

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

**Appeal No. 809 of 2023**

**Nadir Khan ..... Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Local Government, Elections & Rural Development Department (LGE&RDD), Civil Secretariat, Peshawar.
2. Director General, Local Government Elections & Rural Development Department (LGE&RDD), Phase-V, Hayatabad, Peshawar.
3. Assistant Director, Local Government & Rural Development Department (LG&RDD), Road Nowshera Kalan.

..... Respondents.

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Respondents

Through



Assistant Director (Sr)  
LG&RDD, Nowshera

1

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

Khyber Pakhtunkhwa  
Service Tribunal

**Appeal No. 809 of 2023**

Diary No. 6956

Dated 10/08/23  
**Appellant**

**Nadir Khan** ..... **Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Local Government, Elections & Rural Development Department (LGE&RDD), Civil Secretariat, Peshawar.
2. Director General, Local Government Elections & Rural Development Department (LGE&RDD), Phase-V, Hayatabad, Peshawar.
3. Assistant Director, Local Government & Rural Development Department (LG&RDD), Road Nowshera Kalan.

.....**Respondents.**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**  
**No. 1 TO 3.**

**Respectfully Sheweth:**

**Preliminary Objections:**

- i. That the appellant has got no cause of action/locus standi.
- ii. That the appellant has not come to this honorable court with clean hands.
- iii. That the instant appeal is based upon, malicious/vexatious, frivolous grounds.
- iv. That the appellant is estopped by his own conduct to file the instant appeal.
- v. That the instant appeal is against the relevant rules/policy.
- vi. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties.
- vii. That the instant appeal is badly time barred.
- viii. That the instant appeal is not maintainable in its present form.

**ON FACTS:**

1. Pertain to record.
2. Correct up to the extent that the appellant has been appointed after following the process of selection issued/established by the Government. Moreover the final seniority list was properly issued on dated 01-03-2021. **(Annex-A)**
3. Pertain to record.

4. Incorrect, the respondent Village Secretaries were promoted on the final seniority list already prepared and circulated vide office order AD/LG&RDD/NSR/2021/849 dated 01-03-2021 (Annex-A). Moreover the Departmental Promotion Committee meeting was held and minutes drafted and circulated thereof, it is further added that no concealment of the final seniority list was made.
5. The appellant had submitted an appeal regarding the cancellation of the promotion order, but the same was disposed of being not based on fact/genuine, because the whole process of promotion was carried out in a very transparent manner, after the fulfillment of all codel formalities. (**Order Annex-B**)
6. Incorrect, the seniority list was prepared/chalked out according to the prescribed rules and regulation, which was initially tentatively prepared and displayed for objections within 15 days given time and then it was converted into final list after including the suggestions and objections, raised by the concerned Village Secretaries.

**ON GROUNDS:**

- A. Incorrect, The final seniority list was prepared according to the established rules and regulation in a very transparent manner, if the appellant was aggrieved of regarding the seniority list he would have objected during the 15 days period, when the tentative seniority list was displayed, the appellant failed to raise any objection on the displayed seniority list during the 15 days' time.
- B. The seniority list was prepared strictly in accordance with the ESTA Code instructions.
- C. Incorrect, all the procedure during the preparation of seniority list and later on promotion process of the respondent were carried out in a very transparent manner and strictly in accordance with the rules prescribed in ESTA Code, no illegal/unlawful act /step has been taken during the above process.
- D. Explained as above in Para B&C.
- E. The merit list was properly prepared after following the laid down procedure and fulfillment of all codel formalities.
- F. As replied above.
- G. As replied above.
- H. All the process of final seniority list preparation and promotion was carried out transparently and in accordance with the law and neither any malafide intention were involved nor the appellant kept in dark regarding the subject matter.

I the respondents seek leave to raise additional grounds during the hearing.

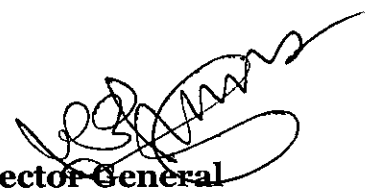


**PRAYER:**

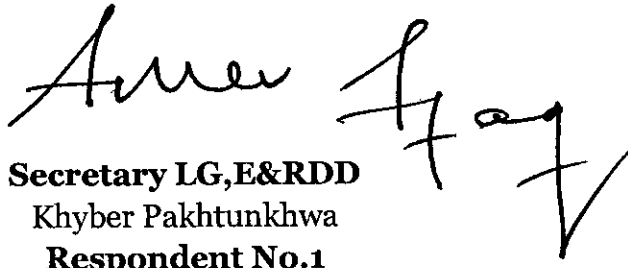
*It is humbly prayed that the appeal of the appellant may be dismissed being baseless and not based on fact/not genuine.*



**Assistant Director**  
LG&RDD, Nowshera  
**Respondent No.3**



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



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

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

**Appeal No. 809 of 2023.**

**Nadir Khan.....Appellant**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Local Government and Rural Development Department (LG, E & RDD), Civil Secretariat, Peshawar.
2. Director General Local Government and Rural Development Department (LG, E & RDD), Phase-V, Hayatabad, Peshawar.
3. Assistant Director, Local Government and Rural Development Department, (LG&RDD), Road Nowshera Kalan.

.....**Respondents.**

**AFFIDAVIT**

I, **Shabbir Hussain Assistant Director Local Government & Rural Development Department, Nowshera**, do hereby solemnly affirm and declare that the contents of this Para wise Comments are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court. It is further stated on oath that in this Appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off cost.

  
Deponent

CNIC #. 17301-2612844-1

Cell #. 0334-9444482

Identified By

**Additional Advocate General**  
**Khyber Pakhtunkhwa Service Tribunal, Peshawar.**



Office of The  
Assistant Director Local Government & Rural Development  
Department, Nowshera

No. AD/LG&RDD/INSR/2021/219  
Dated, Nowshera: 01/03/2021

ORDER:-

In pursuance of section-8 of Khyber Pakhtunkhwa Civil Servant Act 1973 and approval of Competent Authority, final seniority list of Junior Village Secretary (BPS-09) is as under as it stood on 30-12-2020.

S. No	Name of Secretary	Father Name	Date of Appointment	Date of Birth
1	Lutf Ur Rehman	Saf Ur Rehman	01-10-2013	05-03-1997
2	Muhammad Fataem	Muhammad Sharif	29-01-2016	01-04-1981
3	Afaq Ahmad	Roshan Khan	29-01-2016	09-11-1983
4	Hazrat Bilal	Raham Dad Khan	29-01-2016	17-07-1985
5	Ali Ahmad	Siraj Ud Din	29-01-2016	10-09-1985
6	Sohail Ahmad	Sardar Hussain	29-01-2016	03-01-1985
7	Muhammad Ismail	Gul Hassan	29-01-2016	03-02-1985
8	Abzar Ahmad	Taos Khan	29-01-2016	15-02-1985
9	Majid Ali Khan	Ajmal Khan	29-01-2016	10-05-1985
10	Irshad Khan	Alam Jan	29-01-2016	15-05-1985
11	Ameer Muhammad	Said Qamar	29-01-2016	03-01-1987
12	Lugman Hakeem	Abdul Qayyum Khan	29-01-2016	23-03-1987
13	Said Rasool	Asmat Khan	29-01-2016	12-04-1987
14	Rizwan	Wajid Ali	29-01-2016	01-05-1987
15	Nadir Khan	Misal Khan	29-01-2016	24-10-1987
16	Aqil Shah	Mian Abid Shah	29-01-2016	21-11-1987
17	Kifayat Ullah Khan	Raz Muhammad	29-01-2016	22-11-1987
18	Hazrat Kareem	Abdul Kareem	29-01-2016	02-02-1988
19	Gohar Badshah	Sultan Badshah	29-01-2016	15-02-1988
20	Muhammad Faisal	Jehan Gul	29-01-2016	02-01-1989
21	Israr Ali Shah	Qasim Shah	29-01-2016	04-01-1989
22	Zahid Ali	Fazal Ayan	29-01-2016	25-01-1989
23	Haidar Ali	Sohail Shah	29-01-2016	13-03-1989
24	Saadat Ali	Gohar Ali	29-01-2016	15-03-1989
25	Safeer Ullah	Gauhar Ali	29-01-2016	02-04-1989
26	Adnan Badshah	Lal Badshah	29-01-2016	05-04-1989
27	Nasir Hayat	Fazal Inshah	29-01-2016	16-06-1989
28	Haroon Ur Rashid	Mamraiz Khan	29-01-2016	04-07-1989
29	Qasim Khan	Fazal Karim Khan	29-01-2016	05-07-1989
30	Noman Ullah	Aman Ullah	29-01-2016	15-09-1989
31	Ahmad Saeed Akhtar	Akhtar Munir	29-01-2016	25-10-1989
32	Yasir Khan	Jehan Zeb Khan	29-01-2016	02-02-1990
33	M Salman Wali	Mirwali Khan	29-01-2016	12-02-1990
34	Furqan Ahmad	Iftikhar Hussain	29-01-2016	27-02-1990
35	Muhammad Qasim	Ghulam Idris	29-01-2016	07-03-1990
36	Haseeb Ur Rahman	Saltar Zaman	29-01-2016	16-03-1990
37	Fawad	Roshan Zamir	29-01-2016	18-03-1990
38	Muhammad Atif	Muhammad Salih	29-01-2016	21-03-1990
39	Kamran Khan	Lajbar Khan	29-01-2016	25-03-1990
40	M Dawood Khan	Fazli Mabood	29-01-2016	01-04-1990
41	Waseem Ullah	Sardar Khan	29-01-2016	09-02-1990

*M. S. Talwar*

**ASSISTANT DIRECTOR**  
Local Govt. & Rural Development  
Department, Nowshera

42	Mohammad Ibrahim	Aziz Ul Ghalour	29-01-2016	10-05-1990
43	Muhammad Tayab	Gul Bahader	29-01-2016	28-06-1990
44	Sami Ullah	Abdul Karim	29-01-2016	02-08-1990
45	Sami Ullah	Miskeen Khan	29-01-2016	07-08-1990
46	Owais Muhammad	Dost Muhammad	29-01-2016	26-08-1990
47	Kaleem Ullah	Hidayat Ullah	29-01-2016	07-09-1990
48	Asif Naseer	Naseer Uddin	29-01-2016	11-10-1990
49	Shabbir Rehman	Saif Ur Rehman	29-01-2016	23-12-1990
50	Irfan Ali	Fazal Wahab	29-01-2016	01-01-1991
51	Ishraq Muhammad	Niaz Muhammad	29-01-2016	06-01-1991
52	Kashif Khan	Haqnawaz Khan	29-01-2016	26-01-1991
53	Murad Ullah	Zaid Ullah	29-01-2016	10-02-1991
54	Akmal Khan	Saidar Khan	29-01-2016	06-03-1991
55	Syed Zulfikar Ali	Syed Mumtaz AbShah	29-01-2016	06-03-1991
56	Sahib Bahadur	Lal Bahadur	29-01-2016	06-04-1991
57	Sanu Ullah	Ajmal Khan Khattak	29-01-2016	10-04-1991
58	Imtiaz Ahmad	Bahadar Khan	29-01-2016	15-04-1991
59	Zar Muhammad	Atta Muhammad	29-01-2016	15-04-1991
60	Himayat Habib	Fazelat Shah	29-01-2016	30-04-1991
61	Fazl Ahmed	Fazl Qadir	29-01-2016	07-05-1991
62	Tanzeer Zafar	Zafar Ali	29-01-2016	25-07-1991
63	Kamran Khan	Nawar Khan	29-01-2016	01-11-1991
64	Adil Rehman	Ghani Ur Rehman	29-01-2016	25-12-1991
65	Yasir Muhammad	Fazal Muhammad	29-01-2016	15-01-1992
66	Rukhsar Ali	Khadim Muhammad	29-01-2016	25-02-1992
67	Ghulam Nabi	Daftar Khan	29-01-2016	04-05-1992
68	Muhammad Usman	Khan Zaman	29-01-2016	17-05-1992
69	Farman Ali	Ambar Ali	29-01-2016	02-03-1993
70	Waqas Badshah	Lal Badshah	29-01-2016	15-04-1993
71	Syed Uzair Ahmad	Imtiaz Ahmad	29-01-2016	23-09-1993
72	Imran Jamal	Sahib Jamal	29-01-2016	26-10-1993
73	Humayun Khan	Wisal Ahmad	29-01-2016	27-11-1993
74	Waqas Ahmad	Inayat Ali Shah	29-01-2016	01-01-1994
75	Muhammad Imran	Abdur Raziq	29-01-2016	10-02-1994
76	Nihal Khan	Ajmal Khan	29-01-2016	02-03-1994
77	Tauheed Afzal	Muhammad Afzal	29-01-2016	05-03-1994
78	Muhammad Seemab	Qasir Shah	29-01-2016	17-03-1994
79	Faisal	Ghulam Sadeeq	29-01-2016	12-11-1994
80	Sheraz Khan	Raj Wali Khan	29-01-2016	01-01-1995
81	Waheed Murad	Misal Khan	29-01-2016	01-03-1995
82	M Shoaib Khan	Karim Khan	29-01-2016	05-04-1995
83	Ali Raza	Muhammad Javaid	29-01-2016	21-04-1995
84	Shah Zeb	Nabi Gul	29-01-2016	08-09-1995
85	Haseeb Ur Rahman	Atta Ur Rahman	29-01-2016	01-01-1996
86	Muhammad Aqib	Mir Nawaz Khan	29-01-2016	12-04-1996
87	Syed Shahenshah	Noor Muhammad Shah	29-01-2016	26-08-1996
88	Zahoor Alam	Muhtarin Shah	05-07-2019	20-03-1975
89	Badam Gul	Saeed Gul	05-07-2019	10/5/1980
90	Syed Zia Ullah Shah	Syed Muazam Shah	05-07-2019	1/1/1991
91	Syed Nabi	Gulam Nabi	05-07-2019	25-10-1984
92	Hamid Ali	Sattar Khan	05-07-2019	5/1/1980
93	Niaz Ullah	Qadeem Khan	05-07-2019	4/4/1988
94	Muhammad Numan	Jari Muhammad	05-07-2019	1/4/1993
95	Muhammad Irshad	Rahim Dad	29-07-2020	02-03-1985
96	Shahzeb Hussain	Zartaj Khan	29-07-2020	19-12-1987
97	Nizar	Laiqat Khan	29-07-2020	14-03-1988
98	Zohaib Khan	Qalam Khan	29-07-2020	23-03-1988

August, 2001

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crest :-

*(Signature)*  
ASSISTANT DIRECTOR  
Govt. Rural Development  
Department Nowshera

Attested -

ASSISTANT DIRECTOR  
Govt. Rural Development  
Department Nowshera

99	Nisar Ali Khan	Muhammad Sarwar		
100	Umer Shahzad	Waris Khan	29-07-2020	07-04-1988
101	Rahim Ullah	Ghulian Ullah	29-07-2020	12-08-1988
102	Ibrar Ahmad	Hashmat Khan	29-07-2020	05-03-1989
103	Ishfaq Afzal	Muhammad Afzal	29-07-2020	15-03-1989
104	Abid Ali	Sardar Ali	29-07-2020	15-01-1990
105	Suffyan Jabbar	Fazal Jabbar	29-07-2020	18-04-1991
106	Asif Khan	Mirza Khan	29-07-2020	10-03-1992
107	Ubaid Khan	Ali Gul	29-07-2020	21-04-1992
108	Roman Ahmad Khan	Inayat Khan	29-07-2020	05-05-1992
109	Muhammad Irfan	M Sadeeq Khan	29-07-2020	10-10-1992
110	Nihal Muhammad	Shahnazar Khan	29-07-2020	16-04-1993
111	Asfandyar	Ikhtiar Muhammad	29-07-2020	03-01-1994
112	Rooh Ullah	Ikhtiar Muhammad	29-07-2020	06-09-1994
113	Tariq Shah	Haji Akbar	29-07-2020	04-04-1995
114	Hamza Jan	Nobat Shah	29-07-2020	06-08-1995
115	Aaqib Shah	Jan Muhammad	29-07-2020	01-10-1996
116	Shafqat Ghani	Ajmal Shah	29-07-2020	25-01-1997
117	Shafqat Ghani	Ajmal Khan	29-07-2020	30-07-1997
118	Syed Atizaz Ali Shah	Syed Musharaf Shah	29-07-2020	09-10-1999
118	Sajjad Ahmad	Raj Muhammad	01-02-2021	07-02-1981

Assistant Director  
Local Govt: & Rural Dev: Department  
Nowshera  
Assistant Director  
LG RDD Nowshera

Endst: No. & Date Even:

Copy forwarded to the:-

1. The Deputy Commissioner Nowshera for information please.
2. The PA to Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
3. Computer Operator, LG&RDD Nowshera to publish the same on official groups.
4. Office Assistant, LG&RDD Nowshera for information and further necessary action.
5. Supervisors LG&RDD, Nowshera for information.
6. All Junior Village Secretaries NCs/VCs District Nowshera.
7. Record File.

Assistant Director  
Local Govt: & Rural Dev: Department  
Nowshera  
Assistant Director  
LG RDD Nowshera

*Attestel -*

*[Signature]*  
**ASSISTANT DIRECTOR**  
Local Govt. & Rural Development  
Department Nowshera





Office Of The Assistant Director  
Local Government & Rural Development  
Department, Nowshera

Phone # 0923-9220482

E-mail: adlgnowshera2@gmail.com

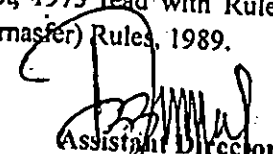
Ref. No. AD/LG&RDD/Transfer/NSR/2022/19  
Dated, Nowshera: 18/01/2022

**OFFICE ORDER:-**

On the recommendation of Departmental Promotion Committee (DPC), the competent authority is pleased to promote the following Junior Village Secretaries (BPS-09) of VCs/NCs of LG&RDD District Nowshera to the post of Senior Village Secretaries (BPS-11) on regular basis with immediate effect, in best public interest:-

S#	Name of Secretaries	Remarks
1	Mr. Lutf Ur Rehman	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
2	Mr. Muhammad Faheem	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
3	Mr. Afaq Ahmad	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
4	Mr. Hazrat Bilal	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
5	Mr. Ali Ahmad	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
6	Mr. Sohail Ahmad	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
7	Mr. Muhammad Ismail	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
8	Mr. Abrar Ahmad	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
9	Mr. Majid Ali Khan	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
10	Mr. Irshad Khan	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.
11	Mr. Amcer Muhammad	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 18-01-2022.

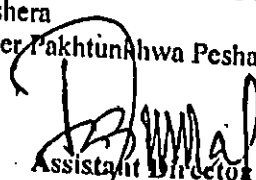
2. The officails on promotion will remain on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(I) of Khyber Pakhtunkhwa Civil Servent (Appointment, Promotion & Transfer) Rules, 1989.

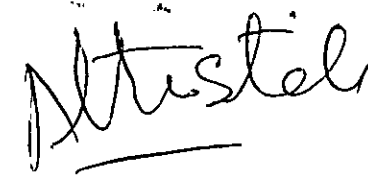
  
Assistant Director  
Local Government & Rural Development  
Department, Nowshera

Endst: No & Date Even.

Copy of the above is forwarded to:-

1. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
2. The Director (Admin/HR), LG&RDD Khyber Pakhtunkhwa Peshawar.
3. Deputy Comptroller of Accounts, Nowshera
4. The Assistant Director, LG&RDD Khyber Pakhtunkhwa Peshawar.
5. Official concerned.
6. Office order file

  
Assistant Director  
Local Government & Rural Development  
Department, Nowshera

  
**ASSISTANT DIRECTOR**  
Local Govt. & Rural Development  
Department Nowshera



Office Of The Assistant Director  
Local Government & Rural Development  
Department, Nowshera

Phone # 0923-9220482

E-mail: adlgnowshera2@gmail.com

Ref. No.AD/LG&RDD/Transfer/NSR/2022/ 284  
Dated, Nowshera: 26/09/2022

**OFFICE ORDER:-**

On the recommendation of Departmental Promotion Committee (DPC), the competent authority is pleased to promote the following Junior Village Secretaries (BPS-09) of VC/NCs of LG&RDD District Nowshera to the post of Senior Village Secretaries (BPS-11) on regular basis with immediate effect, in best public interest:-

S#	Name of Secretaries	Remarks
1	Mr. Luqman Hakeem	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 20-09-2022.
2	Mr. Said Rasool	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 20-09-2022.
3	Mr. Rizwan	Promoted on regular basis to the post of Senior Village Secretary (BPS-11) with the effect from 20-09-2022.

2. The officails on promotion will remain on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(I) of Khyber Pakhtunkhwa Civil Servent (Appointment, Promotion & Trnasfer) Rules, 1989.

Assistant Director  
Local Government & Rural Development  
Department, Nowshera

Endst: No & Date Even.

Copy of the above is forwarded to:-

1. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
2. The Director (Admin/HR), LG&RDD Khyber Pakhtunkhwa Peshawar.
3. Deputy Comptroller of Accounts, Nowshera.
4. Tehsil Municipal Offcier, TMA Nowsehra.
5. The Assistant Engineer, LG&RDD Khyber Pakhtunkhwa Peshawar.
6. Official concerned.
7. Office order file

Assistant Director  
Local Government & Rural Development  
Department, Nowshera

Attested

CS CamScanner

ASSISTANT DIRECTOR  
Local Govt. & Rural Development  
Department Nowshera



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

10

**AUTHORITY LETTER**

**Mr. Shabir Hussain** Assistant Director (Sr.) Nowshera Local Government & Rural Development, Department is hereby authorized to submit Joint Parawise Comments in case titled **Appeal No.809/2023 Nadir Khan VS Khyber Pakhtunkhwa Etc** on behalf of Respondents in the instant case.

*Shabir Hussain*  
Assistant Director (Litigation)  
Directorate General LG & RD  
Khyber Pakhtunkhwa