

ORDER
27.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 to 3 present. Counsel for private respondent No. 4 present. Arguments heard and record perused.

Vide our detailed judgment of today, passed in service appeal bearing No. 1225/2019 "titled Momin Khan Versus Assistant Director, Local Government & Rural Development, Lakki Marwat and three others" is accepted, the impugned order of his termination from service is set aside and appellant is reinstated into service against his respective position with all back benefits with further direction that private respondent also shall not suffer for lapses of the respondents, hence he also be accommodated. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
27.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN

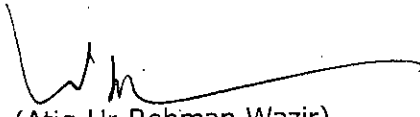


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

06.01.2022

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that counsel for the appellant is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 14.01.2022.



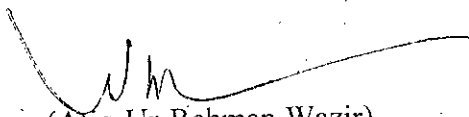
(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

14.01.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant AG for respondents present. Junior to counsel for private respondent No. 4 present and requested for adjournment as senior counsel for private respondent No. 4 is not available today. Adjourned. To come up for arguments before the D.B on 27.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

06.01.2022

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that counsel for the appellant is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 14.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

14.01.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant AG for respondents present. Junior to counsel for private respondent No. 4 present and requested for adjournment as senior counsel for private respondent No. 4 is not available today. Adjourned. To come up for arguments before the D.B on 27.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)

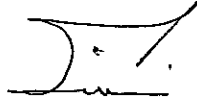


Chairman

06.12.2021

Learned counsel for the appellant present: Mr. Mohsan Khan Kundi, Assistant Director alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 and junior of learned counsel for private respondent No. 4 present.

Junior of learned counsel for private respondent No. 4 sought adjournment on the ground that learned senior counsel is busy before the august Supreme Court of Pakistan. Adjourned. Case to come up for arguments on 06.01.2022 before the D.B.

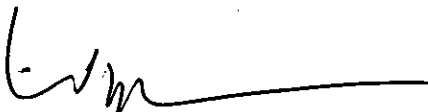



(Salah-ud-Din)
Member (J)



Chairman

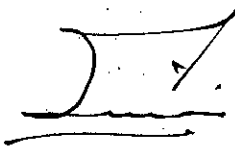
30.06.2021 Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Mr. Taimur Ali Khan, Advocate, on behalf of private respondent No. 4 present and submitted Memo of appearance with request that he will submit Wakalatnama on behalf of private respondent No. 4 on the next date. The Memo of appearance is placed on file of Service Appeal bearing No. 1080/2018. Adjourned. To come up for arguments before the D.B on 15.07.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.07.2021 Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Mr. Tariq Qurashi, Advocate, on behalf of private respondent No. 4 present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B. on 16.08.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.08.2021 Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 29.11.2021 for the same as before.


Reader

28-12-2020


Due to summer vacation, case is adjourned to
01-02-2021 for the same as before.

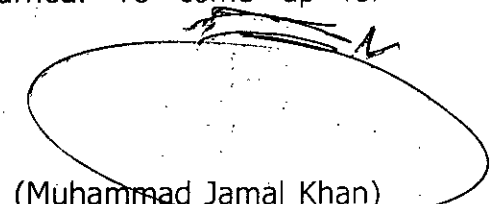

Reader

01.02.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for official respondents No. 1 to 3 and private respondent No.4 in person present.


Private respondent No.4 requested for adjournment that his counsel is not available today. Adjourned. To come up for arguments on 30.03.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Muhammad Jamal Khan)
Member (J)

30.03.2021

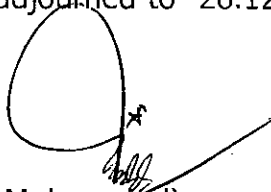
Due to non availability of the concerned D.B, the case is
adjourned to 30.06.2021 for the same.


Reader

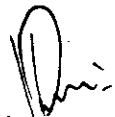
03.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.12.2020 for hearing before the D.B.



(Mian Muhammad)
Member

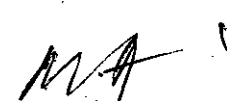


Chairman

05.03.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 to 3 and private respondent No. 4 in person present. Private respondent No. 4 requested for adjournment on the ground that his counsel is not available today. Private respondent No. 4 is strictly directed to produce his counsel on the next date positively. Adjourned to 02.04.2020 for arguments before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

21.6.2020

Due to Public Holiday on account of COVID-19 the case is adjourned. To come up for same on 29.6.2020.

29.06.2020

Due to COVID-19, the case is adjourned to 24.08.2020 for the same.


Reader

24.08.2020


Due to summer vacation case to come up for the same on 03.11.2020 before D.B.


Reader

12.09.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested submitted rejoinder, which is placed on record. Junior counsel for the appellant also requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 18.11.2019 for arguments before D.B.

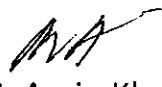

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

18.11.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 to 3 and private respondent No. 4 in person present. Private respondent No. 4 requested for adjournment on the ground that his counsel is not available today. Adjourned to 16.01.2020 for arguments before D.B.

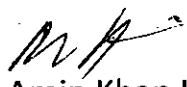

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

16.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for official respondents present. Adjourned to 05.03.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

25.04.2019

Appellant in person present. Addl: AG alongwith Mr. Yousaf Jan, Secretary Village Council for official respondents and private respondent no.4 in person present. Written reply on behalf private respondent no.4 not submitted. Requested for adjournment. Adjourned. Case to come up for written reply of respondent no.4 on 19.06.2019 before S.B.



(Ahmad Hassan)
Member

19.06.2019

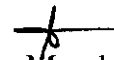
Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 to 3 present. Joint para-wise comments on behalf of official respondents No. 1 to 3 has already been submitted. Neither private respondent No. 4 present nor written reply on his behalf submitted therefore, notice be issued to him to submit written reply on the next date by way of last chance. Case to come up for written/comments on behalf of private respondent No. 4 on 12.07.2019 before S.B.



(Muhammad Amin Khan Kundi)
Member

12.07.2019

Counsel for the appellant and Addl. AG for official respondents No. 1 to 3 who already submitted written reply. Respondent No. 4 in person present and submitted written reply. To come up for arguments on 12.09.2019 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.



Member

04.2.2019

Counsel for the appellant and Addl. AG alongwith Yousaf Khan, AD for the official respondents present. Mr. Muhammad Tariq Qureshi, Advocate has submitted Wakalatnama on behalf of respondent No. 4 which is placed on file.

Representative of the official respondents states that the requisite reply is in the process of preparation and will positively be submitted on the next date of hearing. Adjourned to 27.03.2019 before S.B. The private respondent No. 4 may also furnish reply to the appeal on the next date, if so advised.



Chairman

27.03.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Yousaf Khan AD for official respondents present. Learned counsel for private respondent No.4 also present. Written reply submitted on behalf of official respondents. Learned counsel for private respondent No.4 seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on behalf of private respondent No.4 on 25.04.2019 before S.B



Member

11.12.2018

Counsel for the appellant Mumtaz Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Naib Qasid in Local Government Department by the competent authority vide order dated 15.03.2016 on the recommendation of Selection and Recruitment Committee. It was further contended that someone was aggrieved from the appointment order of the appellant therefore, he filed Writ Petition against the appellant in the Worthy Peshawar High Court Peshawar and the Worthy Peshawar High Court Peshawar disposed of the Writ Petition vide order dated 28.02.2018 and directed the competent authority to re-examine the appointment of the private respondents, merit position of the appellant and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment of Class-IV employees, after providing the parties an opportunity of hearing and thereafter the competent authority vide order dated 18.04.2018 terminated the appellant from service. It was further contended that the appellant filed departmental appeal on 11.05.2018 but the same was not responded hence, the present service appeal. It was further contended that neither the appellant was issued any show-cause notice nor the appellant was provided opportunity of personal hearing but the competent authority has passed the impugned termination order illegally therefore, the impugned order is liable to be set-aside.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit of security and process fee, thereafter notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.

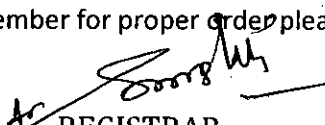

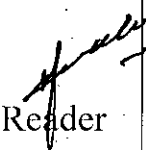
Appellant Deposited
Security and Process Fee


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1081/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/09/2018	The appeal of Mr. Mumtaz Khan presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.  REGISTRAR
2-	4-9-18	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-10-18</u> .  MEMBER
	24.10.2018	Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 11.12.2018.  Reader

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1081 /2018

Mumtaz Khan

versus

Assistant Director & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Advertisement dated 04-07-2015	"A"	5
3.	Appointment order dated 15-03-2016 / Arrival report	"B"	6-7
4.	W.P / Judgment dated 28-02-2018	"C"	8-12
5.	Show Cause Notice	"D"	13
6.	Reply to Show Cause Notice	"E"	14
7.	Termination order dated 18-04-2018	"F"	15
8.	Appointment of R. No. 04, 19-04-2018	"G"	16
9.	Representation dated 11-05-2018	"H"	17-20

Appellant

Through



Dated: 29.08.2018

Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

1

BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1081/2018

Mumtaz Khan S/O Nadir Khan,
R/O Mama Khel, Lakki Marwat,
Ex-Naib Qaisd, Village Council
Nasir Khel, Lakki Marwat.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1385

Dated 03/9/2018
Appellant

VERSUS

1. Assistant Director, Local Government
& Rural Development Department,
Lakki Marwat.
2. Director General, Local Government
& Rural Development Department, Peshawar.
3. Secretary, Govt. of KP, Local Government
& Rural Development Department, Peshawar.
4. Gul Tayaz Khan S/O Gul Faraz Khan,
Naib Qasid, Village Council Nasir Khel,
Lakki Marwat Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 5240-45, DATED
18-04-2018 OF RESPONDENT NO. 1 WHEREBY
SERVICES OF APPELLANT WERE TERMINATED
AND R. NO. 04 WAS APPOINTED AS NAIB QASID
FOR NO LEGAL REASON:

Filed to
Sonia Wajid
Registrar
03/9/18

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That on 04-07-2015, R. No. 01 floated advertisement in daily Newspapers for appointment of Class-IV servants in their respective Village Council. (Copy as annex "A")

2. That after going through the prescribed procedure of selection, appellant was appointed as Naib Qasid on regular basis on the recommendations of Selection and Recruitment Committee vide order dated 15-03-2016 and assumed the charge of the said assignment on 28-03-2016. (Copies as annex "B")
3. That on 31-05-2016, R. No. 04 filed W. P. before the Peshawar High Court, Circuit Bench Bannu to declare the order of appointment of appellant as illegal and he be appointed as such, which petition came up for hearing on 28-02-2018 along with other connected Writ Petitions on the same point and then the hon'ble court was pleased to hold that:-

All the cases are remitted back to R. No. 01 to re-examine the appointments of the private respondents and passed an appropriate order in light of Rules and Policy after providing the parties an opportunity of hearing. The entire process shall be completed within two (02) months positively. The Writ Petitions were disposed off accordingly. (Copy as annex "C")

4. That after remitting of the said judgment to R. No. 01 for compliance, Show Cause Notice was issued on 30-03-2018 to appellant to explain his position which was replied. (Copies as annex "D" & "E")
5. That on 18-04-2018, R. No. 01 terminated services of appellant with immediate effect on the score that he was not the appointee of his own Village Council. (Copy as annex "F")

Here it would be not out of place to mention that R. No. 01 appointed numerous other candidates not in their own Village Council but in others i.e. Umair Ahmad Village Council Khero Khel Pakka appointed at Serai Naurang-III, Faheem Ullah VC Khero Khel Pakka appointed at VC Gerzai, Washeullah VC Wanda Aurangzeb appointed at VC Attashi Mechan Khel, Ezat Khan VC Wanda Saeed Khel appointed at VC Kalin, Sher Nawaz VC Issik Khel appointed at VC Wanda Baru, Siffat Ullah VC Khokidad Khel Lakki City appointed at VC Jung Khel, Momin Khan VC Lakki City appointed at VC Abdul Khel, etc their services are still retained till date, so appellant was not treated alike and discriminated.

6. That on 19-04-2018, R. No. 04 was appointed as such by R. No. 01 on the post of appellant. In the judgment, the hon'ble court never directed the authority to appoint R. No. 04 as Naib Qasid and to terminate services of appellant. (Copy as annex "G")
7. That on 11-05-2018, appellant submitted representation before R. No. 02 for reinstatement in service which met dead response till date. (Copy as annex "H")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That appellant has in his credit the educational qualification up to class 8th.
- b. That appellant applied to the said post of his own Village Council and it was incumbent upon the department to appoint him as such in his own Village Council and not in any other. He could not be held responsible for the lapses of the respondents, if any.
- c. That when the matter taken to the court, the department was legally bound to transfer appellant even other incumbents to their own Village Council to save their skins.
- d. That as and when Show Cause Notice was issued to appellant regarding appointment in other Village Council, then he should rectify the mistake, if any, because the lapses were on the part of the authority and not of the appellant and in such situation, he could not be made responsible for the same.
- e. That appellant was appointed as per prescribed manner after observing the due codal formalities.
- f. That as per law and rules, appellant is liable to serve anywhere in District, outside District / Province even outside Country, then he can be appointed anywhere for the purpose, being citizen of the country.

- g. That it is to be ascertained as to whether R. No. 04 has applied to the said post or otherwise. In such a situation the department was legally bound to advertise the said post.
- h. That R. No. 04 was never gone through the process of selection, so at such a belated stage when his name was not recommended by the Departmental Selection / Recruitment Committee, he could not be appointed straight away as such.
- i. That in the aforesaid circumstances, order of appointment of R. No. 04 was not only illegal but was ab-initio void. The same was based on favoritism.
- j. That service law is alien to the word "Termination", so on this score alone, order of termination of appellant is / was illegal.
- k. That order of appointment of appellant was acted upon, effected and got finality, the same was made by the competent authority and cannot be rescinded in the manner taken.
- l. That appellant was paid Monthly Salaries for about 02 Years and 02 Months which gave vested right to him.
- m. That order of termination of appellant from service is based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 18-04-2018 of R. No. 01, and appointing R. No. 04 as Village Council be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through



Saadullah Khan Marwat



Amjad Nawaz
Advocates

Dated.29.08.2018

A 5

دفتر ڈائریکٹر جنرل محکمہ بلدیات و
دیہی ترقی صوبہ خیبر پختونخواہ پشاور

اشتہار برائے بھرتی کلاس-IV (BPS-01)

مجھے نذا کی طرف سے درج ذیل خالی آسامیوں کو پُر کرنے کے لئے صوبہ خیبر پختونخواہ کے ڈومیسائل کے حامل اہل امیدواروں سے درخواستیں مطلوب ہیں جو کہ اس اشتہار کے اشاعت کے پندرہ یوم کے اندر اندر متعلقہ ضلع کے اسٹینڈ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفاتر میں دفتری اوقات کار کے دوران جمع تصدیق شدہ دستاویزات جمع کرائی جاسکتی ہیں۔

تفصیل آسامیاں و مطلوبہ قابلیت اور درکار عمر کی حد نیچے درج ہیں۔

نمبر شمار	ضلع	نام آسامی	بنیادی سکیل	مطلوبہ قابلیت	عمر کی حد
1	متعلقہ	کلاس-IV	01	متعلقہ ضلع اویج ایئر ہڈ ٹوٹل کا مستقل باشندہ ہو۔	18-40

1- گورنمنٹ ملازم کو ترجیح دی جائے گی۔

2- متعلقہ ضلع کے باشندے کو ترجیح دی جائے گی۔

مطلوبہ قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواست اس اشتہار کی اشاعت کے پندرہ (15) یوم کے اندر اندر اپنے دستاویزات اپنے ڈومیسائل کے حامل ضلع کے اسٹینڈ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفاتر میں جمع کرائے۔

ڈائریکٹر جنرل
محکمہ بلدیات و دیہی ترقی، خیبر پختونخواہ

المستتر

مورخہ 1 - 2015/07/04

AU-As
3

B 6

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT



Dated. 15 / 03 / 2016

OFFICE ORDER.

No. 4553-64 / On the recommendations of Selection and Recruitment Committee, appointment of the following Naib Qasid, Village / Neighborhood Council is hereby ordered in BPS-01 Rs. (6210-195-12060) plus usual allowances as admissible under the rules existing policy of the Provincial government on the terms and conditions given below w.e.f the date of taking over their charge in the interest of public service, they will report for duty in the office of Village / Neighborhood Council Nazim mentioned against each:-

S.No	Name with Address	Village/ Neighborhood Council	Remarks
1	Mumtaz Khan S/O Nadir Khan	Gandi Sahib Khan	Against vacant Post

Terms and Conditions.

1. His services will be liable to termination on one month notice in advance from either side, but in case of resignation without notice, one month pay shall be refunded towards Government.
2. He will be on probation for a period of one year extendable for a further period of 12 months and during this probationary period he will not be entitled to apply for any long leave etc.
3. His services will be governed by such rules and regulations as are in vogue and as may be issued by the Government from time to time.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period and in case of misconduct, he will be preceded against the Removal from Service (Special Power) Ordinance, 2000 and the rules made from time to time.
5. He should report his arrival to all concerned. He will also not be entitled to any TA/DA for his first arrival/joining duty but in case he is not willing to join the duty, he should furnish his un-willingness on a stamp paper to the office of the undersigned.
6. His services are also liable to be terminated if any of his documents is found fake or altered, at any later stage and that he will not entitle to undergo any litigation.
7. The undersigned deserves the rights to amend or add any condition to his appointment order.
8. He is required to produce Health and Age Certificate from the Medical Superintendent DHQ Hospital, Lakki Marwat within 15 days.
9. The appointment is made subject to the conditions that the candidate has a permanent domicile of District Lakki Marwat.

If the above terms and conditions are accepted, he should immediately communicate to this office, and report for duty to the undersigned within (15) days, failing which this appointment order may be treated as cancel in respect of the candidate.

(Ali Asghar)
Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat

Even No. & Date.

Copy forwarded to:-

1. The Director General, Local Govt. & Rural Development Deptt: KP, Peshawar.
2. The District Nazim, District Government Lakki Marwat.
3. The Deputy Commissioner/ Chairman Selection Committee, Lakki Marwat.
4. PS to Senior Minister LG&RDD, Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary LG&RDD Khyber Pakhtunkhwa, Peshawar.
6. The Section Officer (Estab), Khyber Pakhtunkhwa, Peshawar.
7. Tehsil Municipal Officer / Member Selection Committee, Lakki Marwat.
8. The District Accounts Officer, Lakki Marwat.
9. The Nazim NC/VC concerned District Lakki Marwat.
10. All Supervisors LG&RDD, Lakki Marwat
11. Official concerned.
12. Office Order File.

Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat

7

ARRIVAL REPORT

In compliance with the office order of Assistant Director Local Government & Rural Development Department Lakki Marwat bearing No.4553-64 dated 15-03-2016, I Mumtaz Khan Naib Qasid BPS-01 hereby submit my arrival report in village/Neighborhood Council Gandhi Sahib Khan today on 28-03-2016. (Forenoon).

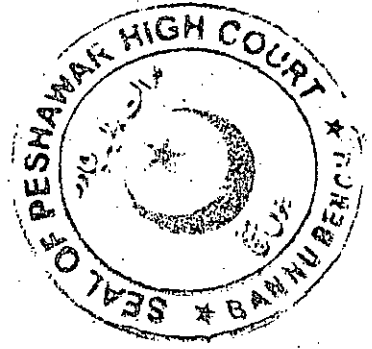
Mumtaz Khan

Mumtaz Khan
Naib Qasid BPS-01
VC/NC Gandhi Sahib Khan

Attest
[Signature]

C 8

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH
(Judicial Department)



W.P.No.350-B/2016

Momin Khan and another

Versus

Govt. of K.P.K through Secretary Local Govt. and
Rural Development and others

JUDGMENT

Date of hearing: 28.02.2018

Appellant-petitioner By Nasir Adnan Adv.

Respondent By Shahid Hameed Anjumli Adv.

Adv. Muhammad Maam AD, LG, House of Islam Progress of Jinnah
Nos. 6 By Shahid Saleem Mirakhal Adv., Lahore.

SHAKEEL AHMAD, J.- Same judgment as in
W.P.No.199-B/2016 (Najibullah Vs. Director General
Local Govt. and Rural Development and others).

Announced
Dr: 28.02.2018.

Sd/- Mr. Justice Abdul Shakoor-J
Sd/- Mr. Justice Shakeel Ahmad, J

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

SCANNED

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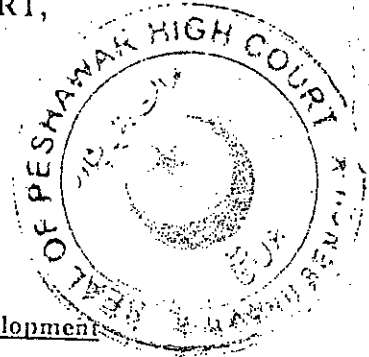
JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH
(Judicial Department)

W.P.No.199-B/2016

Najibullah

Versus

Director General Local Govt. and Rural Development
and others



JUDGMENT

Date of hearing: 28.02.2018.

Appellant-petitioner By Feroz Alam Nazki Adv.

Respondent By Shahid Hameed Qureshi ADLG
ADL Abdul Hanain ADLG Bannu, Muhammad Aleem
ADLG Lakki and Yousaf Khan Program Officer Lakki.

SHAKEEL AHMAD, J. By this single judgment we

propose to decide the following petitions having identical
questions of law and facts:-

1. W.P.No.199-B/2016.
(Najibullah Vs. Director General Local Govt.
and Rural Development and others)
2. W.P.No.206-B/2016.
(Addul Wadood and others Vs. Govt. of
K.P.K through Secretary Local Govt. and
Rural Development and others).
3. W.P.No.261-B/2016.
(Sher Alam Khan Vs. Govt. of K.P.K through
Secretary Local Govt. and Rural
Development and others).
4. W.P.No.271-B/2016
(Umar Jan Vs. Govt. of K.P.K through
Secretary Local Govt. and Rural
Development and others).

SCANNED

Inland*

(D B) Mr. Justice Abdul Shakoor and Mr. Justice Shakeel Ahmad, JJ

ATTESTED

**EXAMINER
Peshawar High Court
Bannu Bench**

5. W.P.No.278-B/2016
(Irshadullah Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

6. W.P.No.279-B/2016
(Abdul Haseeb Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

7. W.P.No.297-B/2016
(Naqibullah Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

8. W.P.No.305-B/2016
(Akhtar Zaman Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

W.P.No.318-B/2016
(Kamranullah Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

10. W.P.No.350-B/2016
(Momin Khan and another Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

11. W.P.No.438-B/2016
(Hassan Khan Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

12. W.P.No.577-B/2016
(Fazal Rahim and another Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

W.P.No.577-B/2016
(Fazal Rahim and another Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

that the petitioners are the residents of their respective Union Councils. In response to the advertisement made in the newspaper the petitioners applied for their appointments as

(D.B) Mr. Justice Abdul Shukur and Mr. Justice Shakeel Ahmad JJ

ATTESTED
EXAMINER
Rawalpindi High Court
Rawalpindi

Class-IV employees, but they were denied appointments and the people from other Union Councils were appointed, hence, these constitutional petitions.

3. After arguing the case at great length, the learned counsels for the petitioners stated at the bar that let all these cases be sent to the competent authority to re-examine the cases of appointment of the private respondents and to find out whether they have been appointed in accordance with law, policy and the terms and conditions incorporated in the advertisement or not. The learned counsel representing the private respondents in all the writ petitions and the learned A.A.G appearing on behalf of official respondents assisted by representatives of the department agreed with the contention of the learned counsels for the petitioners.

4. In view of above, we send back all these cases to the Assistant Director Local Government and Rural Development/competent authority of their respective districts to re-examine the appointments of the private respondents, merit position of the petitioners and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees, after providing the parties an opportunity of hearing and submit compliance report to Additional Registrar of this Court. The entire process shall be completed within 02

In view of (D.B) Mr. Justice Abdul Shukoor and Mr. Justice Shakeel Ahmad, JJ

ATTESTED
EXAMINER
Kashmir High Court
Srinagar

months positively. With these observations the writ petitions are disposed of accordingly.

Announced.
Di: 28.02.2018.

Sd/- Mr. Justice Abdul Shakoor J

Sd/- Mr. Justice Shakeel Ahmad J

Office
17/2/2018

CERTIFIED TO BE TRUE COPY

Shakeel Ahmad 17/2/18

Examiner

Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Constitution of Pakistan

Attested

(D.B) Mr. Justice Abdul Shakoor and Mr. Justice Shakeel Ahmad, JJ

~~EXAMINED~~
~~EXAMINER~~
~~Peshawar High Court Bannu Bench~~
~~Attested~~



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT.

No.5053-55

Dated March 30, 2018.

To

Mr. Mumtaz Khan
Naib Qasid Village Council
Gandi Sahib Khan, District Lakki Marwat.

SUBJECT:- SHOW CAUSE NOTICE.

Memo.

In the light of worthy Peshawar High Court, Bannu Bench, judgment dated 28.02.2018 in WP No.386-B/2016, the undersigned is going to serve you with the following Show Cause Notice:-

(1). That you have been appointed a Class-IV in BPS-3 in the Village Council Shahbaz Khel Tehsil and District Lakki Marwat vide **Order No.4553-64, dated 15.03.2016.**

(2). That your this appointment order was challenged by the petitioners/other candidates before the worthy PHC Bannu Bench through Writ Petition No.386-B/2016 which was disposed of by the worthy High Court in the following terms:-

"In view of the above, we send back all these cases to the Assistant Director, Local Govt. & Rural Dev./Competent Authority of their respective District to re-examine the appointment of the private respondents, merit position of the petitioners and pass an appropriate order keeping in mind the Rules, Policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees after providing the parties an opportunity of hearing."

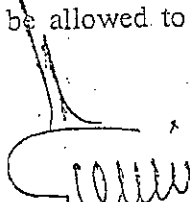
(3). That in the light of, above mentioned judgment of PHC Bannu Bench, we have re-examined your appointment and merit position, in the light of Rules, Policy and Terms and Conditions, incorporated in the advertisement, for the above mentioned posts of Class-IV and found that you, belongs to Village Council Mama Khel but have been appointed against the post for Village Council Gandi Sahib Khan. So in this way your appointment against the above mentioned post is against the Rules, Policy and against the terms and conditions incorporated in the advertisement for the above post.

(4). That through this Show Cause Notice you are hereby directed to file your reply, if any, to the office of undersigned within seven (7) days from the receipt of this Show Cause Notice, as why you should not be removed from your service, otherwise ex-parte action will be taken against you.

(5). That if you want personal hiring, in this respect you can approach to the office of the undersigned within 7 days from receipt of this notice in office hours.

Note:- After lapse of 7 days from receipt of this notice, you will not be allowed to question any action taken against you in the light of this Notice.

Adverts


Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

وقت صاف رہنے پر ڈاکٹر صاحب نے دیکھا کہ یہ دوا بھی مریض کی حالت

میں ترقی ہو رہی ہے۔

صاف عالی!

پھر اس وقت تک ہے۔

پہلے سال سے سال 2015 میں اور پھر اس وقت تک مریض کی حالت میں ترقی ہو رہی ہے۔
 مریض کی حالت میں ترقی ہو رہی ہے۔ یہ مریض کی حالت میں ترقی ہو رہی ہے۔
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حلقہ آفریقا کے مریضوں کی حالت میں ترقی ہو رہی ہے۔
 مریض کی حالت میں ترقی ہو رہی ہے۔ یہ مریض کی حالت میں ترقی ہو رہی ہے۔

Rouac

(جمہوریہ)

ولند ناردرخان - سائنس میں
 تحقیق - مریض کی حالت میں

Atta



F 15

Annexure-X

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT.

Dated April 18 2018

OFFICE ORDER

No. 5240-45 / The Peshawar High Court Bannu Bench was pleased to announce the following judgment in Writ Petition No.386-B/2016 on 28.02.2018:-
"In view of the above, we send back all these cases to the Assistant Director, Local Govt. & Rural Dev./Competent Authority of their respective District to re-examine the appointment of the private respondents, merit position of the petitioners and pass an appropriate order keeping in mind the Rules, Policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees after providing the parties an opportunity of hearing."

In pursuance of the above judgment the appointment of the following respondent was re-examined:-

#	Name & father's name of Respondent	Parent Village Council.	Village Council where appointed.
1	Mr.Mumtaz Khan S/O Nadir Khan.	Mama Khel	Gandi Sahib Khan.

Both the Petitioner and Respondent were heard and examined in detail and record perused. The petitioner Mr. Gul Tayaz Khan S/O Gul Faraz Khan stated that he applied for the post of Class-IV lying vacant in his parent Village Council but was ignored. The respondent informed that he applied for the post of Naib Qasid in his parent Council. He admitted the fact that he belongs to Village Council Mama Khel but he was appointed at Village Council Gandi Sahib Khan which is not his parent Village Council at all.

Keeping in view the above, the competent authority considers appointment order of the respondent as Naib Qasid at Village Council Gandi Sahib Khan issued vide No.Order No.4553-64, dated 15.03.2016 against the Rules and Policy and the conditions incorporated in the advertisement for Class-IV. Consequently the the said order becomes invalid and services of the respondent stand terminated with immediate effect.

Sd-

Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

Even No. & Date.

Copy forwarded to:-

1. The Director General, Local Govt. & Rural Dev. Deptt. KPK, Peshawar.
2. The Addl: Registrar, Peshawar High Court Bannu Bench.
3. The Addl: Advocate General, Peshawar High Court, Bannu Bench.
4. The District Accounts Officer, Lakki Marwat.
5. The official concerned.
6. Office Order File.

For information & necessary action.

[Handwritten signature]

[Handwritten signature]

Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

G 16



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT.

Dated April 19 /2018

OFFICE ORDER

No. 5319-22 / In pursuance to the judgment dated 28.02.2018 of Peshawar High Court Bannu Bench in Writ Petition No.386-B/2016, Mr. Gul Tayaz Khan S/O Gul Faraz Khan R/O Gandhi Sahib Khan, Tehsil and District Lakki Marwat is hereby appointed as Naib Qasid in BPS-3 (9610-390-21310) plus usual allowances as admissible under the Rules, on regular basis, against the vacant post at VC Gandhi Sahib Khan, District Lakki Marwat with the following terms and conditions:-

Terms and Conditions:

1. His services will be governed by the rules and regulations as are in vogue and as may be issued by the Government from time to time.
2. His services will be liable to termination on one month notice in advance from either side, but in case of resignation, without notice, two months pay shall be refunded towards Government.
3. He will be on probation for a period of one year extendable for a further period of one year and during this period he will not be entitled to apply for any long leave etc.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period and in case of misconduct he will be proceeded against the Removal from Service (Special Power) Ordinance, 2000 and the rules made from time to time.
5. His services are liable to be terminated if any of his documents is found fake or altered at any later stage and he will not entitle to undergo any litigation.
6. He will report his arrival to all concerned. He will also not entitle to any TA/DA for his first arrival. In case he is not willing to join the duty, he should furnish his un-willingness on a stamp paper to the office of the undersigned.
7. Before submission of pay bill to the District Accounts Officer for pay purpose, all his Certificates and Degrees will be checked and verified from the concerned Board or University as the case may be.
8. The undersigned deserves the rights to amend or add any condition to his appointment order.
9. He is required to produce Health and Age Certificate from the Medical Superintendent DHQ Hospital, Lakki Marwat.

If the above terms and conditions are accepted, he should immediately communicate his willingness and report for duty to the undersigned within 15 days, failing which this appointment order may be treated as cancelled in respect of the candidate.

Sdr

(Muhammad Aleem)

Assistant Director

Local Govt. & Rural Development
Department, Lakki Marwat.

Even No. & Date.

Copy forwarded to:-

1. The Director General, Local Govt. & Rural Development Deptt: KP, Peshawar.
2. The District Accounts Officer, Lakki Marwat.
3. The Progress Officer, LGRDD, Lakki Marwat to arrange for verification of documents.
4. Candidate concerned.

[Signature]

Assistant Director

Local Govt. & Rural Development
Department, Lakki Marwat.

[Handwritten signature]

To

H 17

D. No. 23
BANK 11/5/18
DEPT. LOCAL GOVT.

The Director General,
Local Government and Rural Development Department,
Khyber Pakhtunkhwa Peshawar.

SUBJECT ; -DEPARTMENTAL APPEAL

Respected Sir,

With due respect the appellant submits as under,

1. That your good Office advertised vacancies of Class-IV throughout Khyber Pakhtunkhwa vide advertisement dated 04.07.2015 in which the condition for appointment of Class-IV was that the candidate must be the resident of relevant District where he resides. As per afore-said advertisement, the appellant being permanent resident of District Lakki Marwat, applied for the vacancy of Class-IV, appeared in Test / interview and secured top position on merit list. Copy of advertisement dated 04.07.2015 is attached as Annexure-A.
2. That accordingly the Departmental Selection Committee duly approved and recommended the name of appellant for appointment as Class-IV. Where after the Assistant Director LGRDD Lakki Marwat issued appointment order of appellant as Naib Qasid on 15.03.2016 and posted at Village Council Gandi Sahib Khan District Lakki Marwat as Class-IV. Copies of Minutes of Meeting of Departmental Selection Committee and appointment Order dated 15.03.2016 of appellant are attached as Annexure-B.
3. That after appointment, the appellant submitted his arrival report and rendered duties for about more than 02 years. The service book and Master file of appellant was also prepared by the Department. Copies of arrival report and service book of appellant are attached as Annexure-C.
4. That it is pertinent to mention here that in response to the advertisement dated 04.07.2015, total 65 Class-IV have been appointed by the Assistant Director LGRDD Lakki Marwat who are also permanent residents of District Lakki Marwat and appointed in different village Councils like appellant.
5. That out of 65 Class-IV employees, 23 appointment orders of Class-IV were Challenged (including the appellant) before Peshawar High Court, Bannu Bench in different writ petitions solely on the ground that appellant belongs to village Council Mama Khel but he has been appointed as Class-IV in village Council Gandi Sahib Khan. The Peshawar High Court Bannu Bench without going into the merit of the case, decided all the 23 Writ Petitions through single Judgment dated 28.02.2018 in the following terms; - "In view of the above, we send back all these cases to the Assistant Director , Local Government and Rural Dev; / Competent Authority of their respective District to re-examine the appointment of the private respondents , merit position of the petitioners and pass an appropriate order keeping in mind the rules, Policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees after providing the parties an opportunity of hearing". Copy of Judgment dated: 28.02.2018 of Peshawar High Court Bannu Bench is attached as Annexure - D.

Attest


6. That as such the Assistant Director LGRDD Lakki Marwat issued show cause notice to the appellant on the basis of afore-said Judgment of Peshawar High Court Bannu Bench dated: 28.02.2018, in which the only objection raised was that appellant belongs to village Council Mama Khel but he has been appointed as Class-IV in village Council Gandhi Sahib Khan District Lakki Marwat. There was no objection as to the merit position of the appellant in the afore-said Show Cause Notice. The appellant timely replied to the afore-said Show Cause Notice after receipt of the same. Copies of Show Cause Notice and reply of the appellant are attached as Annexure-E.
7. That thereafter the Assistant Director LGRRD Lakki Marwat all of sudden issued termination order dated 18.04.2018 of appellant in which the same reason is given that appellant belongs to village Council Mama Khel but he has been appointed as Class-IV in village Council Gandhi Sahib Khan District Lakki Marwat. Copy of termination order of appellant dated 18.04.2018 is attached as Annexure-F.
8. That as per advertisement dated 04.07.2018, the candidate must be the permanent resident of relevant District. As such appellant is fully eligible to apply to the vacancy of Class-IV because applicant is the permanent resident of District Lakki Marwat and has rightly been appointed as Class-IV in Village Council Gandhi Sahib Khan District Lakki Marwat as per terms and conditions of the afore-said advertisement dated 04.07.2018. But Assistant Director LGRRD Lakki Marwat has wrongly and illegally terminated the appellant from service in order to adjust his blue eyed persons. The Assistant Director LGRRD Lakki Marwat has misconceived and misinterpreted the Judgment of Peshawar High Court, Bannu Bench dated 28.02.2018 as the merit position of the appellant has not been called in question by the Assistant Director LGRRD Lakki Marwat. At the same time, it is written in the advertisement dated: 04.07.2015, that in case of two candidates having equal marks in test/interview then as per advertisement dated 04.07.2015, preference shall be given to the candidate of concerned village / neighborhood council. But Assistant Director LGRDD Lakki Marwat has misconceived this condition while terminating the appointment order of appellant. As per merit, appellant is the top position holder therefore, appellant being resident of District Lakki Marwat has rightly been appointed. Copies of I.D Card and Domicile of the appellant are attached as Annexure-G.
9. That Local Government and Rural Development Department Khyber Pakhtunkhwa Peshawar issued Notification dated: 03-12-2015 vide which an amendment has been made for the selection of appointment of Naib Qasid / Chowkidar in which criteria laid down for their appointment is that he must be physically sound, preferably literate, about 18 to 40 years aged. There is no such condition / criteria for the appointment of Class-IV that he must be permanent resident of same village council. Again the stance of the appellant has been confirmed by the rules framed by the Department itself where no such condition has been placed that the candidate must be the resident of the same village council where he has been appointed. The only condition as mentioned in the advertisement is that he must be the resident of same District where he applies. As such the reason given for termination of the appellant in the termination order dated 18.04.2018 is against the service rules dated 03.12.2015 of the Department. And ultimately the afore-said termination order is also against the very spirit of the Judgment dated 28.02.2018 of the Peshawar High Court, Bannu Bench. Copy of Service Rules / Notification dated: 03-12-2015 is attached as Annexure-H.

10. That appellant belongs to village Council Mama Khel and has been appointed in Village Council Gandhi Sahib Khan District Lakki Marwat. Whereas 64 other Class-IV employees who have been appointed in response to the same advertisement dated 04.07.2015 are similarly placed persons who belong to one Village Council but they have been appointed in other village Council (Like Appellant) but no Show Cause Notice nor any termination order has been issued to them. As for example, in village council Attashi Mechan Khel a candidate namely Wasiullah S/O Shafiullah has been appointed as Class-IV on 15-03-2016 despite the fact that the afore-said candidate namely Wasiullah S/O Shafiullah is the permanent resident of Village Council Wanda Aurangzeb and stranger to the village council Attashi Mechan Khel. But no show cause notice has been issued to the afore-said Wasi Ullah nor has he been terminated from service. Similarly no show cause notice has been issued to 42 other Class-IV employees who are similarly placed as of appellant. Therefore, the termination order dated 18.04.2018 is discriminatory with the appellant. On one hand, Assistant Director LGRRD Lakki Marwat is admitting the appointment orders of similarly placed persons as correct whereas on the other hand he has issued termination order of the appellant. As such the conduct of the Assistant Director LGRRD Lakki Marwat is contradictory in itself. Copy of appointment order of Wasiullah and affidavit dated; 06.08.2016 of Secretary Village Council Attashi Machan Khel are attached as Annexure-I.
11. That appellant has been appointed as Naib Qasid according to rules, regulations and policy by the Departmental Selection Committee after due process of law. The Departmental Selection Committee was consisted by Hon able members of your good Office including the representative from LGRDD Peshawar as well. The Departmental Selection Committee has discussed the case of each appointee and after thorough scrutiny of documents the appellant has been appointed as Class – IV along with 64 others. As such vested right has been accrued to the appellant for appointment and as such termination order dated: 18.04.2018 of appellant is illegal, unlawful and without lawful authority.
12. That after appointment on 15.03.2016, the appellant was rendered medically fit for service, the appellant assumed charge of his office and rendered services for about more than 02 years. The Master file and service book of appellant are also prepared. At all these stages, Assistant Director LGRRD Lakki Marwat didn't raise any objection regarding the appointment order of appellant. Now after more than 02 years service of appellant, Assistant Director LGRRD Lakki Marwat cannot raise any such objection because he is estopped by his own conduct. Furthermore, after 02 years service of appellant, vested right has been accrued to the applicant for appointment. Therefore, if any irregularity whatsoever, has been committed by the Department in the procedure / process of appointment (which is not available on record), then for such irregularity the appellant should not be punished (In this respect guidance can be sought from Judgment of Supreme Court reported as 2009 SCMR page 663).
13. That LGRDD Department also filed Comments in all the Writ Petitions in Peshawar High Court Bannu Bench in which your good Office admitted the plea of the appellant that appellant has been appointed as Class-IV according to rules, regulations and policy. And there is nothing unlawful in these appointment orders. Now how come Assistant Director LGRRD Lakki Marwat is saying that appellant is not appointed according to rules, regulations and policy. Copy of Comments filed by your good Office in Connected Writ Petition 529-B/2016 is attached as Annexure-J.

14. That even Peshawar High Court Bannu Bench didn't find any irregularity or illegality in the appointment order of appellant and as such Peshawar High Court Bannu Bench allowed the appellant to work as it is.
15. That most of the candidates who have been appointed as Class - IV on 19-04-2018 in place of appellant have not filed even applications in response to the advertisement dated 04.07.2015 nor they were on top position on merit list nor the merit position of those candidates are brought to light by the Assistant Director LGRRD Lakki Marwat even than they have been appointed as Class-IV on the next date i.e 19.04.2018 in place of the appellant. The person who has been appointed in the place of appellant is Gul Tayaz khan S/O Gul Faraz Khan. Copy of appointment order dated: 19.04.2018 of Gul Tayaz khan who has been appointed in place of appellant is attached as Annexure - K.
16. That appellant has been terminated from service only upon Show Cause Notice and no regular inquiry has been conducted by the Assistant Director LGRRD Lakki Marwat before issuing termination order dated 18.04.2018 of appellant. Which is against the law, rules and regulations.
17. That no summary of allegation has been given to the appellant nor opportunity of hearing has been given to the appellant before issuing termination order of the appellant. Which act of Assistant Director LGRRD Lakki Marwat is also against the very spirit of the Judgment dated 28.02.2018 of the Peshawar High Court Bannu Bench in which it is clearly held that Opportunity of hearing must be given to the appellant.
18. That compliance report submitted by the Assistant Director LGRDD Lakki Marwat is also against the spirit of the Judgment dated: 28.02.2018 of Peshawar High Court Bannu Bench and also against the law, rules, regulations and principles of Natural Justices.. Copy of compliance report of Assistant Director LGRDD Lakki Marwat is attached as Annexure - L.
19. That at time of appointment of Gul Tayaz khan on 19 /04/ 2018, there was complete ban imposed by the Election Commission of Pakistan on new appointments in all Departments Provincial as well as Federal. As such the appointment order of Gul Tayaz khan is also against the law and Ban Order.

It is therefore, most humbly requested that on acceptance of my Departmental Appeal, the appointment order dated 19.04.2018 of Gul Tayaz khan may be cancelled and as such the termination order dated 18.04.2018 of appellant may very graciously be set aside being illegal, unlawful and without lawful authority and appellant may kindly be re-instated in service as Class-IV with all back benefits.

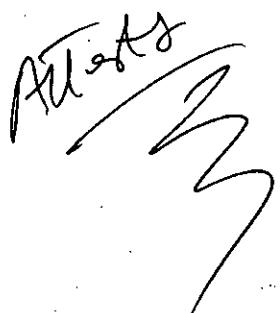


APPELLANT

Muntaz Khan S/O Nadir Khan
Naib Qasid

Village Council Gandhi Sahib Khan
District Lakki Marwat

Dated:



یعدالت جناب سرسٹریٹ ٹریبونل صوبہ سرحد پشاور

متجانب اسٹینٹ

پنام محلہ ۷۹ ویں

نمبر ۱۰

دعویٰ اپیل

باعضیت شریک اینٹیکہ

بقدر سند جہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور
کیسٹیم اسٹینٹ اٹارنی خان سوہنے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقررات و تفصیلات مختلف
یعنے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست
ہر قسم کی تعلقہ اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور سوسائٹی اینڈ ریز داہر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا اٹارنی قانونی کو اپنے ہمراہ یا اپنی بجائے تقررات کا اختیار ہوگا
اور ہر ایک مقدمہ شہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظر
قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہر جانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دروہ
پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المزوم ۲۹/۱۴

التعبید التعبید التعبید

ارباب اسٹینٹ اٹارنی
سیدہ اللہ خان مراد
ایڈووکیٹ

من ریبیم تار
ایڈووکیٹ

Moz

وکالت نامہ

بعدالت جیٹین صاحب سے روپیہ کی وصولی کے لیے لکھا گیا

کوٹ فیس	قیمتی ایک روپیہ
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2019ء منجانب سپرنٹنڈنٹ (پبلک ہیلتھ) نام انسٹرکشننگ آفیسر

ماہ فروری

مورخہ
مقدمہ
دعویٰ
جرم

حمتارخان

SA-1081-018

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ آن
مقام لکھنؤ کے لئے محمد طارق قریشی ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز
وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور بصورت
ڈگری کرانے اجراء اور وصولی چک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر
اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی او منسوخ
واٹر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختیار قانونی گو ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہونگے۔ اور اس کا ساختہ پر ساختہ منظور قبول
ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب
موصوف ہونگے۔ نیز بقایا و خرچہ کی وصولی کرنیکا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو
یا جگہ سے باہر ہو تو وکیل صاحب پابند ہونگے کے پیروی مقدمہ مذکور کریں لہذا وکالت
لکھد یا تاکہ سندر ہے

Accepted



المقوم
ماہ فروری 2019ء
العبد گواہ شد العبد

بمقام لکھنؤ کے لئے منظور ہے



محمد طارق قریشی ایڈووکیٹ

سپریم کورٹ آف پاکستان

موبائل: 0300-5768804

یا سرموت پرنٹنگ پریس پشاور موبائل: 0333-9123075

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No 1081/2018

Mumtaz khan

Versus

Govt. of KPK & others.

INDEX.

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Deponent



Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.
(Respondent No.1).

Assistant Director
Local Govt. & Rural Dev:
Deptt: Lakki Marwat.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No 1081/2018

Mumtaz khan S/O Nadir Khan
R/O Mama Khel, Lakki Marwat,
Ex-Naib qasid, Village Council
Nasir Khel, Lakki Marwat..... Appellant

VERSUS

1. Assistant Director, Local Govt. & Rural Development Department, Lakki Marwat.
2. Director General, Local Govt & Rural Dev. Department Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Govt. of Khyber Pakhtunkhwa Local Govt. Elec. and Rural Development Department, Peshawar.
4. Gul Tayaz Khan S/O Gul Faraz Khan
Naib Qasid, Village Council Nasir Khel
Lakki Marwat.

..... Respondents

PARA-WISE COMMENTS IN RESPECT OF RESPONDENT NO.1, 2 & 3.

Respectfully Sheweth.

PRILIMINARY OBJECTIONS.

1. That the appellant has no cause of action & locus standi.
2. That the appellant has been es-topped by his own conduct to file the appeal.
3. That the instant appeal is time barred.
4. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
5. That the Honorable Court has no jurisdiction to adjudicate the appeal.

ON FACTS.

1. Para No.1 is correct to the extent that the posts of class- IV were advertised by the Director General, LGRDD, KPK, Peshawar on 04/07/2015.
2. Para No.2 is incorrect. The appellant was appointed as Naib Qasid on temporary basis.
3. This is correct to the effect that the writ petition filed by the Respondent No.4 was disposed of by the honorable Peshawar High Court Bannu Bench on 28/02/2018 along with other writ petitions.

4. Correct to the effect that appellant submitted his reply to the Show Cause Notice issued to him by the Assistant Director, LGRDD, Lakki Marwat being respondent No.1 in the present appeal and was found unsatisfactory.
5. That Para No.5 is correct to the extent that the services of appellant were terminated on 18/04/2018 on the grounds that the appellant was not bonafide resident of the Council to which he was appointed in 2016. The advertisement floated in the Daily Newspapers in 2015 bore a condition that the candidate should be inhabitant of the council concerned.
6. That Para No.6 is correct to the extent that the Assistant Director, Local Govt. and Rural Development Department Lakki Marwat (R.No.1) appointed R.No.04 being bonafide resident of the said Council against the post so vacated by the appellant which also was in pursuance of the said judgment dated 28/02/2018 as well as the CMA of the appellant dismissed by the Peshawar High Court Bannu Bench vide its judgment dated 11.12.2018. Copy of the judgment is as Annex-A.
7. In response to Para no.7 it is stated that the appeal of the appellant was considered and filed having no merit.

ON GROUNDS.

- a. That it is upon the appellant to prove his qualifications.
- b. That the Para No. b is incorrect. The appointment of the appellant to another council was violation of the prescribed service rules as well as the advertisement. The Peshawar High Court Bannu Bench in its judgment 28/02/2018 ordered for reconsideration of appointment of the appellant and issuance of proper order keeping in mind the condition so incorporated in the advertisement, which was done accordingly.
- c. Incorrect. The post of Naib Qasid in the Union Council was not vacant as bonafide resident of the said Council was earlier appointed there.
- d. Incorrect. Since the matter was in the court pending decision and that rectification of the mistake was not possible therefore show cause notice was issued to the appellant and was removed from service to implement the said judgment. Moreover, the post of Naib Qasid was also not vacant.
- e. Incorrect. The appointment of the appellant was contrary to the condition so incorporated in the advertisement as well as the prescribed Service Rules.
- f. Incorrect. The appellant could not be appointed out of his Village/Neighborhood Council.

- g. Incorrect. The post of Naib Qasid in the concerned Village/Neighborhood Council was advertised as per Service Rules.
- h. Incorrect. The Respondent No.4 was found eligible for the post of Naib Qasid by the competent authority and was appointed in pursuance of the decision of the court, as noted in the preceding paras.
- i. As replied in Para-h above.
- j. Incorrect. The word "Termination" prevails in the constitutional provisions regarding terms and conditions of service of civil servants therefore this word is not alien at all.
- k. As replied in Para-b above.
- l. Incorrect. The respondent filed writ petition in Peshawar High Court Bannu Bench which was decided on 28/02/2018. The competent authority implemented the court decision within the time given by the court, therefore, the appellant was not given any vested right.
- m. Incorrect. As replied in Para-b above.

It is therefore requested that this Honorable Tribunal may graciously dismiss appeal of the appellant with cost.



Assistant Director
Local Govt. & Rural Dev:
Deptt: Lakki Marwat.

Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.
(Respondent No.1).

Director General
Local Govt. & Rural Development
Khyber Pakhtunkhwa

Director General
Local Govt. & Rural Development
Department, KPK, Peshawar.
(Respondent No.2).



(SECRETARY)
Govt. of Khyber Pakhtunkhwa
Local Govt. & Rural Development
Department, KPK, Peshawar.
(Respondent No.3)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal No 1081/2018

Mumtaz Khan

Versus

Govt. of KPK & others.

Affidavit

I, Mr. Yousaf Khan, Assistant Director, Local Govt. & Rural Development Department, Lakki Marwat solemnly affirm that the contents of comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent



Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.
(Respondent No.1).

Assistant Director
Local Govt: & Rural Dev:
Deptt: Lakki Marwat.

JUDGMENT SHEET

**IN THE PESHAWAR HIGH COURT,
BANNU BENCH.**

(Judicial Department)

CM NO.330-B of 2018 in

Writ petition No.279-B of 2016

Hamid Usman

Vs.

Govt. of Khyber Pakhtoonkhwa
and others

JUDGMENT

Date of hearing 11-12-2018

Present: Plaintiff by

Rudam Khan Kundak A-02

and Shabid Saleem Mirza A-02

Def. by Shabid Hameed Bawli A-02

Woo by Muhammad Anwar Khan A-02

SHAKEEL AHMAD, J--- Through this common judgment we propose to decide the instant application as well as the following connected applications as common question of law and facts are involved therein:-

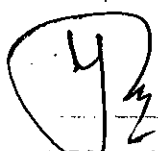
1- CM NO.332-B/2018 in WP NO.438-B/2016
(Titled Haroon Khan Vs Govt. of KPK etc)

2- CM No.333-B/2018 in WP NO.260-B/2016
(Titled Yousaf Jamal Vs Govt. of KPK etc)

ATTESTED

EXAMINER

Peshawar High Court
Bannu Bench

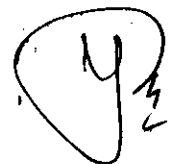

**Assistant Director
Local Govt: & Rural Dev:
Deptt: Lakki Marwat.**

- 3- CM No.334-B/2018 in WP NO.278-B/2016
(Titled Alta fur Rahman Vs Govt. of KPK
etc).
- 4- CM No.335-B/2018 in WP NO.305-B/2016
(Titled Farhatullah Vs Govt. of KPK etc)
- 5- CM No.336-B/2018 in WP NO.535-B/2016
(Titled Farooq Khan Vs Govt. of KPK etc)
- 6- CM No.337-B/2018 in WP NO.343-B/2016
(Titled Imtiaz Ahmad Vs Govt. of KPK etc)
- 7- CM No.338-B/2018 in WP NO.529-B/2016
(Titled Muhammad Ismail Vs Govt. of KPK
etc)
- 8- CM No.339-B/2018 in WP NO.22-
B/2016(Titled Siraj-Ud-Din Vs Govt. of
KPK etc)
- 9- CM No.340-B/2018 in WP NO.350-B/2016
(Titled Subzali Khan Vs Govt. of KPK etc)
- 10- CM No.341-B/2018 in WP NO.316-
B/2016(Titled Farmanullah Vs Govt. of
KPK etc)
- 11- CM No.342-B/2018 in WP NO.386-B/2016
(Titled Mumtaz Khan Vs Govt. of KPK etc)
- 12- CM No.343-B/2018 in WP NO.297-B/2016
(Titled Dil Jan Vs Govt. of KPK etc)
- 13- CM No.345-B/2018 in WP NO.285-B/2016
(Titled Tahir Khan Vs Govt. of KPK etc)
- 14- CM No.346-B/2018 in WP NO.261-B/2016
(Titled Irfanullah Vs Govt. of KPK etc)

ATTESTED

EXCISER
Peshawar High Court
Khyber Pakhtunkhwa

Azmat Awan (DB) Mr. Justice Muhammad Nasir Mairizozal, Mr. Justice Shabzeel Ahmed



Assistant Director
Local Govt: & Rural Dev:
Deptt: Lakki Marwat.

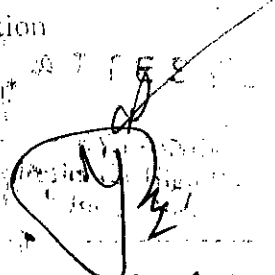
2- Through all these petitions filed under section 47 read with Section 151 CPC, the applicants have called in question the validity of orders passed by the Assistant Director LG and RDD of their respective districts whereby their services were terminated.

3- According to the learned counsel for the applicants; the respondents have misconceived and misinterpreted the judgment dated 28/02/2018 passed by this Court in Writ Petition No.279-B/2016, and wrongly terminated the services of the applicants through separate office orders, therefore, the same are liable to be set aside.

4- On the other hand, learned counsel appearing on behalf of the private respondents contended that in pursuance of order of this court, the appointment orders of the applications were re-examined and it was found that their appointments were made against the rules, policy and terms and conditions, incorporated in the advertisement, therefore, their services were rightly terminated.

5- Learned Additional AG appearing on behalf of the official respondents, assisted by the Assistant Director L.G & RDD added that the present applications are not competent, and contended that if the applicants feel themselves to be aggrieved from their termination

Azmat Awan (DB) Mr. Justice Muhammad Nasir Mahfooz & Mr. Justice Shakeel Ahmed


Assistant Director
Local Govt: & Rural Dev:
Deptt: Lakki Marwat.

orders, they can challenge the validity of the same through a Constitutional petition.

6- We have heard arguments of learned counsel for the parties and have gone through the record with their able assistance.


7- This court by its judgment dated 28.02.2018 rendered in Constitutional Petition No.279-B/2016, directed the Assistant Director LG and RDID/competent authority of their respective districts to re-examine the appointment orders of the applicants/private respondents, their merit position and pass an appropriate order keeping in mind the rules, policy and terms and conditions incorporated in the advertisement for appointment as Class-IV employees, and after providing the parties an opportunity of hearing and submit compliance report to the Registrar of this court. In pursuance thereof, the Assistant Director Local Government and Rural Development department, examined the cases of the applicants individually in their respective district and held that their appointments were made against the rules, policy and terms and conditions incorporated in the advertisement for Class-IV employees, consequently terminated the applicants from services. Prior to termination order all the applicants were given right of audience. The applicants are not aggrieved from the

Aznat Awan (DB) Mr. Justice Muhammad Nasir Mahfooz & Mr. Justice Shakeel Ahmed*

ATTESTED

EXAMINER

Peshawar High Court
Banno House


**Assistant Director
Local Govt: & Rural Dev:
Deptt: Lakki Marwat.**

judgment of this court. They have urged before us that their termination order is illegal. Admittedly this court is not acting as an Executing court, therefore, in our view the petitions filed by the applicants U/S 47 read with section 151 Cr.P.C is not competent. It is not open for the applicants to raise the question of validity of the order of their termination through these petitions. The question of validity of the impugned order can be raised by a separate lis. There is nothing in these applications which warrants the proposition that this court can adjudge the validity of the termination order of the applicants.

8- For this reason, we dismiss this petition as well as connected petitions with no order as to costs, however, the petitioners shall be at liberty to seek their relief through separate lis before the appropriate forum, if so desired.

Announced.
11-12-2018

Sd/- Mr. Justice Muhammad Nasir Mahfooz

Sd/- Mr. Justice Shakeel Ahmad J

[Handwritten signature]

REPRODUCED TO BE TRUE COPY

[Handwritten signature]

2018/12/11
 District Court, Lakki Marwat
 District Judge, Lakki Marwat

[Handwritten signature]

**Assistant Director
 Local Govt: & Rural Dev:
 Deptt: Lakki Marwat.**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1081 / 2018.

Mamtaz Khan

Appellant

VERSUS

Assistant Director, Local Government & others

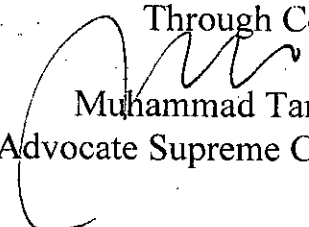
Respondents

INDEX

S.No.	Description of Documents	Annexure	Page
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3.	Copy of arrival report of replying respondent	B	7
4.	Copy of verification reports	C	8
5.	Affidavit of replying respondent	D	9
6.	Copy of Certificate about resident of Mamtaz Khan	E	10
7.	Copy of Arrival report of Mamtaz Khan	F	11
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9.	Copy of Report of Secretary Union Council Gandi Sahib Khan vide letter No. 15 dated 25.10.2016	H	13
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13.	Copy of judgment in writ petition No. 386-B / 2016 of the High Court	L, M	19-22
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Dated: 24.03.2019

Replying Respondent No. 04
Through Counsel


Muhammad Tariq Qureshi
Advocate Supreme Court of Pakistan

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1081 / 2018.

Mamtaz Khan

Appellant

VERSUS

Assistant Director, Local Government & others

Respondents

PARA-WISE COMMENTS / REPLY ON BEHALF OF PRIVATE

RESPONDENT NO. 4

Preliminary Objections

- i. This Hon'ble Court has got no jurisdiction to entertain instant appeal.
- ii. -Appellant has no locus standi.
- iii. Appellant is not come to this Hon'ble Court with clean hand.
- iv. The instant appeal is time barred.
- v. The appellant has concealed material facts from this Hon'ble Court.
- vi. The appellant is stopped by his own conduct to sue.
- vii. That, there is malafide on the part of the appellant.

COMMENTS ABOUT FACTS:

1. That, the para No.1 is correct and pertains to the record.
2. That, the para No.2 is incorrect. The appellant was not appointed through the said prescribed procedure. The recommendations of the selection and recruitment committee were in clash and contradictory to the terms and conditions lay down in the advertisement and relevant policy. The appellant was not even belonging to the Union Council for which the post was allocated. The post in question was to be filled on the basis of village council, but in the case in hand, even the person appointed i.e. appellant hails from another Union Council. Interesting is the fact that appellant has not joined the service formally / as per law through charge report and he cannot claim a single day in a duty for discharge of his duties. He has not

performed duty a single day rather has been enjoyed salaries while sitting at home.

3. That, the para No.3 is correct. The part of the judgment reproduced is fabricated and not the real excerpt from the judgment. The judgment also refers to keep the terms and conditions and merit position of the appellant and replying respondent. The respondents therein were supposed to make order according to the merit, policy and regulation, which the respondent have made accordingly.
4. That, the para No. 4 is correct and pertains to record.
5. That, the appellant was rightly terminated after observance of all the codal formalities and requirements. The appellant badly failed to explain and prove his merit, position and rights. The appellant was not only lagging behind in score but also not permanent resident of the same village council for which the post in question was allotted.
The second paragraph is refuted. No such discrimination persons are there. The stated persons are either on surplus basis or the inquiries into the validity of their appointments are pending against them.
6. That, the replying respondent No. 4 was appointed according to law and to the soul of the said judgment because the replying respondent No.4 was party to the petition whereon the judgment in question was passed. Since, the replying respondent was far better than the appellant, hence he was appointed. In identical cases / matters the High Court has directed the respondents for removal of persons who had been appointed from the outside Union Council, Village Council.
7. That, the para No.7 is incorrect. The appellant has no locus standi / cause of action. The instant appeal is premature. Hence, liable to be dismissed forthwith.

COMMENTS / REPLY ABOUT GROUNDS:

- A. Since, the appellant does not meet the basic eligibility, hence his qualification is of no value.
- B. The appellant was not deserving for appointment at his own Village Council that is why he was ignored. The question arises that why did the appellant kept mum on the said illegality?
- C. That, the para "C" is not sustainable. The appellant could not be transferred to his own Village Council due to the policy / rules.
- D. The lapses were not curable. The appellant has been removed in the light of the judgment of the Peshawar High Court, Bench Bannu.
- E. The para replied earlier.
- F. The para is not logical. There are some terms and condition prescribed for the post.
- G. The respondent No. 4 / replying respondent had duly applied for the post. The post was required to be advertised again.
- H. In wake of exclusion of the appellant, the next available and deserved candidate is the replying respondent. The Local Government Bodies, for recruitment of class-IV, need not to constitute committees for appointment.
- I. Incorrect, the para is already explained being baseless.
- J. The word "termination" is equivalent word for the word "removal". The ground is mere technicality being not logical.
- K. The para has already been refuted categorically. The appointment was challenged immediately and was subject to the litigation ab-initio which was hit by the judgment in question.

(4)

L. The salaries may be recovered from the appellant, which were given to him on his own risk and cost.

M. That, no melafide could be pointed out by the appellant on the part of official respondents, rather the termination was in compliance with the judgment of Peshawar High Court Bench Bannu.

N. That, the following are the documents on which replying respondent No.04 places his reliance:

- (i) Copies of appointment order of replying respondent, arrival report of replying respondent are annexed herewith as Annexure "A,B".
- (ii) Copies of verification reports, judgment of the High Court are annexed herewith as Annexure "C,D".

In wake of the above humble submissions and facts, the appeal in hand may kindly be dismissed.

Dated: 24.03.2019

Replying Respondent No. 04
Through Counsel


Muhammad Tariq Qureshi
Advocate Supreme Court of Pakistan

5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1081 /2018.

Mamtaz Khan

Appellant

VERSUS

Assistant Director, Local Government & others

Respondents

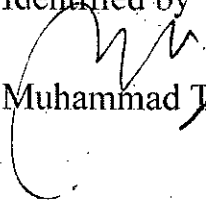
AFFIDAVIT

I, Gultayaz Khan s/o Gulfaraz Khan r/o Gandi Sahib Khan Naser Khel, Tehsil & District Lakki Marwat hereby solemnly affirm and declare that the contents of instant comments / reply are true and correct to the best of my knowledge and belief.

Deponent

Gultayaz Khan

Identified by


Muhammad Tariq Qureshi Advocate



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT: & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT.

Dated April 19 /2018

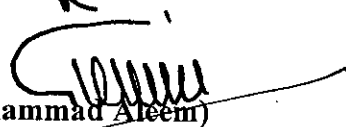
OFFICE ORDER.

No. 5319-22 / In pursuance to the judgment dated 28.02.2018 of Peshawar High Court Bannu Bench in Writ Petition No.386-B/2016, Mr. Gul Tayaz Khan S/O Gul Faraz Khan R/O Gandhi Sahib Khan, Tehsil and District Lakki Marwat is hereby appointed as Naib Qasid in BPS-3 (9610-390-21310) plus usual allowances as admissible under the Rules, on regular basis, against the vacant post at VC Gandhi Sahib Khan, District Lakki Marwat with the following terms and conditions:-

Terms and Conditions.

1. His services will be governed by the rules and regulations as are in vogue and as may be issued by the Government from time to time.
2. His services will be liable to termination on one month notice in advance from either side, but in case of resignation, without notice, two months pay shall be refunded towards Government.
3. He will be on probation for a period of one year extendable for a further period of one year and during this period he will not be entitled to apply for any long leave etc.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period and in case of misconduct he will be preceded against the Removal from Service (Special Power) Ordinance, 2000 and the rules made from time to time.
5. His services are liable to be terminated if any of his documents is found fake or altered at any later stage and he will not entitle to undergo any litigation.
6. He will report his arrival to all concerned. He will also not entitle to any TA/DA for his first arrival. In case he is not willing to join the duty, he should furnish his un-willingness on a stamp paper to the office of the undersigned.
7. Before submission of pay bill to the District Accounts Officer for pay purpose, all his Certificates and Degrees will be checked and verified from the concerned Board or University as the case may be.
8. The undersigned deserves the rights to amend or add any condition to his appointment order.
9. He is required to produce Health and Age Certificate from the Medical Superintendent DHQ Hospital, Lakki Marwat.

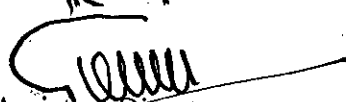
If the above terms and conditions are accepted, he should immediately communicate his willingness and report for duty to the undersigned within 15 days, failing which this appointment order may be treated as cancelled in respect of the candidate.


(Muhammad Aleem)
Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

Even No. & Date.

Copy forwarded to:-

1. The Director General, Local Govt. & Rural Development Deptt: KP, Peshawar.
2. The District Accounts Officer, Lakki Marwat.
3. The Progress Officer, LGRDD, Lakki Marwat to arrange for verification of documents.
4. Candidate concerned.


Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

To

7

13.

The Nazim / Secretary
Village Council

Gandi Sahib Khan (Nasor Khan)

SUBJECT: ARRIVAL REPORT

Respected Sir:

In compliance with the Assistant Director LG & RDD Lakki Marwat office order

No. 5319-22 dated: 19-4-18 I Mr. Gul Tajaz Khan hereby submit my arrival report as Naib Qasid VIC GSKNK today on 20-4-18.

Your Obedient

Naib Qasid. Gul Tajaz Khan

Village Council: GSKNK

District Lakki Marwat

OFFICE OF THE NAZIM VILLAGE COUNCIL GSKNK

Copy forwarded to:

1. Director General Local Govt & Rural Development Department KP Peshawar.
2. Assistant Director Local Govt & Rural Development Department Lakki Marwat.
3. District Account Officer Lakki Marwat.
4. Progress Officer Local Govt & Rural Development Department Lakki Marwat.

BA
20/04/18
Nazim Village Council


GSKNK
Lakki Marwat
Nazim VIC *Gandi Sahib Khan*
Gandi Sahib Khan
Gandi Sahib Khan
Lakki Marwat

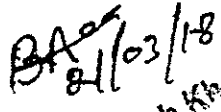
8

C

CERTIFICATE.

Certified that we personally know Mr. Gul Tayyaz Khan S/O Gul Faraz Khan
He is permanently resident of Village Gandi Sahib Khan which is situated village
Council Gandi Sahib Khan Tehsil Naurang District Lakki Marwat.

Secretary
Village Council
Tehsil & District

SECRETARY
V/c Gandi Sahib Khan
Lakki Marwat.

Nazim
Village Council
Tehsil & District

Barkat Ullah Khan
Nazim V/C Gandi Sahib Khan
(Nasir Khe) Naurang
Lakki Marwat

verification

منہ سے نکلنے والا خون اور گل فرار خان حلقہ یا رتہ میں
 میں موضع نڈی صاحب خان ویلج کونسل نڈی صاحب خان ڈالنا نہ محفل
 سراجے ٹورنگ خیلہ علی حرد کا منتقل باشندہ ہیں۔ اور یہ خیلہ میں
 نے فروری 2015 میں نائب ناصر لوہڑے کے در خواست گزارا تھی
 یہ خیلہ چھار ویلج کونسل نڈی صاحب خان میں کلر میں لائی حکم فانی تھی
 حکم چھار ویلج کونسل پر حوسرا رومی حسی جھار خان ولا ناظر خان
 کو کھری گیا ہو ویلج کونسل حوسرا کا باشندہ ہے۔ اس
 کے تہہ سا قوسراہر نا الصافی ہوگی ہے۔ اور حکم حق غضب گیا گیا
 2

یہ خیلہ چھار یا حقیقت میں رہتی ہے کوئی اور لوہڑہ نہیں
 رکھا گیا ہے

Roqac

(Signature)

نقل تیار خان ولا گل فرار خان

تاریخ: 21.3.2018

CNIC: 11201-9742676-3

10

E

CERTIFICATE

Certified that we personally known Mr. Mumtaz Khan
S/O Nadeem Khan. He is permanently residential
village Mama Khel which is situated in
village council Mama Khel Tehsil Casi Naurang and
District Lakki Marwat.

Secretary
Village Council [Signature]
Tehsil and District Lakki Marwat

Nazim
Village Council [Signature]
Tehsil and District Lakki Marwat
Nazim Farooq Khan
V/C Mama Khel Marwat
0305-9194939

⑩ ⑪

F

ARRIVAL REPORT

In compliance with the office order of Assistant Director Local Government & Rural Development Department Larki Marwat bearing No.4553-64 dated 15-03-2016, I Muntaz Khan Naib Qasid BPS-01 hereby submit my arrival report in village/Neighbourhood Council Gaudi Sahib Khan today on 20-03-2016. (Forenoon).

(6/10/23)

Muntaz Khan

Muntaz Khan
Naib Qasid BPS-01
VC/NC Gaudi Sahib Khan.

عنوان + جواب شوکارڈولس
 خلیجی
 گزارش حسب ذیل ہے

گزشتہ سال 2017ء میں ازبکستان پر ایسٹرن ٹیٹل کی طرف سے
 فضائی حملوں کی تعداد 17 تھی۔ یہ گزشتہ سال کے 17 سے زیادہ ہے۔
 اس میں سے 10 حملے ایسٹرن ٹیٹل کی طرف سے کیے گئے۔
 7 حملے روس کی طرف سے کیے گئے۔
 4 حملے ایران کی طرف سے کیے گئے۔
 اس میں سے 3 حملے ایران کی طرف سے کیے گئے۔
 1 حملہ روس کی طرف سے کیا گیا۔
 اس میں سے 1 حملہ ایران کی طرف سے کیا گیا۔
 اس میں سے 1 حملہ روس کی طرف سے کیا گیا۔
 اس میں سے 1 حملہ ایران کی طرف سے کیا گیا۔

حکومت ایران نے اس واقعے پر شدید غصہ ظاہر کیا ہے۔
 اس واقعے کے ذمہ دار آرمی (AR) کو دی جاوے۔ جس کے بارے میں معلوم کیا گیا ہے۔
 حلقہ آذربائیجان کے سربراہ کو اس واقعے پر سختی سے سزا دی جائے۔
 اس واقعے کے ذمہ دار آرمی (AR) کو دی جاوے۔ جس کے بارے میں معلوم کیا گیا ہے۔

Road
 (مشارعہ)

پندرہ ماہی - سائنس
 پندرہ ماہی - سائنس

جنسٹ چاب اسٹیٹ ڈائریکٹری صاحبہ مکہ بلدیات و دیہی ترقی کارپوریشن

عنوان:۔۔۔ جواب شوکار نوٹس

جناب عالی

گزارش حسب ذیل 17۔

کہ جس میں نے سال 2015ء میں از روئے اشتہار ہر ایک لغوی کلڈن فورڈ II جناب دفتر میں درخواست جمع کی تھی۔ یہ کہ میں مائن ویلج کونسل محمد خیل کلسٹنل باشندہ ہوں۔ اور یہ کہ ہمارے اپنے ویلج کونسل میں کلڈن فورڈ II کی ایسی خالی تھی۔ مگر اُس وقت کے AD صاحب نے میری تقرری ویلج کونسل گندنی صاحب خان میں کر دی۔ اور یہ کہ تاریخ تقرری کے بعد سے میں اپنی تقرری باقاعدگی سے ادا کر رہا ہوں۔

دو ویلج کونسل گندنی صاحب خان میں میری تقرری کچھہ کی غلطی ہے اور اس میں میری کوئی غلطی شامل نہیں ہے۔ اس لیے غلطی کی سزا مجھے نہیں بلکہ اُس وقت کے ذمہ دار آفیسر (AD) کو دی جاوے۔ جس نے یہ غلطی کی ہے۔

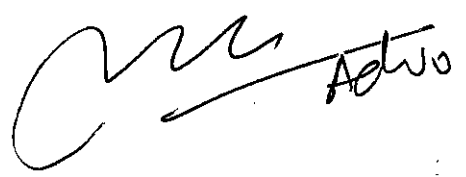
صرفاً اقرار ہے کہ میرا بیان حقیقت پر مبنی ہے۔ اور کوئی امر پوشیدہ نہیں رکھا گیا۔ یہ ڈوکومنٹس بنا یا گیا اور درست پایا گیا۔

Ro ۹ AC

(حمنا ز خان)

ولہ نادر خان - گلن محمد خیل
تحصیل بونڈک - ضلع کٹیہار

Attested
through Counsel

 Advo

خبریں کوئی لکھنؤ کے صاحبزادے نے منہ لگا کر دیا
میں نے

دفتہ
تاریخ 25/10/25

سجانب سے اسٹیشننگ کے بارے میں دیکھ کر ہی لکھتا ہوں

معلوم ہوا کہ ریلوے کے نائب قاصد صاحب نے

یادداشت

نائب عالی اجازت دینے کو نسل کا نائب قاصد ڈیوٹی حاضر نہیں ہے، یہ رہا ہے اور میرے پاس اس کی کوئی حاضری نہیں ہے۔
نائب قاصد کے بارے میں کوئی رپورٹ اور سال خدمت ہے۔

۶/۱۲

ڈپٹی سیکرٹری
ڈپٹی سیکرٹری صاحب خان شعلی کی سرپرستی

از دفتر ناظم و قاضی کونسل گنڈی صاحب خان (نہرنیل) تحصیل نورنگ، ضلع لکی مروت

نمبر: _____

مورخہ: 25/02/2017

جناب محترم ماسٹرسٹ ڈائریکٹر اوکل گورنمنٹ ضلع لکی مروت

عنوان: کیلیٹ بر خلاف ممتاز ولد نادر خان سکنہ مہ خیل مروت نائب قاصد و قاضی کونسل گنڈی صاحب خان (نہرنیل)

میرے علم میں یہ بات آئی ہے کہ ممتاز ولد نادر خان سکنہ مہ خیل مروت شخص کی تعیناتی بطور نائب قاصد و قاضی کونسل گنڈی صاحب خان (نہرنیل) میں ہوئی ہے لیکن جب سے ہم نے چارج لیا ہے تب سے اب تک مذکورہ بالا شخص کو ہم نے دیکھا ہے اور نہ ہی دفتر میں حاضری کی ہے نائب قاصد کی مسلسل غیر حاضری کی وجہ سے دفتر کا کام متاثر ہو رہا ہے اور نائب قاصد کی عدم حاضری کی وجہ سے دفتر کا عملہ اور مہران شدید مشکلات سے دوچار ہیں۔

لہذا سفارش کی جاتی ہے کہ مذکورہ بالا شخص کو نوکری سے برخواست کر کے کسی اوکل، فرض شناس اور ایماندار شخص کو دفتر ہذا میں بطور نائب قاصد تقرری کی جائے۔

مورخہ: 25/02/2017

برکت اللہ خان
ناظم VIC گنڈی صاحب خان
نہرنیل برائے نورنگ (لکی مروت)

مخاتب
جناب
ناظم
گورنمنٹ
ڈائریکٹر

قاضی کونسل گنڈی صاحب خان (نہرنیل)

کاپی برائے ضروری کارروائی

- 1: صوبائی وزیر بلدیات
- 2: سیکرٹری اوکل گورنمنٹ صوبہ خیبر پختونخوا
- 3: ڈی جی اوکل گورنمنٹ صوبہ خیبر پختونخوا
- 4: ڈپٹی کمشنر ضلع لکی مروت
- 5: ضلع ناظم لکی مروت

ناظم
VIC
برکت اللہ خان
ناظم VIC گنڈی صاحب خان
نہرنیل برائے نورنگ (لکی مروت)

اردو فزناظم ویلج کو نسل کنڈی صاحب خان (نصر خیل) یونین کو نسل مر خیل سرائے نورنگ ضلع کی مروت

تاریخ: 21-02-2018

نمبر:

جناب اسسٹنٹ ڈائریکٹر صاحب اوکل گورنمنٹ ضلع کی مروت

عنوان: شکایت در خلاف نائب قاصد ویلج کو نسل کنڈی صاحب خان بابت مسلسل غیر حاضری۔

جناب عالی!

ممتاز خان ولد نادر خان سکند مر خیل مروت جسکی تعیناتی بحیثیت نائب قاصد میرے ویلج کو نسل میں ہوئی ہے۔ جب سے متذکرہ بالا کی تعیناتی عمل میں آئی تھی ہے۔ ابھی تک تو اس نے ایک حاضری بھی نہیں کی نہ ہی دفتر میں کبھی آیا ہے۔ جبکہ ہمارے پاس دفتر میں نائب قاصد کی اشد ضرورت ہے۔ لہجے بیکر بڑی اور دیگر ممبران ویلج کو نسل نائب قاصد نہ ہونے کی وجہ سے مشکلات سے دوچار ہے۔

ایک دفعہ پہلے بھی شکایتی خط آپ کے ہاں ارسال کیا گیا تھا لیکن تاحال کوئی عملدرآمد نہ ہوا ہے۔ چونکہ متذکرہ نائب قاصد ویلج کو نسل سے تعلق نہیں رکھتا کافی دور ویلج کو نسل مر خیل کارہائشی ہے ایک تو اس کی تعیناتی غیر قانونی طور پر کی گئی ہے۔ اور سیاسی اثر و رسوخ کا بے دریغ استعمال تا حال ہو رہا ہے۔ بدین وجہ نہ تو وہ دفتری امور سرانجام دے رہا اور نہ ہی دفتر کے دیگر معاملات سے آگاہی رکھتا ہے۔

بہری تجربہ ہے کہ متذکرہ نائب قاصد نوکری سے فارغ کر کے اس کی جگہ اسی ویلج کو نسل کا کوئی مستحق شخص بحیثیت نائب قاصد تعینات کیا جاوے۔

21/02/2018
Barkat Ullah Khan
Nazim V/C C
(Nasir Khan)
Lahki Marwah

برکت اللہ خان

ناظم ویلج کو نسل کنڈی صاحب خان نصر خیل

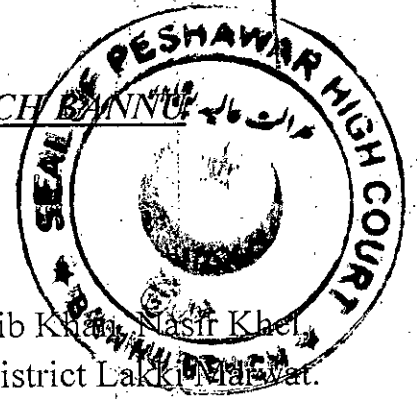
کاپی برائے اطلاع

1- ڈی ڈی اوکل گورنمنٹ صوبہ خیبر پختونخواہ پشاور

(16) K

BEFORE THE PESHAWAR HIGH COURT BANNU

Writ Petition No. 386 /2016



Gul Tayaz khan son of Gul Faraz Khan resident of Gandhi Sahib Khan, Nasir Khel, Village Council, Gandhi Sahib Khan, Nasir Khel, Tehsil and District Lakki Marwat.

....(Petitioner)

Vs

1. Govt: of Kyber Pakhunkhwa through Secretary Local Govt: and Rural Development Department, Peshawar.
2. Director General, Kyber PakhunKhwa, Local Govt: and Rural Development Department Peshawar.
3. Assistant Director, Local Govt: and Rural Development Department Lakki Marwat.
4. Deputy Commissioner, Lakki Marwat.
5. District Accounts Officer, Lakki Marwat.
6. Mumtaz Khan son of Nadar Khan resident of Mama Khel, village council Mama Khel, Tehsil and District Lakki Marwat.

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

RESPECTFULLY SHEWETH:

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

1. That, the petitioner is permanent resident of village Gandhi Sahib Khan, Nasir Khel, Village Council, Gandhi Sahib Khan, Nasir Khel and have educational qualification of SSC.
2. That, the respondent No. 2 advertised the post of Peons/Class-IV, one each in every village Council of District Lakki Marwat.
3. That, the advertisement has having condition that for each UC, the candidates who is the permanent resident of same village council will be appointed.
4. That, the Petitioner being eligible cum fit the post applied and stood most deserved due to qualification and in his village/village council Gandhi Sahib Khan Nasir Khel.

Additional Registrar

Filed Today

19 MAY 2016

(17)

(17)

(17)

5. That, being atop of merit, the petitioner was waiting for appointment finger-crossed but astonishingly, the petitioner was taken a back when he came to know that a stranger who is not even inhabitant of village Nasir Khel but who belongs to village council Mama Khel was appointed on the place/position of the petitioner.
6. That, the appointment of the said private respondent No. 6 is to the aberration of the term/condition No. 2 in advertisement wherein the appointee/candidate must be of the same village council. Hence, the said appointment directly infringes the rights of the petitioner for redressal of which the petitioner is here on the following grounds.

- i. Copies of testimonial, Employment exchange card of petitioner and NIC of petitioner are annexed herewith as Annexure "A,B,C"
- ii. Copy of , Recruitment Policy, Advertisement, Merit List, application to ADC Lakki are annexed herewith as Annexure "D,E,F".

GROUND:-

- A. That, the petitioner was the qualified and educated candidate amongst all the candidates and is inhabitant of village council Gandi Sahib Khan Nasir Khel in which the said class-IV posts was lying vacant.
- B. That, the private respondent No. 6 hails from the other Village Council and the said private respondent No. 6 is stranger and have been appointed in aberration to condition No. 2 of the advertisement. Respondent No. 6 is the voter and as permanent resident of village council Mama Khel, while the petitioner is permanent resident and voter of village council Gandi Sahib Khan Nasir Khel. Hence the petitioner is most deserved candidate for the post in question. Moreover, petitioner is only candidate who had applied for the said post in village council Gandi Sahib Khan Nasir Khel.
- C. That, the petitioner prevails by every aspect for appointment for the question and eligible cum fit for the said post. Issuing of appointment order of Respondent No. 6 being stranger to the said Village Council, is a sheer injustice and discrimination towards the petitioner.
- D. That, counsel for petitioner seeks leave of this Honorable court to raise further grounds during the course of advancing arguments.

ATTESTED

EXAMINER

Prabawar High Court
Bach

It is therefore humbly prayed that on acceptance of instant petition, a proper writ may kindly be issued directing the official respondents to appoint the petitioner

19 JULY 2016
Artificial Registrar

(12)

(12)

on the post in question being deserved and eligible cum fit for the same, with any other orders deeming fit and not specifically asked for.

INTERIM RELIEF

Interim relief to the effect that the appointment order of Respondent No. 6 as Class-IV/Peon post in VC Gandhi Sahib Khan Nasir Khel may kindly be suspended and status quo also be granted in this behalf till the disposal of instant petition.

Dated: 07/05/2016

Petitioner
Gul Tayaz Khan
Through Counsel

گل تیاز

Muhammad Tariq Qureshi
Advocate Lakki Marwat.

CERTIFICATE

Certified, that no such Writ Petition has previously been submitted by Petitioner, before this Honorable Court and the same is in the jurisdiction of Divisional Bench.

Muhammad Tariq Qureshi
Advocate Lakki Marwat.

LIST OF BOOKS.

1. Constitution of Islamic Republic of Pakistan 1973.
2. Any other book as per need.

Muhammad Tariq Qureshi
Advocate Lakki Marwat.

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Address of Registrar

ATTESTED
EXAMINER
Rahwar High Court
Rahwar

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH
(Judicial Department)

W.P.No.386-B/2016

Gul Tiyyaz Khan

Versus

Govt. of K.P.K through Secretary Local Govt. and
Rural Development and others

JUDGMENT

Date of hearing: 28.02.2018

Appellant-petitioner by Mr. Muhammad Tariq
Qureshi & Kazim Raza Marwat Adv;

Respondent by Mr. Shahid Hameed
Qureshi A.A.G;

ABDUL SHAKOOR, J.- Same judgment as in
W.P.No.254-B/2016 (Sharifullah Vs. Govt. of K.P.K
through Secretary Local Govt. and Rural Development
and others).

Announced.
Di: 28.02.2018.

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JUDGE

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JUDGE

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

SCANNED

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02/3/2018

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH
(Judicial Department)

W.P.No.254-B/2016

Sharifullah

Versus

Govt. of K.P.K through Secretary Local Govt. and
Rural Development and others

JUDGMENT

Date of hearing: 28.02.2018.

Appellant-petitioner by Mr. M. Tariq Qureshi
Adv;

Respondent Govt; by Mr. Shahid
Hameed Qureshi A.A.G;

ABDUL SHAKOOR, J.- By this single judgment we
propose to decide the following petitions having identical
questions of law and facts:-

1. W.P.No.254-B/2016.
(Sharifullah Vs. Govt. of K.P.K through
Secretary Local Govt. and Rural
Development and others).
2. W.P.No.260-B/2016.
(Navedullah Vs. Govt. of K.P.K through
Secretary Local Govt. and Rural
Development and others).
3. W.P.No.274-B/2016.
(Muhammad Sabir Vs. Govt. of K.P.K
through Secretary Local Govt. and Rural
Development and others).
4. W.P.No.285-B/2016

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

SCANNEL

Imran/*

(D.B) Mr. Justice Abdul Shakoor and Mr. Justice Shakeel Ahmad, JJ

(20)

(21)

- 2 -

(Shakeel Khan Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

5. W.P.No.292-B/2016.

(Zafarullah Khan Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

6. W.P.No.343-B/2016

(Shafiullah Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

7. W.P.No.386-B/2016

(Gul Tayaz Khan Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

8. W.P.No.467-B/2016

(Zainullah Khan Vs. Director General Local Govt. & Rural Development and others).

9. W.P.No.529-B/2016.

(Parvaiz Kamal Khan Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

10. W.P.No.535-B/2016

(Fasiullah Vs. Govt. of K.P.K through Secretary Local Govt. and Rural Development and others).

2. The common facts of all these writ petitions are that the petitioners are the residents of their respective Union Councils. In response to the advertisement made in the newspaper the petitioners applied for their appointments as Class-IV employees, but they were denied appointments and the people from other Union Councils were appointed, hence, these constitutional petitions.

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3. After arguing the case at great length, the learned counsels for the petitioners stated at the bar that let all these

ATTESTED
EXAMINER
Lower High Court
Rawalpindi

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cases be sent to the competent authority to re-examine the cases of appointment of the private respondents and to find out whether they have been appointed in accordance with law, policy and the terms and conditions incorporated in the advertisement or not. The learned counsel representing the private respondents in all the writ petitions and the learned A.A.G appearing on behalf of official respondents assisted by representatives of the department agreed with the contention of the learned counsels for the petitioners.

4. In view of above, we send back all these cases to the Assistant Director Local Government and Rural Development/competent authority of their respective districts to re-examine the appointments of the private respondents, merit position of the petitioners and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees, after providing the parties an opportunity of hearing and submit compliance report to Additional Registrar of this Court. The entire process shall be completed within 02 months positively. With these observations the writ petitions are disposed of accordingly.

Announced.
Dt: 28.02.2018.

AD
JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Imran* (D.B) Mr. Justice Abdul Shakoor and Mr. Justice Shakeel Ahmad, JJ

Examiner

Peshawar High Court Bannu Bench
Authorised under Article 87 of
The Qanun-e-Shahadat Order 1988

6/11
02/3/2018

Handwritten signatures and stamps, including a circular stamp with 'AD' and 'JUDGE' and a signature that appears to be 'Shakeel Ahmad'.

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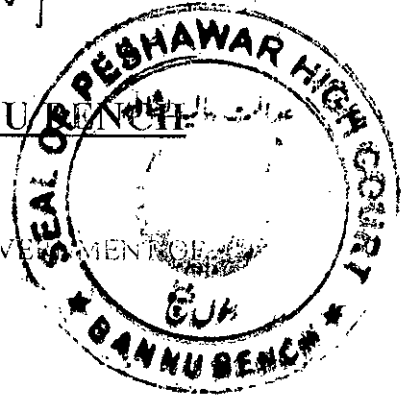
BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

CIVIL MISLEANOUS APPLICATION NO. 342-8 /2018

IN RE W.P NO: 386-B/2016, TITLED GUL TAYYAZ KHAN VS GOVERNMENT OF
KHYBER PAKHTUNKHWA AND OTHERS.

DECIDED ON: 28-02-2018

Mumtaz Khan S/O Nadir Khan R/O Mama Khel P.O Sarai Naurang District Lakki Marwat



..... (Applicant)

VERSUS

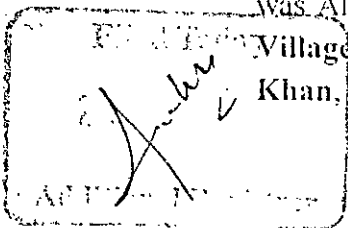
1. Government, of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department Peshawar.
2. Director General Local Government & Rural Development Department Peshawar.
3. Assistant Director Local Government & Rural Development Department Lakki Marwat.
4. Deputy Commissioner Lakki Marwat.
5. M. Haleem Presently respondent No. 3
6. Gul Tayyaz Khan S/O Gulfaraz Khan R/O Gandhi Sahib Khan , Nasir Khel Lakki Marwat.
7. District Account Officer Lakki Marwat.

..... (Respondents)

1. CIVIL MISLEANOUS APPLICATION UNDER SECTION 151 CPC READ WITH SECTION 47 ibid AND OTHER REMEDIAL PROVISION OF CPC, AGAINST THE ORDER NO. 5240-45 DATED 18.04.2018 PASSED BY THE RESPONDENT NO. 3 & 5 IN THE MATTER OF JUDGMENT IN WP NO. 386-B/2016 DECIDED ON 28.02.2018 BY THIS HON ABLE COURT, AND
2. ALONG WITH CONSEQUENTIAL REMEDY OF DAMAGES EQUIVALENT TO THE EMOLUMENTS OF BPS-03 FOR NEXT 25 YEAR ALONG WITH PENSION BENEFITS TO BE ACCRUED FOR RENDERING 25 YEAR OF SERVICE, WHICH MAY BE DECLARED AS RECOVERABLE FROM RESPONDENT NO. 1, 3 & 5. SEVERALLY & JOINTLY

THE APPLICANT; AMONGST OTHER GROUNDS; RESPECTFULLY SUBMITS AS FOLLOWS:-

1. The applicant is the permanent resident of District Lakki Marwat and belongs to Village Council Mama Khel. Copies of ID card and domicile of Applicant are attached as Annexure – A.
2. The applicant is wake of the advertisement dated 04.07.2015 of the respondent No. 2, was formally selected by the appropriate Departmental Selection Committee headed by the respondent No. 4 and the follow up order of appointment through initial recruitment dated 15.03.2016 was passed by the respondent No. 3 (then incumbent was Ali Asmat), and the respondent No. 3 instead of adjustment of the applicant at Village Council Mama Khel posted the applicant in Village Council Gandhi Sahib Khan, though the applicant was simultaneous eligible for Village Council Mama



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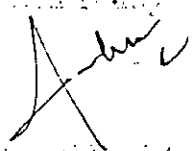
Peshawar High Court

Bannu Bench

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Khel as well. Copies of the advertisement and order dated 15.03.2016 are enclosed as **Annexure B and C** respectively. The DSC conducted proceedings in easy mood in March 2016 without any hastiness. Copy of Minutes of Meeting of Departmental Selection Committee is attached as **Annexure-D**.

3. Probation-period of one year expired on 18.03.2017 accruing vested right coupled with the protective Rule of Locus paeonitential (**PLJ 2013 P-DB-P.64 and 2006 SCMRP.678**).
4. The Writ Petition No. 386-B/2016 was decided in advisory manner without giving Despotic Authority for rescission of the Order dated 15.03.2016 and the respondent no. 3, whittling down the authority of the respondent No. 4. And assumed uninhibited power of termination of the services of the applicant along with 16 others. **Copy of the order of termination dated 18.04.2018 of Applicant is attached Annexure-E.** Copy of compliance report dated 19.04.2018 of respondent No 3 & 5 are attached **Annexure – F.** copy of Show Cause notice and reply of applicant are attached as **Annexure G.** Copy of appointment Order of Gul Tayyaz Khan dated 19.04.2018 is attached as **Annexure-H.** Though there is manifest reference of the Rules & Policy in the impugned order dated 18.04.2018 and the respondent No. 3 & 5 thus had approbated and reprobated by his acts of omission of his Village Council specificity and respondent No. 3 & 5 had not enlarged his authority to other such like anomalies in respect of other recruits and their places of adjustments, vide earlier order dated 15.03.2016.
5. The applicants termination on 18.04.2018 had activated the respondent No. 3 & 5 for successfully orchestrating his malafide for instantaneous appointment of Gul Tayyaz Khan, in Writ Petition No 386-B/2016 who was not eligible for the seat of Gandi Sanio Khan for his lower merits, when Gul Tayyaz Khan was relegated in March 2016 by the DSC of the LGRDD Lakki Marwat, on valid grounds.
6. The appointment of respondent No 6 without fresh advertisement is an act without lawful authority oriented with malafide intention moreso; when the Deputy Commissioner being ex-officio chairman of the DSC had not been consulted by the respondent No. 3 & 5, when the Deputy Commissioner for all intents and purposes is ipso-facto the competent authority in this case on the rule of "The generality of law falters before the specifics of life (Aristotle)".
7. The applicant is thus aggrieved against the self-opinionated, mal-administered orders dated 18.04.2018 by declining the adjustment of the applicant against the incumbency of **Village Council Mama Khel** since no other adequate, inexpensive, expeditious and convenient remedy is available and hence the instant CM Application in Writ Petition.



Assistant Director
LGRDD Lakki Marwat

GROUNDS

- A. That Applicant has not been treated according to Law nor been treated equally before the Law.
- B. That compliance report dated; 19.04.2018 submitted by the Assistant Director LGRDD Lakki Marwat is against the spirit of the Judgment dated: 28.02.2018 of Peshawar High Court Bannu Bench and also against the law, rules, regulations and principles of Natural Justices. As per advertisement dated 04.07.2015, the candidate must be the permanent resident of relevant District. But Assistant Director LGRRD Lakki Marwat has wrongly and illegally terminated the applicant from service in violation of clear direction of this Hon ble Court Judgment dated; 28.02.2018. In fact, respondent No; 3 wanted to adjust his blue eyed persons.

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench



- C. That the Assistant Director LGRRD Lakki Marwat has misconceived and misinterpreted the Judgment of Peshawar High Court, Bannu Bench dated 28.02.2018 as the merit position of the applicant has not been called in question by the Assistant Director LGRRD Lakki Marwat. At the same time, it is written in the advertisement dated: 04.07.2015, that preference shall be given to the candidate of concern Village Council which does not means that respondent No.6 is entitled for appointment in place of Applicant. As per merit, applicant is the top position holder therefore, applicant being resident of District Lakki Marwat has rightly been appointed. Therefore termination order dated 18.04.2018 Of applicant is illegal, unlawful and without lawful authority.
- D. That compliance report dated 19.04.2018 is silent about merit position of respondent No; 6, rules , regulation and policy. As such it is not mentioned in the compliance report that under what rule and policy, the appointment order of applicant is terminated.
- E. That the procedure for appointments of Class-IV are regulated by the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 in which it is clearly mentioned that the Post of Class-IV is a District Cadre post which is to be filled / appointed throughout in the District irrespective of the fact that appointee belongs to one Village Council or the other. The only condition precedent is that the appointee must be the permanent resident of District where he belongs to. As such any policy whatsoever upon which the applicant 's appointment order is terminated is only an Executive Order of the respondent Department which cannot override the statutory provision contained in the afore-said Rules of 1989 r/w Notification of 1978.
- F. That applicant has not been terminated according to (Efficiency and Discipline) Rules but applicant has been terminated because of the Judgment of this Hon ble Court Judgment dated; 28.02.2018, therefore, applicant has come to this Hon ble Court.
- G. That Local Government and Rural Development Department Khyber Pakhtunkhwa Peshawar issued Notification dated: 03-12-2015 in which criteria laid down for Class-IV appointment is that he must be physically sound, preferably literate, about 18 to 40 years aged. There is no such condition / criteria for the appointment of Class-IV that he must be permanent resident of same village council. As such the reason given for termination of the applicant in the termination order dated 18.04.2018 is against the service rules dated 03.12.2015 of the Department. And ultimately the afore-said termination order is also against the very spirit of the Judgment dated 28.02.2018 of the Peshawar High Court, Bannu Bench. Copy of Service Rules / Notification dated: 03-12-2015 is attached as Annexure-I.
- H. That applicant belongs to **village Council Mama Khel** and has been appointed in **Village Council Gandi Sahib Khan** District Lakki Marwat. Whereas there are 48 other Candidates (who have been appointed in response to the same advertisement dated 04.07.2015) who are similarly placed persons who belong to one Village Council but they have been appointed in other village Council(Like applicant) but no Show Cause Notice nor any termination order has been issued to them. Copy of appointment order of Wasiullah, affidavit dated; 06.08.2016 of Secretary Village Council Attashi Machan Khel and Affidavit in respect of Rizwan Ullah are attached as Annexure-J.

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

Additional Registrar

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Bannu Bench in which it is clearly held that **Opportunity of hearing must be given to the applicant.**

- P. That at the time of appointment of respondent No. 6 i.e Gul Tayyaz Khan on 19 /04/ 2018, there was complete ban imposed by the Election Commission of Pakistan on new appointments in all Departments Provincial as well as Federal. As such the appointment order of Gul Tayyaz Khan is also against the law and Ban Order.
- Q. In case the circumstances are deemed as such that as the applicant could not persuade the court in his favour, then the court may declare the applicant as entitled for other civil remedy e.g claim of damages against the respondents No. 1, 3 & 5 by recovery of the due emoluments of BPS – 03 from 19.04.2018 till the rendering of 25 year of services completed with the legitimate pensionary benefits.

It is therefore humbly prayed that the applicant may garishly be endowed with reinstatement as Naib Qasid (BPS – 03) w.e.f 19.04.2018 by rendering the order No. 5240-45 dated; 18.04.2018 as void ab-initio, malafide and discriminatory based on self-opinionated stance, subjectively mis-oriented / misconceived alleged compliance report dated 19.04.2018 and as a consequence thereto, to annul the impugned order No. 5319-22 dated 19.04.2018 retrospectively when the applicant has been unfairly targeted for the manifest advantage of the respondent No. 6 i.e Gul Tayyaz Khan. Any other relief which deems fits and proper according to circumstances of the case may also be granted.

INTERIM RELIEF:

By way of interim relief, this Hon able Court may be pleased to restrain the respondent No. 3 & 5 not to treat the respondent No. 6 as legitimate incumbent as Naib Qasid till the decision of the application.

APPLICANT

Through Counsels

RUSTAM KHAN KUNDI

AND

SHAHID SALEEM MINA KHEL
ADVOCATES HIGH COURTS

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

288 N
JUDGMENT SHEET

**IN THE PESHAWAR HIGH COURT,
BANNU BENCH.**

(Judicial Department)

CM No.342-B of 2018

in

Writ Petition No.386-B/2016

Mumtaz Khan

Vs.

Government of KPK etc.



JUDGMENT

Date of hearing 11-12-2018

Present: Petition By Rustam Khan Kueli Adv

and Shahid Saleem Miskhal Adv.

Resp. By Shahid Hamid Qureshi Adv. and
Adv. No. 6 by Muhammad Anwar Khan Mairad Khel Adv. and
Muhammad Tame Qureshi Adv.
SHAKEEL AHMAD, J.--- Vide my separate judgment of

today placed on main CM NO.330-B/2018 in *Writ Petition*

No.279-B of 2016, titled Hamid Usman Vs Government of

Khyber Pakhtunkhwa etc, the instant Civil Misc.

Application is also dismissed, however, the applicant shall

be at liberty to seek his relief through a separate lis before the

appropriate forum, if so desired.

Announced.

11-12-2018

Justice Muhammad Nasir Mahfooz

Justice Shakeel Ahmad

CERTIFIED TO BE TRUE COPY

Examiner
07/12/18

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JUDGMENT SHEET

**IN THE PESHAWAR HIGH COURT,
BANNU BENCH.**

(Judicial Department)

CM NO.330-B of 2018 in

Writ petition No.279-B of 2016



Hamid Usman
Vs.
Govt. of Khyber Pakhtoonkhwa
and others

JUDGMENT

Date of hearing 11-12-2018

Present: Petitioner By Rustam Khan Kundi A-20

and Shahid Saleem Minghal A-20

Resp. By Shahid Hamid Buzki A-20

Opp. By (Mubashir Ahmad) A-20

SHAKEEL AHMAD, J.--- Through this common

judgment we propose to decide the instant application as

well as the following connected applications as common

question of law and facts are involved therein:-

1- CM NO.332-B/2018 in WP NO.438-B/2016
(Titled Haroon Khan Vs Govt. of KPK etc)

2- CM No.333-B/2018 in WP NO.260-B/2016
(Titled Yousaf Jamal Vs Govt. of KPK etc)

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

- 3- CM No.334-B/2018 in WP NO.278-B/2016
(Titled Alta fur Rahman Vs Govt. of KPK
etc).
- 4- CM No.335-B/2018 in WP NO.305-B/2016
(Titled Farhatullah Vs Govt. of KPK etc)
- 5- CM No.336-B/2018 in WP NO.535-B/2016
(Titled Farooq Khan Vs Govt. of KPK etc)
- 6- CM No.337-B/2018 in WP NO.343-B/2016
(Titled Imtiaz Ahmad Vs Govt. of KPK etc)
- 7- CM No.338-B/2018 in WP NO.529-B/2016
(Titled Muhammad Ismail Vs Govt. of KPK
etc)
- 8- CM No.339-B/2018 in WP NO.22-
B/2016(Titled Siraj-Ud-Din Vs Govt. of
KPK etc)
- 9- CM No.340-B/2018 in WP NO.350-B/2016
(Titled Subzali Khan Vs Govt. of KPK etc)
- 10- CM No.341-B/2018 in WP NO.316-
B/2016(Titled Farmanullah Vs Govt. of
KPK etc)
- 11- CM No.342-B/2018 in WP NO.386-B/2016
(Titled Mumtaz Khan Vs Govt. of KPK etc)
- 12- CM No.343-B/2018 in WP NO.297-B/2016
(Titled Dil Jan Vs Govt. of KPK etc)
- 13- CM No.345-B/2018 in WP NO.285-B/2016
(Titled Tahir Khan Vs Govt. of KPK etc)
- 14- CM No.346-B/2018 in WP NO.261-B/2016
(Titled Irfanullah Vs Govt. of KPK etc)

ATTESTED

EXAMINER
Peshawar High Court
Hanna Beach

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- 3 -

2- Through all these petitions filed under section 47 read with Section 151 CPC, the applicants have called in question the validity of orders, passed by the Assistant Director LG and RDD of their respective districts whereby their services were terminated.

3- According to the learned counsel for the applicants, the respondents have misconceived and misinterpreted the judgment dated 28/02/2018 passed by this Court in Writ Petition No.279-B/2018, and wrongly terminated the services of the applicants through separate office orders, therefore, the same are liable to be set aside.

4- On the other hand, learned counsel appearing on behalf of the private respondents contended that in pursuance of order of this court, the appointment orders of the applications were re-examined and it was found that their appointments were made against the rules, policy and terms and conditions, incorporated in the advertisement, therefore, their services were rightly terminated.

5- Learned Additional AG appearing on behalf of the official respondents, assisted by the Assistant Director L.G & RDD added that the present applications are not competent, and contended that if the applicants feel themselves to be aggrieved from their termination

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orders, they can challenge the validity of the same through a Constitutional petition.

6- We have heard arguments of learned counsel for the parties and have gone through the record with their able assistance.

7- This court by its judgment dated 28.02.2018 rendered in Constitutional Petition No.279-B/2016 directed the Assistant Director LG and RDD/competent authority of their respective districts to re-examine the appointment orders of the applicants/private respondents, their merit position and pass an appropriate order keeping in mind the rules, policy and terms and conditions incorporated in the advertisement for appointment as Class-IV employee, and after providing the parties an opportunity of hearing and submit compliance report to the Registrar of this court. In pursuance thereof, the Assistant Director Local Government and Rural Development department, examined the cases of the applicants individually in their respective district and held that their appointments were made against the rules, policy and terms and conditions incorporated in the advertisement for Class-IV employees, consequently terminated the applicants from services. Prior to termination order all the applicants were given right of audience. The applicants are not aggrieved from the

Azmat Awan (DB) Mr. Justice Muhammad Nasir Mahfooz & Mr. Justice Shakeel Ahmed*

ATTESTED

EXAMINER

Peshawar High Court
Bannu Bench

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judgment of this court. They have urged before us that their termination order is illegal. Admittedly this court is not acting as an Executing court, therefore, in our view the petitions filed by the applicants U/S 47 read with section 151 Cr.P.C is not competent. It is not open for the applicants to raise the question of validity of the order of their termination through these petitions. The question of validity of the impugned order can be raised by a separate lis. There is nothing in these applications which warrants the proposition that this court can adjudge the validity of the termination order of the applicants.

8- For this reason, we dismiss this petition as well as connected petitions with no order as to costs, however, the petitioners shall be at liberty to seek their relief through separate lis before the appropriate forum, if so desired.

Announced.
11-12-2018

Mr. Justice Muhammad Nasir Mahfooz

Mr. Justice Shakeel Ahmed

CERTIFIED TO BE TRUE COPY

[Signature]

Examiner

Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1988

[Signature]
17/12/18

6409
Date of Presentation of Application 13-12-18
No of Pages 118
Copying Fee 22/-
Urgent Fee /
Total 22/-
Date of Presentation 17-12-18
Date Given 17-12-18
Date of Delivery 17-12-18
Received By [Signature]

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 1081 /2018

Mumtaz Khan

versus

Director & Others

REPLICATION**Respectfully Sheweth,****Preliminary Objections:**

All the preliminary objections of the respondents are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action / locus standi, estoppel, time barred, bad for mis-joinder and non-joinder of necessary parties and has no jurisdiction in the matter. He has not come to the hon'ble Tribunal with clean hands and has concealed material facts and malafide.

ON FACTS

1. Admitted correct by the respondents regarding advertisement. In the advertisement, candidates throughout the Province were directed to apply for the post and the selection will be made on merit, however, preference would be given to the local candidate. The advertisement was not specifically meant for concerned Village Council as is evident from the same.
2. Not correct. The para of the appeal is correct regarding appointment of appellant as Naib Qasid. Rest of the para of reply of respondents is without proof regarding advertisement for the concerned Village Council. Appellant performed his duties at the said post and also enjoyed monthly salaries.

3. Admitted correct by the respondents regarding implementation of the judgment of the High Court. The order of appointment of appellant was made by the respondents after observing the due codel formalities, by keeping in view the advertisement which was for the whole of KPK and not specifically for concerned Village Council.
4. Admitted correct by the respondents regarding Show Cause Notice and its reply. Here it is pertinent to point out that the authority mis-used her power as the candidates were appointed in different Village Council instead of his own one, as the advertisement says so.
5. Not correct. Appellant services were illegally terminated as no fulfilled enquiry was conducted as per the mandate of law and more so, in this para of the appeal, the position has been explained by appointing candidates in other Village Councils instead of in their own Village Council as per advertisement. They are still in service. No surplus employee was ever appointed at the post but should have been adjusted and not appointed.
6. Not correct. When in the Village Council of the appellant another candidate was appointed then it was not the fault of appellant but of the authority. Whole record submitted to the authority was quite clear but it was the authority who despite the complete documents appointed him in other Village Council and even if he was appointed in other Village Council, the same was also not illegal as per the spirit of advertisement. The hon'ble High court did not directed the respondents to terminate services of appellant.
7. Not correct. The para of the appeal is correct regarding submission of appeal before the authority. The newly appointed candidate, R. No. 04 was never gone through the process of selection for the post.

More so, on the same and similar subject matter, the hon'ble Peshawar High Court, Bannu Bench was pleased to dismiss the W.P No. 430-B/18, Jamil Khan vs Govt. of KP & Others on 24-06-2019 by not acceding with his request on the same issue.
(Copy Attached)

GROUND:

All the grounds of the appeal are legal and correct, while that of the comments are illegal and incorrect. The same are once again relied upon. In the advertisement, applications were invited from the candidates of the KP and not of the Village Council concerned, so the appointment of appellant was quite per its mandate. Giving preference to the candidate of concerned Village Council, does not mean that other candidate could not compete for the said post.

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

Appellant

Through



(Saadullah Khan Marwat)

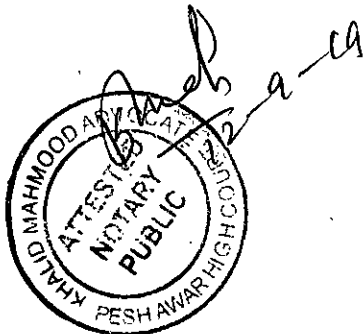
Advocate,

Dated: 11-09-2019

AFFIDAVIT

I, *Muntab Khan*, appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



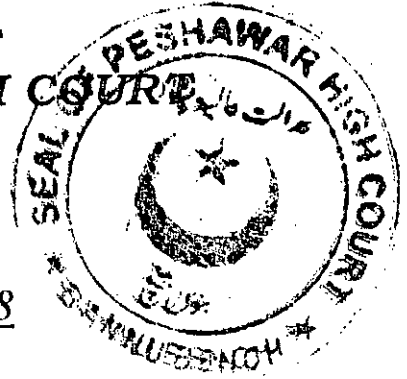
Muntab Khan
DEPONENT

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**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT
BANNU BENCH.**

(Judicial Department)

W.P No. 430-B of 2018



Jameel Khan Vs. Govt: of KP etc:

JUDGMENT

Date of hearing 24/6/2019

Appellant-Petitioner By Masood Adnan Advi and

Masood Iqbal Chhattak Advi

Respondent(s) By Shahid Hameed Qurashi Addl. AG.

Other No.4 By Muhammed Tariq Qurashi A.S.

SHAKEEL AHMAD, J.--- By means of this

Constitutional petition filed U/A-199 of the Islamic Republic of

Pakistan, 1973, petitioner sought the following relief:-

"It is, therefore most humbly

prayed that:-

- I. *the impugned appointment order of the respondent No.4 may very kindly be set aside/ cancelled by declaring it to be, illegal, improper, un-just, discriminatory and of no legal effect.*

ATTESTED
[Signature]
EXAMINER
Peshawar High Court
Bannu Bench

II. *The respondents may kindly be directed to appoint the petitioner as class-IV BPS "I" for the village council Aba Khel (I), according to law, rules and policy.*

III. *Any other appropriate remedy according to law as this honorable court deems fit. "*

2. Facts of the case, in brief, are that by means of an advertisement dated 07.7.2015, the respondent No.2 invited applications for appointment against the post of Class-IV employees (BPS-1) on the terms and conditions mentioned therein. In pursuance thereof petitioner applied for the same, competed with others, however, on merit he could not be selected rather one Imranullah/respondent No.4 was appointed as such, hence, this petition.

3. In pursuance of order of this court, respondents No.3 & 4, submitted their para-wise comments raising therein many legal and factual objections.

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[Signature]
EXAMINER
Peshawar High Court
Batala Branch

4. It was mainly argued by the learned counsel for the petitioner that respondent No.4, Imranullah, had neither applied against the impugned post nor belongs to village council/Neighbourhood council, Aba Khel-(1), therefore, his appointment is illegal, without lawful authority and the same is liable to be struck down and in his place, petitioner is entitled for appointment.

5. As against that, learned counsel appearing on behalf of respondent No.4 and learned Addl: A.G appearing on behalf of official respondents jointly argued that respondent No.4 belongs to village council/Neighbourhood council, Aba Khel-(1) District Lakki Marwat as is reflected from Annexure-H at Page-15 and minutes of meeting of selection and recruitment committee enclosed as Annexure-A at Page-6 of the comments, and prayed for dismissal of the writ petition.

6. Arguments heard and record perused.

7. It is evident from the record that through a public notice dated 07.7.2015, applications were invited for appointment against Class-IV employees BPS-01 on the terms

Imranullah (D.B) Justice Muhammad Nasir Mahfooz and Justice Shakceel Ahmad

ATTESTED

ATTORNEY AT LAW
Peshawar Court
Bannu Bench

and conditions mentioned therein, pursuant thereto the contesting parties appalied for the same, competed with others, however, respondent No.4 was appointed as such, on merit. It was specifically mentioned in the advertisement that posts were to be filed from the District concerned/ village council/Neighbourhood council, and preference will be given to the resident of village council concerned. Perusal of the minutes of the meeting of selection and recruitment committee enclosed as Annexure-A at Page-6 reflects that name of the petitioner appears at S.No.34 and in the column of village council/Neighbourhood council, it was recorded as Abba Khel (1) and the post in question was filled through open competition, also belongs to village council/Neighbourhood council. The question whether the petitioner applied for appointment against the impugned post or not and whether the petitioner belongs to village council, Aba Khel-(1) are purely factual in nature which can only be answered after recording pro and contra evidence and this exercise cannot be done in writ jurisdiction.

Imranullah (D.B) Justice Muhammad Nasir Mahfooz and Justice Shakeel Ahmad

ATTESTED
 EXAMINER
 Peshawar High Court
 Bannu Bench

8. For what has been discussed above, this writ petition is dismissed being not maintainable, however, the petitioner shall be at liberty to seek her relief before the court of competent jurisdiction, if so desired.

Announced.
24.6.2019.

Sd/- Mr. Justice Muhammad Yasin Mahfooz J

Sd/- Mr. Justice Shakeel Ahmad J

CERTIFIED TO BE TRUE COPY

28/6/19

Examiner

Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1950

Handwritten signature and date: 26/6/19

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

Service Appeal No. 1081/2008

Mumtaz Khan.....(Appellant)

V E R S U S

Assistant Director and others.....(Respondents)


I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application		1-2
2.	Copies of receipt for receiving application,	A	3
3.	Copy of voter list of the appellant,	B	4-5
4.	Copy of voter list of the respondent	C	6-7
5.	Copy of letter dated 04/08/2015	D	8

Applicant/Respondent No. 4

Through

Dated: 14/01/2022


Muhammad Tariq Qureshi
Advocate Supreme Court
Of Pakistan.
Cell: 0300-5768804

②

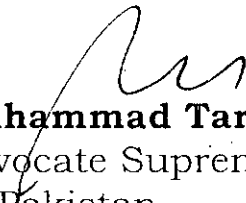
for receiving application, voter list of the appellant, voter list of the respondent and letter dated 04/08/2015 are attached as annexure "A", "B", "C" & "D").

It is, therefore, very humbly prayed that on the acceptance of this application, the accompanied documents may kindly be allowed to be placed on file in the main Service Appeal and may be considered as part and parcel of the instant Service Appeal.

Applicant/Respondent No. 4

Through

Dated: 14/01/2022


Muhammad Tariq Qureshi
Advocate Supreme Court
Of Pakistan.


(3)

Annex A

An application received of
MR: Gul Tayaz Khan S/O Gul Faraz Khan

R/O Grandi Sahib Khan (Nasir Kot)
for Naib Qasid Village Council
Grandi Sahib Khan with supporting
documentation

14/7-15



14/7/2015

Assistant Director
Local Govt. & Rural Dev:
Deptt: Lakki Marwat

(4)

Annex B

شماراتی بلاک کوڈ

0 5 5 0 1 0 1 0 1

حتمی انتخابی فہرست

عمر

انتخابی علاقے کا نام

پنوار حلقہ / تپے دار سرکل کا نام

موضع / دیہہ / شہر

یونین کونسل

کمی مرآت

ضلع

فورٹ

تحصیل / تعلقہ

ووٹروں کی تفصیل	
1061	مرد
875	خواتین
1936	کل ووٹرز



0 5 5 0 1 0 1 0 1

دستخط رجسٹریشن آفیسر

پرچہ کی تاریخ: 22 ستمبر 2020

نمبر: 318/478

حلقہ انتخاب: NA-36/PK-93

سلسلہ	نمبر	آئی ڈی شناختی کارڈ نمبر	نام	پتہ	گروہ نمبر	سلسلہ نمبر
	20	11201-4152653-1	محمد عظیم خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد		
93	61	11201-2875362-3	محمد جان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	محمد دیم	865
14	22	11202-0366916-9	محمد شہر خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	رشاد خان	866
15	53	11201-1002828-9	شیر خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	ملک انڈ	867
6	21	11202-0378533-5	انور خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	غلام رسول	868
	29	11201-5328759-1	اربع خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	پسر خان	869
	35	11201-6137592-5	اربع خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	اسحاق انڈ	870
	81	11202-0351737-5	رستم خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	محمد زبیر	871
	43	11201-4024554-3	مہاس خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	سر گل خان	872
	45	11201-0229222-9	نور خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	ستار خان	873
	40	11202-0342954-3	نور خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	انور شاہ	874
	84	11201-0331574-5	محمد الیاس خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	شیخ انڈ	875
	30	11201-6237222-9	غلام حیدر	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	غلام حیدر	876
	20	11202-0393345-9	سلیم خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	محمد علی	877
	51	11201-7956209-9	مہندر علی	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	عطاء انڈ	878
	46	11201-8552649-7	حبیب انڈ	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	دل جان	879
	31	11201-5744927-5	محمد حسین خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	رقیب انڈ	880
	42	11201-0314547-3	سیر سردار	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	محمد انور خان	881
	26	11202-0344346-9	محمد الیاس	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	گل نواز خان	882
	19	11201-7022760-9	سلطان محمود	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	محمد المصطفیٰ	883
	21	11202-0372936-9	محمد غلام	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	عقوب محمود	884
	19	11202-0394696-9	شیخ ارشد	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	نادر خان	885
	80	11201-6666488-7	نور خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	نادر خان	886
	52	11201-0364120-1	محمد ہاشم خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	محمد عظیم خان	887
	25	11202-0342115-1	محمد مراد خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	محمد حبیب خان	888
	20	11202-0388451-7	دستار خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل سرائے نورنگ، ضلع کی مراد	رفیع انڈ خان	889
	27	11201-9439014-1	دستار خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	محمد شکیل خان	890
	45	11201-2034990-3	نور انڈ خان	ڈاک خانہ سرائے نورنگ، برخیل، تحصیل کی مراد، ضلع کی مراد	آصف علی گل	891
					شاہ جہان	892

محمد

شماره یاتی بلاک کوڈ

0 5 5 0 1 0 1 1 0

حتمی انتخابی فہرست
 لڈی (ص) خان

انتخابی علاقے کا نام گڈی صاحب خان

پٹوار حلقہ / تپے دار سرکل کا نام مرخیل

شہر گڈی صاحب خان

یونین کونسل

گی مروت

ضلع

تورنگ

تحصیل / تعلقہ

ووٹروں کی تفصیل	
1101	مرد
859	خواتین
1960	کل ووٹر



0 5 5 0 1 0 1 1 0

دستخط رجسٹریشن آفیسر

پرنگ کی تاریخ: 22 ستمبر 2020

کتاب نمبر: 327/478

حلقہ انتخاب: HA-36/PK-93

46	11201-0901442-7	نواب خان	نور محمد خان	231	921
74	11201-1008301-8	ایمیر خان	مظفر اللہ خان	232	922
31	11201-0212172-0	مرثا	کریم شاہ	233	923
47	11201-6307633-6	محمد اللہ خان	صحت اللہ خان	234	924
44	11201-0362000-1	محمد اللہ خان	نور علی خان	236	925
30	11202-0360060-3	لام محمد خان	لام اسماعیل خان	236	926
61	11202-0376080-0	محمد اللہ خان	صحت اللہ خان	237	927
21	11202-0374200-5	عسکری خان	سید اللہ خان	238	928
24	11202-0364000-3	سرمد خان	سار اللہ	239	929
38	11201-2710028-5	محمد اللہ خان	کریم علی خان	240	930
42	11201-0018393-3	برہم خان	برہم خان	241	931
23	11202-0391920-7	سیف الملوک	لریہ اللہ خان	243	932
24	11202-0366420-5	لام سرد خان	تسلیت اللہ	244	933
43	11201-9742678-3	گل فرزانہ خان	گل تیز خان	245	934
45	11201-7034907-5	گل زمان	رحیم اللہ	246	935
49	11201-0368380-1	محمد اللہ خان	ایمیر محمد خان	247	936
60	11201-4052209-7	رب نواز خان	لاج میر خان	248	937
63	11201-4840739-5	ELECTION OFFICER Lakhi Marwat	میر امجد	249	938
21	11202-0378111-3	محمد نسیم خان	فضل دہاب	250	939
20	11202-0368707-7	شیر داد علی خان	قریب اللہ	251	940
45	11201-0376839-1	برہم خان	بادون بادشاہ	252	941
39	11201-8416188-5	آدم خان	افروز	253	942
26	11202-0342478-7	شیر جان	قدرت اللہ	254	943
40	11201-6768811-5	نادر خان	اسلم خان	255	944
20	11202-0388974-3	سرد جان	عارف اللہ	256	945
52	11201-4996158-9	تاج علی خان	گل تیز خان	257	946
20	11201-9508153-3	غنی الرحمن	کلی اللہ	258	947
49	11201-5017083-7	نبیل اللہ خان	برہم خان	259	948

(Handwritten signature)