

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

APPEAL .NO.1812 OF 2022

Zia Ur Rehman, Sub-Engineer (BPS-16)

.....**APPELLANT.**

VERSUS

1. Secretary to Govt KP, Local Government Elections & Rural Development Department.
2. The Standing Rules Committee (SSRC) through its Chairman / Secretary Establishment.
Civil Secretariat KP, Peshawar.
3. Director General Local Government & Rural Development Department, Khyber
Pakhtunkhwa.

.....**RESPONDENTS.**

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Respondents

Through



Azaz-ul Hasssan
Assistant Director (Litigation),
LG&RDD

Place of Hearing

Peshawar.

Neat-19-07-23

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6174

Dated 23-06-23

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JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 & 3

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. The appellant has got no cause of action / locus standi to file the instant Service Appeal.
2. The appellant is estopped by his own conduct to file the instant Service Appeal.
3. That this Honourable tribunal has got no jurisdiction to entertain the present appeal.
4. The appeal is barred by law and limitation.
5. The appeal is not maintainable.

ON FACTS:

1. Correct, the appellant was appointed on contract basis in erst while FATA under a PC-I
in order to strengthen ^{the} then Directorate of LGRD in FATA Secretariat.

2. Incorrect, amendment in rules is suggested / made, keeping in view the needs of the hours and larger interest of all stakeholders. The act is done not only to remove lacunas from the existing rules, but also to improve service delivery through promotion of skilled and experienced personnel to senior positions.
3. As admitted in the para, the impugned amendment was made in 2019, whereas the appellant alongwith his other colleagues were regularized in 2022. As evident from the chronology, the respondents' act of amendment in the service rules was not against appellant, any individual whatsoever as alleged in the appeal. (copy of regularization order attached as **Annexure-A**)
4. As mentioned above, the amendment was incorporated in 2019 after fulfilling all required formalities, whereas the appeal was submitted in 2022, which was not only time barred, but also not maintainable on technical grounds, hence not entertained.


ON GROUNDS:


- A. Explained above.
- B. Denied, the amendment was incorporated after observing all codal formalities including consultation at all level.
- C. Denied, at the time of appointment of appellant, he was not governed by any service rules, the episode starts from his regularization i.e. 2022.
- D. Pertains to record.
- E. Pertains to record.
- F. Correct, they were covered under the rules.
- G. Incorrect. That the respondent acts under law/rules.
- H. Incorrect.
- I. That the respondents aslo seek permission to raise further points at the time of arguments.

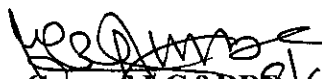
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PRAYER :

It is therefore requested that on acceptance of the instant Parawise Comments the appeal of the appellant may kindly be dismissed.


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


Secretary (Establishment)
Khyber Pakhtunkhwa
(Respondent No.2)


Director General LG&RDD
Khyber Pakhtunkhwa
(Respondent No.3) 8/6/23

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AFFIDAVIT

I, **Mr. Azaz-ul-Hassan** Assistant Director (Litigation) in Directorate General Local Government & Rural Development, Peshawar solemnly affirm and declare on oath that Joint Para wise reply in **Appeal No.1812 of 2022 Zia Ur Rehman versus Government of Khyber Pakhtunkhwa** are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Tribunal. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.

Deponent
CNIC #. 17301-2416976-9
Cell #. 0336-9170959

Identified By

**Advocate General
Khyber Pakhtunkhwa**





GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT

Dated the Peshawar 12th April, 2022

NOTIFICATION

No.SO (E) /LG/2-356/Merged Area/ 2020. In pursuance of Section-3 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021, and recommendations of the Scrutiny Committee constituted vide Local Government, Elections and Rural Development Department notification of even number dated 16.02.2022, following employees of the project namely "Strengthening of Local Govt. Directorate FATA" are hereby regularized with effect from 13th January, 2022 i.e. the date of commencement of the Act ibid in the Directorate General, Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar :-

S.No	Name & Designation	Date of Birth	Date of Contract appointment
1	Mr. Sohail Amir Khan, Deputy Director (BS-18)	20.10.1969	07.01.2011
2	Mr. Shahzad Hadi, Assistant Director (Tech) (BS-17)	07.05.1979	07.01.2011
3	Mr. Khurram Rehman, Office Assistant (BS-16)	04.01.1982	11.03.2011
4	Mr. Zia ur Rahman, Sub Engineer (BS-16)	12.03.1985	07.01.2011
5	Mr. Kifayat Ullah, Sub Engineer (BS-16)	15.01.1985	29.01.2011
6	Mr. Qamar ul Hassan, Computer Operator (BS-16)	12.03.1984	18.06.2012
7	Mr. Asad Khan, Junior Clerk (BS-11)	15.09.1989	11.03.2011
8	Mr. Asif Ali Shah, Photostat Operator (BS-4)	15.03.1978	22.09.2010
9	Mr. Rafi Ullah, Driver (BS-7)	09.04.1987	29.09.2010
10	Mr. Habib Rasool, Driver (BS-7)	15.03.1967	22.09.2010
11	Mr. Fawad Ullah Shah, Naib Qasid (BS-04)	02.04.1992	28.02.2011
12	Mr. Zia Ul Haq, Naib Qasid (BS-04)	04.04.1991	29.01.2019

2. Regularization of these employee shall be subject to the following conditions:-

- The service promotion quota of all service cadres shall not be affected.
- The services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.
- Upon their adjustment, a case for police verification and document verification as provided in the Act will also be initiated by LG,E&RDD and DG, LG&RDD respectively.
- In case educational documents are found fake at any stage, the adjustment/regularization order shall stand rescinded and legal action shall follow.
- Their seniority shall be determined in accordance with Section-5 of the Act ibid.
- All Other terms and conditions, mentioned in the Act ibid shall also apply.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT
DEPARTMENT

Attested

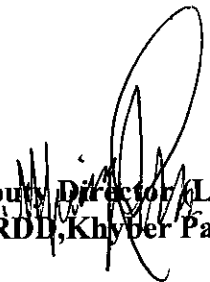


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**DIRECTORATE GENERAL
LOCAL GOVERNMENT AND RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

AUTHORITY LETTER

Mr. Azaz-Ul-Hassan, Assistant Director Litigation (BPS-17) in Directorate General Local Government & Rural Development Department, Khyber Pakhtunkhwa is hereby authorized to submit the Joint Parawise Comment in **Appeal No. 1812/2022 Zia Ur Rehman vs Govt of khyber Paktunkhawa etc** on behalf of respondent No.1,2 & 3.


Deputy Director (Litigation)
LG&RDD, Khyber Pakhtunkhwa

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