

22nd Dec, 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl:AG for respondents present.

SCANNED
KPST
Peshawar

Representative of the respondents has already been submitted written reply/comments through office vide daily diary No.2165 dated 06.12.2022. A copy of the same is also handed over to the appellant. To come up for arguments on 21.03.2023 before D.B.



(Kalim Arshad Khan)
Chairman

21.03.2023

Junior to counsel for the appellant present.

Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 05.06.2023 before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)

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Peshawar

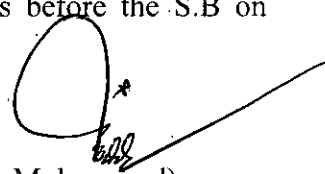
18.07.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 19.10.2022.

Rs-600/-
Appellant Deposited
Security & Process Fee

A. M. J. / 20/7/22



(Mian Muhammad)
Member (E)

19.10.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Abdul Manan Focal Person of respondents present.

Reply not submitted. Representative of respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 23.11.2022 before S.B.


(Rozina Rehman)
Member (J)

23.11.2022

Junior to counsel for the appellant present. Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

Written reply on behalf of respondent not submitted. Learned AAG sought further time for submission of written reply. To come up for written reply/comments on 22.12.2022 before S.B.



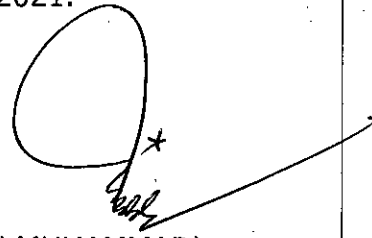

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7037 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/07/2021	<p>The appeal of Mr. Muhammaf Farooq presented today by Mr. Asad Zeb Khan 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</p>
2-	30.08 .2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior of counsel for the appellant present.</p> <p>Junior of learned counsel for the appellant requested for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 13.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

SCANNED
KPST
Peshawar

13.10.2021

Clerk of learned counsel for the appellant present.

Former requests for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 14.12.2021.


(MIAN MUHAMMAD)
MEMBER (E)

14.12.2021


Learned counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 23.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 19.05.2022 for the same before D.B.


Reader

19.05.2022

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing 18.07.2022 before S.B.


(Mian Muhammad)
Member (E)

Before Khyber Pakhtun Khwa Service Tribunal, Peshawar

Service Appeal No. 7037/2021

Muhammad Farooq Appellant

Versus

Govt. of Khyber Pakhtun Khwa & others Respondents

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Appellant

Through

Dated:-02/07/2021

ASAD ZEB KHAN

Advocate, High Court, Peshawar.

Off: 202, 2nd Floor, City Gate Plaza, Near
Chamber of Commerce, G.T Road,
Peshawar

0346-9800565

FIDA MUHAMMAD YOUSAFZAI

Advocate, High Court, Peshawar.

①

Before Khyber Pakhtun Khwa Service Tribunal, Peshawar

Service Appeal No. /2021

Muhammad Farooq S/O Pir Zada, Naib Qasid, Village/neighborhood council, Topi West-II, District Swabi.

Local Govt. & Rural Development Department, District Swabi.

Appellant

Versus

- 1. Govt. of Khyber Pakhtun Khwa, through Secretary Local Govt. & Rural Development Department, Khyber Pakhtun Khwa, Peshawar.**
- 2. Secretary to Govt. of Khyber Pakhtun Khwa, Finance Department, Peshawar.**
- 3. Director General, Local Govt. Elections & Rural Development Department, Khyber Pakhtun Khwa, Peshawar.**
- 4. Assistant Director, Local Govt. Elections & Rural Development Department, Khyber Pakhtun Khwa, Swabi.**

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ACT OF THE RESPONDENT NO. 1 WHO ISSUED IMPUGNED NOTIFICATION DATED: 05-04-2018, VIDE WHICH THE RULE No. 16 OF THE DEPARTMENT NOTIFICATION No. DG (RWP) 7 (2) / 73 DATED: 26-01-1978 WAS AMENDED BY INSERTING 2ND DIVISION SSC AND 20% QOUTA FOR PROMOTION.

Respectfully Sheweth:

BRIEF FACTS

- 1. That the appellant is having a Degree of M.A on his credit which he earns after qualifying examinations conducted by the University.**

{True copy of educational testimonials are attached, as mark **Annex-A**}

- 2. That the appellant was appointed vide appointment order dated: 04-02-2016 as Naib Qasid by the respondent/Local Govt. Department.**

{True copy of appointment order is attached, as mark **Annex-B**}

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3. **That** the appellant after his appointment, is performing his duties with great zeal and zest and to the entire satisfaction of the respondent department.
4. **That** the respondents/Local Govt. Department in consultation with the Establishment and Finance Departments framed their rules and from time to time made certain changes in the service rules of their employees.
5. **That** the respondent No. 1 vide notification dated: 03-12-2015 made certain changes in respect of filling up post of Village Secretary (BPS-07) vide which the required qualification for the post of village secretary was Intermediate with atleast 06 months computer certificate but through the subject amendment, no quota was reserved for promotion of the class-IV employees.

{True copy of notification dated: 03-12-2015 is attached, as mark **Annex-C**}

6. **That** on the basis of the amendment dated: 03-12-2015, the respondents/department made certain advertisement and also appointed hundreds of village secretaries throughout the province.

{True copy of advertisements are attached, as mark **Annex-D**}

7. **That** the appellant who was trying hard at every level for insertion of the quota of promotion to the posts of villages secretaries, when he was shocked to know that the respondents/ Local Govt. Department made the impugned notification of amendment dated: 05-04-2018 vide which 20% quota has been reserved for promotion from the post of Naib Qasid to the post of Junior Secretary Village/neighborhood council but surprisingly they while giving such benefit to the class-IV employees put a hurdle of having atleast having 2nd Division SSC.

{True copy of impugned notification dated: 05-04-2018 is attached, as mark **Annex-E**}

8. **That** the respondent No. 4 on 31-10-2018 issued seniority list of the Naib Qasid's of Tehsil Topi wherein the seniority of the appellant was incorrectly mentioned and determined. The appellant duly applied to the

respondent No. 4 for correction of the same and on 28-02-2019, seniority of the appellant was corrected/restored.

{True copy of Previous seniority list, application for correction of list & seniority list dated: 28-02-2019 is attached, as mark **Annex-F, G & H**}

9. **That** the respondent No. 4 on the basis of wrong seniority list and after applying the newly amended rules, promoted 6 Naib Qasid's of tehsil Topi vide impugned notification dated: 13-06-2019. Needless to mention that the said notification of promotion was later on withdrawn by the respondents.

10. **That** the appellant having aggrieved from the impugned notification dated: 05-04-2018 and promotion order dated: 13-06-2019, filed writ petition before Peshawar High Court, Peshawar but during pendency of writ petition, some another improvements/amendments have been made through amended rules/ notification dated: 16-10-2019, so the appellant orally requested the Hon'ble Court for amendment of main writ petition which was allowed and the appellant was directed to file amended writ petition by challenging new rules as such, hence he filed amended writ petition.

{True copy of impugned rules / notification dated: 16-10-2019 & order sheet dated: 15-07-2020 is attached, as mark **Annex-I & J**}

11. **That** the appellant then filed amended writ petition but the said writ petition was disposed of by the august Peshawar High Court, Peshawar vide order/judgment 24-02-2021 by declaring that the remedy for appellant would surely be with service tribunal. It would be relevant to state that the notification dated: 16-10-2019 was later on withdrawn.

{True copy of order dated: 24-02-2021 is attached, as mark **Annex-K**}

12. **That** after decision of the writ petition, the appellant preferred departmental appeal before the respondent No. 1 on 17-03-2021 which was received at the Diary and Dispatch branch of the respondent No. 1 office. But despite of departmental appeal, no response was given till date, hence the instant service appeal.

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{True copy of departmental appeal dated:
17-03-2021 is attached, as mark **Annex-L**}

GROUNDS:

- A. **Because** the impugned notification dated: 05-04-2018 issued by respondent No. 1 to the extent of changing Rule 16 is discriminatory, against law, facts, hence liable to be set-aside to the extent of having 2nd Division SSC and giving only 20% quota for promotion. Hence the impugned notification dated: 05-04-2018 is liable to set at naught to the extent of insertion of second division in SSC and be modified by increasing 20% quota for promotion to 40% quota for promotion.
- B. **Because** the impugned notification dated: 05-04-2018 to extent of changing in Rule 16 by inserting 2nd division SSC is illegal, unlawful, void ab initio, ultra vires and beyond the authority of its maker, hence liable to set at naught.
- C. **Because** the establishment department while amending their service rules for their own employees, gave them a caution period of 4 years and decided that the new rules shall not be applied to the existing matriculate employees for four years, but in case of appellant, no such caution has been given, hence the same is discriminatory.

{True copy of notification dated: 18-07-
2019 of establishment department is
attached, as mark **Annex-M**}

- D. **Because** the establishment department while amending their service rules increased promotion quota from 33% to 40% but at the time of amending service rules for appellant's department, the establishment department intentionally decreased the same. Malafide is apparent.
- E. **Because** in the establishment department rules, only F.A/F.Sc is the requirement for promotion to the post of Junior Clerk and no 2nd or 3rd division is required while at the time of framing rules for appellant's department, condition of 2nd class SSC was inserted which is again discrimination for the appellant.
- F. **Because** in a similar case of Ismail Shah Vs Secretary Khyber Pakhtunkhwa Text Book Board (W.P No. 2554/2011 decided on 08-04-2013), the Hon'ble

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Peshawar High Court, Peshawar was pleased to directed the respondents/ Board to amend their service rules just like the rules of Establishment and Administration Department in vogue, so when the establishment department is giving caution period to their existing employees then why the respondents are reluctant to do so. Discrimination is apparent.

{True copy of judgment dated: 08-04-2013
is attached, as mark Annex-N}

- G.** **Because** in a similar nature issue, the august Lahore High Court, Lahore had already turned down policy of inserting ineligibility of 3rd Divisioners in the rules.
- H.** **Because** it has been held by the Superior Courts of Pakistan in plethora of judgments that the Govt. can't make or amend any service rules which put negative impact upon the employees or which is hurdle in their performance and promotion.
- I.** **Because** the appellant has been denied promotion on the basis of having 44.92 % marks in SSC which according to them, is 3rd Division, while as per law and reported judgments of the Apex Court, after applying round up formula of marks, the appellant's marks could be considered as 45%, but by not doing so, the respondents committed gross illegality.
- J.** **Because** the respondent No. 1 in utter disregard to the principles of the fairness, merit and transparency passed/issued the impugned notification dated: 05-04-2018 wherein for promotion to the post of Junior Secretary condition of having atleast 2nd Division SSC was inserted, hence the impugned notification of the respondent No. 1 is against the law, illegal, unlawful and void ab initio and liable to be turned down.
- K.** **Because** the appellant has been treated unfairly, discriminatory and the initiative of the respondents is based on malafide. Through the impugned service rules, 2018, class-IV employees of the department having 3rd Division has been denied promotion, which is unwarranted.
- L.** **Because** the basic qualification for appointment to the post of Junior Secretary Village / Neighborhood Council is intermediate by initial recruitment and there is no such condition of 2nd or 3rd Division but in the case of promotion to the said post, condition of having 2nd Division SSC has

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been laid down, which is disadvantages to the class-IV employees with 3rd Division.

- M. **Because** the recruitment/promotion criteria promulgated through the impugned notification is issued with ulterior motive just to accommodate the blue eyed, therefore, the same are illegal and such practice adversely affects efficiency of incumbents and also reduces the confidence and faith of the appellant, hence the impugned notification referred above is liable to be struck down on this score also.
- N. **Because** the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned notification detailed above is liable to be set at naught.
- O. **Because** the present impugned notification is illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence the same is untenable and liable to be struck down.
- P. **Because** through the impugned notification, the respondents have promoted certain Naib Qasid to the post of Junior Secretary who were junior in seniority to the appellant, but fortunately the said order was later on withdrawn.
- Q. **Because** the Respondents erroneously exercised their powers against judicial principle, and have issued the impugned notification and opened a new pandora box in clear violation of Service law, hence, the said impugned notification is liable to be declared as illegal and unlawful and liable to be struck down.
- R. **The** appellant craves for leave of the Hon'ble Court to raise additional grounds at the time of arguments.

PRAYER:

IT IS, THEREFORE, most respectfully prayed that on acceptance of this petition this Hon'ble Court may very graciously be pleased to:

- i. **DECLARE THE IMPUGNED NOTIFICATION DATED: 05-04-2018 TO THE EXTENT OF MENTIONING 2ND DIVISION SSC AS ILLEGAL, UNLAWFUL, DISCRIMINATORY, VOID AB INITIO, ULTRA VIRES AND NULLITY IN THE EYES OF LAW.**

- ii. DIRECT THE RESPONDENTS TO INCREASE PROMOTION QUOTA FROM 20% TO 40%.
- iii. DIRECT THE RESPONDENTS TO DETERMINE THE SENIORITY OF THE APPELLANT AS PER THEIR DATE OF APPOINTMENT & DATE OF BIRTH.
- iv. DIRECT THE RESPONDENTS TO PROMOTE THE APPELLANT AFTER APPLYING ROUND UP FORMULA AS PER FR-17.
- v. DIRECT THE RESPONDENTS TO PROMOTE THE APPELLANT IN LIGHT OF FRESH SENIORITY LIST AND AFTER DECLARATION OF IMPUGNED NOTIFICATION DATED: 05-04-2018 TO THE EXTENT OF MENTIONING 2ND DIVISION SSC AS NULL AND VOID.
- vi. DIRECT THE RESPONDENTS TO GIVE EQUAL RIGHT OF PROMOTION TO THE APPELLANT FOR THE POSTS OF JUNIOR SECRETARY VILLAGE/ NEIGHBORHOOD COUNCIL.
- vii. ANY OTHER RELIEF, THOUGH NOT SPECIFICALLY ASKED FOR, DEEMS APPROPRIATE MAY ALSO BE GRANTED.

Dated: 02-07-2021

Through

Appellant

Asad Zeb Khan,
Advocate High Court.

Fida Muhammad Yousafzai
Advocate High Court.

VERIFICATION:

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Deponent

Note: That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

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Before Khyber Pakhtun Khwa Service Tribunal, Peshawar

Service Appeal No. _____/2021

Muhammad Farooq _____ **Appellant**

Versus

Govt. of Khyber Pakhtun Khwa & others _____ **Respondents**

Application for and on behalf of appellant/applicant for restraining the respondents from filling the vacant posts of Junior Secretary Village / Neighborhood Council through promotion till final disposal of main appeal.

Respectfully Sheweth:


1. That the appellant/applicant filed the accompanied service appeal in which no date of hearing is yet fixed.
2. That at the time disposal of this application, the appeal and its supportive documents may be considered as integral part of this application.
3. That the impugned notification has been passed in blatant violation of service laws, so the applicant has a genuine prima facie case in his hand and he is sanguine in respect of his success.
4. That there is no legal cavil in passing of restraining order for filling posts of Junior Secretary Village / Neighborhood Council through promotion and if the respondents are not restrained and status quo is not ordered, the accompanying appeal would become infructuous and meaningless.

It is, therefore, most respectfully prayed that the respondents may kindly be restrained from filling posts of Junior Secretary Village / Neighborhood Council through promotion and status quo be maintained till final disposal of main service appeal.

Dated: 02-07-2021

Through


Appellant


Asad Zeb Khan,
Advocate High Court


Fida Muhammad Yousafzai
Advocate High Court.

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Before Khyber Pakhtun Khwa Service Tribunal, Peshawar

Service Appeal No. _____/2021

Muhammad Farooq _____ **Appellant**

Versus

Govt. of Khyber Pakhtun Khwa & others _____ **Respondents**

AFFIDAVIT

I, Muhammad Farooq S/O Pir Zada, Naib Qasid, Village/neighborhood council, Topi West-II, District Swabi do hereby solemnly affirm and declare upon oath that the contents of the appeal are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld from this Honourable Tribunal.

Identified By:



ASAD ZEB KHAN
Advocate, High Court,
Peshawar.

Deponent



Muhammad Farooq
CNIC:

(9-A)

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2021

Muhammad Farooq S/O Pir Zada, Naib Qasid,
Village/neiborhood Council, Topi West-II, District Swabi.
Local Govt & Rural Development Department, District
Swabi

...**Appellant**

Versus

Govt of Khyber Pakhtunkhwa & Others

.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:


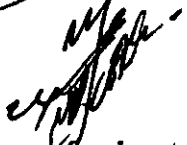
Muhammad Farooq S/O Pir Zada, Naib Qasid,
Village/neiborhood Council, Topi West-II, District Swabi.
Local Govt & Rural Development Department, District
Swabi

RESPONDENTS:

1. Govt of Khyber Pakhtunkhwa, through Secretary
Local Govt & Rural Development, Khyber
Pakhtunkhwa, Peshawar.
2. Secretary to Govt, of Khyber Pakhtunkhwa, Finance
Department Peshawar.
3. Director General, Local Government, Elections &
Rural Development Department, Khyber
Pakhtunkhwa, Peshawar.
4. Assistant Director, Local Govt, Elections & Rural
Development Department Khyber Pakhtunkhwa
Swabi.

Appellant

Through


Asad Zeb Khan
&

Fida Muhammad Yousafzai
Advocates, High Court

Dated: 13.07.2021

(Anzecher) "A"

(D)

10

A

(Ameh)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

No. 5793

INTER BOARD COMMITTEE OF CHAIRMEN



GOVERNMENT OF PAKISTAN, MINISTRY OF EDUCATION

ISLAMABAD

EQUIVALENCE CERTIFICATE

This is to certify that according to the decision of IBCC

the qualification Technical School Certificate from
N.W.F.P. Board of Technical Education, Peshawar

obtained by MUHAMMAD FAROOQ in 2000

is considered/equivalent to SSC/Matric of Pakistan

Ref. IBCC/2-2/2001(3)
Date April 11, 2002

Attested
[Signature]
SST BPS-16
GHS Batawara (Swabi)

[Signature]
Dr. Farveen Shahid
Secretary

S. No. 001419

Roll No. 7382

P.T.O. Board of Technical Education



PESHAWAR - PAKISTAN

TECHNICAL SCHOOL CERTIFICATE

SESSION 19~~9~~ 2000

(ANNUAL / SUPPLEMENTARY)

This is to certify that

MISS/MR. MUHAMMAD FAROOQ
DAUGHTER/SON OF MR. PIR ZADA
REGISTERED NO. GVI/B/GZI/TSC/EL/96-12813
OF THE GOVT. VOCATIONAL INSTITUTE (BOYS), GHAZI
WHOSE DATE OF BIRTH IS 5-8-1982 (5TH DAY OF AUGUST,
ONE THOUSAND NINE HUNDRED & EIGHTY TWO) HAS DULY PASSED THE
TECHNICAL SCHOOL ANNUAL / SUPPLEMENTARY EXAMINATION 19~~9~~ 2000
IN ELECTRICIAN TRADE HELD IN THE MONTH OF JUNE, 19~~9~~ 2001
SHE/HHE OBTAINED 539 MARKS OUT OF 1200 AND HAS BEEN
PLACED IN 'D' GRADE.

SUBJECTS IN WHICH HE/SHE HAS BEEN EXAMINED :

A- COMPULSORY SUBJECTS

1. ENGLISH-II
2. URDU (MOTHER TONGUE)
PAPER-II SALIS-URDU
3. MATHEMATICS

4. SCIENCE
(PHYSICS & CHEMISTRY)
5. TECHNICAL DRAWING.
6. ISLAMIYAT / PAK. STUDIES

B-ELECTIVE SUBJECTS

1. TRADE THEORY
2. TRADE PRACTICAL.

SHE/HHE OBTAINED DISTINCTION IN

Peshawar 10-2001

Aslam Khan
SST BPS-16
CMS Batakara (Swabi)
ASSISTANT SECRETARY

Aslam Khan
SECRETARY

$$\frac{539}{1200} \times 100 = 44.92\%$$

(13) (14) (15)

TECHNICAL SCHOOL CERTIFICATES (MATRIC TECHNICAL) ISSUED BY BOARDS OF TECHNICAL EDUCATION ARE HELD EQUIVALENT TO S.S.C. (MATRIC) SCIENCE SUBJECTS OF THE BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION IN THE COUNTRY VIDE A BOOK OF EQUIVALENCE OF EDUCATIONAL CERTIFICATES IN PAKISTAN PUBLISHED BY THE GOVERNMENT OF PAKISTAN MINISTRY OF EDUCATION, INTER BOARD COMMITTEE OF CHAIRMEN ISLAMABAD.

EVALUATION PLAN

- 1. 80% and above Distinction
- 2. 70% and above but less than 80% ... 'A' Grade
- 3. 60% and above but less than 70% ... 'B' Grade
- 4. 50% and above but less than 60% ... 'C' Grade
- 5. 40% and above but less than 50% ... 'D' Grade
- 6. 33% and above but less than 40% ... 'E' Grade



12 DEC 2006

CHECKED & VERIFIED

[Signature]
 NAME

[Signature]
 31/12/2006
 Asstt. Secy
 NWFP, STL Dept

Prepared by: *[Signature]*
 Checked by: *[Signature]*

Inter Board Committee of Chairmen



Government of Pakistan, Ministry of Education
Islamabad

Equivalence Certificate

Certified that Mr./Ms. MUHAMMAD FAROOQ s/d of Mr. PIR ZADA
date of birth 05-08-1982 has qualification Diploma of Associate Engineer (Electrical)
of Country and/or Examining Body N.W.F.P Board of Technical Education, Peshawar in Year 1999-05

Which is considered equivalent to Higher Secondary School Certificate of Pakistan
Group: Pre-Engineering

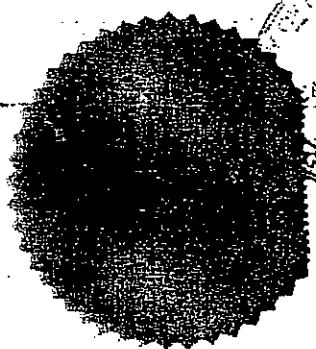
Marks obtained:

In Figures XXXXXXXXXX out of 100

In Words XXXXXXXXXXXXXXXXXX

Ref IBCC (SO) P/1-2/2006/13

Date 27-12-2006



Secretary

(13)

#

**CONDITIONS FOR ISSUANCE OF
EQUIVALENCE CERTIFICATES**

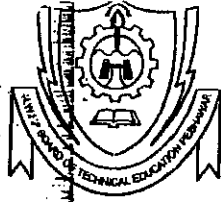
1. ERRORS AND OMISSIONS WOULD BE EXCEPTED
2. THE IBCC ISSUES EQUIVALENCE CERTIFICATE ON THE FACE VALUE OF THE CERTIFICATE
3. AUTHENTICITY AND GENUINENESS IS THE RESPONSIBILITY OF THE USER AGENCY
4. THIS CERTIFICATE IS AND REMAINS THE PROPERTY OF INTER BOARD COMMITTEE OF CHAIRMEN, ISLAMABAD AT ALL TIMES AND MUST BE RETURNED TO INTER BOARD COMMITTEE OF CHAIRMEN, ISLAMABAD, IF AND WHEN DEMANDED
5. ANY ALTERATION/ ERASION IN THIS CERTIFICATE RENDERS IT INVALID
6. LEGAL ACTION WOULD BE TAKEN ACCORDING TO BOARD CALENDAR, IF THE DOCUMENTS FOUND FAKE/FORGED, ETC

13

14

15

16



N.W.F.P. BOARD OF TECHNICAL EDUCATION,
22, SECTOR B-1, PHASE-V, HAYATABAD, PESHAWAR.

Book No. 26
S. No. 03

DETAIL MARKS CERTIFICATE
3RD YEAR ELECTRICAL TECHNOLOGY
(NEW COURSE)

Name of Candidate Muhammad Farooq
Father's Name Pir Zada
Roll No. 53563 Session (Annual / Supply) 2001
Institute/College G.P. Swabi

S. No.	Subject	Total Marks	Marks Obtained	
			In Fig.	In words
	2ND YEAR MARKS:	2250	1202	
1.	GEN: 311 (Islamyat/Pak. Studies)	50	24	
2.	MGM: 311 Industrial Manag: Human Relation	50	24	
3.	MGM: 321 Business Communication	50	24	
4.	ET: 316 A.C. Machines	T-200 P-100	133	
5.	ET: 322 Power Plant & Energy Conservation	T-100	43	
6.	ET: 335 Trans: Dist: & Protect of Elect Power Systems	T-200 P-50	121	
7.	ET: 343 Telecommunication	T-100 P-50	89	
8.	ET: 353 Repair & Maintenance of Electrical Equipment	T-50 P-100	70	
9.	ET: 364 Digital & Industrial Electronics	T-150 P-50	94	
	Total Marks	3550	1824	<i>Eighteen hundred & twenty four</i>

Prepared by [Signature]
(Errors & omissions are excepted)

[Signature]
SECURITY OFFICER

S. No. 10907

Roll No. 53563

N.W.F.P. Board of Technical Education



PESHAWAR - PAKISTAN

Diploma of Associate Engineer

Year
SESSION 2005

(ANNUAL/SUPPLEMENTARY)

This is to certify that


Miss/Mrs. Mr. MUHAMMAD FAROOQ
Son/Daughter of Mr. PIR ZADA
Registration No. GPI/SWB/E/98-2756
of GOVT. POLYTECHNIC INSTITUTE, SWABI
has passed the Diploma of Associate Engineer Electrical
Technology, Examination held by the N.W.F.P., Board of Technical Education,
Peshawar, in the month of May, 2005

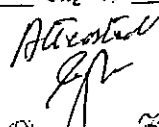
He/She secured 1824 Marks out of 3550 and has been placed
in Grade C

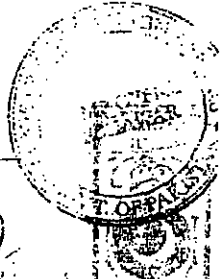
**In recognition thereof, this
DIPLOMA OF ASSOCIATE ENGINEER**

is awarded to him / her at Peshawar

on the 7th day of February, 2006.


ASSISTANT SECRETARY
N.W.F.P. Board of Technical
Education, Peshawar


SECRETARY
N.W.F.P. Board of Technical
Education, Peshawar


SECRETARY
N.W.F.P. Board of Technical
Education, Peshawar

THIS CERTIFICATE IS ISSUED WITHOUT ANY ALTERATION OR ERASURE

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DIPLOMAS OF ASSOCIATE ENGINEER ISSUED BY
 THE BOARD OF TECHNICAL EDUCATION ARE HELD
 EQUIVALENT TO F.A./F.Sc. (PRE ENGINEERING) OF
 THE BOARDS OF INTERMEDIATE AND SECONDARY
 EDUCATION IN THE COUNTRY VIDE A BOOK OF
 EQUIVALENCE OF EDUCATIONAL CERTIFICATES IN
 PAKISTAN PUBLISHED BY THE GOVERNMENT OF
 PAKISTAN MINISTRY OF EDUCATION, INTER BOARD
 COMMITTEE OF CHAIRMEN ISLAMABAD.



ATTESTED
[Signature]
 Chairman
 Board of Technical Education
 Islamabad

EVALUATION PLAN

1. 80% and above Distinction
2. 70% and above but less than 80% "A" Grade
3. 60% and above but less than 70% "B" Grade
4. 50% and above but less than 60% "C" Grade
5. 40% and above but less than 50% "D" Grade

12 DEC 2006

Typed / Prepared _____
 Checked by _____
[Signature]

CHECKED & VERIFIED
[Signature]
 SEALING
 CLASS 25/8/06
 Assst. Secretary
 MMFP, BTL, ISL

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ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Serial No. 207838

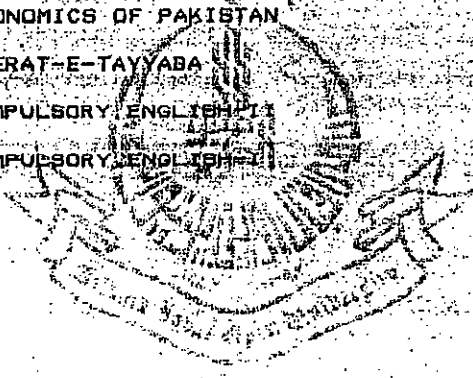
Name MUHAMMAD FARDOQ
Father's Name PIR ZADA
Address MOHALLAH HAJI ABAD KHARARI
VILLAGE AND P/O TOPI
Tehsil SWABI
District SWABI

Roll No. Y416977
Registration No. 07NSI0522
Final Semester SPR- 2010

has successfully completed BACHELOR OF ARTS GROUP-GENERAL

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 07	0416	ISLAMIAT (C)	100	74
BPR- 07	0417	PAKISTAN STUDIES(C)	100	66
AUT- 08	0404	URDU	100	59
AUT- 08	0418	EDUCATION	100	70
AUT- 08	0437	ISLAMIC STUDIES(E)	100	69
AUT- 08	0407	HISTORY OF MODERN MUSLIM WORLD	100	66
AUT- 08	0406	ECONOMICS OF PAKISTAN	100	56
AUT- 08	0436	SEERAT-E-TAYYABA	100	64
AUT- 09	1424	COMPULSORY ENGLISH I	100	57
BPR- 10	1423	COMPULSORY ENGLISH II	100	57



CREDITS: 8

Total Marks / Obtained 1000 / 638

Result Declared on FEB 22, 2011

Percentage / Grade 64. B

Date of issue MARCH 02, 2011

Signature
SST/BPS-16
GHS Balakara (Swabi)
Controller of Examinations

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate or diploma, which will be issued under the rules/regulations on the basis of the original record of the university.

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Allama Iqbal Open University
Islamabad



Serial No **180861**

Certified that *Mr./Ms* **MUHAMMAD FAROOQ**
Son / Daughter of **PIR ZADA**
Registration No **07NSI0522** *Roll No* **Y416977**
Semester **Spring 2010** *having met all the requirements under*
the semester system is this day awarded the degree of

Bachelor of Arts
Group - General

Attested

Farhan
Controller of Examinations (Swabi)

He/She has secured **64** *% marks*
and has been placed in **B** *grade*

CONTROLLER OF EXAMINATIONS

Result declared on: **February 22, 2011**

Date of issue: **September 24, 2013**



VICE-CHANCELLOR



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

SNo:- 1631

DETAILED MARKS CERTIFICATE

53856

MA ISLAMIAT (PREVIOUS) 2014

Roll No: 10371

Registration No:- 12-AU-P-717

Student's Name: MUHAMMAD FAROOQ

Father's Name: PIR ZADA

Institution/District:- Swabi

Course Name	Maximum Marks	Marks Obtained	Marks in Words	Remarks
Al-Quran Translation 1st half Commentary & Principles of Tafseer	100	62	Sixty-Two	Pass
Hadith & Principles of Hadith	100	53	Fifty-Three	Pass
Islamic Jurisprudence (Text)	100	45	Forty-Six	Pass
Secret of Nabi (S.A.W.S) & History of Islam	100	57	Fifty-Seven	Pass
Arabic Grammar & Literature	100	67	Sixty-Seven	Pass
Total	500	385		
Percentage		57.00%		

Handwritten signature
Sd/-
SFS-16
(Swabi)

NOTE:

Failure in THREE or more than THREE subjects means total failure, thus the candidate has to reappear in all the subjects.

Prepared and checked by Computer Cell AWKUM

Errors and omissions are subject to subsequent rectification.
Any mistake in Name, Father's Name etc must be intimated within 30 days of the issuance of this certificate

Handwritten signature

Controller of Examination:
AWKUM

December 15, 2014



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

SN: 013181
07852

DETAILED MARKS CERTIFICATE

MA ISLAMIAT (FINAL) 2014

Roll No: 18843

Registration No:- 12-AU-P-717

Student's Name: MUHAMMAD FAROOQ

Father's Name: PIR ZADA

Institution/District:- Swabi

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
Previous Marks	500	285	Two Hundred & Eighty-Five	Pass
Al-Qura'an Translation *2nd Half Commentary alongwith grammar	100	41	Forty-One	Pass
Principles of Islamic Jurisprudence	100	47	Forty-Seven	Pass
Islam & Other words Religious	100	56	Fifty-Six	Pass
Kalam & Philosophy of Islam / Islamic contemporary Muslims words	100	49	Forty-Nine	Pass
Islamic Economics / Islamic Politics / Islamic Science	100	46	Forty-Six	Pass
Viva Voce	100	75	Seventy-Five	Pass
Total	1100	599		
Percentage	54.45 %			
Division	Second			

Attested
[Signature]
Controller of Examinations
AWKUM
Mardan (Swabi)

NOTE:
Failure in FOUR or more than FOUR subjects means total failure, thus the candidate has to reappear in all the subjects.

Prepared and checked by Computer Cell AWKUM

Errors and omissions are subject to subsequent rectification.
Any mistake in Name, Father's Name etc must be intimated
within 30 days of the issuance of this certificate

[Signature]

Controller of Examinations
AWKUM
December 15, 2014

Serial No. 002337

Reg. No. 13-AU-P-717

Abdul Wali Khan University

Roll No. 18843

Mardan, Pakistan



The University in recognition of the fulfilment of prescribed requirements has conferred upon

Mr. / Ms. MUHAMMAD FAROOQ Son / Daughter of PIR ZADA

The Degree of

MASTER OF ARTS IN ISLAMIAT

in the examination held in Sep/Oct 2014 session Annual 2012-13

He / She was placed in SECOND Division / Grade / CGPA

The examination was taken as Whole / in Parts.



[Signature]

Controller of Examinations

[Signature]
DPS-16

[Signature]

Registrar

[Signature]

Vice Chancellor

Result Declaration Date. 15-12-2014

Handwritten marks and signatures on the left margin, including a circled '11' and other illegible scribbles.

Serial No: 002337

Reg.No.12-AU-P-717

Roll No. 18843

Abdul Wali Khan University

Mardan, Pakistan.

The University in recognition of the fulfillment of prescribed requirements has conferred upon Mr./Ms. **MUHAMMAD FAROOQ** Son / Daughter of **PIR ZADA.**

The Director of

MASTER OF ARTS IN ISLAMIAT

In the examination held in **Sep/Oct. 2014** session **Annual 2012-13**

He / She was placed in **Second** Division / Grade / CGPA

The Examination was taken as a whole / in Parts

Controller of Examinations

Registrar

Vise Chancellor

Result declaration date :15-12-2014

(Annoyed) "B"

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(Annoyed) B

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LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT
OFFICE OF ASSISTANT DIRECTOR DISTRICT SWABI.

No. 2722 AD (SB-IG)/OOs/2016
Dated Swabi the 05/04/2016

OFFICE ORDER

Consequent upon the appointment order No. 566 (G-3)/DCS/EA, dated 04-02-2016 & the direction of the Directorate General, Local Govt. & Rural Dev. Deptt: Khyber Pakhtunkhwa, Peshawar vide letter No. Director (IG) 3-1/ establishment/013/3401, dated 26-05-2015, the following Naib Qasid of Village/ Neighborhood Councils, are hereby order to postings/transfers as noted against their mentioned names with immediate effect in the great public interest.

S.No.	Name of Naib Qasid	Transferred/Posted to V/N Council
1	Amjad Ali	Bankher North
2	Zuhaimin	Bankher South
3	Fajr ur Rahman	Gaibana
4	Muhammad Haroon	Yousaf
5	Ayaz Ahmed	Zaida (Rural)
6	Umar Farooq	Ilyanda
7	Ibrar Ahinad	Boqa
8	Ajmal Khan	Baja
9	Hussain Ahmad	Maneri kala-I
10	Sher Zamin Khan	Maneri kala-II
11	Muhammad Wahab	Maneri kala-III
12	Muhammad Ali	Maneri Payan I
13	Aamer Ali	Maneri Payan-II
14	Gul Amin	Maneri Payan-III
15	Abdur Rahman	Marghuz Aka Khel
16	Haqat Zail	Marghuz-Yara Khel Sharqi
17	Noor ul Wahab	Marghuz-Yara Khel
18	Yousaf Masah	Chaman
19	Zahir Khan	Pabaini
20	Inayat ur Rahman	Makus Alad (V/C of Tehsil Topi)

**LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT
OFFICE OF ASSISTANT DIRECTOR DISTRICT SWABI.**

No.....AD (SB-IG)/OOS/2016
Dated Swabi the, 05/04/2016

OFFICE ORDER:

Consequent upon the appointment order No.566 686/DCS/EA, dated 04.02.2016 & the direction of the directorate General local Govt: & Rural Dev: Deptt: Khyber Pakhtunkhwa, Peshawar vide letter No. Director (IG) 3-1/ establishment/013/3401, dated 26.06.2015, the following Naib Qasid of Village/ Neighborhood Councils, are hereby order to posting / Transfers as noted against the mentioned name with immediate effect in the great public interest.

S.No	Name of Naib Qasid	Transferred/Posted to V/N Council
1	Amjad Ali	Banikhel North
2	Zulqarnain	Banikhel South
3	Faiz ur Rehman
4	Muhammad Haroon	Yousaf....
5	Ayaz Ahmad	Zaida (Rural
6	Umar Farooq	Jhanda
7	Ibrar Ahmad	Boqa
8	Ajmal Khan	Baja
9	Hussain Ahmad	Maneri bala-I
10	Sher Zamin Khan	Maneri bala-II
11	Muhammad Wahab	Maneri bala-III
12	Muhammad Ali	Maneri Payan-I
13	Aamir Ali	Maneri Payan-II
14	Gul Amin	Maneri Payan-III
15	Abdur Rehman	Marghuz Aka Khel
16	Liaqat Zaib	Marghuz Yara Khel Sharqi
17	Noor ul Wahab	Marghuz Yara Khel Gharbi
18	Yousaf Maseh	Pabaini
19	Zahir Khan	Panjman
20	Inayat ur Rehman	Malak Al ad (V/C of Tehsil Topi

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21	Syed Nizar Ali Shah	Panjgur East
22	Umar Rehman	Panjgur West
23	Fayyaz Imran	Darfa
24	Sakil Ghawas	Kala
25	Awal Din	Salim Khan East
26	Anjad Ali	Salim Khan Central
27	Laiq Zaman	Salim Khan West
28	Sohrab Mohammad	Shamansoor-I
29	Muhammad Hanif	Shamansoor-II
30	Qainar Zaman	Swabi Khas-I
31	Shah Haider Khan	Swabi Khas-II
32	Muhammad Ali	Swabi Khas-III
33	Fida Muhammad	Swabi Maneri-I
34	Suleh Muhammad	Swabi Maneri-II
35	Ifikhar Ali	Dudhah
36	Muhammad Safdar	Kakli
37	Muhammad Bilal	Thand Koi North
38	Mujahid Khan	Thand Koi South
39	Muhammad Awais	Zaida I
40	Itawlat Ullah	Zaida II
41	Yaseen	Zaida III
42	Saeed Ullah	Zaida IV
43	Basit Ali	Anbar
44	Ibne Amin	Sheikh (Cler)
45	Asif Irshad	Kunda Mera
46	Afnan Khan	Haryana
47	Uzair Muhammad	Beka
48	Hamid	Nali
49	Muhammad Sohail	Thano
50	Shams ur Qamar	Bazar

21	Syed Nizar Ali Shah	Punjpir East
22	Umar Rehman	Punjpir West
23	Fayaz Imran	Darra
24	Said Ghawas	Kala.....
25	Awal Din	Salim Khan East
26	Amjad Ali	Salim Khan Central
27	Laig Zaman	Salim Khan West
28	Sohrab Muhammad	Shamansoor-I
29	Muhammad Hanif	Shamansoor-II
30	Kamil Zaman	Swabi Khas-I
31	Shah Haidar Khan	Swabi Khas-II
32	Muhammad Ali	Swabi Khas-III
33	Fida Muhammad	Swabi Maneri-I
34	Saleh Muhammad	Swabi Mari-II
35	Iftikhar Ali	Dodali
36	Muhammad Safdar	Kaddi
37	Muhammad Bilal	Thand Koi North
38	Mujahid Khan	ThandKoi South
39	Muhammad Awais	Zaida-I
40	Raviad Ullah	Zaida-II
41	Yaseen	Zaida-III
42	Saeedullah	Zaida-IV
43	Basit Ali	Anbar
44	Ibne Amin	Sheikh Dheri
45	Asif Irshad	Kunda Mera
46	Adnan Khan	Haryan
47	Uzair Muhammad	Beka
48	Hamid	Nabi
49	Muhammad Sohail	Thano
50	Shams ul Qamar	Bazar

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51	Ali Zaman	Jalbal-I
52	Mustaqeen	Jalbal-II
53	Noor-Ul Wahab	Jalbal-Mera
54	Danish Khan	Jalbal-I
55	Inam Ullah	Jalbal-II
56	Janil	Jehangir-I
57	Aurangzeb	Jehangir-II
58	Alamgir Khan	Jehangir-III
59	Tariq Ahmad	Allah Dher
60	Rameez Ahijad	Kunda
61	Muhammad Israil	Hind
62	Inam Ullah	Lahor-East-I
63	Muhammad Nawaz	Lahor-East-II
64	Wasif Khan	Lahor-West-I
65	Muhammad Ishfaq Khan	Lahor-West-II
66	Muhammad Kashif	Manki-I
67	Muhammad Tariq	Manki-II
68	Muzaffar Khan	Matani Changan-I
69	Awais Zubair	Matani Changan-II
70	Muhammad Adnan	Tordher-I
71	Asif Ali	Tordher-II
72	Farakh Zaid	Topi (Incl. RBC & RVC)
73	Junaid Khan	Hanlet Galla
74	Sajid Zaman	Butakara
75	Gulnawab Shah	Gabusni
76	Wahid Ur Rahman	Chanai
77	Bakht Zada	Mangal Chial
78	Muhammad Sorab	Gaudat-I
79	Fazal Amin	Gaudat-II

51	Ali Zaman	Jalbal.I
52	Mustaqeem	Jalbal.II
53	Noor Ul Wahab	Jalbal Mera
54	Danish khan	jalsal.I
55	Inam Ullan	Jalsal.II
56	Jamil	Jehangira-I
57	Aurangzeb	Jehangira-II
58	Alamgir Khan	Jehangir-III
59	Tariq Ahmad	Allah Dheri
60	Rameez Ahmad	Kunda
61	Muhammad Israil	Thund
62	Inam Ullah	Lahor-East-I
63	Muhammad Nawaz	Lahor-East-II
64	Wasif Khan	Lahor-West-I
65	Muhammad Ishfaq Khan	Lahor-West-II
66	Muhammad Kashif	Manki-I
67	Muhammad Tariq	Manki-II
68	Muzaffar Khan	Matani Changan-I
69	Awais Zubair	Matani Changan-II
70	Muhammad Adnan	Tordher-I
71	Asif Ali	Tordheri-II
72	Farakh Zaib	Topi Rural RBC & RVC
73	Juniad Khan	Hamlet Qalla
74	Sajid Zaman	Batakara
75	Gul Nawab Shah	Gabasni
76	Wahid ur Rehman	Chanai
77	Bakht Zada	Mangal Chai
78	Muhammad Sohrab	Gandal-I
79	Fazal Amin	Gandal-II

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80	Khair Ul Basha	Barda
81	Hamsar Ali	Dewal
82	Liaqat Zaman	Gand Chulra
83	Khesro Khan	Ulla
84	Muhammad Arshad	Kabgani
85	Bakhtiar Amin	Qudra
86	Wajid Khan	Takal
87	Shah Waris Khan	Kalabat
88	Shahid	Kalabat II
89	Muhammad Bilal	Kotha I
90	Muhammad Ali	Kotha II
91	Abdul Rajim	Kotha III
92	Muhammad Naeem	Mahli I
93	Saleem Bahadur	Mahli II
94	Tahir Rahman	Mahli III
95	Zarif Khan	Topi East I
96	Rashid Ali	Topi East II
97	Muhammad Ayaz	Topi East III
98	Muhammad Farooq	Topi West I
99	Ramzan	Topi West II
100	Mohammad Alzaz	Topi West III
101	Islam Farooq	Zatobi East
102	Ali	Zatobi West
103	Zareen Dad	Adina I
104	Sohail Jehanzeb	Adina II
105	Majid Ali	Asota
106	Muhammad Ali Khan	Spin Kand
107	Jamshed Khan	Bachal
108	Abdus Salam	Sikandar
109	Sher Zaman	Chak Hudeh-I

80	Khair ul Bashar	Buda
81	Hamsar Ali	Dewal
82	Liaqat Zaman	Gani Charla
83	Khesro Khan	Utlā
84	Muhammad Arshad	Kabgani
85	Bakhtiar Amin	Qadra
86	Wajid Khan	Takail
87	Shah Waris Khan	Kalabat-I
88	Shahid	Kalabat-II
89	Muhammad Bilal	Kotha-I
90	Muhammad Ali	Kotha-II
91	Abdul Rehman	Kotha-III
92	Muhammad Naeem	Maini-I
93	Saleem Bahadar	Maini-II
94	Tahir Rehman	Maini-III
95	Zarif Khan	Topi East-I
96	Rashid Ali	Topi East-II
97	Muhammad Ayaz	Topi East-III
98	Muhammad Farooq	Topi West-I
99	Ramzan	Topi Wes-II
100	Muhammad Aizaz	Topi West-III
101	Islam Farooq	Zarobi East
102Ullah	Zarobi West
103	Zareen Dad	Adina-I
104	Sohail Jehanzeb	Adina-II
105	Majid Ali	Asota
106	Muhammad Ali Khan	Spin Kani
107	Jamshed Khan	Bachai
108	Abdus Salam	Sikandari
109	Sher Zaman	Chak Nodeh-I

(23) (27) (25)

110	Arif Shah	Chak Node: II
111	Mukhtiar Ali	Dagai-I
112	Manzoor Hussain	Dagai II
113	Muhammad Riaz	Dagai-III
114	Bakhtiar Ali	Dobian-I
115	Zakir Ali	Dobian-II
116	Mazim Ali	Doulat
117	Syed Riaz Ali Shah	Ismaila
118	Zubair Khan	Ismaila South
119	Guftar Ali	Ismaila Sher Gharf
120	Asif Ali	Kali Khan I
121	Safeer Ahmad	Kali Khan II
122	Asim	Kali Khan III
123	Jawad Ali	Kali Khan IV
124	Rashid	Kali Khan V
125	Majid Ali	Kernal Sarg Kalay East
126	Imran Ullah	Kernal Sarg Kalay West
127	Said Raziq Shah	Naranji I
128	Abjussalam	Naranji II
129	Zulfrab Ali	Ghulamati
130	Mohammad Asghar	Sher Dara
131	Fajrul Bari	Parnoli South
132	Sajjad Ali	Parnoli South
133	Akhtar ali	Sard Chiba
134	Muhammad Tariq	Itukhanay
135	Muhammad Riaz	Bazargai
136	Sajid Nawas Khan	Sheikh Jana I
137	Sheraz Hussain	Sheikh Jana II
138	Ali Khan	Sheikh Jana III
139	Kowsar Ali	Shewa Dar Katay

110	Arif Shah	Chak Nodeh-II
111	Mukhtiar Ali	Dagai-I
112	Manzoor Hissain	Dagai-II
113	Muhammad Riaz	Dagai-III
114	Bakhtiar Ali	Dobian-I
115	Zakir Ali	Dobian-II
116	Azim Ali	Doulat
117	Syed Niaz Ali Shah	Ismaila
118	Zubair Khan	Ismaila South
119	Guftar Ali	Asmaila Sher Ghari
120	Asif Ali	Kalu Khan-I
121	Safeer Ahmad	Kalu Khan-II
122	Asim	Kalu Khan-III
123	Jawad Ali	Kalu Khan-IV
124	Rasheed	Kalu Khan-V
125	Majid Ali	Kenrnal Sher Kalay Eest
126	Imran Ullah	Kenrnal Sher Kalay West
127	Said Raziq Shah	Naranji-I
128	Abdus Salam	Naranji-II
129	Zuhrab Ali	Ghulamai
130	Muhammad Asghar	Sher Dara
131	Fathul Bari	Parmoli South
132	Sajjad Ali	Parmoli North
133	Akhtar Ali	Sard China
134	Muhammad Tariq	Rukhanay
135	Muhammad Riaz	Bazagai
136	Said Nawas Khan	Shiekh lana-I
137	Sheraz Hussain	Shiekh lana-II
138	Ali Khan	Shiekh lana-III
139	Kowsar Ali	Shewa Bar Kalay

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140	Nameer Shah	Shwed Kuz Kalay
141	Said Ghan	Sodher
142	Shah Zaman	Ornal Dheri
143	Muhammad Shah	Sudh
144	Inam Ullah	Tarakal-I
145	Shah Ali	Tarakal-II
146	Shah Mulk	Elanagal
147	Inqan Ali	Shahgda
148	Zeesan Muhammad	Tulandi
149	Ijaz Ali	Kalu Dher
150	Muhammad Abbas	Randeh
151	Muhammad Quraish	Yaqub-I
152	Zia Ur Rehman	Yaqub-II
153	Muhammad Ayaz	Chak Yarusain
154	Inamullah	Yar Hussain East-I
155	Anees Ur Rehman	Yar Hussain East-II
156	Umara Ali Khan	Yar Hussain East-III
157	Jawad Muhammad	Yar Hussain West-I
158	Hafiz Zahid Khan	Yar Hussain West-II
159	Zahoor Ahmad	Ziam

[Signature]
ASSISTANT DIRECTOR

Local Govt: & Rural Dev: Deptt: Swabi.

Encls: No. & date even:-

Copy forwarded to:-

1. Official concerned.
2. Office Assistant, Office of the Assistant Director, IG & RDD, Swabi.

[Signature]
ASSISTANT DIRECTOR

Local Govt: & Rural Dev: Deptt: Swabi.

(29)

140	Nameer Shah	Shwae kuz Kalay
141	Said Ghani	Sodher
142	Shah Zaman	Unnal Dheri
143	Mukammil Shah	Sadhi
144	Inam Ullah	Larakai-I
145	Ishfaq Ali	Larakai-II
146	Shah Mulk	Omagai
147	Lugman Ali	Shaheeda
148	Zeeshan Muhammad	Ladandi
149	Ijaz Ali	Kalu Dher
150	Muhammad Abbas	Naudeh
151	Muhammad Quraish	Yaqubi-I
152	Zia Ur Rehman	Yaqubi-II
153	Muhammad Ayaz	Chak yar Hussain
154	Inam Ullah	Yar Hussain East-I
155	Anees Ur Rehman	Yar hussain East-II
156	Umar Ali Khan	Yar Hussaom East-III
157	Jawad Muhammad	Yar Hussain West-I
158	Hafiz Zahir Khan	Yar Hussain West-II
159	Zahoor Ahmad	Ziam

--sd--

ASSISTANT DIRECTOR
Local Govt. & Rural Dev: Deptt: Swabi

Endst: No. & Date:-

Copy forwarded to:-

1. Office concerned.
2. Office Assistant, Office of the Assistant Director, IG & RDD, Swabi.

--sd--

ASSISTANT DIRECTOR
Local Govt. & Rural Dev: Deptt: Swabi

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(Amrecho) C

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(Amrecho) C

Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, the 3rd December, 2015/2067

No.SO(LG-12-188/89- In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department in consultation with the Establishment Department and Finance Department is pleased to direct that in this Department notification No.DG(RWP)7(2)/73, dated 26-01-1978, the following further amendments shall be made namely:

AMENDMENTS

In the Appendix:-

(a) for serial No.16, the following shall be substituted, namely"

16.	Village Secretary (BPS-7)	Intermediate or equivalent qualification from a recognized Board and at least six (6) months Certificate in Computer from a recognized Institute with expertise in MS Office, In-page and Internet. The candidate shall be preferably a bonafide resident of the same Village / Neighbourhood Council. If such candidate is not available in the same Village / Neighbourhood then candidate from adjacent Village / Neighbourhood Council. If not available then from the respective Tehsil.	18 to 30 years	By initial recruitment
-----	---------------------------	---	----------------	------------------------

(b) after serial No.19, the following new entries shall be added in the respective columns:

20.	Najib Qasid / Cowkidar (BPS-1)	Physically sound, preferably literate	18 to 40 years	By initial recruitment
-----	--------------------------------	---------------------------------------	----------------	------------------------

DD (A)
[Signature]

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA, L.G.E.&R.D

Div (A/HR)
[Signature]

(31)

28

Govt. No. SO (I.G. & R.D.) 122/2015 Dated Peshawar, the 3rd December, 2015

Copy is for circulation to:-

- 1 All Administrators, Secretaries and Government Officers of Khyber Pakhtunkhwa.
- 2 All District Commissioners in Khyber Pakhtunkhwa.
- 3 The Secretary to Government, Khyber Pakhtunkhwa, Peshawar.
- 4 The PSO to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 5 The Director, J.G. & R.D., Khyber Pakhtunkhwa, Peshawar.
- 6 The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 7 All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 8 All District Commissioners in Khyber Pakhtunkhwa.
- 9 The Registrar, Peshawar High Court, Peshawar.
- 10 All District and Session Judges in Khyber Pakhtunkhwa.
- 11 All Assistant Directors, J.G. & R.D. in Khyber Pakhtunkhwa.
- 12 The Director, Government Printing Press, Peshawar for publication in the next Government Gazette Notification. 40 copies of the Notification may be sent to this Department.

(Signature)
 (IAZAZ HILALI)
 Section Officer (Listab)
 Phone # 091-9213224

DC

(33)

(Attached) E

(Attached) E



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

22/4/18
Dy. Secy (H&S)
06/4/2018

NOTIFICATION

(Signature)

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

Dated Pesbawar, the 05th April, 2018

No. SO(LG-1)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.";
-----	------------	--	-----------------	--

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9/4
AD (A)
10/4/2018

(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
-----	--	--	-----------------	---

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				<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-112-188/SSRC/2018.-

Dated Peshawar, the 05th 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 Gazette 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

(Attached) F

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TENTATIVE SENIORITY LIST OF NAIB QASID OF VILLAGE / NEIGHBOURHOOD COUNCILS IN TEHSIL TOPI DISTRICT SWABI AS STOOD ON 31/10/2018.

S. No	Name of Official	Date of Birth	Date of appointment in BPS	Qualification	Remarks
✓ 1	Shah Waris	1/3/1965	19/3/1995		Appointed in 1995 in an office & adjusted as Naib Qasid U/C in 2001
2	Farukh Zeb	4/1/1983	28/2/2007 1	FA	Initial appointment as Naib Qasid
3	Liaqat Zaman	8/4/1988	28/2/2007 2	Metric	Initial appointment as Naib Qasid
✓ 4	Sajid Zaman	1/1/1975	17/3/2009		Initial appointment as Naib Qasid
✓ 5	Zan/ Kian	1/1/1974	4/2/2016		Initial appointment as Naib Qasid
✓ 6	Muhammad Arshad	1/1/1986	4/2/2016	Metric	Initial appointment as Naib Qasid
7	Islam Farooq	10/10/1980	4/2/2016 3	Metric	Initial appointment as Naib Qasid
8	Abdul Rahim	8/4/1981	4/2/2016 4	Metric	Initial appointment as Naib Qasid
9	Bakht Zada	10/4/1981	4/2/2016 5	FA	Initial appointment as Naib Qasid
10	Ramzan	10/11/1982	4/2/2016 6	MA	Initial appointment as Naib Qasid
11	Muhammad Naeem	10/1/1982	4/2/2016 7	BA	Initial appointment as Naib Qasid
12	Muhammad Farooq	5/8/1982	4/2/2016 8	MA	Initial appointment as Naib Qasid
13	Muhammd Ali	22/2/1983	4/2/2016 9		Initial appointment as Naib Qasid
14	Afzal Amin	2/4/1983	4/2/2016 10		Initial appointment as Naib Qasid
15	Wajid Khan	20/4/1987	4/2/2016 11	FA	Initial appointment as Naib Qasid
16	Wahid Ur Rahman	4/4/1988	4/2/2016 12	Metric	Initial appointment as Naib Qasid
17	Saleem Bahadar	8/2/1989	4/2/2016 13		Initial appointment as Naib Qasid
18	Khair Ul Bashir	12/2/1990	4/2/2016 14	FA	Initial appointment as Naib Qasid
19	Muhammad Bilal	6/4/1990	4/2/2016 15	BA	Initial appointment as Naib Qasid
20	Hameer Ali	2/4/1990	4/2/2016 16		Initial appointment as Naib Qasid
21	Tahir Rahman	9/6/1990	4/2/2016 17	Metric	Initial appointment as Naib Qasid
22	Gul Nawab Shah	19/3/1991	4/2/2016 18		Initial appointment as Naib Qasid
23	Bakhtiar Amin	15/4/1993	4/2/2016 19	FA	Initial appointment as Naib Qasid
24	Shahid	11/4/1994	4/2/2016 20	Metric	Initial appointment as Naib Qasid
25	Muhammad Aizaz	15/4/1994	4/2/2016 21	FA	Initial appointment as Naib Qasid
26	Muhammad Sorab	24/04/1994	4/2/2016 22		Initial appointment as Naib Qasid
27	Junaid Khan	10/1/1995	4/2/2016 23		Initial appointment as Naib Qasid
28	Muhammad Ayaz	20/2/1996	4/2/2016 24	FA	Initial appointment as Naib Qasid
29	Nizar Ali	8/3/1994	19/2/2018		Initial appointment as Naib Qasid
30	Adil Khan	17/3/1999	19/2/2019		Initial appointment as Naib Qasid

Assistant Director
L.G. & P.D Swabi



36

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**OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
SWABI**

No. 2376 /AD (SB-LG)/DPC

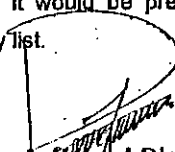
Dated Swabi the 16 /11/2018.

To

All Naib Qasids,
District Swabi.

Subject:- TENTATIVE SENIORITY LIST OF NAIB QASID
VILLAGE/NEIGHBOURHOOD COUNCILS AS STOOD ON
31-10-2018 OF DISTRICT SWABI.

Enclosed find herewith a copy of Tentative Seniority List prepared under the Rules of Naib Qasids in respect of District Swabi with the remarks that reservations on the said list, if any may be conveyed to this office on or before 20th November 2018 for consideration/ settlement before final declaration thereof. In case no objection is received by the target date, it would be presumed that no individual has any objection on the tentative seniority list.


Assistant Director
Local Govt. & Rural Dev: Deptt:
Swabi.

Encls. Even No. & Date:

Copy to:-

1. The Director, General, Local Govt. & Rural Development Deptt: Khyber Pakhtunkhwa, Peshawar.

Assistant Director
Local Govt. & Rural Dev: Deptt:
Swabi.

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خدمت جناب اسٹنٹ ڈائریکٹر محکمہ بلدیات ضلع صوابلی

(Annex)

عنوان۔ درنگی برائے سنیا رٹی لسٹ نائب قاصدان تحصیل ٹوپی ضلع صوابلی

مودبانہ گزارش ہے۔ کہ میں سائل بطور نائب قاصد ٹوپی خرابی امیں ڈیوٹی سرانجام دے رہا ہوں۔ جناب عالی آپ سے گزارش ہے۔ کہ کچھ دن پہلے مجھے نائب قاصدان کا سنیا رٹی لسٹ ملا تھا۔ جس میں کاپی غلطیاں پائی جاتی ہے۔ جس کی مثال یہ ہے۔ کہ میرا اور محمد ارشد، رمضان کا ڈیوٹی کی تاریخ ایک ہے۔ اور سزئی نمبر 6 اور سریل نمبر 10 رمضان محمد ارشد سے پیدائش کی تاریخ کے لحاظ سے میں سبھی ہوں۔ لہذا آپ سے درخواست ہے۔ اس پر سنجیدہ غور کیا جائے۔ اور سنیا رٹی لسٹ میں پائی جانے والی غلطیاں درست کی جائے۔


عرضے۔ آپکا تابعدار محمد فاروق ولد چیر زادہ سکند ٹوپی

(Ancher) "H"
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 38 (Ancher) H

FINAL SENIORITY LIST OF NAIB QASID OF VILLAGE /NEIGHBOURHOOD COUNCILS IN TEHSIL TOPI DISTRICT SWABI AS
 STOOD ON 28/02/2019.

S. No	Name of Official	Date of Birth	Date of appointment in BPS	Qualification	Remarks
1	Shah Waris	1/3/1985	19/3/1995		Appointed as Chokidar In AD Office & adjusted as Naib Qasid U/C in 2001
2	Farukh Zeb	4/1/1983	28/2/2007	FA	Initial appointment as Naid Qasid
3	Liaqat Zaman	6/4/1988	28/2/2007	FA	Initial appointment as Naid Qasid
4	Sajid Zaman	1/1/1975	17/3/2009		Initial appointment as Naid Qasid
5	Zarif Khan	1/6/1974	4/2/2016		Initial appointment as Naid Qasid
6	Islam Farooq	10/10/1980	4/2/2016	Metric	Initial appointment as Naid Qasid
7	Abdul Rahim	8/4/1981	4/2/2016	Metric	Initial appointment as Naid Qasid
8	Bakht Zada	10/4/1981	4/2/2016	FA	Initial appointment as Naid Qasid
9	Muhammad Naeem	10/1/1982	4/2/2016	BA	Initial appointment as Naid Qasid
10	Muhammad Farooq	5/8/1982	4/2/2016	MA	Initial appointment as Naid Qasid
11	Ramzan	10/11/1982	4/2/2016	MA	Initial appointment as Naid Qasid
12	Muhammad Ali	22/2/1983	4/2/2016		Initial appointment as Naid Qasid
13	Afzal Amin	2/4/1983	4/2/2016		Initial appointment as Naid Qasid
14	Muhammad Arshad	1/1/1985	4/2/2016	Metric	Initial appointment as Naid Qasid
15	Wajid Khan	20/4/1987	4/2/2016	FA	Initial appointment as Naid Qasid
16	Wahid Ur Rahman	4/4/1988	4/2/2016	Metric	Initial appointment as Naid Qasid
17	Saleem Bahadar	8/2/1989	4/2/2016		Initial appointment as Naid Qasid
18	Khair Ul Bashaer	12/2/1990	4/2/2016	FA	Initial appointment as Naid Qasid
19	Hanisar Ali	2/4/1990	4/2/2016		Initial appointment as Naid Qasid
20	Muhammad Bilal	6/4/1990	4/2/2016	BA	Initial appointment as Naid Qasid
21	Tahir Rahman	9/6/1990	4/2/2016	Metric	Initial appointment as Naid Qasid
22	Gul Nawab Shah	19/3/1991	4/2/2016	Metric	Initial appointment as Naid Qasid
23	Bakhtiar Amin	15/4/1993	4/2/2016	FA	Initial appointment as Naid Qasid
24	Shahid	11/4/1994	4/2/2016	Metric	Initial appointment as Naid Qasid
25	Muhammad Aizaz	15/4/1994	4/2/2016	FA	Initial appointment as Naid Qasid
26	Muhammad Sorab	24/04/1994	4/2/2016		Initial appointment as Naid Qasid
27	Inayat ur Rehman	1/1/1995	4/3/2016		Initial appointment as Naid Qasid
28	Junaid Khan	10/1/1995	4/2/2016		Initial appointment as Naid Qasid
29	Muhammad Ayaz	20/2/1996	4/2/2016	FA	Initial appointment as Naid Qasid
30	Nizar Ali	8/3/1994	19/2/2018		Initial appointment as Naid Qasid
31	Adil Khan	17/3/1999	19/2/2018		Initial appointment as Naid Qasid

Assistant Director
 LG & R D D Swabi



**OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
SWABI**

No. 139 /AD (SB-LG)/DPC

Dated Swabi, the 11 /02/2019.

To

All Naib Qasids,
District Swabi.

Subject:- FINAL SENIORITY LIST OF NAIB QASID
VILLAGE/NEIGHBOURHOOD COUNCILS AS STOOD ON
28-02-2019 OF DISTRICT SWABI.

Enclosed find herewith a copy of Final Seniority List prepared under the Rules of Naib Qasids in respect of District Swabi with the remarks that reservations on the said list, if any may be conveyed to this office on or before 25th February 2019 for consideration/ settlement before final declaration thereof. In case no objection is received by the target date, it would be presumed that no individual has any objection on the tentative seniority list.

Assistant Director
Local Govt. & Rural Dev: Deptt:
Swabi.

Encls. Even No. & Date.

Copy to:-

1. The Director General, Local Govt. & Rural Development Deptt: Khyber Pakhtunkhwa, Peshawar.

Assistant Director
Local Govt. & Rural Dev: Deptt:
Swabi.

(Annocher) I
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IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. _____ / 2019

Muhammad Farooq S/O Pir Zada, Naib Qasid, Village/neighborhood council, Topi West-II, District Swabi.
Local Govt. & Rural Development Department, District Swabi.

Petitioner



Versus

1. Govt. of Khyber Pakhtun Khwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Govt. of Khyber Pakhtun Khwa, Local Govt. & Rural Development Department, Khyber Pakhtun Khwa, Peshawar.
3. Secretary to Govt. of Khyber Pakhtun Khwa, Establishment Department, Peshawar.
4. Secretary to Govt. of Khyber Pakhtun Khwa, Finance Department, Peshawar.
5. Director General, Local Govt. Elections & Rural Development Department, Khyber Pakhtun Khwa, Peshawar.
6. Assistant Director, Local Govt. Elections & Rural Development Department, Khyber Pakhtun Khwa, Swabi.

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

Respectfully Sheweth:

BRIEF FACTS

1. That the present petitioner is the respectable citizens of Pakistan, hails from a noble family of the District Swabi.

2. That the petitioner is having a Degree of M.A on his credit which he earns after qualifying examinations conducted by the University.

{True copy of educational testimonials are attached, as mark Annex-A}

3. That the petitioner was appointed vide appointment order dated: 04-02-2016 as Naib Qasid by the respondent/Local Govt. Department.


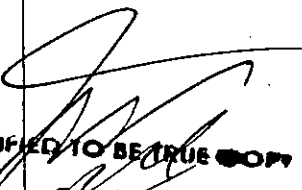

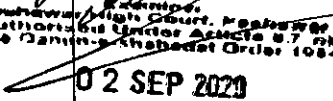
{True copy of appointment order is attached, as mark Annex-B}

~~ATTESTED~~
EXAMINER...
Peshawar High Court

43 41

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s).
1	2
15.07.2020	<p><u>W.P. No.4497-P/2019</u></p> <p>Present: Mr. Asad Zeb Khan, Advocate petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG, for the official respondents.</p> <p>*****</p> <p>At the very outset of hearing, learned counsel for the petitioner requested to file the amended writ petition by challenging the Amendments made by the respondent No.2 vide Notification dated 16.10.2019. Allowed. May do so before the next date of hearing. Besides, learned counsel for the petitioner is directed to impugn all the notifications, from which he is aggrieved. To come up alongwith the connected W.P. No.4572-P/2019. </p> <p> CERTIFIED TO BE TRUE COPY <small>Authorised Under Section 87 of the Criminal Procedure Code 1973</small></p> <p> JUDGE</p> <p> JUDGE</p> <p>02 SEP 2020</p>





Local Government, Elections & Rural
Development Department

NOTIFICATION

Dated Peshawar, the 16th October, 2019

No. SO(B)LG/2-188/SSRC/2019. In exercise of the powers conferred by sub-rule (2) of 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)773 dated 26.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:

- i) "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service.";
- ii) Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and
- iii) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such.";

Note: For purpose of promotion to the post of Assistant Director against ten percent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistants.";

b) against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely:

- i) "Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and
- ii) Fifty (50) per cent by initial recruitment.";

c) against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted, namely:

- i) "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
- ii) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and
- iii) Seventy per cent by initial recruitment.";

*OA, circulate to all
23/10*

*Director (H.R./A.C.)
circulate among field officers
18/10*

(Anxshd) J
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B

*DIV (Adm/HR)
17/10/2019*

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NOTIFIED

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- d) against Serial No. 6. in column No.6, for the words, colon and slash "Assistants/Accountants/Senior Scale Stenographer", the word "Accountants" shall be substituted;
- e) against Serial No. 15A, in column No.6, for the word, figure and brackets "ten (10)", the word, figure and brackets "five (05)" shall be substituted; and
- f) against Serial No. 16. in column No.6 for the existing entry, the following shall be substituted, namely:
 - i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village Council / Neighborhood Council with seniority at Tehsil level, having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such; and
 - ii) Eighty (80) per cent by initial recruitment;

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 Council / Neighborhood Council then the candidate from adjacent Village Council / Neighborhood Council;

Provided further that in case of non-availability of candidate from adjacent Village Council / Neighborhood Council then from any other Village Council / Neighborhood Council in that Tehsil."

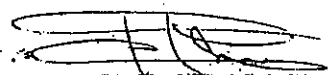
SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG,E&RD DEPARTMENT

No. SO(E)LG/2-188/SSRC/2019.-

Dated Peshawar, the 16th October, 2019

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 Gazette Notification. 100 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

(#) (Anexes) (44) 'K'

**JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT**

W.P.No. 4497-P/2019

Muhammad Farooq

Vs

**Government of Khyber Pakhtunkhwa
through Chief Secretary, Peshawar and others**



Date of hearing 24.02.2021

Petitioner (by) Mr. Asad Zeb Khan, Advocate

Respondents (by) Mr. Rab Nawaz Khan, AAG

JUDGMENT

MUHAMMAD NASIR MAHFOOZ, J. Vide our detailed judgment of even date recorded in *WP.No.4572-P/2019* titled *Farukh Zeb Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others*, this writ petition is dismissed.

JUDGE

JUDGE

**Announced
24.02.2021**

(DB) Hon'ble Mr. Justice Ijaz Anwar & Hon'ble Mr. Justice Muhammad Nasir Mahfooz

Shahid Ali, CS

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**EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8.7 of
The Qanun-e-Shahadat Order 1988**

02 MAR 2021

(45)

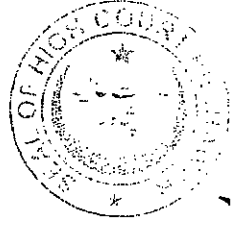
**JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT**

W.P.No. 4572-P/2019

Farukh Zeb

Vs

**Government of Khyber Pakhtun Khwa through Chief Secretary,
Peshawar and others**



Date of hearing _____ 24.02.2021 _____

Petitioner (by) _____ Mr. Asad Zeb Khan, Advocate _____

Respondents (by) _____ Mr. Rab Nawaz Khan, AAG _____

JUDGMENT

MUHAMMAD NASIR MAHFOOZ, J. Through this single judgment, we intend to dispose of two connected writ petitions, having common question of law and facts involved therein. The particulars and prayers of the same are as under:-

1. *W.P.No. 4572-P/2019 (Farukh Zeb Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others).*

"It is, therefore, most respectfully prayed that on acceptance of this petition, this Hon'ble Court may very graciously be pleased to:

- i. *Declare the impugned Notification dated 05.04.2018 to the extent of mentioning 2nd division SSC and Notification dated 16.10.2019 by inserting six months diploma in I.T. as illegal, unlawful discriminatory, void ab initio, ultra vires and nullity in the eyes of law.*
- ii. *Direct the respondents to give equal right of promotion to the petitioner for the posts of Junior Secretary village/ neighborhood council.*
- iii. *Direct the respondents to increase the promotion quota at par with the establishment department i.e. increase the promotion quota from 20% to 40%.*

(Signature)

ATTESTED

**EXAMINER
Peshawar High Court**

46

iv. *Any other relief, though not specifically asked for, deems appropriate may also be granted.*

2. *W.P.No. 4497-P/2019 (Muhammad Farooq Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others)..*

It is, therefore, most respectfully prayed that on acceptance of this petition, this Hon'ble Court may very graciously be pleased to:

- i. *Declare the impugned Notification dated 05.04.2018 to the extent of mentioning 2nd division SSC and Notification dated 16.10.2019 by inserting six months diploma in I.T. as illegal, unlawful discriminatory, void ab initio, ultra vires and nullity in the eyes of law.*
- ii. *Direct the respondents to determine the seniority of the petitioner as per their date of appointment and date of birth.*
- iii. *Direct the respondents to promote the petitioner after applying round up formula as per FR-17.*
- iv. *Direct the respondents to promote the petitioner in light of fresh seniority list and after declaration of impugned notification dated 05.04.2018 to the extent of mentioning 2nd Division SSC and Notification dated 16.10.2019 to the extent of mentioning six months diploma in computer as null and void.*
- v. *Direct the respondents to give equal right of promotion to the petitioner for the posts of Junior Secretary Village/Neighborhood Council.*
- vi. *Direct the respondents to increase the promotion quota at par with the establishment department i.e. increase the promotion quota from 20% to 40%.*
- vii. *Any other relief, though not specifically asked for, deems appropriate may also be granted.*

3. Brief facts of the case as per contents of the writ

petitions are that petitioners were appointed as Naib Qasid in

the respondent department and are still serving as such. It is

alleged that respondent No.2 vide notification dated

03.12.2015 made certain changes in respect of filling up post

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ATTESTED
EXAMINER
Peshawar High Court

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of Village Secretary (BPS-07), vide which, the required qualification for the post in question is Intermediate with at least 06 months computer certificate, having no quota reserved for Class-IV employees. It is further alleged that respondents, vide impugned notification dated 05.04.2018, reserved 20 % quota for promotion from the post of Naib Qasid to the post of Junior Village Secretary having 2nd Division in Secondary School Certificate (SSC). Petitioners, feeling aggrieved from impugned notification dated 05.04.2018 & promotion order dated 13.06.2019, have filed the instant Constitutional Petitions.

4. Respondents submitted their comments, wherein they have raised several legal and factual objections. The primary objection which was also raised by the learned AAG at the bar relates to maintainability of the instant petitions on the touchstone of Article 212 of the Constitution as the subject matter relates to relief seeking promotion.

5. We have heard learned counsel for the petitioners as well as learned AAG on behalf of the respondents and have perused the documents available on the file.

ATTESTED
EXAMINER
Peshawar High Court

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6. Admittedly, the petitioners are civil servants and their grievances relate to the terms and conditions of service, so, the appropriate remedy for seeking their redressal would surely be the Services Tribunal, as there is a complete and absolute bar in considering any matter relating to the terms and conditions of service of a civil servant in a constitutional petition. The Apex Court has also laid down salutary principles for hearing relating to the 'terms and conditions' of service in constitutional jurisdiction under Article 199 being barred under Article 212 of the Constitution.

7. In view of the above, this and the connected writ petition are dismissed being not maintainable.

JUDGE

JUDGE

28012
 Date of Presentation of App. 27/2/21
 No of Pages 17
 Copying fee 68
 Total 0213702
 Date of Preparation of Copy 27/3/21
 Date of Delivery of Copy 27/3/21
 Received By [Signature]

Announced
24.02.2021

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EXAMINED
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Qanun-e-Shahadat Order, 1984

02 MAR 2021

(DB) Hon'ble Mr. Justice Ijaz Anwar & Hon'ble Mr. Justice Muhammad Nasir Mahfooz

Shahid Ali, CS

GOVT: OF KPK
Diary No <u>1420</u>
Date <u>17-3-20</u>
L.G.E & R.U.D.

Annex-1
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To

The Hon'ble Secretary,
Local Govt. & Rural Development Department,
Khyber Pakhtun Khwa, Peshawar.,

Subject: Departmental appeal against the impugned notification dated: 05-04-2018 vide which promotion rules have been amended.

{Through Proper Channel}

Respected Sir,

With profound respect, the appellant most humbly submits as under:

1. **Because** the impugned notification dated: 05-04-2018 are discriminatory, against law, facts, hence liable to be set-aside to the extent of having 2nd Division SSC.
2. **Because** the impugned notifications dated: 05-04-2018 are illegal, unlawful, void ab initio, ultra vires and beyond the authority of its maker, hence liable to set at naught.
3. **Because** it has been held by the Superior Courts of Pakistan in plethora of judgments that the Govt. can't make or amend any service rules which put negative impact upon the employees or which is hurdle in their performance and promotion. {2006 SCMR 243 copy attached}
4. **Because** the amendments are in utter disregard to the principles of the fairness, merit and transparency passed/issued the impugned notifications dated: 05-04-2018 wherein for promotion to the post of Junior Secretary condition of having atleast 2nd Division SSC was inserted, hence the impugned notification is against the law, illegal, unlawful and void ab initio and liable to be turned down.
5. **Because** the establishment department while amending their service rules for their own employees, gave them a caution period of 4 years and decided that the new rules shall not be applied to the existing matriculate employees for four years, but in case of appellant, no such caution has been given, hence the same is discriminatory. {Copy of notification dated: 18-07-2019 attached}
6. **Because** the establishment department while amending their service rules increased promotion quota from 33% to 40% but at the time of amending service rules for appellant's department, the establishment department intentionally decreased the same. Malafide is apparent.
7. **Because** in the establishment department rules, only F.A/F.Sc is the requirement for promotion to the post of Junior Clerk and no 2nd or 3rd division is required while at the time of framing rules for appellant's department, condition of 2nd class SSC was inserted which is again discrimination for the appellant.
8. **Because** in a similar nature case of Ismail Shah Vs Secretary Khyber Pakhtunkhwa Text Book Board (W.P No. 2554/2011 decided on 08-04-2013), the Hon'ble Peshawar High Court, Peshawar was pleased to directed the Board to

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amend their service rules just like the rules of Establishment and Administration Department in vogue, so when the establishment department is giving caution period to their existing employees then why the Local Govt. Department is reluctant to do so. Discrimination is apparent. {Copy of order dated: 08-04-2013 attached}

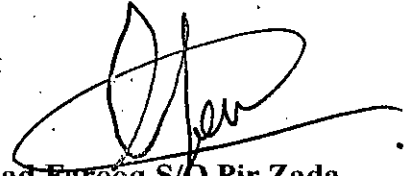
9. **Because** the appellant has been treated unfairly, discriminatory and the initiative of the department is based on malafide. Through the impugned service rules, 2018, class-IV employees of the department having 3rd Division has been denied promotion, which is unwarranted.
10. **Because** in a similar nature issue, the august Lahore High Court, Lahore had already turned down policy of inserting ineligibility of 3rd Divisioners in the rules.
11. **Because** the basic qualification for appointment to the post of Junior Secretary Village / Neighborhood Council is intermediate by initial recruitment and there is no such condition of 2nd or 3rd Division in SSC is required but in the case of promotion to the said post, condition of having 2nd Division SSC has been laid down, which is disadvantages to the class-IV employees with 3rd Division.
12. **Because** the recruitment/promotion criteria promulgated through the impugned notification is issued with ulterior motive just to accommodate the blue eyed, therefore, the same are illegal and such practice adversely affects efficiency of incumbents and also reduces the confidence and faith of the appellant and others, hence the impugned notification referred above is liable to be struck down on this score also.
13. **Because** the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned notifications detailed above is liable to be set at naught.
14. **Because** the present impugned notifications are illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence the same is untenable and liable to be struck down.
15. **Because** through the impugned notification, the departmental authorities have promoted certain Naib Qasid to the post of Junior Secretary who are junior in seniority to the appellant.
16. **Because** the departmental authorities erroneously exercised their powers against judicial principle, and have passed the impugned notifications and opened a new pandora box in clear violation of Service law, hence, the said impugned notifications are liable to be declared as illegal and unlawful and liable to be struck down.
17. **Because** the appellant has been denied promotion on the basis of having 44.92 % marks in SSC which according to the department, is 3rd Division, while as per law and reported judgment of Lahore High Court, after applying round up formula, the appellant's marks could be considered by the authority as 45%, but by not doing so, the departmental authorities committed gross illegality.
18. **Because** the appellant for the redressal of his grievances, approached the Hon'ble Peshawar High Court and the Hon'ble Court was pleased to direct the appellant to approach the departmental authority for challenging the impugned rules, hence the instant appeal.

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19. Because due to the impugned notifications, the seniority of the appellant has been disturbed, it is, therefore, respectfully prayed that while declaring the impugned notifications regarding amending service rules as ultra vires, the seniority of the appellant may kindly be restored and the appellant may kindly be given promotion in accordance with law.
20. The appellant craves for leave to raise additional grounds at the time of personal hearing.

Dated: 11-03-2021

Appellant



**Muhammad Farooq S/O Pir Zada,
Naib Qasid, Village/neighborhood
council, Topi West-II, District Swabi**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar, the 18th July, 2019

NOTIFICATION

No.SOE.IV(E&AD)/1-35/2014:-

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Establishment and Administration Department, in consultation with the Finance Department, is hereby directs that in this Department's Notification No.SOE.IV (E&AD)/1-35/2012 dated 6th December, 2012, the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX, for Serial No.4, the following shall be substituted, namely:

1.	2.	3.	4.	5.
4.	Junior Clerk.	(i) FA/ F.Sc with second division or equivalent qualification from a recognized Board; and (ii) a speed of thirty (30) words per minute in typing.	18 to 30 years.	(a) Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board; and (b) sixty per cent by initial recruitment. Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc. with reference to the dates of their acquiring the FA/ F.Sc qualification:

(Anno) - 14th

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1.	2.	3.	4.	5.
				<p>Provided that-</p> <ul style="list-style-type: none">(i) if two or more officials have acquired the FA/F.Sc qualification in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;(ii) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials: <p>Provided further that The condition of FA/F.Sc or its equivalent qualification from a recognized Board, as laid down at clause (a) shall not apply for a period of four years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts for promotion to the post of Junior Clerk (BS-11)."</p>

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst: No. SOE-IV(E&AD)/1-35/2014. dated 18th July, 2019

Copy forwarded for information and necessary action to: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Senior Member of Board of Revenue,
3. The Principal Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary, Khyber Pakhtunkhwa Public Service Commission.
7. Deputy Director (IT), Establishment & Administration Department with the request to upload on the official website.
8. PS to Chief Secretary Khyber Pakhtunkhwa.
9. PS to Secretary Establishment Department,
10. PS to Special Secretary (Estt), Establishment Department.
11. PS to Special Secretary (Reg), Establishment Department.
12. PA to Addl: Secretary (Estt/ Reg), Establishment Department.
13. PA to Addl: Secretary (HRD Wing) Establishment Department.
14. All the Deputy Secretaries in Establishment Department.
15. All Section Officers, Establishment Department, Khyber Pakhtunkhwa Peshawar.
16. The Manager Government Printing Press for publication in the Extra Ordinary Gazette with the request to provide 50 copies of Gazette.


(HAZRAT JAMAL)
SECTION OFFICER (E-IV)

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(Amend) "D" "N"
ANNEXURE "A"
BEFORE THE PESHAWAR HIGH COURT PESHAWAR

(55) #
In Ref; to W.P No. 2554 /2011.

Ismail Shah S/O Rahim Shah R/O Mohallah Sharif Abad, Shaheen Muslim Town Peshawar Presently working and Posted as Naib Qasid (BPS-2), Text Book Board Khyber Pakhtunkhwa Peshawar..... PETITIONER.

VERSUS

1. Secretary, Khyber Pakhtunkhwa Text Book Board, Phase-5 Hayat abad Peshawar.
2. Khyber Pakhtunkhwa Text Book Board through its Chairman, Phase-5 Hayat Abad Peshawar.
3. Controlling Authority, Khyber Pakhtunkhwa Text Book Board through the Chief Secretary, Civil Secretariat Peshawar.

.....RESPONDENTS.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP-TO DATE

PRAYERS IN WRIT PETITION.

On acceptance of this Writ Petition the respondents be directed to design and formulate the Service Promotion/Recruitment Policy on the bases of seniority cum fitness and to ensure the fixation of 33% quota for promotion/Recruitment as Junior Clerks from amongst in-service employees, Daftaries, Qasid, Nibe Qasid, including other equivalent posts in the Text Book Board KPK Peshawar, enabling the petitioner, being eligible and deserving candidate, to be promoted/recruited as Junior Clerk and to get equal treatment like other government employees working in Secretariat, Govt./semi Govt; departments or other autonomous bodies.

FILED IN
14 SEP 2011
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JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT
JUDICIAL DEPARTMENT.

Writ Petition No.2554.....of.....2011 ..

J U D G M E N T

Date of hearing: 02.04.2013 Date of Announcement 08.04.2013

Petitioner(s): Ismail Shah by Mz. Muhammad Usman Khan
Tuzlandi, Adv.

Respondent(s): Secy KPK Text Book Board etc. Ms. Fazlur
Rehman Khan, AAG & Mz. Abdul Hamid Khan, Adv.

MAZHAR ALAM KHAN MIANKHEL, J.-

By this single judgment, we propose to decide Writ Petitions No.2554 & 2568 of 2011, wherein, Ismail Shah and Fazal Amin, petitioners in both the petitions, have challenged the vires of the Service Promotion / Recruitment Rules / Policy of the Text Book Board, Peshawar. They have also asked for the issuance of an appropriate writ directing the respondents to amend / redesign the rules / policy of the Text Book Board on the basis of seniority-cum-fitness by ensuring fixation of 33% quota for promotion / recruitment as Junior Clerks from amongst in-service employees with the further prayer that they be treated at par with the other employees, working in Civil Secretariat / Semi-Government Departments or other Autonomous / Semi-Autonomous Bodies.

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2. The learned counsel appearing on behalf of the petitioners contended that when the petitioners were not only eligible, qualified and experienced ones but also fit for promotion to the posts of Junior Clerks, then how the respondents by ignoring them for promotion or recruitment there-against, could advertise the aforesaid posts in the daily newspapers, that too, when in the other government departments / autonomous or semi autonomous bodies, a proper criteria for promotion and recruitment has been laid down and they, in its letter and spirit, follow the same. The learned counsel next contended that the respondents by not following the aforesaid criteria / rules of the government, not only deprived the petitioners from their due rights of promotion but also violated the Constitution of Islamic Republic of Pakistan, 1973.

3. As against that, the learned counsel appearing on behalf of the respondents argued that since the Text Book Board is a statutory body, having its own rules / regulations, duly approved by the Government, there is no need to follow the rules of the other sister organizations / departments. The learned counsel further argued that if the petitioners are highly qualified and also experienced persons, they were required to follow the law by applying for the aforesaid posts, already advertised, and compete there-against without taking any shelter under the umbrella of other organizations' rules, which

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are not applicable to the Text Book Board because, as per regulation / rules / law in vogue, the posts of junior clerks are to be filled-in by initial recruitment and not by any other means, therefore, this petition is not only based on concealment of facts but also filed with the intention to disgrace the repute of the organization, from where, the petitioners are earning their livelihoods, liable to be dismissed with heavy costs.

4. We have gone through the record carefully and considered the submissions made by the learned counsel for both the parties.

5. The perusal of the available record would reveal that the petitioners being employees of Text Book Board, Peshawar have asked for promotion to the next higher grade but the existing rules of the Board are stumbling block in their way to get the relief, asked for. The services of the employees of the Board are regulated by the North West Frontier Province (Now Khyber Pakhtunkhwa) Text Book Employees Regulations, 1972. The method of recruitment for the posts of Junior Clerks given in the appendix, attached to the Regulations, 1972 would reveal that the posts of Junior Clerks would be recruited through initial appointment and not by way of promotion. The word 'promotion' is not alien to the service laws through out the world. Its object is betterment of the existing employees and an incentive for hard work. It is

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defined in O & M Establishment Manual as the advancement of an official from a lower to higher post or grade against a vacancy, specifically reserved for such advancement under the relevant recruitment rules. But the promotion, as under the established law, can't be claimed as of right and the recognized criteria for the same is nothing less than seniority-cum,-fitness. If an employee of a department / organization being senior and fit person can only be considered for promotion. But the Rules of an employer if block the way of competent and eligible employees from promotion, then it would create disappointment and also would be a sort of discrimination that if a similarly placed person is inducted from outside by way of initial recruitment and the available and eligible experienced person is ignored, that too, on the basis of Rules / Regulations, then such Rules / Regulations can't be said to be in accordance with law and the Constitution. This will create heartburning of the existing employees and will destroy their eagerness to do more and will also affect their competency. Rules and Regulations are always made for advancement and betterment of employees or a group of persons to regulate their matter and not deprive them discriminatively.

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6. It is not disputed before us that the Text Book Board was the need of employees / workers, that's-why, its competent authority made advertisement in the daily

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newspapers for the subject posts including Steno typist. When so, why the Text Book Board authorities are not ready and reluctant to consider their own employees in this regard, that too, when they, apparently, are highly qualified, eligible and also having experience in the department, so, we, think that there should be something for them to keep them working with zeal and zest and preference may be given to them. But, since there is no provision in the existing rules / regulation to fill-up the posts from amongst the serving employees, we think, that it is unfair and unjust for the employees of any government / organization to be ignored from their due right of promotion, simply on the ground, that no provision is there in the existing rules. Rules can be amended for betterment of the employees.

7. Be all that as it may, once the other government organizations / departments make appointments by fixing a quota for promotion of their employees and remaining by way of initial recruitment then, there is no legal bar on the amendment of the existing rules of the Text Book Board, which, on the face of it, are discriminatory in nature. In this view of the matter, we, without dilating upon the merits of the case, direct the respondents to amend the relevant / existing rules qua promotion / recruitments / appointment of the Text Book Board just like rules in vogue of the Establishment and Administration Department and other autonomous and semi-

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autonomous bodies in order to eliminate the anomaly, highlighted above. These writ petitions are disposed of in the above terms.

Announced.
08. 04. 2013

JUDGE

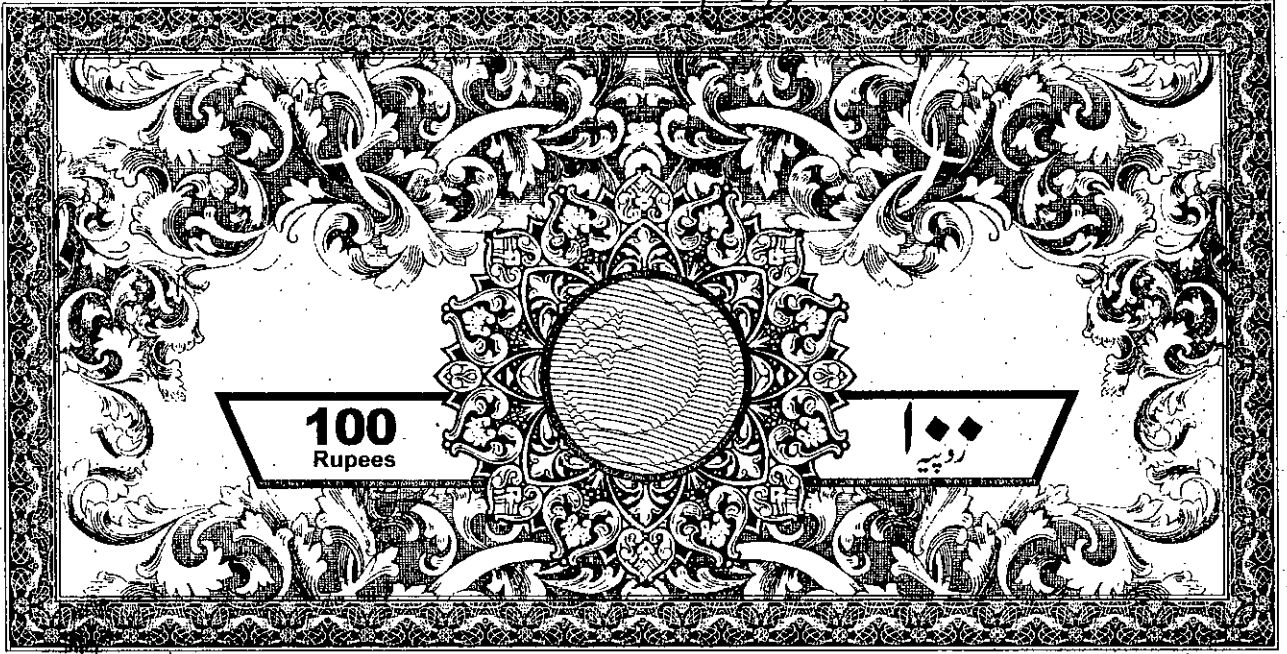
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OFFICE [Signature]

[Signature]

(Fayaz)



بعدالت جناب سروسز ٹریونل خیبر پختونخوا پشاور

﴿ مختار نامہ خاص بابت پیروی مقدمہ ﴾

محمد فاروق **بنام** حکومت خیبر پختونخوا وغیرہ

منکہ مسی محمد فاروق ولد پیر زادہ ساکن محلہ حاجی آباد خراڑ ٹی ٹوپی ضلع صوابی اختیار دہندہ بذریعہ تحریر ہذا

مقرر ہوں کہ بعنوان بالا مقدمہ میں من مقرر اختیار دہندہ کی حیثیت سائل کی ہے چونکہ بعض دیگر ناگزیر

وجوہات کی بناء من مقرر مقدمہ ہذا کی پیروی سے قاصر ہوں اس لئے بدیں وقت مسی افتخار احمد ولد ہمایوں

خان ساکن گڑھی خدر خان خیل، مینٹی ڈاکخانہ خاص تحصیل ضلع صوابی کو اپنی جانب سے مختار خاص مقرر

کر کے اختیار دیتا ہوں کہ مختیار موصوف من اختیار دہندہ مذکورہ کی جانب سے میری غیر موجودگی میں مقدمہ

بعنوان بالا میں جملہ کارروائی بذات خود وہ دستخط خود سر انجام دیوئے درخواست گزارے، نقولات مقدمہ

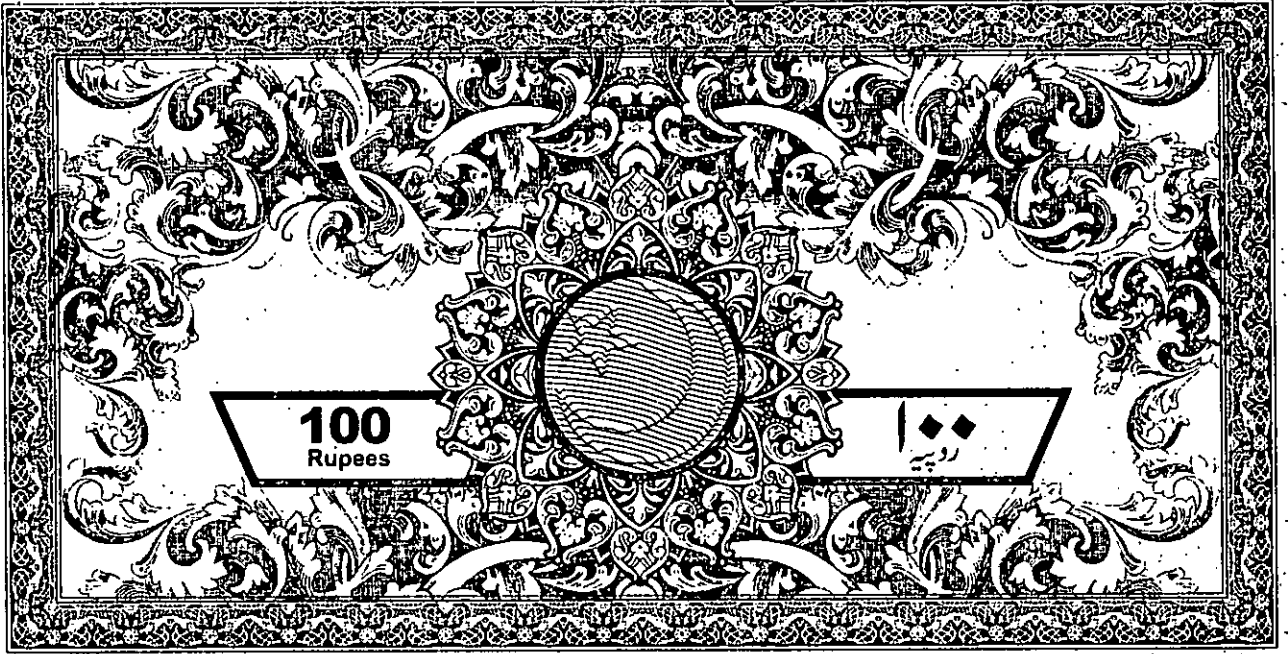
حاصل کرے، تائید و تردید و تصدیق کرے، جواب دعویٰ و اقبال دعویٰ وغیرہ پیش کرے، بیان دیوئے مقدمہ

میں وکیل مقرر کرے، گواہان اور ثبوت پیش کرے بصورت فیصلہ اپیل، ڈگری، درخواست اجراء دائر کرے،

بصورت اخراج مقدمہ، اپیل، نگرانی کرے، اجراء جمع کرے، ہم مقرر ان کی طرف سے وکالت نامہ پر

دستخط / انگوٹھا ثبت کرے، راضی نامہ کرے یا دیگر متفرق قسم کی پیشکش بالا عدالت عالیہ تا عدالت عظمیٰ، سپریم

کورٹ میں دائر کرے، الغرض موصوف مقدمہ کی جملہ کارروائی میں منفرد یا مشترکاً حصہ لے جو کہ من مقرر کو



قبول اور منظور ہوگا' مختیار نامہ لکھدیا کہ سندر ہے۔

المرقوم: 05/07/2021

لہذا مختیار نامہ رو بروئے گواہان حاشیہ سندر تحریر شد

اختیار گریندہ:

اختیار دھندہ:

العبد

افتخار احمد

شناختی کارڈ نمبر 9-16202-0935357

العبد

محمد فاروق

شناختی کارڈ نمبر 5-16202-0932424

گواہ شہد

2-عبدالرحمان ولد عبدالرازق

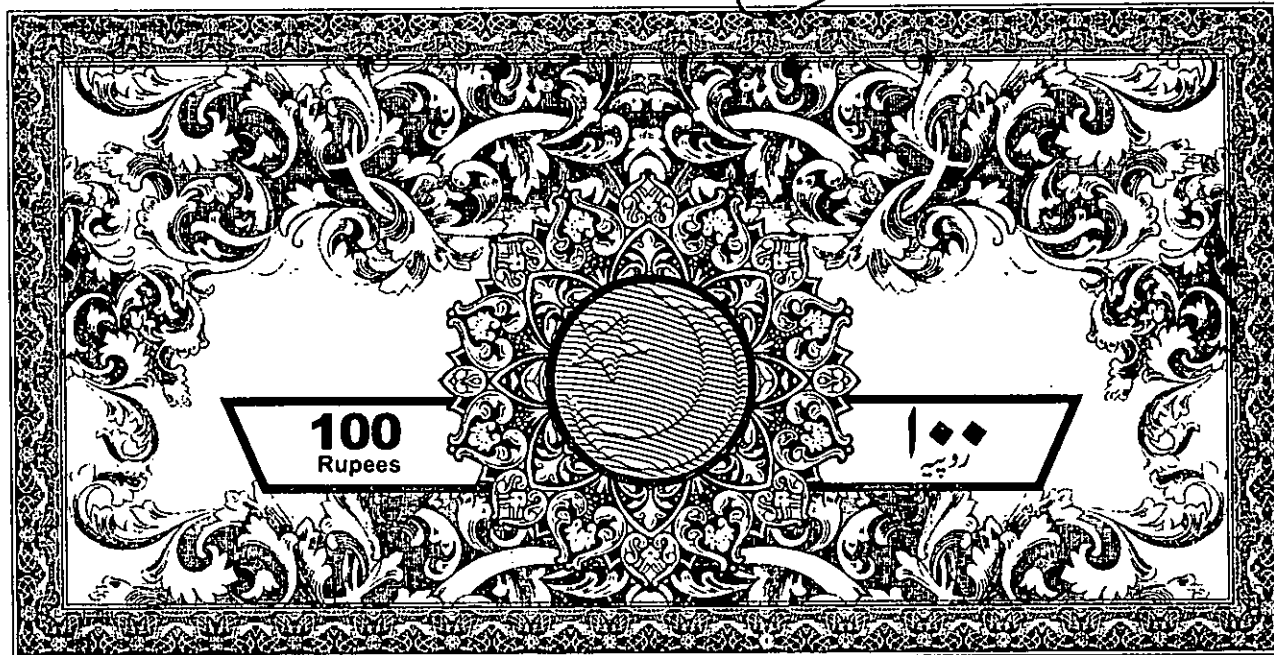
شناختی کارڈ نمبر 7-17301-9193252

گواہ شہد

1-فرح زیب ولد جمالیون خان

شناختی کارڈ نمبر 5-16202-7083570

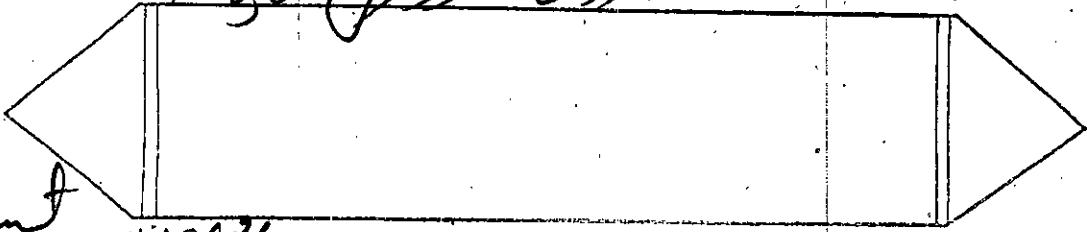




Handwritten signature and initials in Urdu script, including the word 'Waseem' and the initials 'V.P.'.

(64)

بعد االت سروں سب سے



Appellant

2024ء پنجاب

شہداء و قریب نام حکومت و عدالت

موزخہ	-----
مقدمہ	-----
دعویٰ	-----
ایم	-----

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کا ہودائی متعلقہ
 آئن مقام کیس عد کیلئے اسد زب خان اسد فریدی اسفزی ۲۰۲۱ء
 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 نمبر... نے و تقرر ثالت ہ فیصلہ بر حلف دیئے جہاں دہی اور اقبال دعویٰ اور
 باصورت ڈگری کرنے اجراء اور صولی چیک، دروپیہ ار عرضی دہنی اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یا بظرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نمائی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 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 بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پر داخنتہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
 مذکور کریں۔ لہذا اوکالت نامہ لکھد یا کہ سندر ہے۔

المزوم 19
 2024ء
 ماہ جولائی

Alleshaq
 Asad Zeb Khan
 Adv. Cate

مقام کیس عد

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

SERVICE APPEAL No. 7037/2021.

Muhammad Farooq S/O Pir Zada, Naib Qasid, Village/ Neighborhood Council, Topi West-II,
District Swabi..... (Appellant)

VERSUS

1. The Secretary
Govt of Khyber Pakhtunkhwa
Local Govt: Election & Rural Development Department
Civil Secretariat Peshawar.
2. The Secretary Finance,
Govt of Khyber Pakhtunkhwa
Peshawar.
3. The Director General,
Local Govt: & Rural Development Department
Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Director,
Local Govt. & Rural Development Department District Swabi.

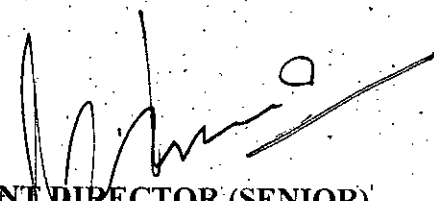
..... (Respondents)

INDEX

S.No.	Description of documents	Annexure	Page No.
1	Joint Para wise Comments and affidavit	-	1-6
2	Copy of the Notification dated 16-10-2019	Annexure-A	7-8

Respondents

Through


ASSISTANT DIRECTOR (SENIOR)
Local Government & Rural Development
Department Swabi

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

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Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Director,
Local Govt. & Rural Development Department District Swabi.

..... (Respondents)

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 4

Respectfully Sheweth:

Preliminary Objection:

- (i) That appellant has not come to this Hon'ble Tribunal with clean hands.
- (ii) That appellant has estopped to file such like appeal against the respondents due to his own conduct;
- (iii) That appellant has concealed the material facts from this Hon'ble Tribunal.
- (iv) That appeal of the appellant is not maintainable in its present form.
- (v) That no vested right of the appellant has been infringed, thus no right or remedy is available to the appellant.
- (vi) That the appeal is barred by law and limitation.

ON FACTS

1. The Para pertains to the appellant's record.
2. Pertains to record.
3. Correct to the extent that the appellant is performing his duties upto the satisfactory level as Naib Qasid.
4. Incorrect. The service rules are framed in consultation and on recommendations of Establishment and Law department.
5. Correct to the extent that no promotion quota is reserved for class-IV employees to the post of Junior Village Secretary (BPS-07). However, through service rules amendment vide notification dated 16-10-2019 wherein 20% promotion quota has been reserved 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 and six months Diploma in IT from a recognized Board/ Institute with three (03) year service as such. **(Copy of the Service Rules is at Annexure-A).**
6. The vacant posts of Village Secretaries have been filled strictly in accordance with the method of recruitment / Service Rules notified and published in the Government Gazette.
7. Correct to the extent that 20% quota has been reserved on the basis of seniority-cum-fitness amongst the Naib Qasids and Chowkidars in the Village/Neighborhood Councils with the seniority at Tehsil Level subject to the condition having Secondary School Certificate in 2nd Division from the recognized Board or Institution with 3-year service against the post of Naib Qasids and Chowkidars for the promotion to the post of Junior Village Secretary. However, rules are made in the interest of public and could not be tailored in the interest of an individual. Furthermore, the post of Junior Village Secretary requires a well-qualified individual having sound academic qualification.
8. Correct to the extent that the appellant submitted his application on tentative seniority list for correction of his seniority. The final seniority list was prepared strictly as per merit, rules / regulation and issued after necessary corrections.
9. Incorrect. As admitted by the appellant himself in para-8 of the facts that final seniority list was issued after making necessary corrections. Furthermore, it is pertinent to mention that the promotion was purely made on the final seniority list issued vide No. 139 AD (LG-SB)/DPC Dated 11-2-2019. Furthermore, those Naib Qasids who fulfilled the prescribed criteria mentioned in the rules were considered by the departmental promotion committee (DPC) for promotion to the post of junior village secretary lying vacant under 20%

promotion quota. The appellant did not fulfill the basic criteria of the service rules hence was not considered by the competent forum.

10. Pertains to record.

11. The amended writ petition of the appellant was dismissed by the august Peshawar High Court, Peshawar vide order/ Judgement 24-02-2021. Furthermore, the notification dated 16-10-2019 is still operative and not withdrawn by any authority.

12. Pertains to record.

ON GROUNDS

A. Incorrect. The impugned notification has been issued by the competent authority duly approved and vetted by Establishment department and Law department strictly in the best interest of public. Furthermore, increasing of promotion quota is sole discretion of the provincial government keeping in view, unemployment and quality of service delivery.

B. Incorrect, the impugned notification is legal, lawful and has been issued after the fulfillment of all legal requirements and in the best interest of public by the competent authority.

C. Not applicable on appellant.

D. The impugned notification has been issued by the competent authority duly approved and vetted by Establishment department and Law department and is strictly in accordance with the law and is in the public interest.

E. The Posts of Junior Clerk and Junior Village Secretary are of different nature as the post of Junior Village Secretary at the gross root level of governance and administration being an administrative post requires a well-qualified individual having sound academic qualification.

F. As replied above in para A & E.

G. The Para pertains to the record of the honorable Lahore High Court.

H. Incorrect. The service rules are framed in consultation and dully vetted by Establishment and Law department in the best interest of public keeping in view, unemployment and quality of service delivery.

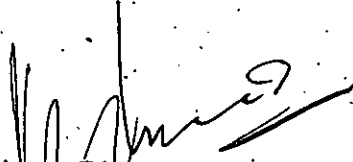
I. Incorrect. The Secondary School Certificate with Grade D was awarded to the petitioner having 44.92% marks cannot be round up by this department as the SSC certificate has been issued by board of Intermediate and Secondary Education Mardan (BISE) being the competent authority for the same.

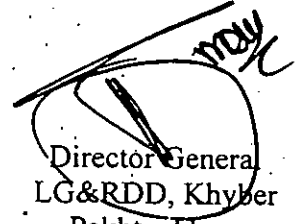
J. As replied in para H.


- K. Incorrect the petitioner has been treated according to the rules and no discrimination/ malafide has been made in this case the respondents acted strictly in accordance with the rules/law regarding service of appellant.
- L. As replied in para E above.
- M. Incorrect. All promotions of Naib Qasids to the post of Junior Village Secretaries have been made as per the amended service rules notified vide Notification dated 05-04-2018 which is re-produced as under:
"20% by promotion, on the basis of Seniority-cum-fitness, from amongst the Naib Qasid and Chowkidars in the Village/Neighborhood Councils with the seniority at Tehsil Level subject to the condition having Secondary School Certificate in 2nd Division from the recognized Board or Institution with 3-year service as such; and". Hence the promotions of Naib Qasids are made on the basis of above Service Rules by the competent forum in the offices of Assistant Directors, LG&RDD which are applicable in the LG&RDD in the whole Province without discrimination and strictly on merit.
- N. Incorrect. The promotion was purely made on the final seniority list issued vide No. 139 AD (LG-SB)/DPC, dated 11-02-2019. Furthermore, those Naib Qasids who fulfilled the prescribed criteria mentioned in the rules were considered by the departmental promotion committee (DPC) for promotion to the post of junior village secretary lying vacant under 20% promotion quota. The appellant who did not fulfill the basic criteria of the service rules hence was not considered by the competent forum. The appellant being under qualified for the said post was not considered and therefore no infringement of fundamental right of the appellant has been caused.
- O. Incorrect. The impugned notification is legal, lawful and has been issued after the fulfillment of all legal requirements and in the best interest of public.
- P. Incorrect. As admitted by the appellant himself in para-8 of the facts that final seniority list was issued after making necessary corrections. Furthermore, it is pertinent to mention that the promotion is purely made on the final seniority list issued vide No. 139 AD (LG-SB)/DPC Dated 11-2-2019. Furthermore, those Naib Qasids who fulfilled the prescribed criteria mentioned in the rules were considered by the departmental promotion committee (DPC) for promotion to the post of junior village secretary lying vacant under 20% promotion quota. The appellant who did not fulfill the basic criteria of the service rules hence was not considered by the competent forum.
- Q. The impugned notification has been issued by the competent authority duly approved and vetted by Establishment department and law department Strictly in the best interest of public.

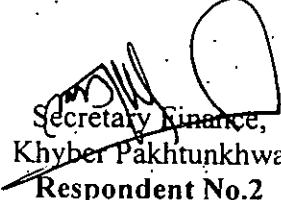
R. If produced by the appellant will be replied at the time of arguments.

The above in view, it is requested that this Hon'ble High Tribunal may graciously dismiss the instant petition with cost.


Assistant Director
LG&RDD, Swabi
Respondent No.4


Director General
LG&RDD, Khyber
Pakhtunkhwa
Respondent No.3


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


Secretary Finance,
Khyber Pakhtunkhwa
Respondent No.2

4.11.22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
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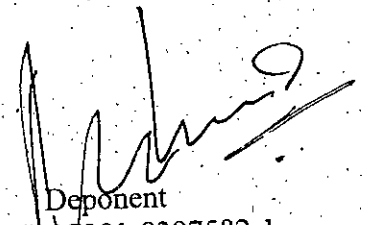
VERSUS

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Local Govt: Election & Rural Development Department
Civil Secretariat Peshawar.
2. The Secretary Finance,
Govt of Khyber Pakhtunkhwa
Peshawar.
3. The Director General,
Local Govt: & Rural Development Department
Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Director,
Local Govt. & Rural Development Department District Swabi.

..... (Respondents)

AFFIDAVIT

I, Ali Asmat, Assistant Director (Senior), office of Assistant Director Local Government & Rural Development, Swabi do hereby solemnly affirm and declare on oath that Para wise Comments in **SERVICE APPEAL No. 7037/2021 Vs Government of Khyber Pakhtunkhwa and others** are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.



Deponent
CNIC # 17301-8397582-1
Cell # 0308-0888818

Identified By

**Advocate General
Khyber Pakhtunkhwa**



Development Department

NOTIFICATION

Dated Peshawar, the 16th October, 2019

No. SO(ELG/2-188/SSRC/2019.-

In exercise of the powers conferred by sub-rule (2) of 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.-

- a) Against Serial No. 2; in column No. 6, for the existing entries, the following shall be substituted, namely:
- "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service.";
 - Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and
 - Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such.";

Note: For purpose of promotion to the post of Assistant Director against ten per cent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistants.";

- b) against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely:

- "Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and
- Fifty (50) per cent by initial recruitment.";

- c) against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted, namely:

- "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
- Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and
- Seventy per cent by initial recruitment.";

Assistant Director Senior
Local Government & Rural Development Deptt
Swabi

circulate among field officers

18/10

Signature

17/10/2019

- e) against Serial No. 15A, in column No.6, for the word, figure and brackets "ten (10)", the word, figure and brackets "five (05)" shall be substituted; and
- f) against Serial No. 16, in column No.6 for the existing entry, the following shall be substituted, namely:
- i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village Council / Neighborhood Council with seniority at Tehsil level, having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such; and
 - ii) Eighty (80) per cent by initial recruitment;

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 Council / Neighborhood Council then the candidate from adjacent Village Council / Neighborhood Council;

Provided further that in case of non-availability of candidate from adjacent Village Council / Neighborhood Council then from any other Village Council / Neighborhood Council in that Tehsil.

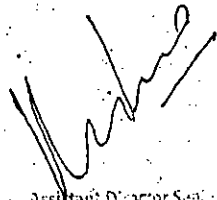
**SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG,E&RD DEPARTMENT**

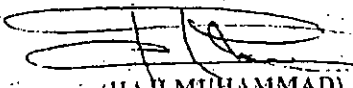
No. SO(E)LG/2-188/SSRC/2019.-

Dated Peshawar, the 16th October, 2019

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, 100 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.


Assistant Director Senior
Local Government & Rural Development
Swabi


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