

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

MISC APPLICATION NO.47/2023 IN SERVICE APPEAL NO. 1502/2022

2022

12-7-2023

Naqib Ullah.....APPELLANT.

VERSUS

1. Director General Local Government & Rural Development Department, Peshawar
2. Secretary Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar
3. Assistant Director Local Government & Rural Development Department, Lakki-Marwat.
4. Allah Noor s/o Ghulam Sarwar Secretary VC Ahmad Khel, Lakki-Marwat.

.....RESPONDENTS.

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5 - Meeting letter for hearing -
6 - order of hearing
7 - Seniority list

Respondents

5
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Through


Assistant Director LG&RDD,
Lakki-Marwat

Next date 1/08/23

Peshawar

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

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Khyber Pakhtunkhwa
Service Tribunal

Case No. 6416
Dated 12/7/2023

.....RESPONDENTS.

**REPLY TO THE APPLICATION FOR INTERIM RELIEF ON BEHALF OF OFFICIAL
RESPONDENTS**

Respectfully Sheweth,

Preliminary Objections:

- i. The applicant has no locus standi and cause of action.
- ii. The applicant has not come to the Service Tribunal with clean hands.
- iii. The applicant has submitted incorrect & irrelevant documents and concealed the facts & truth from the Honorable Service Tribunal.

ON FACTS:


1. Pertains to record, hence no comments.
2. The respondents prepared the seniority list according to prescribed mechanism and in light of ESTA CODE / absorption policy etc. While compiling seniority list of the Village Secretaries those officials, who were adjusted against lower grade than their original grade were kept at the top of seniority list. The appellant filed appeal against the seniority list to respondent No.1, who after proper hearing in light of above referred rules / policies examined its contents and rightly rejected the appeal of appellant and issued final seniority list for further necessary action i.e. promotion etc. it is pertinent to mention


that the instant appeal is filed much later than completion of the seniority process and occurrence of subsequent events.

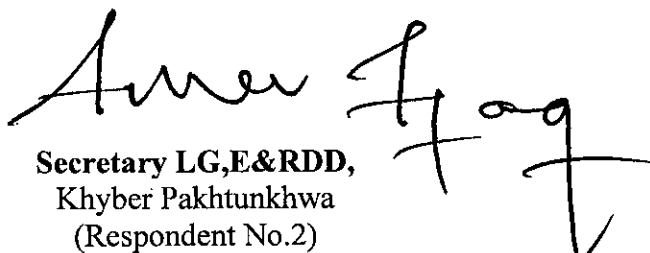
3. Incorrect, there is no such promotion in the pipeline.
4. Incorrect, hence denied. Balance of convenience lies in favour of official respondents in case of denial of interim relief, applicant will not suffer irreparable loss. Moreover, he has no prima facie case in his favour,
5. That stance taken in parawise comments/reply may kindly be considered as integral part of their reply.

PRAYER :

It is therefore requested that on acceptance of the instant Parawise Comments/reply, the application may kindly be dismissed.


Assistant Director
LG&RDD, Lakki-Marwat
(Respondent No.3)


Director General LG&RDD
Khyber Pakhtunkhwa
(Respondent No.1)


Secretary LG,E&RDD,
Khyber Pakhtunkhwa
(Respondent No.2)

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

2022
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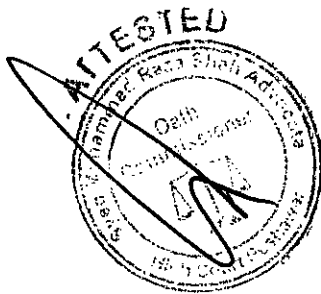
AFFIDAVIT

I, M. Shohab Yous Khan Assistant Director Local Government & Rural Development, Lakki-Marwat solemnly affirm and declare on oath that Joint Para wise reply in Application No.47/2023 in Appeal No.1502 of 2022 Zia Naqib Ullah versus Government of Khyber Pakhtunkhwa are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.

Deponent
CNIC #. 12101-0975454-1
Cell #. 0310 579 0028

Identified By

Advocate General
Khyber Pakhtunkhwa



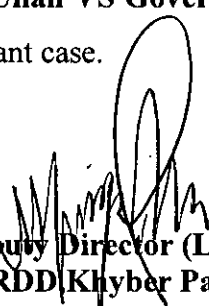
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.



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

AUTHORITY LETTER

Muhammad Shaheryar Khan, Assistant Director Local Government & Rural Development Department, Lakki Marwat is hereby authorized to submit Joint Parawise Comments in case titled **Misc. Application No. 47/2023 in S.A. No. 1502/2022 Naqib Ullah VS Government of Khyber Pakhtunkhwa Etc** on behalf of respondent No. 1 to 3 in the instant case.


Deputy Director (Litigation)
LG&RDD Khyber Pakhtunkhwa

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



To

5
35
20-9-22
DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

No. Director (LG) 3-21/Meeting/2022-23


Dated Peshawar, the 20th September, 2022 / 930-31

1. Assistant Director ,
LG & RDD Lakki Marwat.
2. Mr. Allah Noor,
Senior Village Secretary,
O/O Assistant Director LG&RDD Lakki Marwat.
3. Mr. Naqib Ullah,
Senior Village Secretary,
O/O Assistant Director LG & RDD, Lakki Marwat.

Subject: MEETING

I am directed to refer to the subject cited above and to state that a meeting is scheduled to be held on 22nd September, 2022 at 1400 HOURS in the O/O Director General in Directorate General LG & RDD, Peshawar regarding issues in respect of Seniority List of Senior Village Secretary.

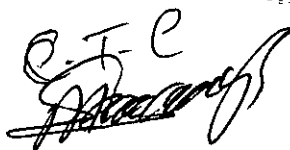
In light of the above you are hereby requested to make it convenient to attend the meeting alongwith all the relevant record on the above mentioned date, time & venue, please.


(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

Copy forwarded to:

1. Director (Admin/HR) in Directorate General LG&RDD, Khyber Pakhtunkhwa.
2. Director (Operations & Policy) in Directorate General LG & RDD, Khyber Pakhtunkhwa.
3. Deputy Director (Admin/HR) in Directorate General LG & RDD, Khyber Pakhtunkhwa.
4. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.


(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD



4 (6) 4-10-22
DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

Dated Peshawar, the 4th October, 2022

ORDER

No. Director (LG) 3-1/Establishment/2022 /1675-81
The Director General LG&RDD being Appellate Authority heard the appeal on 22.09.2022 at 2:00 pm in his office in which the appellant Mr. Allah Noor and the defendant Mr. Naqib Ullah Village Council Secretaries were personally present.

2. After examination of the record, personal hearing of the appellant Mr. Allah Noor and defendant Mr. Naqib Ullah Village Council Secretaries, District Lakki Marwat, it was found that the appellant was adjusted against a post lower than his original scale.

3. Para 6(d) of the Surplus Pool Policy, states that: "In case of adjustment against a post lower than his original scale, he shall be placed at the top of the seniority list of that cadre, so as to save him from rendering surplus again & becoming junior to his juniors"

4. In light of the above, the appeal of the appellant Mr. Allah Noor, Village Council Secretary Lakki Marwat is accepted and Assistant Director LG&RDD Lakki Marwat shall issue the seniority list of Village/Neighborhood Council Secretaries, afresh accordingly.

-sd/-

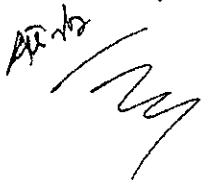
DIRECTOR GENERAL
LG & RDD

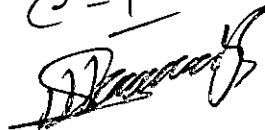
Endst. Of even No. & Date.

Copy of the above is forwarded to the:

1. All Directors in Directorate General LG&RDD Khyber Pakhtunkhwa, Peshawar.
2. Assistant Director LG&RDD, Lakki Marwat.
3. PA to Director General LG&RDD, Khyber Pakhtunkhwa.
4. Officials concerned.
5. Office file.


DEPUTY DIRECTOR (ADMIN/HR)
LG&RDD


C-T-C



(7)

21-10-2022

FINAL SENIORITY LIST OF SENIOR SECRETARIES VILLAGE & NEIGHBORHOOD COUNCILS IN DISTRICT LAKKI MARWAT STOOD ON 21-10-2022

S.#	Name of Senior Secretary	Fathers Name	D.O.Birth	D.O. Appointment	D.O. Adjustment	Parent Deptt:	Edu:	Remarks
1	Allah Noor Khan	Ghulam Sarwar	03.08.1967	21.10.1992	03.02.2002	R&E	B.A	Ex-
2	Khalid Hayat Khan	M. Hayat Khan	15.01.1965	30.04.1988	-	LGRDD	M.A	-d0-
3	Naqibullah Khan	Abdur Rahim Khan	16.06.1968	30.04.1988	-	LGRDD	B.A	-d0-
4	Janul Khan	Salim Khan	18.01.1969	30.04.1988	-	LGRDD	B.A	-d0-
5	M. Yousof Khan	Tehsil Khan	04.01.1966	19.07.1990	-	LGRDD	B.A	-d0-
6	Irfan Ullah Khan	Saadullah Khan	08.08.1967	26.12.1992	-	LGRDD	F.A	-d0-
7	Ikram Ullah Khan	Shehri Jan	04.08.1972	26.12.1992	-	LGRDD	F.A	-d0-
8	Sifat Ullah Khan	Bahadar Khan	10.04.1974	03.10.1995	-	LGRDD	F.A	-d0-
9	M. Humayun Khan	Akbar Khan	02.04.1974	05.10.1995	-	LGRDD	F.A	-d0-
10	M. Zaman	Dayaz Khan	02.11.1974	26.12.1992	30.06.2001	LGRDD	Matric	Ex-DClerk
11	Dil Nawaz Khan	M. Aslam Khan	01.09.1975	08.10.1995	30.06.2001	LGRDD	Matric	-d0-
12	Saeed Ur Rehman	Shahid Khan	02.01.1971	16.03.1995	23.08.2001	C&W	F.A	-d0-
13	Karim Dakhsh	Fozal Mahmood	12.03.1971	09.08.1993	31.08.2001	R&E	Matric	-d0-
14	Mir Shahadat Khan	Afzal Khan	20.03.1974	21.11.1992	10.09.2001	LGRDD	Matric	-d0-
15	M. Iqbal	Habibullah Khan	12.09.1974	12.02.1996	06.08.2003	R&E	Matric	Ex-DClerk
16	Samiullah Khan	Zorvali Khan	20.09.1972	10.10.1992	03.04.2004	Educ.	F.A	-d0-
17	Ijaz Khan	Taj Ali Khan	18.09.1975	05.07.1995	31.01.2005	C&W	Matric	Draftman
18	Hakim Jan	Nadir Khan	01.12.1983	26.01.2016	26.01.2016	LGRDD	M.A	Secretary
19	Ghani Ur Rehman	Abdul Rehman	01.09.1985	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
20	Muhammad Iqbal	Sher Dil Khan	01.09.1985	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
21	Inam Ullah	Mosam Khan	17.01.1986	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
22	Sami Ullah	Baist Khan	05.03.1986	26.01.2016	26.01.2016	LGRDD	M.Phil	-d0-
23	Abdul Rauf Khan	Abdul Rahim	12.08.1986	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
24	Ghaffur Ahmad	Ghulam Daud	05.02.1987	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
25	Salimullah	Sahib Noor	14.04.1987	25.10.2005	26.01.2016	LGRDD	B.A	-d0-
26	Ziaullah Khan	Raham Dil Jan	11.08.1987	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
27	Farman Ullah	Saif Ullah Khan	02.09.1987	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
28	Samiullah Khan	Inayat Ullah Khan	05.04.1988	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
29	Abdul Busir	Abdul Hameed	16.04.1988	26.01.2016	26.01.2016	LGRDD	MBA	-d0-
30	Samiullah	Noor Khatam Khan	08.01.1989	26.01.2016	26.01.2016	LGRDD	M.A	-d0-
31	Sabir Shah	Muhammad Zaman	16.02.1989	26.01.2016	26.01.2016	LGRDD	M.A	-d0-

Handwritten signatures and initials:
 A. J. J.
 C.T.C
 [Signature]