Service Commission by the Provincial Government. On relieving him from the said post of PTCL; he went out of the Cadre of said department, however; his service could be considered for the purpose of Pensionary benefits. The Volunteer Separation Scheme



(VSS) was introduced after his joining the Provincial Government and was applicable to the existing employees, details whereof have been given in the aid separation scheme. For the sake of argument, even if the contention of petitioner is accepted and his separation scheme is allowed, it would create anomaly, as a retired person cannot hold a regular employment in either of the Government Department. Since the petitioner was selected and had joined the Provincial Government and having been relieved from the said department, as he was not in the list of employees serving in the PTCL. It was not incumbent upon the department to have replied with regard to Volunteer Separation Scheme (VSS), as he had lost the status of employee of the department."

6. It is well-settled by now that "the grant of leave is a matter of discretion and not of right. Where petitioner was found to be not entitled to equitable relief under Art.199 he was also not entitled to grant of discretionary relief of leave to appeal. The Constitution does not impose any limitation as to the circumstances, which would justify or warrant the grant of leave to appeal." Ghulam Qadir v. Multan Central Co-op. Bank Ltd. (PLD 1986 SC 1386), Dauran Khan v. Naseer Muhammad Khan (PLD 1964 SC 136), W.H. King v. Gaiendragadkar), AIR 1950 Born. 380, Hayat Muhammad v. Election Authority (1985 SCMR 1909), Hayat Muhammad and 4 others v. Election Authority and others (1985 SCMR 1909), Jai Singh v. State (AIR 1952 A11.991), Jai Singh v. State (1952 Cri.L.Jour 1755).

7. In view of what has been discussed hereinabove, the petition being devoid of merit is dismissed and leave refused.

M.H./H-2/SC Petition dismissed.



2006 S C M R 1630

[Supreme Court of Pakistan]

Present: Ch. Ijaz Ahmad and Syed Jamshed Ali, JJ

**EXECUTIVE DISTRICT OFFICER SCHOOLS AND LITERACY, DISTRICT DIR LOWER  
and others---Petitioners**

Versus

**QAMAR DOST KHAN and others---Respondents**

Civil Petitions Nos.786, 787 and 788-P of 2004, decided on 8th May, 2005.

(Against the order, dated 28-8-2004, passed by High Court of Peshawar in Service Appeal No. 51 of 2003).

(a) North West Frontier Province Service Tribunals Act (I of 1974)---

---S. 4---Appeal before Service Tribunal---Maintainability---It is only a final order, original or appellate, against which an appeal lies to North West Frontier Province Service Tribunal.

(b) North West Frontier Province Service Tribunals Act (I of 1974)---

---Ss. 4 & 7---North West Frontier Province Service Tribunals Rules, 1974, R.27---Service Tribunal---Jurisdiction---Direction to departmental authorities---Non-availability of any final order---Grievance of civil servants was that alter their appointment as PTC teachers, they were not posted anywhere---Service Tribunal allowed appeals filed by civil servants and directed departmental authority to issue posting orders---Plea raised by Authorities was that Service Tribunal did not have any jurisdiction to issue direction to them and appeal filed by civil servants was not maintainable as there was no final order---Validity---Powers contained in R.27 of North West Frontier Province Service Tribunals Rules, 1974; were not intended to enlarge the scope of S.4 of North West Frontier Province Service Tribunals Act, 1974---Such power was available to Service Tribunal while hearing an appeal and question of maintainability of an appeal was to be answered with reference to Ss.4 and 7 of North West Frontier Province Service Tribunals Act, 1974---There had not been such an order within the contemplation of S.4 of North West Frontier Province Service Tribunals Act, 1974, which could be brought under challenge before North West Frontier Province Service Tribunal---Relief claimed by civil servants through appeals was in the nature of a command to departmental authority to give them suitable posting---In essence, the civil servants were seeking writ of mandamus which jurisdiction the Service Tribunal did not possess---Petition for leave to appeal was converted into appeal and judgment passed by Service Tribunal was set aside---Appeal was allowed.

Secretary to the Government of N.-W.F.P., Agriculture Department v. Asmatullah Khan and others 2003 PLC (C.S.) 1289; Muhammad Amjad Malik v. Pakistan State Oils Co. Ltd. and others 2005 PLC (C.S.) 318; Muhammad Zahid Iqbal and others v. D.E.O. Mardan and others 2006 SCMR 285; Muhammad Sarwar v. The State PLD 1969 SC 278 and Board of Intermediate and Secondary Education, Lahore through its Chairman and another v. Mst. Salma Afroze and 2 others PLD 1992

84/2009ref.

(c) Jurisdiction----

---Question of jurisdiction---Raising for the first time before Supreme Court---Principles---Question of jurisdiction goes to the root of case and can be raised for the first time even while appearing before the highest Court of country---Only constraint where a party could be said to be estopped to raise question of jurisdiction would be where the party itself invoked jurisdiction of Court or Tribunal and on the result being unfavourable repudiates its own action and throws challenge to the jurisdiction of such Court or Tribunal but even in such a case, it depends on facts of that case---Yet another case where question of jurisdiction may not be entertained for the first time before superior Courts could be when the equities are plainly against the person raising objection and if upheld consequence would be to perpetuate all ill-gotten gain or to bring about a plainly unjust consequence---Objection to jurisdiction should not be shut even though raised for the first time before Supreme Court.

(d) Administration of justice---

----Duty of Court or Tribunal---Non-engaging of counsel by a party---Effect---Court or Tribunal has to decide lis before it in accordance with law and parties are not bound to engage a counsel---Justice according to law is the duty of Court, which can neither be abdicated in favour of whims or ignorance of litigants or their lawyers nor it be avoided or evaded on the pretext that a question of law going to the root of the case, was not raised promptly.

(e) Jurisdiction---

----Territorial or pecuniary jurisdiction---Scope---Objection to territorial or pecuniary jurisdiction is regulated by Civil Procedure Code, 1908 and Suit Valuation Act, 1887, respectively.

(f) Jurisdiction---

----Conferring of jurisdiction---Principle---Jurisdiction is conferred by either Constitution or law---Consent or acquiescence has never been considered as a factor conferring jurisdiction.

Maulvi Aziz-ur-Rehman v. Ahmad Khan and others 2004 SCMR 1622; Ali Muhammad and others v. Muhammad Shafi and others PLD 1996 SC 292; Shagufta Begum v. The Income Tax Officer, Circle XI, Zone-B, Lahore PLD 1989 SC 360 and Haji Abdullah Khan and others v. Nisar Muhammad Khan and others PLD 1965 SC 690 rel.

M. Saeed Khan, A.A.-G. for Petitioners (in all cases).

Khushdil Khan Mohmand, Advocate Supreme Court and Mir Adam Khan, Advocate-on-Record for Respondents (in all cases).

**ORDER**

**SYED JAMSHED ALI, J.**---This order shall dispose of Civil Petitions Nos.786, 787 and 788-P of 2004 because common questions of law and fact are involved therein. The facts of the cases are briefly noted hereunder.

2. Qamar Dost Khan, respondent in C.P. No.786-P of 2004, Gul Zaman Khan, respondent in C.P. No.787-P of 2004 and Saeed Anwar in C.P. No.788-P of 2004 claimed to have been appointed as PTC teachers vide separate orders dated 23-4-1998. Their grievance in the appeals before the N.-W.F.P. Service Tribunal was that the departmental authorities were not issuing any posting order. Qamar Dost Khan, respondent in C.P. No.786-P of 2004, stated to have made a representation on 4-12-1999 to the Incharge Monitoring Cell and Complaints and a departmental representation on 21-10-2002 for a suitable posting and then approached the learned N.-W.F.P. Service Tribunal by filing appeals on 1-2-2003.

2-A. The appeals were contested on a number of grounds including that appeals were barred by time, and these were not maintainable as the respondents were not civil servants, since they had never taken over the charge of the post. On facts, the position taken was that the orders of appointment of the respondents were invalid and dubious. As far as respondents, Gul Zaman Khan, respondent in C.P. No.787-P of 2004 and Saeed Anwar, respondent in C.P.No.788-P of 2004, are concerned, apart from the objections noted above, an additional objection was taken that they were not duly qualified on the date of submission of the applications.

3. The learned Service Tribunal, however, relying on their own judgment in Appeal No.2879 of 2000 titled Nasrullah v. D.E.O. (M) Primary, Dir Lower and others, allowed all the three appeals notwithstanding their observation that "it is the burden of respondent-department to verify the authenticity of the claims of the appellants through fresh departmental enquiry, if they so desire".

4. The learned Additional Advocate-General, submits that the departmental appeal lay only against a final order and in these cases there was no order to be assailed before the learned Service Tribunal. The respondents were not permitted to join the posts because their appointment orders were forged and bogus and, therefore, they never acquired the status of a civil servant to invoke section 4 of the N.-W.F.P. Service Tribunals Act, 1974 and that the so-called departmental appeal was filed by Qamar Dost Khan on 21-10-2002 and that too not against any order, it was for directing a posting. In the other two cases, he submits that no representation was filed, even it be assumed that respondents could invoke the jurisdiction of N.-W.F.P. Service Tribunal. In case of Gul Zaman Khan and Saeed Anwar, he invited our attention to the copy of the PTC certificates, showing announcement of their result on 24-2-1998 while the public notice through press, inviting applications was issued on 3-10-1997 and the closing date was 13-10-1997. It was maintained that since they were not eligible, there was no question of their being summoned for test and interview for selection to the post of PTC teachers. He submits that no record of appointment of these respondents is available with the department.

5. The learned counsel for the respondents first addressed us in C.P. No.786-P of 2004. On the basis of pay rolls of a number of officials whose names find mention in the order, dated 23-4-1998 (in which name of respondent Qamar Dost also appears) such as Muhammad Rasheed, Asghar Khan, Muhammad Saleem Khan, Muhammad Ishaq and Inayat Ullah which were placed on record to contend that the aforesaid officers in the said order were in receipt of salaries which was by itself sufficient to defeat the plea of the departmental authorities that the order, dated 23-4-1998, was a forged document. Before we proceed further, we would like to observe here that the departmental representative had explained that the basis of this consolidated order, dated 23-4-1998 was separate orders, the copy of the orders being relied upon contain thirty-two so-called selectees but as a matter of fact sixteen out of them were genuine selectees and the department had record of those sixteen. Learned counsel for the respondents strenuously relied on the case of Nasrullah Khan relied upon by the learned Service Tribunal and Secretary to the Government of N.-W.F.P., Agriculture Department v. Asmatullah Khan and others 2003 PLC (C.S.) 1289 and Muhammad Amjad Malik v. Pakistan State Oil Co. Ltd. and others 2005 PLC (C.S.) 318 to contend that the rule of consistency was

rightly followed by the N.-W.F.P. Service Tribunal in allowing the appeal of the respondents. He urged that if the record was not available with the department, respondents should not be made to suffer. As far as Gul Zaman Khan and Saced Anwar Khan are concerned, he submits that before the date of their selection, they had become eligible and, therefore, their selection was in order. As far as objection of non-maintainability of the appeals before the learned Service Tribunal is concerned, he contends that no such objection was taken before the learned Service Tribunal. He, however, relied on rule 27 of the N.-W.F.P. Service Tribunals Rules, 1974, which according to his reading, gave jurisdiction to the learned Service Tribunal to entertain and adjudicate upon the grievance of the respondents. He maintains that the respondents had submitted joining reports and had thus, become civil servants.

6. Exercising his right of rebuttal, the learned Additional Advocate-General relied on Muhammad Zahid Iqbal and others v. D.E.O. Mardan and others 2006 SCMR 285. Explaining the case of Nasrullah, he submitted that the fact of the said case were distinguishable because there was no allegation of fraud and forgery against Nasrullah.

7. Right of appeal has been created by section 4 of the N.-W.F.P. Service Tribunals Act, 1974. It will be appropriate to reproduce the said section:--

"Appeal to Tribunals.---Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal having jurisdiction in the matter:

Provided that:

- (a) -----
- (b) -----
- (c) ----- (underlining is ours)"

A plain reading of the said provision shows that it is only against a final order, original or appellate, against which an appeal lies to the N.-W.F.P. Service Tribunal. The powers of the Tribunal are given in section 7 of the said Act, according to which "the Tribunal may on appeal, set aside, vary or modify the order appeal against." (underlining is ours). Rule 27 of N.-W.F.P. Service Tribunals Rules, 1974 which is being relied upon by the learned counsel for the respondents is also reproduced hereinbelow:--

"Additional powers of the Tribunal.---Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal. "

The powers contained in rule 27 are not intended to enlarge the scope of section 4. A careful reading of the said rule shows that this power will be available to the Tribunal while hearing an appeal and the question of maintainability of an appeal is to be answered with reference to sections 4 and 7 of the Act. There has not been such an order within the contemplation of section 4 which could be brought under challenge before the learned N.-W.F.P. Service Tribunal. The relief claimed by the respondents through the appeals was in the nature of a command to the departmental authority to give them suitable posting. In essence, they were seeking issuance of writ of mandamus which jurisdiction the learned Tribunal did not possess.

8. The contention of the learned counsel for the respondents that the question of non-maintainability of the appeals before the learned Tribunal, in the absence of a final order of the departmental authority, not having been raised before the learned Tribunal; could not be allowed to be raised before this Court, has not impressed us for the reason that question of jurisdiction goes to the root of the case and could be raised for the first time even while appearing before the highest Court of the country. It is a fundamental principle of law that a Court or Tribunal has to decide the lis before it in accordance with law and parties are not bound to engage a counsel. Justice according to law is the duty of the Court which can neither be abdicated in favour of the whims or ignorance of the litigants or their lawyers nor it be avoided or evaded on the pretext that a question of law going to the root of the case was not raised promptly. In making the above observations, I am fortified by the following observations of this Court in Muhammad Sarwar v. The State PLD 1969 SC 278.

"It appears that the Judges were not properly advised, but it falls to be said that there is a well-known adage that a Judge must wear all the law of the country on the sleeve of his robe." (underlining is ours).

The rule laid down was reiterated in Board of Intermediate and Secondary Education, Lahore through its Chairman and another v. Mst. Salma Afroz and 2 others PLD 1992 SC 263. The only constraint where a party could be said to be estopped to raise question of jurisdiction would be where the party itself invoked jurisdiction of Court or Tribunal and on the result being unfavourable repudiates its own action and throws challenge to the jurisdiction of the said Court or Tribunal. But even in such a case, it will depend on the facts of that case. Yet another case where question of jurisdiction may not be entertained for the first time before superior Courts could be when the equities are plainly against the person raising objection and if upheld the consequence would be to perpetuate an ill-gotten gain or to bring about a plainly unjust consequence. Examined on the basis of the above stated principles, we do not see that the objection to jurisdiction should be shut even though raised for the first time before this Court. We find yet another reason for permitting the objection to be raised and that is to clarify the scope of jurisdiction of the learned Tribunal lest the impugned judgment becomes a precedent. We may add a word of caution i.e. that this judgment only deals with the subject-matter jurisdiction and not the territorial or pecuniary jurisdiction. Objections to the said jurisdictions are regulated respectively by the Code of Civil Procedure and the Suits Valuation Act.

9. We may also add that jurisdiction is conferred by either Constitution or law. Consent or acquiescence has never been considered as a factor conferring jurisdiction. The judgments of this Court in support of the above view-point are Maulvi Aziz-ur-Rehman v. Ahmad Khan and others 2004 SCMR 1622; Ali Muhammad and others v. Muhammad Shafi and others PLD 1996 SC 292; Shagufta Begum v. The Income Tax Officer, Circle XI, Zone-B, Lahore PLD 1989 SC 360 and Haji Abdullah Khan and others v. Nisar Muhammad Khan and others PLD 1965 SC 690.

10. Accordingly, these petitions are converted into appeals, are allowed and the judgment of the learned Service Tribunal is set aside.

M.H./E-2/SC

Appeal allowed.

Before The KP Service Tribunal, Peshawar.

S.A # 605/2019.

M. Abbas                      vis                      LG.

Application for withdrawal of the above  
titled service Appeal

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Respectfully Sheweth;

1) That the above titled appeal is pending  
adjudication before this Honourable and  
is fixed for hearing today 12.04.2022.

2) That convenience of the appellant has  
been redressed hence, needs withdrawal

It is therefore, most humbly  
prayed that the above service Appeal  
may be withdrawn.

12<sup>th</sup> April 2022.

Appellant  
Through  
Noor Mohammad Khattak  
ASC.  
12/4  
22