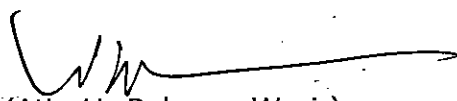


08.12.2021

Mr. Imdad Ullah, Advocate present on behalf of learned counsel for the appellant.

Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Aizaz-Ul-Haq Assistant for respondents present.

Former made a request for adjournment as counsel for the appellant is busy before Daraul Qaza. Adjourned. To come for arguments on 09.12.2021 before D.B at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

09.12.2021

Counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Former requested for withdrawal of the instant service appeal. In this regard, an application seeking withdrawal of appeal was also submitted.

In view of above, instant service appeal is hereby dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

09.12.2021



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



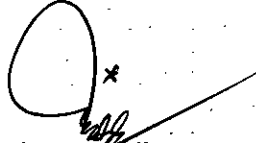
(Rozina Rehman)
Member (J)
Camp Court, Swat

02.03.2021

Appellant in person present.

Noor Zaman Khan Khattak learned District Attorney alongwith Qazi Noorul Wahab Deputy Director for respondents present.

Lawyers are on general strike, therefore, arguments could not be heard. Case is adjourned to 5.5.21 for arguments before D.B at Camp Court, Swat.



(Mian Muhammad)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

*Due to COVID 19 therefore
to come up for the same on 5/10/21*



05.10.2021

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 08.12.2021 for arguments, before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat



(Rozina Rehman)
Member(J)
Camp Court, Swat

06.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Aaizaz, Legal Officer are also present.

Representative of the department submitted para-wise reply/comments on behalf of respondents No. 1 to 3 which is placed on record. File to come up for rejoinder and arguments on 08.12.2020 before D.B at Camp Court, Swat.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

8/12/20

Due to COVID-19 case is adjourned
to 02-02-2021



Reader


02.02.2021

Appellant with counsel present.

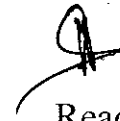
Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Learned A.A.G made a request for adjournment. Adjourned. To come up for arguments on 02.03.2021 before D.B at Camp Court, Swat


(Mian Muhammad)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

07.07.2020 Bench is incomplete. Therefore, the case is adjourned.
To come up for the same on 07.09.2020, at camp court
Swat.



Reader

07.10.2020 Appellant in person present.

Mr. Riaz Paindakhel learned Assistant Advocate
General for the respondents present.

Written reply on behalf of respondents is still
awaited. Representative of respondents is absent. Notice
be issued to respondents to make sure presence of
representative to furnish written reply/comments. To
come up for written reply/comments on 06.10.2020
before S.B.



Member (J)
Camp Court, Swat

05.03.2020

Appellant with counsel present. Preliminary arguments heard.

The appellant has filed the present service appeal for antedation of his promotion to the post of Supervisor.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.04.2020 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee

9/3/20

Member
Camp Court, Swat.

Due to corona virus tour to camp court swat has been cancelled. To come up for the same on 02-06-2020

02.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 07.07.2020, at camp court Swat.

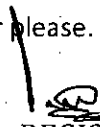

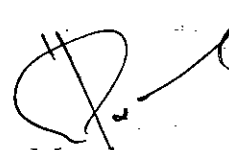
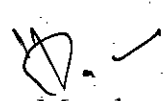
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1606/2019 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/11/2019	<p>The appeal of Mr. Sikandar Hayat Shah resubmitted today by Mr. Shamsul Hadi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 29/11/19</p> <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>04-02-20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>04.02.2020</p> <p>Appellant in person present and seeks adjournment on the ground that his counsel is not available. Adjourn. To come for preliminary hearing on 03.03.2020 before S.B at Camp Court, Swat.</p> <p style="text-align: right;"> Member Camp Court, Swat.</p> <p>03.03.2020</p> <p>Nemo for the appellant. Adjourn. To come up for preliminary arguments on 05.03.2020 before S.B at Camp Court, Swat.</p> <p style="text-align: right;"> Member Camp Court, Swat.</p>

The appeal of Mr. Sikandar Hayat Shah Assistant Director LG&RDD Upper Dir received today i.e. on 27.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page Nos. 11 of the appeal is illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.

No. 2088 /S.T,

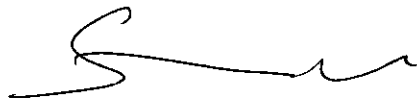
Dt. 27-11 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shamsul Hadi Adv. Swat.

Note -

Resubmitted after
Completion -



29-11-19

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

Service Appeal No. 1606 /2019

Sikandar Hayat Shah Assistant Director LG&RDD,
Upper Dir.....**APPELLANT**

V E R S U S

Secretary Local Government and others

.....**RESPONDENTS**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal & affidavit	*	1-7
2.	Copy of judgment dated 15/05/2013	A	8-9
3.	Copies of seniority list, minutes of DPC and impugned notification dated 26/05/2015	B	10-20
4.	Copies of departmental appeal and impugned order dated 12/11/2019	C	21-22
5.	Addresses of Parties	*	23
6.	Wakalat Nama	*	24


Appellant
Through 

Shams-Ul-Hadi

&

Irfan Ali Yousafzai 

Advocates 



Cell# 0347-4773440

0314-9070658

Date: 27/11/2019

(1)

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

Service Appeal No. 1606 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1687

Dated 27/11/2019

Sikandar Hayat Shah Assistant Director LG&RDD,
Upper Dir.....**APPELLANT**

V E R S U S

1. Secretary Local Government and Rural Development, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director General, Local Government and Rural Development, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. Section Officer (Establishment), Local Government and Rural Development, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED OFFICER ORDER DATED
26/05/2015 THROUGH WHICH THE
APPELLANT WAS PROMOTED TO THE
SUPERVISOR BPS-9 WITH IMMEDIATE
EFFECT AND THE APPELLANT WAS NOT
PROMOTED RETROSPECTIVELY TO THE
POST OF SUPERVISOR BPS-9 CONTRARY
TO THE LAW AND JUDGMENT DATED
15/05/2013 PASSED IN WRIT PETITION**

Filed to-day

Registrar

27/11/2019

Re-submitted to -day
and filed.

Registrar

29/11/19

2

NO. 2957-P/2012 AND AGAINST THE
ORDER DATED 12/11/2019 PASSED BY
RESPONDENT NO.3

Prayer in Appeal:

On acceptance of this service appeal, the impugned notification dated 26/05/2015 may kindly be modify/amend to the extent of "with immediate effect" and the above notification may kindly be given "retrospective effect" according to the seniority of the appellant, law and the judgment dated 15/05/2013 passed in writ petition No. 2957-P/2012.

Respectfully Sheweth:

Brief facts giving rise to the appeal are as under:

1. That the initially the appellant was appointed as Secretary Union Council on 15/04/1978 and as such the appellant performing his duties for the last 41 years without any complaint.
2. That as the post of the appellant was a block cadre post without any service structure, hence some of the colleague of the appellant/similar persons approached the August Peshawar High Court, through writ

petition NO. 2957-P/2012 for service structure and promotion to the post of supervisor under 75% quota under the rules through notification dated 26/01/1978 and as such the petition was allowed by the august Peshawar High Court, through judgment dated 15/05/2013, where the respondents were specifically directed to promote the petitioners and such like others to the post of the Supervisor BPS-9 according to quota within a period of 45 days. **(Copy of judgment dated 15/05/2013 is attached as Annexure-A)**

3. That according to the verdict of the Peshawar High Court, the cases of the appellant and others were duly process and after scrutinizing the seniority list and other relevant document, the department promotion committee promoted the appellant to the post of Supervisor BPS-9 vide impugned notification dated 26/05/2015 with immediate effect. **(Copies of seniority list, minutes of DPC and impugned notification dated 26/05/2015 are attached as Annexure-B)**
4. That as the promotion order of the appellant was issued much after the judgment passed by the Peshawar High Court in favour of the appellant and others and that too without caring for the law and rules on the subject an

(4)

immediate effect was given to the promotion notification of the appellant.

5. That the appellant and others approached the respondents for correction and amendment to the extent of the operation of the notification where the respondents assured the appellant that their promotion order will be given retrospective effect and the said will be considered from the year 2013 but one way or the other the respondents delayed the process.
6. That finally the appellant filed departmental appeal where the said was regretted vide impugned order dated 12/11/2019. **(Copies of departmental appeal and impugned order dated 12/11/2019 are attached as Annexure-C)**
7. That feeling aggrieved from above referred orders of respondents, the appellant assails these order before this Honorable Tribunal, inter alia, on the following grounds:

GROUND S:

- A. That the impugned orders dated 26/05/2015 and 12/11/2019 passed by the respondents, are against law, facts and record of the case, hence liable to be set aside.

5

- B. That on one hand the respondents did not given service structure and promotion for a long considerable period and on other when the august Peshawar High Court directed the respondents to give promotion to the appellant and others within 45 days according to the reserve quota of promotion than the respondents took much time while giving promotion to the appellant without any act and negligence of the appellant and when the appellant was promoted so not retrospective effect was given to the appellant's promotion from the year 2013.
- C. That while giving immediate effect to the promotion of the appellant, the appellant was deprived from his due right of further promotion which badly prejudice the service carrier of the appellant.
- D. That any other ground may be adduced during the course of arguments, with the kind permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned notification dated 26/05/2015 may kindly be modify/amend to the extent of "with immediate effect" and the above

(6)

notification may kindly be given
"retrospective effect" from 2013 according
to the seniority of the appellant, law and
the judgment dated 15/05/2013 passed in
writ petition No. 2957-P/2012.


AND

Any other relief which may be deemed
proper in circumstances of the case may
also be granted in favor of the appellant.

Appellant 
Sikandar Hayat Shah

Through


Shams-ul-Hadi

&

Irfan Ali Yousafzai
Advocates High Court
Peshawar

Date: 27/11/2019

7

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

Service Appeal No. _____/2019

Sikandar Hayat Shah Assistant Director LG&RDD,
Upper Dir.....**APPELLANT**

V E R S U S

Secretary Local Government and others

.....**RESPONDENTS**

AFFIDAVIT

I, **Irfan Ali Yousafzai Advocate (Counsel for appellant)**, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Irfan Ali Yousafzai

DEPONENT

Ann^{5A}
8

W.P. No. 245 of 2012
JUDGMENT
Date of hearing 15.5.2013

Appellant/Petitioner(s) *Mehmood Khan by mabd Essakhan, advocate*
Respondent(s) *Govt etc, by Mr. Aleem Khan and others, D.P.O. a/w Nazirullah Khan & others*

MIAN FASIH-UL-MULK, J.- The grievance of petitioners that they being Union Secretaries in District

Peshawar are entitled to promotion to the post of Supervisors under the 75% quota meant for promotion under the Rules notified vide Notification dated 26.01.1978

and the act of respondents to advertise the posts of Supervisors through impugned advertisement for direct appointment is against the said Rules, has been acknowledged by the respondents in their Comments

wherein it is stated that about 37 sanctioned posts of Supervisors in LG&RDD are available in the Department,

out of which 10 posts fall to the share of initial quota @ 25%, which has been advertised in the newspapers while 27

[Signature]
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posts meant for promotion as per seniority list.

9

2. The Director LG&RDD, vide letter dated

05.09.2013 has requisitioned the seniority list of Secretaries

Union Councils (BPS-7) in District Peshawar, which has

been furnished by the Assistant Directors LG&RDD.

Hence, the respondents are directed to process the cases of

petitioners in the light of the seniority list for filling up the

vacant posts of Supervisors meant for promotion quota as

per Rules within a period of 45 days and the writ petition in

hand is disposed of accordingly with no order as to costs.

Announced
15.05.2013

Sh Miran Fakhul mulla
Sh Musabbat Haidar

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Examiner
Peshawar High Court Peshawar
Authorised Under Article 37 of
The Qanun-e-Shahadat Order 1988

01-6-13

16955

at Presentation of Application *16-5-13*
No of Pages *3P*
Copying fee
Urgent fee
Total *6.00*

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AAK B¹⁰

Annex
"B"

(10)

No: 12958/DCO/UC

dated Upper Dir the: 7/11/2012.

From:

The District Coordination Officer
Upper Dir.

To:

The Director
Local Government Elections & Rural
Development Department
Peshawar.

Subject:

SENIORITY LIST OF SECRETARIES UNION COUNCIL (BPS-7).

Memo:

Reference your letter No.DG(LG) Establishment/2012 dated
05/09/2012.

The requisite seniority list of Secretaries Union Council of Upper Dir
District is enclosed for your further necessary action as desired please.

[Signature]
7-11-12

District Coordination Officer,
Upper Dir

(W)

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Advocate

11

SENIORITY LIST OF SECERATARY UNION COUNCILS DIR UPPER ON 31/10/2012

Name & Designation	District	D/O Birth	D/O 1 st entry in Govt service	Appointment/promotion to the present post			Selection Grade Award	Qualification	Remarks
				Date	BPS	Method of Recruitment			
Sar Hayat Shah	Dir	01/01/1960	15/04/1978	15/04/1978	07	Direct		M.A	
Muhammad Nasir	Dir	05/01/1961	05/04/1984	05/04/1984	07	Direct		B.A	
Muhammad Ullah	Dir	01/01/1964	09/04/1984	09/04/1984	07	Direct		B.A	
Muhammad Amir	Dir	27/11/1961	10/04/1984	10/04/1984	07	Direct		M.A	
Muhammad Ali	Dir	02/02/1958	05/05/1988	05/05/1988	07	Direct		B.A	
Muhammad Uddin	Dir	02/05/1961	05/05/1988	05/05/1988	07	Direct		B.A	
Muhammad Zahid	Dir	07/07/1964	05/05/1988	05/05/1988	07	Direct		B.A	
Muhammad Jan	Dir	04/12/1956	10/05/1988	10/05/1988	07	Direct		P.Sc	
Muhammad Sajid	Dir	04/08/1966	19/12/1994	19/12/1994	07	Direct		B.A	
Muhammad Shah	Dir	14/04/1971	19/12/1994	19/12/1994	07	Direct		F.A	
Muhammad Ismail	Dir	22/04/1968	01/05/1988	22/05/2003	07	Direct		F.A	
Muhammad Alim	Dir	01/08/1981	01/07/2005	01/07/2005	07	Direct		M.A	
Muhammad Imtiaz	Dir	01/03/1974	01/12/1999	01/07/2005	07	Direct		M.A	
Muhammad Saleem	Dir	15/02/1976	14/09/2005	14/09/2005	07	Direct		M.A	
Muhammad Ali	Dir	10/04/1981	15/09/2005	15/09/2005	07	Direct		B.A	
Muhammad Jehanzeb	Dir	02/03/1982	16/11/2005	16/11/2005	07	Direct		F.A	
Muhammad Yousaf Shah	Dir	02/07/1972	13/06/2005	13/06/2006	07	Direct		M.A	
Muhammad Ahsan	Dir	26/03/1982	21/12/2009	21/12/2009	07	Direct		B.A	Appointment made purely on temporary basis as stop gap arrangement

[Signature]
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Advocate

11A

BETTER COPY OF THE PAGE NO. 11
SENIORITY LIST OF SECRETARY UNION COUNCILS DIR UPPER ON 31/10/2012

Name & Designation	Domicile	D/O Birth	D/O Entry in Govt service	Appointment/promotion in the present post			Selection Grade Award		Qualification on	Remarks
				Date	BPS	Method of Recruitment				
Hayat Shah	DIR	01/01/1960	15/04/1978	15/04/1978	07	Direct			M.A	
Muhammad Nasir	DIR	05/01/1961	05/04/1984	05/04/1984	07	Direct			B.A	
Ullah	DIR	01/01/1964	09/04/1984	09/04/1984	07	Direct			B.A	
Muhammad Amin	DIR	27/11/1961	10/04/1984	10/04/1984	07	Direct			M.A	
	DIR	02/02/1958	05/05/1988	05/05/1988	07	Direct			B.A	
	DIR	02/05/1961	05/05/1988	05/05/1988	07	Direct			B.A	
Zarin	DIR	07/07/1964	05/05/1988	05/05/1988	07	Direct			B.A	
Muhammad Jan	DIR	04/12/1966	10/08/1988	10/08/1988	07	Direct			B.Sc	
	DIR	04/6/1966	19/12/1994	19/12/1994	07	Direct			B.A	
	DIR	14/04/1971	19/12/1994	19/12/1994	07	Direct			F.A	
	DIR	22/04/1968	22/05/2003	22/05/2003	07	Direct			F.A	
	DIR	01/08/1982	03/07/2005	03/07/2005	07	Direct			M.A	
	DIR	01/03/1974	01/07/2005	01/07/2005	07	Direct			M.A	
	DIR	15/02/1976	14/09/2005	14/09/2005	07	Direct			M.A	
	DIR	10/04/1981	15/09/2005	15/09/2005	07	Direct			B.A	
	DIR	02/03/1982	16/11/2005	16/11/2005	07	Direct			F.A	
	DIR	02/07/1972	13/06/2006	13/06/2006	07	Direct			M.A	
	DIR	20/03/1982	21/12/2009	21/12/2009	07	Direct			B.A	

7 /AD /UC

13

dated Upper Dir 12/4/2013

From:

The Assistant Director LG&RDD
Upper Dir

To,

The Director
Local Government Elections & Rural
Development Department
Khyber Pakhtunkhwa Peshawar.

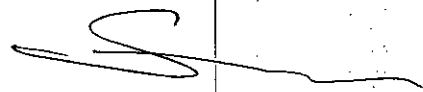
Subject:-

list of Bio data of Secretaries UC's of Upper Dir in KPK

Reference your letter No. Director LG&RDD/AD's/Bio-data/2013 dated April 8, 2013 on the subject noted above.

The requisite bio data list of Secretaries Union Council of Upper Dir District is enclosed for your further necessary action as desired please.

Assistant Director LG&RDD
Upper Dir


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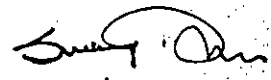
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Advocate

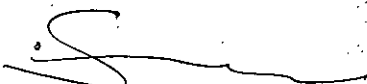
74

List of bio data of Secretaries UC's of Upper Dir in KPK April 2013

S.No	Name of sectary UC	Basic pay scale no	Name union council	Date of birth	Date of intial appointment	Date of promotion (if applicable)	Remarks
1	Sikandar Hayat Shah	07	Sundal	1/1/1960	15/4/1978		
2	Muhammad Nasir	07	Tarpatar	5/1/1961	5/4/1984		
3	Saeed Ullah	07	Chukyatan	1/1/1964	9/4/1984		
4	Muhammad Amin	07	Barawal	27/11/1961	10/4/1984		
5	Attaullah	07	Dislawar	2/2/1958	5/5/1988		
6	Salahuddin	07	Darhikan	2/5/1961	5/5/1988		
7	Badshah zarin	07	Sharingal	7/7/1964	5/5/1988		
8	Syed Amin Jan	07	Jabar	4/12/1966	10/5/1988		
9	Babu Haqar	07	Wari	4/8/1966	19/12/1994		
10	Muhammad Tahir Shah	07	Qulandi	14/4/1971	19/12/1994		
11	Muhammad Ismail Shah	07	Shahi Kot	22/4/1968	1/5/1988		
12	Zahoor Alam	07	Kotkay	1/08/1981	01/07/2005		
13	Raz Muhammad	07	Chappar	01/03/1974	01/12/1999		
14	Abdul Salam	07	Ganorhi	15/02/1976	14/09/2005		
15	Gohar Ali	07	Bandi	10/04/1981	15/09/2005		
16	Ziaurehman	07	Kalkot	02/03/1982	16/11/2005		
17	Nisar Ali shah	07	Darora	02/07/1972	13/06/2006		
18	Ishtiaq Ahmad	07	Pashta	20/03/1982	21/12/2009		
19	Muhammad Riaz	07	Patrak	28/03/1991	04/02/2010		
20	Tahirulhaq	07	Dir	05/03/1985	01/03/2010		
21	Imran Khan	07	Akhagram	18/02/1988	04/02/2010		
22	Inayat ullah	07	Bibyawar	01/03/1988	02/08/2010		
23	Ubaidullah	07	Palam	12/03/1987	04/08/2010		
24	Sahibzada Shahid ullah	07	Sawni	05/04/1986	21/02/2009		

Note: The official S.No 18 to 24 have been appointed on stop gap arrangement


Assistant Director LG&RDD
Upper Dir


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Advocate



15

OFFICE OF THE
ASSISTANT DIRECTOR LG & RDD

DIR UPPER

No. 726-27AD/RDD/Admn. UCs

Dated: 5/03/2015

To,

The Director
LG & RDD Khyber Pakhtunkhwa
Peshawar

Subject:-

PROMOTION OF THE SECRETARY UNION COUNCILS
THE POST OF SUPERVISOR LG & RDD

Memo:

Reference to your office letter no. Director (LG) 3-
1/Establishment/2013/1674 dated 12/02/2015 on the subject noted above.

The final seniority list of secretaries is hereby submitted as desired.
The following information offered on the basis of their respective services record as per
their service book maintained in the office of Assistant Director (LG & RDD) Dir Upper.
(Copy enclosed)

ASSISTANT DIRECTOR LG & RDD
DIR UPPER

Endst: No. /AD/RDD/Admn/UCs

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1. PA to Director General LG & RDD Khyber Pakhtunkhwa Peshawar

ASSISTANT DIRECTOR LG & RDD
DIR UPPER

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(16)

SENIORITY LIST OF SECRATARY UNION COUNCILS Dir Upper on 07-03-2015

S.No.	Name & Designation	Domicile	D/O Birth	D/O 1 st entry in Govt. Service	Appointment/promotion to the present post			Selection Grade	Qualification	Remarks
					Date	BPS	Method of Recruitment			
1.	Sikandar Hayat Shah	Dir	1/1/1960	15/4/1978	1/4/1984	7	Direct		M.A	
2.	Muhammad Nasir	Dir	5/1/1961	5/4/1984	5/4/1984	7	Direct		B.A	
3.	Saeed Ullah	Dir	1/1/1964	9/4/1984	9/4/1984	7	Direct		B.A	
4.	Muhammad Amin Jan	Dir	27/11/1961	10/4/1984	10/4/1984	7	Direct		M.A	
5.	Attaullah	Dir	2/2/1958	5/5/1988	5/5/1988	7	Direct		B.A	
6.	Salahud Din	Dir	2/5/1961	5/5/1988	5/5/1988	7	Direct		B.A	
7.	Badshah Zarin	Dir	7/7/1964	5/5/1988	5/5/1988	7	Direct		B.A	
8.	Syed Amin Jan	Dir	27/11/1961	10/5/1988	10/5/1988	7	Direct		B.S.C	
9.	Babu Haidar	Dir	4/8/1966	19/12/1994	19/12/1994	7	Direct		B.A	
10.	Tahir Ali Shah	Dir	14/4/1971	19/12/1994	19/12/1994	7	Direct		F.A	
11.	Muhammad Ismail Shah	Dir	22/4/1968	1/5/1988	22/5/2003	7	Direct		F.A	
12.	Zahoor Alam	Dir	4/8/1981	1/7/2005	1/7/2005	7	Direct		M.A	
13.	Raz Muhammad	Dir	1/3/1974	1/12/1999	1/7/2005	7	Direct		M.A	
14.	Abdul Salam	Dir	15/02/1976	14/09/2005	14/09/2005	7	Direct		M.A	
15.	Gohar Ali	Dir	10/4/1981	15/9/2005	15/9/2005	7	Direct		B.A	
16.	Zia ur Rehman	Dir	2/3/1982	16/11/2005	16/11/2005	7	Direct		F.A	
17.	Nisar Ali Shah	Dir	2/7/1972	13/06/2006	13/06/2006	7	Direct		M.A	
18.	Ishliq Ahmad	Dir	20/03/1982	21/12/2009	21/12/2009	7	Direct		B.A	
19.	Muhammad Riaz	Dir	28/3/1991	4/2/2010	4/2/2010	7	Direct		M.B.A	
20.	Tahir ul Haq	Dir	5/3/1985	1/3/2010	1/3/2010	7	Direct		B.A	
21.	Imran Khan	Dir	18/02/1988	4/2/2010	4/2/2010	7	Direct		F.A	
22.	Inayat ullah	Dir	1/3/1988	2/8/2010	2/8/2010	7	Direct		B.A	
23.	Ubaid ullah	Dir	12/3/1987	4/8/2010	4/8/2010	7	Direct		B.A	
24.	Sahibzada Shahid Ullah	Dir	5/4/1986	21/02/2009	21/02/2009	7	Direct		F.A	

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Assistant Director LG RSD
Upper Dir

(17)
SENIORITY LIST OF SECERATARY UNION COUNCILS Dir Upper on 07-03-2015

S.No.	Name & Designation	Domicile	D/O Birth	D/O 1 st entry in Govt. Service	Appointment/ promotion to the present post:			Selection Grade	Qualifica tion	Remarks
					Date	BPS	Method of Recruitment			
1	Sikandar Hayat Shah	Dir	1/1/1960	15/4/1978	1/4/1984	7	Direct		M.A	
2	Muhammad Nasir	Dir	5/1/1961	5/4/1984	5/4/1984	7	Direct		B.A	
3	Saeed Ullah	Dir	1/1/1964	9.4.1984	9.4.1984	7	Direct		B.A	
4	Muhammad Amin Jan	Dir	27/11/1961	10/4/1984	10/4/1984	7	Direct		M.A	
5	Attaullah	Dir	2/2/1958	5/5/1988	5/5/1988	7	Direct		B.A	
6	Salahud Din	Dir	2/5/1961	5/5/1988	5/5/1988	7	Direct		B.A	
7	Badshah Zarin	Dir	7/7/1964	5/5/1988	5/5/1988	7	Direct		B.A	
8	Syed Amin Jan	Dir	27/11/1961	10/5/1988	10/5/1988	7	Direct		B.S.C	
9	Babu Haider	Dir	4/8/1966	19/12/1994	19/12/1994	7	Direct		B.A	
10	Tahir Ali Shah	Dir	14.4.1971	19.12.1994	19.12.1994	7	Direct		F.A	
11	Muhammad Ismail Shah	Dir	22/4/1968	1/5/1988	22/5/2003	7	Direct		F.A	
12	Zahoor Alam	Dir	1/8/1981	1/7/2005	1/7/2005	7	Direct		M.A	
13	Raz Muhammad	Dir	1/3/1974	1/12/1999	1/7/2005	7	Direct		M.A	
14	Abdul Salam	Dir	15/02/1976	14/09/2005	14/09/2005	7	Direct		M.A	
15	Gohar Ali	Dir	10/4/1981	15/9/2005	15/9/2005	7	Direct		B.A	
16	Zia ur Rehman	Dir	2/3/1982	16/11/2005	16/11/2005	7	Direct		F.A	
17	Nisar Ali Shah	Dir	2/7/1972	13/06/2006	13/06/2006	7	Direct		M.A	
18	Ishfaq Ahmad	Dir	20/03/1982	21/12/2009	24/12/2009	7	Direct		B.A	
19	Muhammad Riaz	Dir	28/3/1991	4/2/2010	4/2/2010	7	Direct		M.B.A	
20	Tahir ul Haq	Dir	5/3/1985	1/3/2010	1/3/2010	7	Direct		B.A	
21	Imran Khan	Dir	18/02/1988	4/2/2010	4/2/2010	7	Direct		F.A	
22	Inayat ullah	Dir	1/3/1988	2/8/2010	2/8/2010	7	Direct		B.A	
23	Ubaid ullah	Dir	12/3/1987	4/8/2010	4/8/2010	7	Direct		B.A	
24	Sahibzada Shahid Ullah	Dir	5/4/1986	21/02/2009	21/02/2009	7	Direct		F.A	

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Assistant Director LG RSD
Upper Dir

(18)

Subject:

**MINUTES OF DEPARTMENTAL PROMOTION COMMITTEE
(DPC) MEETING HELD ON 13.04.2015 AT 10:30 A.M.**

The Departmental Promotion Committee (DPC) met on 13.04.2015 at 10.30 AM under the Chairmanship of Director General LG&RDD, the following attended:

1. Mr. Adil Siddiq, Director General LG&RDD Peshawar. Chairman.
2. Mrs. Tahira Yasmin, Director LG&RDD Peshawar. Member.
3. Mr. Izaz Ullah Section Officer (Estab) LG&RDD, Khyber Pakhtunkhwa. Member
4. Mr. Shibli Khan, Deputy Director (Admin) LG&RDD Peshawar. Member
5. Mr. Nasim Ahmad AD LG & RDD Dir Upper. Member.

The chairman welcomed the participants. He apprised the participants regarding convening of the meeting of DPC. The participants were also introduced. Thereafter, the meeting proceeded as per agenda of the meeting i.e. promotion of Village Secretary Union Council (BPS - 7) to the post of Supervisor (BPS-9). The Deputy Director LG&RDD explained that the total strength of the posts of Supervisor (BPS 9) inclusive of FATA Secretariat is 43. Out of 43, 25% posts shall be filled through initial recruitment and 75 % shall be filled through promotion amongst the lot of the Village Secretaries of the respective District, therefore, 32 posts of Supervisors shall be filled through promotion. He further added that being a District Cadre post, the promotion shall be decided on the basis of District quota i.e. one Village Secretary UC shall be considered for promotion on the basis of fitness cum seniority. He stressed that the respective Assistant Director, Local Government shall present the Final Seniority List with Synopses and Working Paper. The respective Assistant Director shall also submit a certificate / NOC that there was no inquiry in any establishment pending against the incumbent Village Secretary who falls at top of the said Seniority List and the Seniority List prepared by him was accordingly circulated amongst all concerned in light of the policy / rules in vogue. This was seconded by the Section Officer Establishment, representative of the Administrative Department.

During discussion on the agenda item, Mr. Nasim Ahmad, Assistant Director, Local Government & Rural Development Dir Upper presented the Final Seniority List of Village Secretaries Union Councils District Dir Upper with Synopses. The Assistant Director, LG&RDD Dir Upper informed the committee that:

- a) As per policy governing the seniority list of the Govt employees, the final seniority list of Village Secretaries Union Councils District Dir Upper was prepared and circulated amongst all concerned, annexed F/A.

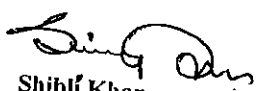
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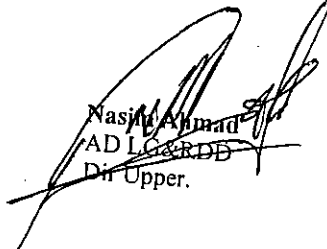
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Advocate


- b) As per F/A, Mr. Sikandar Hayat, Village Secretary (BPS-7) falls at top of the Seniority List i.e. serial number 1.
- c) He also submitted a certificate regarding no pending enquiry against the said Village Secretary in any establishment including Anti Corruption etc.


After detailed discussion, the Committee unanimously recommended and approved Mr. Sikandar Hayat, Village Secretary Union Council District Dir Upper for promotion against the vacant post of Supervisor BPS -9 subject to the condition that the promotion shall be granted with immediate effect as per rules.

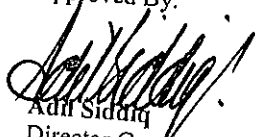
The meeting ended with a note of thanks.

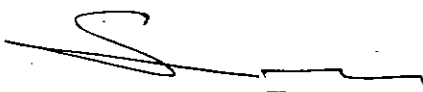

 Shibli Khan
 Deputy Director (Admin)
 LG&RDD Peshawar


 Nasir Ahmad
 AD LG&RDD
 Dir Upper.


 Izatullah
 Section Officer (E)
 LG&RDD Peshawar.

Recommended By:

 Tahira Yasmin
 Director
 Local Govt & RDD
 Peshawar.

Approved By:

 Adil Siddiq
 Director General
 Local Govt & RDD
 Peshawar.


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OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

Dated the Peshawar 26th May, 2015

OFFICE ORDER

No. Director(LG)/3-12/DPC/2012-13/. Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 13.04.2015, the Competent Authority has been pleased to promote Mr. Sikandar Hayat, Village Secretary Union Council (BPS - 07) to the post of Supervisor (BPS - 09) with immediate effect and to post him as Supervisor (BPS - 09) against the vacant post in the office of Assistant Director LG&RDD, Dir Upper. On his promotion, the terms & conditions of his appointment will remain the same on which he was appointed.

-sd/-

Director General
LG&RDD

Endst of Even No & Date

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Estab), LGE&RDD, Khyber Pakhtunkhwa.
3. Assistant Director, LG&RDD Dir Upper.
4. District Accounts Officer Dir Upper.
5. PA to Director General, LG&RDD Peshawar.
6. Mr. Sikandar Hayat, Supervisor, LG&RDD Dir Upper.


Deputy Director (Admin)
LG&RDD

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31-12-60
31-12-57
31-12-1957
60
31-12-2017

Annex

(21)

Annex

بخدمت جناب سیکریٹری صاحب بلدیات الیکشن و دیپٹی چیئرمین خیرہ پختونخواہ

6539

19/9/19

درخواست برائے ترقی: عنوان

جناب عالی!

گزارش یہ ہے کہ میں مورخہ 15-4-1978 سے بحیثیت سیکریٹری یونین کونسل بھرتی ہوا تھا اور مسلسل 41 سال اپنی ذیوقی سرانجام دے رہا ہوں۔ فدیوی کو مورخہ 26-5-2015 کو بحیثیت سپروائزر BPS-9 کی خالی اسامی پر ترقی دی گئی۔ جبکہ سیکریٹری یونین کونسل نے سروس سٹرکچر اور ترقی کے لئے عدالت عالیہ کو سال 2012 میں اپیل دائر کی تھی۔ جس پر عدالت عالیہ نے مورخہ 15-5-2013 کو 45 دن کے اندر اندر ترقی دینے کے احکامات صادر کی تھی۔ (فیصلے کی نقل لف ہے۔)

عدالت عالیہ کے فیصلے کے مطابق مجھے 2013 میں سپروائزر کے خالی اسامی پر ترقی کے احکامات / آرڈر جاری کرنا تھا۔ جبکہ عدالت عالیہ کے فیصلے کو نظر انداز کر کے دو سال بعد مورخہ 26-5-2015 سے ترقی دی گئی ہے۔ جو کہ عدالتی فیصلے کے منافی ہے۔ نیز سال 1998 سے میرا پروموشن کا حق بنتا تھا۔ جو کہ مجھے نہیں دیا گیا ہے۔

مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے انصاف کے تقاضوں کے مطابق مجھے 15-5-2013 سے سپروائزر کے خالی اسامی پر ترقی کے احکامات جاری فرمادیں تاکہ پراگریس آفیسر کے خالی اسامی پر ترقی کرنے کے قابل ہو سکوں۔ اپیل پر بہرہ بردار نہ غور کی درخواست کی جاتی ہے۔ سائل تاحیات دعا گورہیگا۔

المرقوم 19-9-2019

سائل سکندر حیات شاہ

شیروائزر محکمہ بلدیات ویہی ترقی ضلع دیر بالا

شناختی کارڈ نمبر 7-1268-3871-15702

موبائل نمبر 0344-0995010

دستخط

SoE

19/9/19

Suplt

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Advocate

19/9

MOST IMMEDIATE



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

22

No. SO(E)LG/2-5/Up-gradation/2019
Dated the Peshawar 12th November, 2019

To

Mr. Sikandar Hayat Shah,
Assistant Director,
LG&RDD Dir Upper.

SUBJECT:- APPEAL FOR PROMOTION

Memo:

I am directed to refer to your appeal / application dated 19.09.2019 on the subject cited above and to state that as intimated by Director General, LG&RDD Khyber Pakhtunkhwa vide letter No. Director (LG)3-34/Complaints/2017/15754, dated 5th November, 2019 you have been promoted to the post of Supervisor (BPS-14) on 26.05.2013 in line with the Provincial Government Promotion Policy, which stipulates that promotion will always be notified with immediate effect and not retrospective.

I am, therefore, directed to inform you that keeping in view comments offered by Director General, LG&RDD, your promotion has taken place in accordance with the Provincial Government Promotion Policy in vogue and does not warrant for interruption, therefore, your appeal has been considered and filed by Appellant Authority having no merit and time barred.

SECTION OFFICER (ESTAB)
Phone # 091-9213224

Endst. Even No. & Date

Copy is forwarded to:-

1. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar w/r to his letter quoted above.
2. The P.S to Secretary LG,E& RD Department Peshawar.

SECTION OFFICER (ESTAB)

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(23)

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

Service Appeal No. _____/2019

Sikandar Hayat Shah Assistant Director LG&RDD,
Upper Dir.....**APPELLANT**

V E R S U S

Secretary Local Government and others

.....**RESPONDENTS**

ADDRESSES OF PARTIES

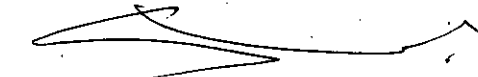
APPELLANT

Sikandar Hayat Shah Assistant Director LG&RDD,
Upper Dir

RESPONDENTS

1. Secretary Local Government and Rural Development, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director General, Local Government and Rural Development, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
3. Section Officer (Establishment), Local Government and Rural Development, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

Through Appellant






Shams-Ul-Hadi

&

Irfan Ali Yousafzai

Advocates High Court
Peshawar

Date: 27/11/2019

قیمت 50 روپے	27134			
ایڈویٹ: مسٹرس الحکامی / عمر خان علی لوہانوی		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: 09-1766				
رابطہ نمبر: 0314-9070658				

بعدالت جناب: سر جسٹس سید سید سعید الرحمن کوٹواہ

منجانب: مسٹر	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

مسند صحت بنام مسکری لوہانوی سندھ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کسٹیا علیہ مسٹرس الحکامی / عمر خان علی لوہانوی کو پیش کیا گیا ہے،
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 27-11-19

العبد _____ العبد _____
 مقام _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted
 Accepted
 [Signature]

مسند صحت بنام

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

Service Appeal No.1606/2019

Sikandar Hayat Shah, Ex-AD, LG&RDD

Appellant

VERSUS

1. Secretary, LG, E&RDD,

2. Director General, LG&RDD.

3. Section Officer (Estab), LG&RDD

Respondents

Para-wise reply/comments on behalf of Respondents

Respectfully Sheweth:-

Preliminary Objections:-

- (i) That the appellant has no cause of action/locus-standi to file the present appeal.
- (ii) That the appellant concealed material facts from this Service Tribunal.
- (iii) That the appellant has not come to the Hon'ble Tribunal with clean hands.
- (iv) That the appeal is not maintainable and not covered by the relevant rules.
- (v) That the appeal is badly time barred.

ON FACTS:-

Para 1. Correct to the extent that the appellant was initially appointed as Secretary Union Council on 15-04-1978.

Para 2. Incorrect. There is proper service structure of Secretary Union Council duly notified by the Government. The Secretary Union Council is promoted to the post of Supervisor and then to the post of Progress Officer (BS-16) as well as to the post of Assistant Director (BS-17) and Director (BS-19) under the quota reserved for promotion in the Service Rules.

It is added that the Directorate General, LG&RDD and its allied offices in the settled districts were abolished alongwith posts as a result of restructuring in devolution process during 2001. However, the Directorate General, LG&RDD was revived and the posts were created. Soon after the creation

of posts of Supervisors in LG&RDD, the appellant as well as others were promoted to the post of Supervisors as well as Progress Officers (BS-16) strictly in accordance with the Promotion Policy of the Provincial Government in vogue.

Para 3. In response to Para-3, it is clarified that the appellant as well as others were promoted to the post of Supervisor (BS-14) on 26-05-2013 in line with the Provincial Government Promotion Policy, which stipulates that promotion will always be notified with immediate effect and not retrospective.

Para-4 As replied in para-3 above.

Para-5 Incorrect. Promotion of the appellant has been made strictly in accordance with the Provincial Government Promotion Policy.

Para-6. Appeal of the appellant was considered and regretted by the Appellate Authority. The appellant was apprised of the decision taken by the Appellate Authority on his appeal vide letter annexed-C to the appeal of the appellant.

Para-7 The actions taken in the appellant's case are strictly in accordance with the law regulating services of the appellant.

On Grounds:-

(A) Incorrect. The impugned orders passed by the respondents are strictly in accordance with law, facts and record.

(B) Incorrect. The appellant as well as others were promoted to the post of Supervisor (BS-14) on 26-05-2013 in line with the Provincial Government Promotion Policy, which stipulates that promotion will always be notified with immediate effect and not retrospective.


© Incorrect. The appellant was not deprived of his due right but was further promoted to the post of Progress Officer (BS-16) on acting charge basis due to non completion of length of service as prescribed in the Service Rules.

(D) Additional ground, if produced by the appellant will be replied at the time of arguments.

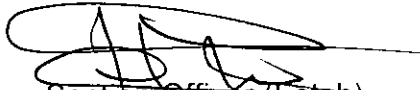
In view of above, it is requested that this Hon'ble Tribunal may graciously dismiss appeal of the appellant with cost.



Secretary, LG,E&RDD,



Director General,
LG&RD Deptt:
Director General
Local Govt: Rural Development
Khyber Pakhtunkhwa



Section Officer (Estab)
LG,E&RDD

Before Senior Tribunal 1/2/18

S.A No. 1606 2018

Sikandar Hayat vs Govt

Appearance for withdrawal of
Title Case.

Respected Sir:

- 1- That the above titled case is fixed for today.
- 2- That on instructions of my client, I would like to withdraw the instant appeal.

It is therefore humbly prayed that the above titled S.A appeal may kindly be dismissed as withdrawn.

Caused by Applicant

Sikandar Hayat
ASC

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