


10.07.2018

Learned counsel for the petitioner present. Mr. Sardar Shoukat Hayat, Additional AG for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court. Adjourned. To come up for implementation report on 30.07.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

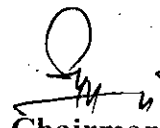
30.07.2018

Mr. Irshad ullah, petitioner alongwith his counsel Mr. Noor Muhammad Khattak, Advocate present. Mr. Rizwanullah, AD (Lit) alongwith Mr. Kabirullah Khattak, Addl: AG for the remaining respondents present.

Petitioner and his counsel stated at the Bar that the order of this Tribunal has been implemented and in this respect report is also submitted by the above named representative of the respondents, hence, there is no more need further to proceed.

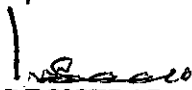


In view of the stated circumstances, the execution petition is hereby filed being implemented. No order as to costs. File be consigned to the record room.

Announced:  
30.07.2018

  
Chairman 30.7.2018

FORM OF ORDER SHEET

Execution Petition No. 98/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	29.03.2018	<p>The Execution Petition of Mr. Irshadullah submitted to-day by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	09/04/18	<p>This Execution Petition be put up before S. Bench on <u>23/04/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	23.04.2018	<p>Counsel for the petitioner present. Notices be issued to the respondents. To come up for implementation report on 10.07.2018 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1037 of 2016  
**Implementation report in petition No.98/2018**

In the light of judgment of Honorable service tribunal court, Peshawar dated 08/12/2017 which states that

“As sequel to above, the appeal is accepted and the impugned ordered is set aside. Respondents are placed at liberty to conduct de-novo inquiry strictly in accordance with rules. Parties are left to bear their own costs. File be consigned to the record room”.

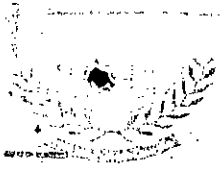
As per above judgment, The competent authority nominated inquiry officer namely Mr. Kashif Ur Rehman Assistant Director LG&RDD Kohat vide order No. Director (LG) 3-7/Court Case /2013, dated Peshawar 5<sup>th</sup> June, 2018(copy is attached as Annex-A).


Accordingly the inquiry officer conducted inquiry and submit the report to competent authority. The undersigned received the inquiry report vide letter No. Director (LG) 3-7/Court Cases/2013 dated Peshawar 05 June 2018. (Copy attached as annex-B).

In light of inquiry Report recommendation, Mr. Irshad Ullah was recommended and reinstate into his service vide letter No.558/ADLGKK Dated: 27/07/2018. (Copy attached as Annex-C). Therefore the matter may be disposed of the above terms.

Handwritten notes: "file", "30.7.2018", and "30.7.2018".

Assistant Director  
LG&RDD Karak  
Assistant Director  
LG & RDD KARAK



(Anex- A) 

DIRECTORATE GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA

Dated Peshawar, the 5<sup>th</sup> June, 2018

ORDER

No. Director (LG) 3-7/Court Cases/2013:- The Competent Authority is pleased to nominate Mr. Kashif-ur-Rehman Assistant Director LG&RDD, Kohat as Inquiry Officer to conduct a fact finding inquiry regarding the subject Court Case Appeal No. 1037/2016 titled Mr. Irshad Ullah VS local Govt (AD Office LG&RDD, Karak) as well as the inquiry officer will also conduct the de-novo inquiry as directed by the Honorable Tribunal to verify the credential of the petitioner that whether he is fit for the appointment or otherwise and submit inquiry report within fifteen days positively.

--SD--

DIRECTOR GENERAL  
LG&RDD

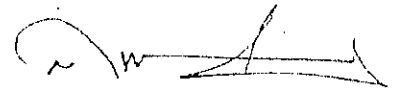
Endst. No. & Date even.

Copy of the above is forwarded to the:

1. Mr Kashif-ur-Rehman Assistant Director LG&RDD, Kohat/ Inquiry Officer
2. Assistant Director LG&RDD, Karak to provide all relevant record for holding inquiry please
3. PS to Secretary LG,E&RDD, Khyber Pakhtunkhwa.
4. PA to Director General LG&RDD, Khyber Pakhtunkhwa.

*Musieed*

  
Assistant Director  
LG & RDD KARAK.



ASSISTANT DIRECTOR (Litigation)  
LG&RD

(A) (A+B)

COURT MATTER/MOST IMMEDIATE/TIME BOUND



DIRECTORATE GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA

No. Director (LG) 3-7/Court Cases/2013  
Dated Peshawar, the 16<sup>th</sup> July, 2018.

To

The Assistant Director,  
LG&RD, Karak.

Subject: -

APPLICATION FOR IMPLEMENTATION OF COURT JUDGMENT DATED  
08/12/2017

I am directed to refer to the subject noted above and to enclose herewith inquiry report for information and further necessary action at the earliest please as the case is in Khyber Pakhtunkhwa Service Tribunal Peshawar.

ASSISTANT DIRECTOR (Litigation)  
LG&RD

Copy forwarded to:

1. PS to Secretary LG,E&RDD, Khyber Pakhtunkhwa
2. PA to Director General, LG&RDD, Khyber Pakhtunkhwa

*Musted*  
11  
Assistant Director  
LG & RDD KARAK

ASSISTANT DIRECTOR (Litigation)  
LG&RD

5

ENQUIRY REPORT IN MR. IRSHAD ULLAH VS LOCAL GOVT(AD OFFICE  
LG&RDD, KARAK

BRIEF

The undersigned was nominated as inquiry officer vide Director General LG & RDD Khyber Pakhtunkhwa Notification No. Director (LG) 3-7/Court Cases/2013, dated 5<sup>th</sup> June 2018 to conduct de-novo inquiry as directed by the Honorable Service Tribunal that whether Mr. Irshad Ullah is fit for appointment as Secretary VC/NC or otherwise.

Brief of the case is that on recommendation of the Departmental Promotion Committee, Mr. Irshad Ullah was appointed Secretary Village Council vide Assistant Director LG & RDD Karak Order No. 946/ADLG&RDD/KK(Recruitment) dated 23-12-2015. He fulfilled the required qualification and presented certificate/diploma in M.S Office of six months course duration (01-01-2013 to 30-06-2013) from Khattak Polytechnic and Technical Center Karak (Annex-A). This said institution is affiliated with Khyber Pakhtunkhwa Trade Testing Board (Annex-B).

However, after appointment when Mr. Irshad Ullah was directed by the competent authority to produce certificate for verification, he presented a certificate of Skill Development Council Peshawar for the session 01-07-2015 to 31-12-2015 instead of the certificate presented by him at the time of his appointment. As for the said post, the last date for submission of applications was 06-07-2015 and the candidate did not possess the prescribed qualification, consequently the Assistant Director LG & RDD Karak cancelled his appointment orders on dated 05-04-2016.

Mr. Irshad Ullah filed an appeal in the Khyber Pakhtunkhwa Service Tribunal. The appeal was accepted and the Tribunal set aside the impugned order, however, also gave liberty to the respondent to conduct de-novo inquiry.

FACTS

As per written statement of MR. Irshad Ullah(Annex-d), he accepted that he has submitted two nos. of diploma i.e Six months certificate course of MS Office from Khattak Polytechnic and technical center Karak from 01/01/2013 to 30/06/2013 and certificate of Skill

Attested  
Assistant Director  
LG & RDD KARAK

6

Development Council Peshawar for the session 01-07-2015 to 31-12-2015. Assistant Director Local govt Karak has terminated his service on the plea that at the time of submitting application for appointment against the post of secretary VC/NC, he has submitted six month certificate in MS Office from Khattak Politechnic and technical center Karak, however, after appointment when directed by AD LG&RDD Karak to produce certificate for verification. Mr. Irshad Ullah provided a different certificate of Skill Development Board for session 01-07-2015 to 31-12-2015 i.e after the last date of submission of documents (26-06-2015)

### FINDINGS

The relevant record examined thoroughly which reveals that Mr. Irshad Ullah had submitted two No of certificates, one at the time of applying for the post of Secretary VC/NC and 2<sup>nd</sup> after appointment. However, both the certificates are valid which is evident that Khattak Politechnic and Technology Center Karak is registered with Khyber Pakhtunkhwa Trade Testing Board (Annex-B) and certificate issued by Skill Development Council has duly been verified by AD LG&RDD Karak (Annex-E). Furthermore, the August Supreme Court of Pakistan in its judgment dated 08-04-2016 validated the certificates issued by the Skill Development Council and even allowed those candidates who improved their qualification afterwards and those who could not improve their qualification until now were allowed to improve the same within a period of one year which would be reckoned from the date of commencement of next available academic session of respective program. In addition to that, Mr. Irshad Ullah has improved his qualification during this period and has obtained Diploma in Information Technology (Annex-F).

### RECOMMENDATION

In view of the above and judgment of the August Service Tribunal, the undersigned recommends that Mr. Irshad Ullah may be reinstated as Secretary VC/NC.

Submitted please.

*Alised*  
  
Assistant Director  
LG & RDD KARAK

  
Assistant Director,  
LG & RDD Karak,  
(Inquiry Officer)



(Annex - C)

OFFICE OF THE ASSISTANT DIRECTOR  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT DISTRICT KARAK

Email address: [adkarak@gmail.com](mailto:adkarak@gmail.com)  
Phone # : 0927-291204

No. 558 /ADLGKK

Dated. 27/07/2018

**Office Order:**

With refrence to letter No. Director (LG) 3-7/Court Cases/2013 Dated Peshawar, The 16<sup>th</sup> July, 2018, On the subject of application for implementation of Court judgement dated 08/12/2017 based on inquiry report which was submitted by Mr. Kashif Ur Rehman Assistant director LG&RDD Kohat.

Mr. Kashif Ur Rehman was nominated as an inquiry officer vide letter No. director (LG) 3-7/Court Cases/2013, dated Peshawar the 5<sup>th</sup> June, 2018. In light of inquiry report recommendation, Mr. Irshad Ullah was recommended to be reinstated into his service as secretary VC/NC.

Therefore the competent authority is pleased to reinstate Mr. Irshad Ullah BPS.07 as a village Secretary into his service with all back benefits.

  
Assistant Director  
LG&RDD Karak

**Copy forwarded to:**

- 1: Secretary LG&RDD KPK Peshawar.
- 2: Director General LG&RDD KPK Peshawar.
- 3: Director Admin LG&RDD KPK Peshawar.
- 4: Assistant Director Litigation LG&RDD KPK Peshawar.
- 5: Deputy Commissioner Karak.
- 6: District Account Officer karak.
- 7: Official Concern.

  
Assistant Director  
LG&RDD Karak

Attended  
13/11

ASSISTANT DIRECTOR  
LG & RDD KARAK



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

Implementation petition No. 98 /2018

In appeal No. 1037/2016

IRSHAD ULLAH

VS

LGSRD DEPTT:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of petition	.....	1- 2.
2.	Affidavit	.....	3.
4.	Judgment	<b>A</b>	4- 8.
5.	Application & letter	<b>B &amp; C</b>	9- 10.
6.	Wakalat nama	.....	11.

**PETITIONER**

**THROUGH:**

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



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

Implementation petition No. 98 /2018

In appeal No. 1037/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 355

Dated 29/03/2018

Mr. Irshad Ullah, Village Secretary (BPS-7),  
Village Council Jandri, District Karak.

.....Petitioner

**VERSUS**

- 1- The Secretary Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director Local Government & Rural Development Department, Karak.

.....Respondents

**IMPLEMENTATION PETITION FOR DIRECTING THE  
RESPONDENT DEPARTMENT TO IMPLEMENT THE  
JUDGMENT DATED 08-12-2017 IN APPEAL  
NO.1037/2016 IN LETTER AND SPIRIT**

**R/SHEWETH:**


- 1- That the above mentioned appeal has been decided by this august Service Tribunal vide judgment dated 08-12-2017 in favor of the Petitioner. Copy of the judgment is attached as annexure.....**A.**
- 2- That the Petitioner filed the above mentioned appeal against the impugned order dated 28-06-2016 whereby the appointment order of the appellant was cancelled/withdrawn.
- 3- That after final arguments this august Service Tribunal decided the appeal in favor of the Petitioner with the directions that:-

**"As a sequel to above, the appeal is accepted and the impugned order is set aside. Respondents are placed at liberty to conduct de-novo inquiry strictly in accordance with rules.**

4- That Petitioner after obtaining the judgment the appellant visited the respondent Department and submitted the same alongwith application for implementation of the above mentioned judgment dated 08-12-2017, but the respondents are not willing to implement the judgment passed by this august Service Tribunal. Copy of the application and letters are attached as annexure.....**B & C.**

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the above mentioned judgment passed by this august Service Tribunal in letter and spirit.

**PETITIONER**



**IRSHAD ULLAH**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK**

**&**



**MUHAMMAD MAAZ MADNI  
ADVOCATES**

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

Implementation petition No. \_\_\_\_\_/2018

In appeal No. 1037/2016

IRSHAD ULLAH

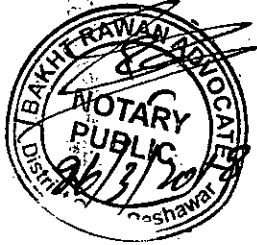
VS

EDUCATION DEPTT:

**AFFIDAVIT**

I Noor Mohammad Khattak Advocate on the instruction and on behalf of my client do hereby solemnly affirm that the contents of this **implementation petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

**ATTESTED**



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

A-4

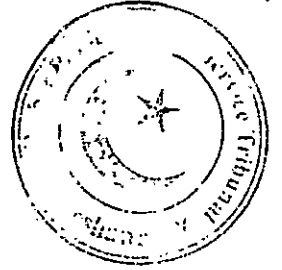
1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1037/2016

Date of Institution ... 06.10.2016

Date of Decision ... 08.12.2017



Irshad Ullah, Ex: Village Secretary (BPS-7),  
Village Council Jandri, District Karak;

(Appellant)

VERSUS

1. The Secretary Local government and Rural Development Department,  
Khyber Pakhtunkhwa, Peshawar and 2 others.

(Respondents)

MR. NOOR MUHAMMAD KHATTAK  
Advocate

For appellant.

MR. MUHAMMAD RIAZ PAINDAKHEL,  
Assistant Advocate General

For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)  
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for

the parties heard and record perused.

FACTS

2. The brief facts are that the appellant was appointed as Village Secretary in BPS-07 vide order dated 23.12.2015 and was performing duty at the place of his posting. Astonishingly the appointment order was unilaterally cancelled/withdrawn vide impugned order dated 05.04.2016 constraining him to prefer departmental appeal on 28.06.2016 which was not responded, hence, the instant service appeal on 06.10.2016.

ATTESTED  
4

ATTESTED

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(5)

ARGUMENTS

3. Learned counsel for the appellant argued that on the recommendations of Departmental Selection Committee he was appointed as Secretary Village Council vide order dated 23.12.2015. That he submitted arrival report on 28.12.2015 and was accepted by the competent authority. However, salary of the appellant was not released. Time and again he approached the respondents but to no avail. As a last resort he filed Writ Petition in Peshawar High Court for release of his salary but astonishingly during the pendency of the above petition respondent no.3 vide impugned order dated 05.04.2016 cancelled/withdrawn his appointment order and the same was communicated to him on 20.06.2016. Subsequently the writ petition was withdrawn by the appellant. Feeling aggrieved of this order the appellant filed departmental appeal on 28.06.2016 which was not decided within statutory period, hence, the instant service appeal. Though being a civil servant but was not treated according to Khyber Pakhtunkhwa (Appointment, Promotion, Transfer) Rules, 1989. No regular enquiry was conducted before passing the impugned order. Principle of *locus-poinententiae* was also not followed in this case. He further contended that at the time of appointment he fulfilled the required qualification and presented certificate course in M.S. Office w.e.f 01.01.2013 to 30.06.2013 from Khattak Polytechnic and Technical Centre Karak. This centre is affiliated with Khyber Pakhtunkhwa Trade Testing Board and necessary certificate to this effect is annexed with rejoinder submitted by the learned counsel for the appellant. Furthermore, the Supreme Court of Pakistan in judgment in Civil Appeal no. 843-863/2014 dated 08.04.2016 not only validated certificate or diploma issued by Skill Development Council but even allowed those who could not improve

ATTESTED

Signature  
 Date  
 Place

air qualification up till now and were given a period of one year for improvement of qualification which would be reckoned from the date of commencement of next available academic session of the respective programme. Hence, even on the basis of the said judgment the appellant was eligible for appointment. Reliance was placed on case law as reported in 1997 SCMR 1552.

4. On the other hand learned Assistant Advocate General argued and conceded that at the time of submitting application for appointment against the post of Secretary Village Council he submitted six months certificate in MS Office from Khattak Polytechnic and Technical Center Karak. However, after appointment when directed by the respondents to produce certificate for verification, the appellant provided a different certificate of Skill Development Board for the Session 01.07.2015 to 31.12.2015, while advertisement for recruitment was issued on 26.06.2015. It means that he was not eligible for appointment at the time of advertisement. Furthermore, in view of judgment of Supreme Court of Pakistan in Civil Appeal no. 843-863/2014 dated 08.04.2016 the Skill Development Council is not competent to issue certificate/diploma, hence, appellant was not eligible/qualified for appointment. A show cause notice was also served on him but he failed to submit proper defense in time. Impugned order was passed after observing all codal formalities.

CONCLUSION.

5. Careful perusal of record would reveal that the post of Secretary Village Council was advertised by the respondents on 11.04.2015. The appellant also applied for the said post and was accordingly selected after observance of all codal formalities vide order dated 23.12.2015. He submitted arrival report and started performing duty. At the time of appointment he submitted six months certificate course in M.S Office w.e.f 01.01.2013 to 30.06.2013 conducted by

ATTESTED



Khattak Polytechnic and Technical Centre Karak duly affiliated/recognized by Trade Testing Board, Khyber Pakhtunkhwa. Necessary certificate to this effect is also available on record.

6. Later on when the department directed the appellant to provide documents for verification, he provided a certificate issued by Skill Development Council from 01.07.2015 to 31.12.2015, while closing for submission of application for the post of Secretary Village Council was 26.06.2015. As such the appellant was not eligible for appointment because he did not possess the required qualification at the time of appointment. There are inherent contradictions in the reply/arguments of official respondents. They have admitted that six months M.S Office certificate obtained by the appellant from Khattak Polytechnic and Technical Center, Karak is valid and has not been declared fake or bogus by any agency. It has also been conceded that the same was presented by the appellant at the time of appointment. It further gives credence that he was eligible for appointment and was rightly selected by the Departmental Selection Committee and finally his appointment order was notified on 23.12.2015. That the Supreme Court of Pakistan in its judgment dated 08.04.2016 validated the certificate issued by Skill Development Council. The august Court in its judgment even allowed those candidates who improved their qualification afterwards and those who could not improve their qualification up till now were allowed to improve the same within a period of one year which would be reckoned from the date of commencement of the next available academic session of the respective programme. On the other hand in view of judgment of the Supreme Court of Pakistan referred to above the appellant is eligible for appointment.

ATTESTED

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ATTESTED

*[Handwritten signature]*  
 Khyber Pakhtunkhwa  
 Secretary  
 Peshawar

8

7. The Procedure followed by the respondents for cancelling his appointment order is not tenable in the eyes of law. Before passing impugned order regular enquiry should have been conducted as held by the august Supreme Court of Pakistan in 1997 SCMR 1552, so as to provide fair opportunity to the appellant to clear his position. Similarly as held by the august Supreme Court of Pakistan in 1996 SCMR 1350 there cannot be two opinions about a settled proposition of law that if any irregularities/illegalities are committed by the department then the sufferer should not be the civil servant. Though defense of locus-poinententiae is available only in those orders which are not void but before withdrawing any order the minimum standard of due process, atleast, should be honored which has not been done in the instant case.

8. As a sequel to above, the appeal is accepted and the impugned order is set aside. Respondents are placed at liberty to conduct *de-novo* inquiry strictly in accordance with rules. Parties are left to bear their own costs. File be consigned to the record room.

SD/-  
(AHMAD HASSAN)  
MEMBER

SD/-  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

ATTESTED

Handwritten signature

ANNOUNCED  
08.12.2017

Certified to be true copy  
City  
Serial  
Person

Date of Presentation of Application 12-12-17  
Number of Words 2000  
Copying Fee 12  
Urgent  
Total 12  
Name of Copyist  
Date of Completion 15-12-17  
Date of Delivery of Copy 15-12-17

B-9

DG LG  
P. no. in need for  
date in light of  
Court

Assistant Director  
Local Govt and Rural Development Deptt  
Distt Karak.

Application for Implementation of Court Judgement  
dated 08/12/2017 -

D. No. 7355  
DATED 21/2/18  
DG LOCAL GOVERNMENT

put up  
file  
R/sir 21/2

AD (A.)  
R

with reference to my application already  
submitted to your kind office on 18/12/2017, regarding  
Implementation of the honourable Service tribunal  
decision dated 08/12/2017. But uptill now no  
response has been recieved from your office  
regarding my re-instatement into service.

so It is once again requested to implement  
the decision of august Court, failing which, I  
shall goto court for implementation petition  
regarding my re-instatement case.

Copy of atm application and Court decision  
dated 08/12/17 & are hereby attached to provide  
ease in application proceedings. put up. Zahid

Accordingly Dated: 16/02/2018  
to the verbal  
instruction of  
AD LG RDD Karak  
I received the  
Application on  
Dated - 16-2-18

Received

16/2/18

ATTESTED

your's faithfully 23/2  
Irshad

Irshad Ullah s/o Abdul  
Ghaffar  
Secretary of Council Jandri

**COURT MATTER/MOST IMMEDIATE/TIME BOUND**



**DIRECTORATE GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA**

No. Director (LG) 3-7/Court Cases/2013  
Dated Peshawar, the 27<sup>th</sup> February, 2018

C-10

To

The Assistant Director,  
LG&RD, Karak.

Subject: - **APPLICATION FOR IMPLEMENTATION OF COURT JUDGMENT DATED  
08/12/2017**


I am directed to refer to the subject noted above and to enclose herewith an application received from Irshad Ullah s/o Abdul Ghaffar Ex-Secretary Village Council Jandri, alongwith Hon'ble Tribunal Judgment dated 08.12.2017 in Appeal No.1037/2016 titled Irshad Ullah Ex-Village Secretary (BPS-07) VERSUS Secretary Local Government and Rural Development Department Khyber Pakhtunkhwa, Peshawar.

Furthermore, you are also requested that full detailed report may be furnished to this office and to inform this office that which option is available, i.e. implementation of Judgment or Appeal against the Judgment dated 08.12.2017.

  
ASSISTANT DIRECTOR (Litigation)  
LG&RD

**Copy forwarded to:**

1. PS to Secretary LG, E&RDD, Khyber Pakhtunkhwa
2. PA to Director General, LG&RDD, Khyber Pakhtunkhwa

**ATTESTED**  


  
ASSISTANT DIRECTOR (Litigation)  
LG&RD

**VAKALATNAMA**

Before the Khyber Pakhtunkhwa Service Tribunal  
Peshawar

OF 2018

Irshad Ullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

LGSRD Department

(RESPONDENT)  
(DEFENDANT)

I/We Irshad Ullah

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 26 / 3 / 2018

Irshad

CLIENT

Irshad  
ACCEPTED

NOOR MOHAMMAD KHATTAK

Irshad  
&  
MUHAMMAD MAAZ MADNI  
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**COURT MATTER/MOST IMMEDIATE/TIME BOUND**



**DIRECTORATE GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA**

No. Director (LG) 3-7/Court Cases/2013  
Dated Peshawar, the 4<sup>th</sup> May, 2018

To

The Assistant Director,  
LG&RDD, Karak .

Subject: - **APPLICATION FOR IMPLEMENTATION OF COURT JUDGMENT  
DATED 08-12-2017**

I am directed to refer to your letters No. 217-20/ADLG Karak dated 08-03-2018 and letter No. 318/ADLG Karak dated 11-04-2018 on the subject cited above and this department letter No. Director (LG)3-7/Court Cases/2013 Dated the Peshawar, 28<sup>th</sup> November, 2017 wherein clear policy /standing instructions regarding cases decided by the court against the Government were circulated to all the field offices.

You and Ex-Assistant Director LG&RDD, Karak Mr. Mujahid Khan are hereby called upon to explain then reasons that why the legal options available were not avail<sup>ed</sup> timely and as result the case time barred. Your explanation should reach this office within three (3) days positively.

**THE MATTER MAY BE CONSIDERED MOST URGENT.**

ASSISTANT DIRECTOR (Litigation)  
LG&RD

**Copy forwarded to:**

1. PS to Secretary LG, E&RDD, Khyber Pakhtunkhwa for information.
2. PA to Director General, LG&RDD, Khyber Pakhtunkhwa for information.

ASSISTANT DIRECTOR (Litigation)  
LG&RD

**OFFICE OF THE ASSISTANT DIRECTOR, LOCAL GOVT. & RDD DISTT: KARAK**

No. 2/2-20/ADLG KK

Dated: 8 /03/2018

To

Director General,  
Local Government & RDD  
KPK, Peshawar.

Subject: **APPLICATION FOR IMPLEMENTATION OF COURT JUDGMENT  
DATED 08/12/2017.**

Memo:

Reference your letter No. Director (LG) 3-7/Court Cases/2013 dated 27.02.2018 on the subject captioned above.

It is submitted that Honourable Service Tribunal Commission KPK Peshawar has accepted the appeal of Mr. Irshadullah Secretary Village Council Jandri District Karak and reinstated on his service vide Service Tribunal Judgment in appeal No. 1037/2016 dated 08.12.2017.


The Department was responsible to file an appeal in the Honourable Supreme Court of Pakistan within 60 days from the Court decision according to law but the Department was failed to do so and as such there is no alternative to reinstate him per decision of Service Tribunal Commission KPK Peshawar and the order may be implemented accordingly to save the Department from contempt of Court.

  
Assistant Director  
Local Govt. & RDD  
District Karak

Endst: No. & dated even.

Copy to:

1. PS to Secretary to Govt. of K.P.K LGE&RDD, Peshawar .
2. PA to Director General, Local Govt. & RDD, KPK Peshawar.
3. Assistant Director Litigation, Directorate General, LG&RDD KPK Peshawar for information and necessary action please.

  
Assistant Director  
Local Govt. & RDD  
District Karak