

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

**Appeal No.1671/2022.**

**Mr. Sarwar Khan, Naib Qasid BPS\_04 Village Council Ghundo, District Malakand  
.....(Appellant)**

**VERSUS**

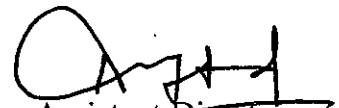
1. The Secretary LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director General LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Director, LG&RDD Tehsil Dargai, District Malakand.
4. Mr. Shahab Hussain, Junior Village Secretary (BPS-09), VC Bala Batkhela, District Malakand..... **(Respondents)**

**INDEX**

S. No	Description of Documents	Annexure	Page.No.
1	Joint Parawise Reply	-	1-3
2	Affidavit	-	4
3	Notification	A	5-6
4	Authority letter	-	7

Respondents

Through

  
Assistant Director  
LG&RDD, Tehsil  
Dargai, Malakand

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

**Appeal No.1671/2022.**

**Mr. Sarwar Khan, Naib Qasid BPS\_04 Village Council Ghundo, District Malakand.....(Appellant)**

**VERSUS**

1. The Secretary LG&RD Department, Khyber Pakhtunkwa, Peshawar.
2. The Director General LG&RD Department, Khyber Pakhtunkwa, Peshawar.
3. The Assistant Director, LG&RDD Tehsil Dargai, District Malakand.
4. Mr. Shahab Hussain, Junior Village Secretary (BPS-09), VC Bala Batkhela, District Malakand..... **(Respondents)**

**JOINT PARA WISE REPLY ON BEHALF OF RESPONDENTS NO. 1 TO 3.**

**Respectfully Sheweth!**

**PRELIMINARY OBJECTIONS:**

1. The appellant has got no cause of action to institute the instant appeal.
2. The appellant has not come to the Service Tribunal with clean hands.
3. That the appeal is suffering from the doctrine of estoppel.
4. The appeal is not maintainable in its present form.
5. The appellant has concealed the material facts from this Honorable Tribunal.




**ON FACTS:**


1. Pertains to record.
2. No comment.
3. No comment.
4. Correct.

5. Correct to the extent of seniority, however, his promotion to the post of Village Secretary is barred by **Notification No.SO(LG-1)-188/SSRC/2018 dated 5<sup>th</sup> April, 2018**, amendment (c), whereby second division in the SSC has become mandatory for promotion to the post of Village Secretary (BPS-09). In the instant case, the appellant got third division in the SSC, hence he was not considered by the respondent No. 3 and Mr. Shahab Hussain was promoted. The whole process has been carried out strictly according to merit and rules without any favoritism/mala-fide. **(Copy of notification attached as Annexure-A)**
6. Correct to the extent of filing of appeal against the seniority list, it is pertinent to mention that the said appeal was submitted four years after issuance of impugned seniority list, which was not maintainable hence rightly rejected.
7. No comment.

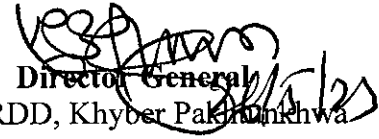
**ON GROUNDS:**

- A. As explained above.
- B. Denied, all proceedings are on record. Only deserving candidate has been given his due right according to merit and rules.
- C. Correct to the extent of rules, but rest of the statement is denied in light of **Notification No.SO(LG-1)-188/SSRC/2018 dated 5<sup>th</sup> April, 2018**. The appellant is not covered under the notification *ibid*.
- D. Denied.
- E. The respondent department fulfilled all required formalities and promoted eligible candidates.
- F. No comments as explained above.
- G. No comments.
- 

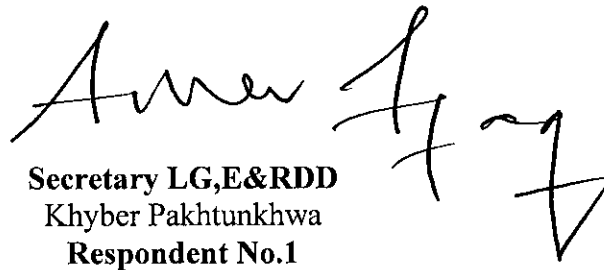
It is, therefore, most humbly requested that in the light of above stated facts and circumstances of the case, the instant Service Appeal in hand may please be dismissed in favor of the respondents please.



**Assistant Director**  
LG&RDD, Tehsil Dargai, Malakand  
**Respondent No.3**



**Director General**  
LG&RDD, Khyber Pakhtunkhwa  
**Respondent No.2**



**Secretary LG, E&RDD**  
Khyber Pakhtunkhwa  
**Respondent No.1**

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

Appeal No.1671/2022.

Mr. Sarwar Khan, Naib Qasid BPS\_04 Village Council Ghundo, District Malakand  
.....(Appellant)

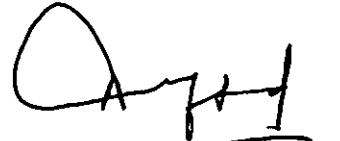
**VERSUS**

1. The Secretary LG&RD Department, Khyber Pakhtunkwa, Peshawar.
2. The Director General LG&RD Department, Khyber Pakhtunkwa, Peshawar.
3. The Assistant Director, LG&RDD Tehsil Dargai, District Malakand.
4. Mr. Shahab Hussain, Junior Village Secretary (BPS-09), VC Bala Batkhela, District Malakand..... (Respondents)

**AFFIDAVIT**

I, Amjad Islam Assistant Director (BPS-17) LG&RDD, Tehsil Dargai, District Malakand do hereby solemnly affirm and declare on oath that Para wise reply in Appeal No.1671/2022 Sarwar Khan versus Government of Khyber Pakhtunkhwa are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.

*It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off.*

  
Deponent

CNIC #. 16101-9777287-9  
Cell #. 0317-1775515

Identified By

Advocate General  
Khyber Pakhtunkhwa





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

*2nd copy*  
*Dr. (Ahsan) / H.S.*  
*06/4/2018*

D. No. PTK  
DATED 6/4/18  
DG LOCAL GOVERNMENT

**NOTIFICATION**

Dated Peshawar, the 05<sup>th</sup> April, 2018

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

**AMENDMENTS**

In the Appendix.-

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

10.	Supervisor	Atleast Second Class Bachelor's Degree from a recognized University.	21 to 30 years.	i) Seventy-five (75) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Secretary Village / Neighborhood Council, with atleast five (05) year service as such; and ii) Twenty-five (25) per cent by initial recruitment."
-----	------------	--	-----------------	---

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

15A.	Senior Secretary Village / Neighborhood Council.	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Secretary Village / Neighborhood Council, with atleast ten (10) year service as such."; and
------	--	-------	-------	--

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

16.	Junior Secretary Village / Neighborhood Council.	Atleast Second Class Intermediate or equivalent qualification from a recognized Board and atleast six (06) months Certificate in Computer from a recognized Institute with experience in MS-Office, Impage and Internet.	18 to 30 years.	i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village / Neighborhood Council with seniority at tehsil level, having Secondary School Certificate in second division, from a recognized Board or Institute with three (03) year service as such; and
-----	--	--	-----------------	---

*DD (A)*  
*9/5*  
*ADDA*  
*10/4/2018*  
*P.I.P.U*  
*10/4*

*Attest*  
*[Signature]*  
**Assistant Director  
LG & RDD  
Tehsil Dargal**

Refer  
2

				<p>ii) Eighty (80) per cent by initial recruitment:</p> <p>Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such candidate is not available in the same Village / Neighborhood Council then the candidates from adjacent Village / Neighborhood Council:</p> <p>Provided further that in case of non-availability of candidate from adjacent Village / Neighborhood Council then from any other Village / Neighborhood Council in that Tehsil Council.</p>
--	--	--	--	--

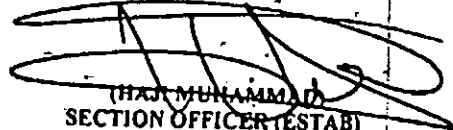
SECRETARY TO GOVERNMENT OF KP  
LOCAL GOVT. ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT

No. SO(LG-IDZ-188/SSRC/2018.-

Dated Peshawar, the 05<sup>th</sup> April, 2018

Copy forwarded to:-

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

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

  
Assistant Director  
LG & RDD  
Tehsil Jargal



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

**AUTHORITY LETTER**

Mr. Amjad Islam, Assistant Director Local Government & Rural Development Department, Tehsil Dargai, Malakand, is hereby authorized to submit Joint Parawise Comments/Reply in the case titled **Appeal No.1671 of 2022 Sarwar Khan VS Government of Khyber Pakhtunkhwa etc** on behalf of Director General LG&RDD, Khyber Pakhtunkhwa and Secretary LG,E&RDD, Khyber Pakhtunkhwa.

  
**Deputy Director (Litigation)  
LG&RDD, Khyber Pakhtunkhwa**

**Deputy Director (Litigation)  
Directorate General Local Govt: &RDD  
Khyber Pakhtunkhwa**