


16.08.2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Due to summer vacations D.B is not available; therefore, case is adjourned. To come up for arguments on 29.11.2023 before D.B. P.P given to parties.



(Rashida Bano)
Member (J)

*KaleemUllah

SCANNED
KPST
Peshawar

29.11.2022


Due to rush of work, this case has been deleted from the cause list. To come up for the same as before on 20.02.2023 before the D.B.


Reader

20.02.2023

Appellant present through counsel. Naseer Ud Din Shah, Learned Assistant Advocate General for the respondents present.

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave, therefore, case is adjourned to 22.05.2023 for arguments before D.B.


(Muhammad Akbar Khan)
Member (E)


22nd May 2023

SCANNED
KPST
Peshawar

1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. Counsel are on strike, therefore, the case is adjourned. Office is directed to notify the next date on the website as well as on the noticeboard. To come up for arguments on 16.08.2023 before D.B.

P.P given to the parties.


(Fareeha Paul)
Member (E)

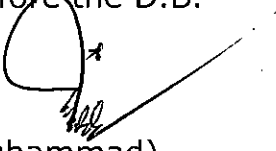

(Kalim Arshad Khan)
Chairman

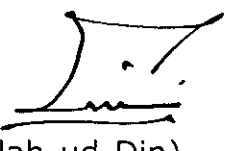
Kaleem Ullah

07.07.2022

Clerk of learned counsel for the appellant present. Mr. Wilayat Shah, Supervisor (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 18.10.2022 before the D.B.

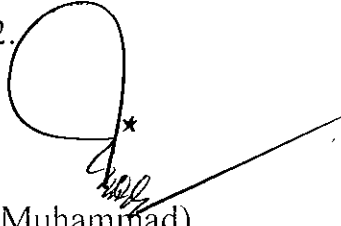

(Mian Muhammad)
Member (E)

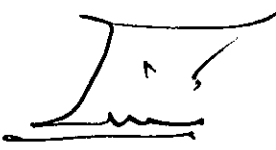

(Salah-ud-Din)
Member (J)

18.10.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paidakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 29.11.2022.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

22.02.2022

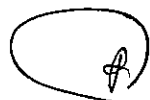
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.04.2022 for the same as before.



Reader

14.04.2022 - Learned counsel for the appellant present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General for the respondents present.

Respondents No. 1 & 2 filed comments. Learned counsel for the appellant has very frankly submitted that the District Accounts Officer Mardan, was wrongly impleaded as respondent No. 3. and counsel for the appellant requests to delete the District Account Officer from the panel of respondents. Deleted accordingly. To come up for arguments before the D.B on 07.07.2022. The appellant may submit rejoinder within a fortnight.



(Rozina Rehman)
Member (J)



Chairman



25.10.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that the appellant was appointed as Naib Qasid (BPS-03) vide order dated 16.03.2020, who after compliance with terms and conditions of appointment order was allowed to draw the salary for one month (May, 2020). However, no salary has been paid to him w.e.f. 01.06.2021 without any cogent reason.

Let the respondents be heard. This appeal is admitted for regular hearing. 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.02.2022 before the D.B.

The appeal is also accompanied by an application for restraining the respondents not to issue any adverse order in respect of the appellant. Notice of application be given to the respondents for the date fixed.



Chairman

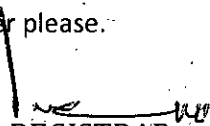

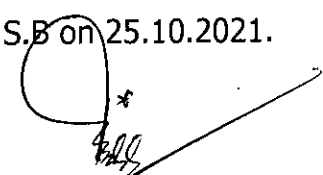
Appellate
Security & Process Fee
24/11

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7461 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/09/2021	<p>The appeal of Mr. Fazal Kabir presented today by Mr. Noor Muhammad Khattak 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-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.10.2021	<p>Clerk of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that the learned counsel for the appellant is busy before the Peshawar High Court, Peshawar in some other cases. Adjourned. To come up for preliminary hearing before the S.B on 25.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 7661 /2021

FAZAL KABIR

VS

LG&RD DEPTT:

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5	Police clearance	B	7-8
6	Appointment order	C	9
7	Medical certificate	D	10
8	Arrival	E	11
9	Pay slip	F	12
10	Departmental appeal	G	13
11	Vakalatnama	14

Dated: 27.09.2021

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No.4, 2nd Floor,
Juma Khan Plaza,
Warsak Road, Peshawar
0345-9383141

/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2021

Fazal Kabir Naib Qasid (BPS-03)

Local Government & Rural Development Department, Mardan

..... **APPELLANT**

VERSUS

- 1- The Director General Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Assistant Director (Senior) Local Government & Rural Development Department, District Mardan.
- 3- The District Accounts Officer, District Mardan.

..... **RESPONDENTS**

APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W.E.F. 1.6.2020 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to release the monthly salaries of the appellant w.e.f 01.06.2020 till date. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was appointed as Naib Qasid on the proper recommendation of the Departmental selection committee vide office order dated 16.3.2020. That in response the appellant took over the charge of his post and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the Registration card, Police clearance certificate, appointment order, medical certificate and arrival report are attached as annexure **A, B, C, D, E.**
- 2- That after proper verification the salary of the appellant was released by the respondents and as such the appellant received

2

the salary for the month of May, 2020. Copy of the pay slip is attached as annexure F.

- 3- That unfortunately the respondents stopped/withheld the salaries of the appellant w.e.f. 01.06.2020 without any reason and clear justification. That feeling aggrieved the appellant time and again visited the concerned quarter for the release of his salaries but of no avail.
- 4- That finally the appellant feeling highly aggrieved preferred Departmental appeal before the respondent No.1 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure G.
- 5- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the inaction of the respondents by not releasing the monthly salaries of the appellant w.e.f. 01.06.2020 is against the law, facts, norms of natural justice and materials on the record.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That inaction of the respondents by not releasing monthly salaries of the appellant is violative of Law and Rules.
- D- That the respondents discriminated the appellant by not releasing the monthly salaries of the appellant.
- E- That the respondents acted in arbitrary and malafide intentions by not releasing the monthly salaries of the appellant.
- F- That the appellant is still performing his duty and by not releasing the monthly salary w.e.f 01.06.2020 is amounting to force labour and thus is the violation of article 11 of the constitution of Islamic republic of Pakistan 1973.
- G- That inaction of the respondents by not releasing the monthly salaries of the appellant w.e.f. 01.06.2020 is against the norms natural justice.


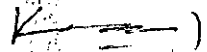
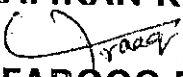
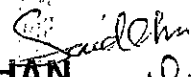
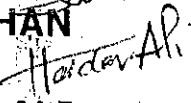
- H- That the respondents violated Article 38(e) of the Constitution of Pakistan, 1973 by not releasing monthly salaries of the appellant.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 27.9.2021

APPELLANT

 FAZAL KABIR

THROUGH:

 NOOR MOHAMMAD KHATTAK

 KAMRAN KHAN

 UMER FAROOQ MOHMAND

 SAID KHAN
 & 
 HAIDER ALI

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

FAZAL KABIR

VS

LG & RD DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



F. Kabir
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

F. Kabir
CERTIFICATION

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—

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2021

FAZAL KABIR

VS

LG&RD DEPTT:

APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO
ISSUE ANY ADVERSE ORDER IN RESPECT OF THE APPELLANT

Respectfully Sheweth;

1. That the appellant has filed the instant appeal in which no date has been fixed for hearing.
2. That the appellant has filed the instant appeal regarding stoppage of salaries.
3. That all the three ingredients required for the grant of stay is in favour of the appellant
4. That the contents on the instant application may very kindly be consider as part and parcel of the main appeal.
5. That any other ground would be put forward at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant petition the respondents may very kindly be restrained not to issue any adverse order in respect of appellant, till the disposal of instant appeal.

APPELLANT



FAZAL KABIR

Through:


NOOR MOHAMMAD KHATTAK,
Advocate High Court, Peshawar

ANNEXURE - A 6

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name: Fazal Kabir
Father's Name: Muhammad Salim

Gender: M Country of Stay: Pakistan

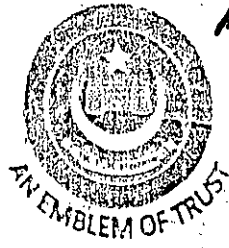
Identity Number: 1560274124213401021983
Date of Birth: 25.06.2019 Date of Expiry: 25.06.2029

Holder's Signature

1560274124213401021983

Registrar General of Pakistan

گشده کارڈ ملے پر قومی ایڈکس میں ڈال دیں



ANNEXURE B

7

DEPARTMENT OF POLICE

DISTRICT MARDAN

POLICE CLEARANCE CERTIFICATE

Certified that Mr/Mrs/Miss. Fazal Kabi's

Father / Husband's Name Muhammad Salim

Originally hails from village Dheri Hathiari

Police Station _____ Tehsil. 7. Bheri District. Mardan

He/She has been reported to be of good moral character and there is nothing adverse against him/her on the record of Police Station Lund Khwas.

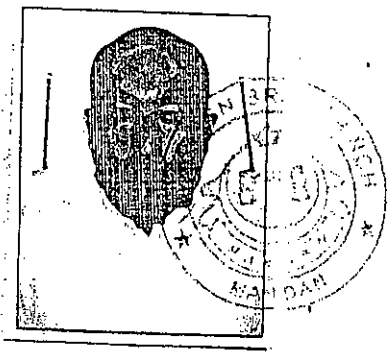
D.D No. _____ Dated. _____ Moharrar. _____

He/She holds Pakistani CNIC No. 15602-7412421-3 Dated Of Issue 25/6/2019

Note: This Certificate is valid for six (6) Months.
From the date of its issue

No. 1515 /FB

Date 19-03-2020



S.H.O

P.S

Lund Khwas

Official Police Officer
Mardan
19.03.2020

REGISTER

8

Certified That Mr Fazal Kabir s/o Muhammad Salim a good honest and as well as good moral character person and I know him well He is not include any crime.

Farooq
MA, MEd
SHSS Shergarh Mardan

16102-9024579-5

03469329255

حنا عالی

پیشہ ورانہ طور پر اس شخص کے بارے میں جاننے والے ہیں کہ
یہ شخص ایک اچھے اور قابل اعتماد شخص ہے اور اسے کوئی
میں نے یہ جاننے کے لیے جانچا ہے۔

MASS PSK
03-020

MASS PSK

ANNEXURE - C 9
OFFICE OF THE
ASSISTANT DIRECTOR (SENIOR)
LG & RDD DISTRICT MARDAN

Dated: March, 16th 2020

OFFICE ORDER:

No. AD/LG&RDD/(MDN)/Office-Order/ 349 Consequent upon the recommendations of the Departmental Selection Committee, the following Naib Qasids (BPS-03) are hereby **APPOINTED** as per following terms & conditions with immediate effect in the public interest, please.

The detail is as under:-

S/N	Name	F. Name	VC/NC
1.	Fazal Kabir	Muhammad Safeem	Village Council Hathian-1
2.	Shah Fahad	Muhammad Diyar	Village Council Hathian-2
3.	Ali Zaman	Gul Zaman	Village Council Hathian-3
4.	Muhammad Arif	Mutabar Khan	Village Council Makori-1
5.	Riaz Ahmad	Zaider Khan	Village Council Makori-2
6.	Muhammad Zeeshan	Waheed Gul	Village Council Makori-3
7.	Adil	Saifoor	Village Council Lund Khwar
8.	Naveed Akhtar	Bahar Aman	Village Council Lund Khwar
9.	Rashid Ali	Qayum Khan	Village Council Lund Khwar
10.	Muhammad Tariq	Ajab Khan	Village Council Shergarh-1
11.	Asif Khan	Rahim Dad	Village Council Shergarh-3
12.	Muhammad Ayaz	Muhammad Rehman	Village Council Jalala-2
13.	Shahab Ali	Zubair Shah	Village Council Jalala-3
14.	Amir Zeb	Sabz Ali	Village Council Parkho Dher
15.	Arif Shah	Faqir Shah	Village Council Parkho Dher
16.	Junaid Ahmad	Muhammad Saeed Khan	Village Council Tordher

TERMS & CONDITIONS:

- The selectee will be governed by such rules and regulations issued by the Govt. or may be issued for category of post to which he belongs.
- Before assumption of charge the selectee will provide Medical Fitness Certificate from Superintendent DHQ Hospital Mardan, Police Clearance Certificate from Local Police Station affidavit on judicial stamp paper for good conduct, punctuality and will compulsorily perform for 02 years on this post.
- The Selectee will remain on probation period for Two years.
- In case, the selectee wish to resign from service at any time, one month prior notice should be necessary in lieu thereof one month pay shall be forfeited.
- The documents/particulars reflected/submitted by the selectee will be abided upon him/them, if found false or bogus.
- The orders may be withdrawn any time, without assigning any reason.
- An affidavit/judicial Stamp paper will be submitted by the applicant concerned that in case of any misconduct, absence from official duty or negligence he will be exclusively responsible, and in case of any misconduct, absence from official duty or negligence punctuality will be tantamount to disciplinary action under E&D/Service rules.
- If the Naib Qasid concerned, where his duty has been assigned, is found absent somewhere else from his duty will be terminated & dismissed with immediate effect.

Assistant Director (Senior)
 Local Govt. & Rural Dev. Deptt:
 Mardan

Even No. & Date:

Copy of the above is forwarded to the:

- Director General, LG & RDD Khyber Pakhtunkhwa Peshawar.
- Deputy Commissioner, District Mardan.
- District Police Officer, Mardan
- MS DHQ Hospital Mardan.
- District Accounts Officer, District Mardan.
- Progress Officer, LG&RD Mardan.

ATTESTED

MEDICAL CERTIFICATE

No. 893/19

Name of Official Mr. Fazal Kabir 15602-7412421-3

Caste of Race - Afghan

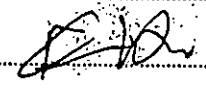
Father's Name Muhamamad Salim

Residence Dheri VPO Hathyan Tehsil Takht Bhai District Mardan

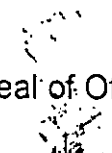
Date of Birth 01-02-1983 (As per Card)

Exact Height by measurement 5-6

Exact mark of identification

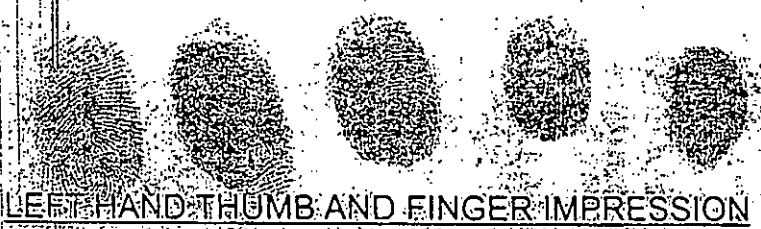
Signature of the Official 

Signature of the Head of Office


Seal of Office  Assistant Director (Sr)
LG & RDD
Mardan

I do hereby certify that I have examined Mr. Fazal Kabir for employment in the office of the AD (Sr.) LG & RDD Mardan and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

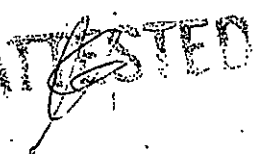
I do not consider this is disqualification for employment in the office of the above as Naib Qasid BPS-03 his age according to his own statement 36 year and by appearance about year Thirty Six



LEFT HAND THUMB AND FINGER IMPRESSION


17/03/2020
Medical Superintendent,
D.H.O. Hospital, Mardan.
Medical Superintendent
D.H.O. Hospital, Mardan.

Date: 17-03-2020

ATTESTED 

ANNEXURE

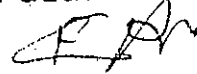
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11

ARIVAL REPORT

In Complian With The Order Of The Worthy Assistant Director Local Govt & Rural Development Mardan Order No: 349/AD LG & RDD Mardan Date 16/03/2020/ I Herbery Submit My Arival Report For Duty As Naib Qasid (BP 03) Of Village Council Hathian 1 Tehsil Takht Bhai Dictrict Mardan Today..

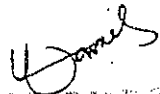
Fazal Kabir



Date 17/ 03/2020

Secertary Hathian 1

Time 10:30 Am


SECRETARY
Village Council
Hathian

ATTESTED

08 September 2021

2:34:02 PM

12

The Bank Of Khyber
Shergarh Branch (0080)
Islam Market Main Bazar Shergarh, Shergarh

THE BANK OF KHYBER
Main Bazar Shergarh Br. (0080)

Statement of Account From 01/01/2018 To 01/12/2021

ACA 00615-00-5 PKR

Authenticated
Opened On: 22/04/2020

FAZAL KABIR (ASAAN ACCOUNT)

DHERI PO HATHIAN TEH: TAKHT BHAI DISTT: MARDAN, SHERGARH.
PK95 KHYB 0080000000615005

Date	Particulars	Debit	Credit	Balance
	Opening Balance as on 01/01/2018			.00
22/04/2020	0073 0002 CASH DEPOSIT FOR A/C ACA 00615-00-5-2785649		500.00	500.00
11/05/2020	0229 0002 CHEQ. BOOK ISSUANCE CGS-0	125.00		375.00
20/05/2020	0077 0039 SALARY MAY 2020-		16,924.00	17,299.00
21/05/2020	0167 0001 CASH WITHDRAWL FOR A/C ACA 00615-00-5-38895271	17,000.00		299.00
11/06/2020	0090 0002 OBC RLZ-		16,924.00	17,223.00
11/06/2020	0090 0003 OBC CGS-0	115.00		17,108.00
12/06/2020	0056 0001 CASH WITHDRAWL FOR A/C ACA 00615-00-5-38895272	17,000.00		108.00
	Closing Balance as on 01/12/2021			108.00
	Total Debits/Credits :	34,240.00	34,348.00	

[Signature]
 The Bank of Khyber
 Signature Verified
 Main Bazar Shergarh Br. (0080)

[Handwritten Mark]

ANNEXURE . F

Printed by: ADMINISTRATOR SUPER USER (1001)

Reported by: C:\Program Files\BANKPLUS\Reports\Cust\StatementPlain.rpt

The items and balance shown on this statement should be verified and the Branch Manager notified of any discrepancies within two weeks. Otherwise it will be presumed as correct.

بشدت جناب اسسٹنٹ ڈائریکٹر (سینئر)، LG&RDD صاحب ضلع مردان

درخواست: برائے جاری کرنے بند تنخواہ

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے کہ سائل آپ کے زیر بطور Class-IV ملازم کام کر رہا ہے۔ سائل کی تعیناتی قانونی ضوابط بروئے کار لا کر کی گئی۔ سائل کو تقریباً 01 ماہ کی تنخواہ ملی لیکن بعد میں جولائی کے مہینے میں تنخواہ کے بارے میں معلومات کی تو سائل کو بتایا گیا کہ آپ لوگوں کے تنخواہ میں بجٹ کی کمی کی وجہ سے بعد میں ادا کی جائے گی۔ لیکن ابھی ایک سال گزرنے کے بعد بھی سائل کے تنخواہ کچھ اتہ پتہ نہیں۔ تنخواہ نہ ہونے کی وجہ سے سائل انتہائی مالی مشکلات سے گزر رہا ہے۔

اسلئے آپ صاحبان سے التماس کی جاتی ہے کہ سائل کی تنخواہ جو کہ جون 2020 سے بند ہے جاری کرنے کے احکامات صادر فرمائیں۔ سائل آپ کا مشکور و ممنون و دعا گو رہے گا۔

الارض

F. An

آپ کا تابعدار:

الرقوم: 08-06-2021

فضل کبیر ولد محمد سلیم ساکن ہتھیان

تحت بھائی مردان

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

Fazal Kabir

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

LG & RD Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Fazal Kabir

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____/_____/2021

[Signature]

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

[Signature]
KAMRAN KHAN

[Signature]
UMER FAROOQ MOHMAND

[Signature]
SAID KHAN

[Signature]
& **HAIDER ALI**

**HAIDER ALI
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 7461/2021

1. Fazal Kabir Naib Qasid (BPS-03) Local Government & Rural Development Department, Mardan.

..... APPELLANT

VERSUS


1. The Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Director (Senior), Local Government & Rural Development Department, District Mardan.
3. The District Account Officer, District Mardan

..... Respondents

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Deponent



Mr. Wilayat Shah
Cell No. 0342-2065580
0027000000

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 7461 / 2021

1. Fazal Kabir Naib Qasid (BPS-03) Local Government & Rural Development Department, Mardan.

..... APPELLANT

VERSUS

1. The Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Director (Senior), Local Government & Rural Development Department, District Mardan.
3. The District Account Officer, District Mardan

..... Respondents

COMMENTS ON BEHALF OF RESPONDENTS NO 1&2.

Respectfully Shewth:

Preliminary Objections

- i. That the appellant has got no locus standi.
- ii. That the appellant has not come to this Honourable Tribunal with clean hands.
- iii. That the instant appeal is based on frivolous grounds.
- iv. That the instant appeal is time barred.

ON FACTS

1. Incorrect. The appointment order of the Appellant has wrongly been issued as the Appellant has never been recommended by the Selection & Recruitment Committee and another candidate Mr. Ghawas Ur Rahman S/O Aamir Khan at serial No.1 was recommended, but his appointment order was not issued. The appointment order of the Appellant is illegal, unjustified and against the appointment rules. Therefore, the registration Card, Police Clearance Certificate and Medical Certificate of the Appellant bears no legal justification. The list of candidates applied for the post of Naib-Qasid from Hathian-I, the candidate recommended against the serial No. 1 against the minutes of meeting of the Recruitment and Selection Committee, appointment order of the Appellant are Annexed as "A", "B" & "C".
2. Correct. The salary of the applicant for the month of May 2020 was released. However it was pointed out that his appointment order was wrongly issued and he was not recommended for appointment in the DSC meeting of minutes, his salary was stopped.
3. Correct. The salary of the appellant was stopped by the then Assistant Director Mr. Qazi Noor Ul Wahab with effect from 1-6-2020 after the receipt of stay order dated 7-5-2020,

Comments in Appeal No. 7461/2021 Fazal Kabir VS Govt of Khyber Pakhtunkhwa


passed in writ petition No. 2056-P/2020 which was filed by Masood Shah and 9 others (total 10 persons) against the appellant and 15 others (total 16 persons, private Respondents), and which was decided vide order dated 13/10/2020. Whereas, the petitioners were directed to file an amended writ petition, which they have filed in the shape of writ petition No.4775-P/2021 (Copy of the stay order, writ Petition No. 2056-P/2020 and copy of writ petition No.4775-P/2021 are annexure "D", "E" & "F".

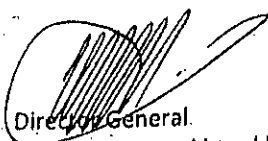
4. Incorrect. The appellant has never filed any Departmental appeal before the Respondent No.1 for the release of his salary.
5. Incorrect. The appellant has never filed any Departmental appeal before knocking at the door of this Hon'ble Service Tribunal.

ON GROUNDS

- A. Incorrect in light of position explained in Para 1,2 and 3 above.
- B. Incorrect in light of position explained in Para 1,2 and 3 above.
- C. Incorrect. The act of the Respondents is not in violation of Rules /Policy.
- D. Incorrect in light of position explained in Para 1,2 and 3 above.
- E. Reply as per Para 2 above.
- F. Incorrect.
- G. Reply as per Para 2 above.
- H. In reply to Para H, it is submitted that as Appointment of the Appellant was in violation of Recruitment Rules/Policy, so his salary was stopped by the Assistant Director LG&RDD, Mardan.
- I. Further points would be raised during the course of arguments.

For the above submission, It is prayed that this Honorable Court may graciously dismiss the appeal of the appellant filed under section 4 of the Khyber Pakhtunkhwa Service Tribunal act, 1974, with cost.


Assistant Director
LG&RDD Mardan
Respondent No.2


Director General
Local Govt & RDD Khyber Pakhtunkhwa
Respondent No.1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

(4)

Appeal No. 7461/2021

1. Fazal Kabir Naib-Qasid (BPS-03) Local Government & Rural Development Department, Mardan.

..... APPELLANT

VERSUS

1. The Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Director (Senior), Local Government & Rural Development Department, District Mardan.
3. The District Account Officer, District Mardan

..... Respondents

AFFIDAVIT

I, Wilayat Shah Supervisor/Legal Assistant, Local Govt & RDD Mardan do hereby solemnly affirm and declare that the contents of the accompanying Para-Wise Comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Identified By:

Deponent

Adv. M. J. Khan
Advocate General
Khyber Pakhtunkhwa Peshawar

Wilayat Shah
(Wilayat Shah)
CNIC No. 16101-6571222-1
Cell No. 0342-2065580

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

5
Ann "A"

S#	Name of Candidate	Father's Name	Employment Exchange Reg#	D.O.B	Interview Marks			T Marks	VC/NC for which the candidate has applied
					Chair 04	M-I 04	M-II 02		
1	Anwar Zeb Safi	Sabir Khan	Advt: 24/10/17	1/2/1992	1	1	1	3	VC NC Hathian-I
2	Ihsan Ullah	Amir Sultan	Advt: 24/10/17	3/6/1983	1	1	1	3	--do--
3	Ziad Ali	Sarfraz Khan	Advt: 24/10/17	4/10/1994	1	1	1	3	--do--
4	Fawad	Saad Mulla	Advt: 24/10/17	2/10/1991	1	1	1	3	--do--
5	Saeed Khan	Muqadam Khan	Advt: 24/10/17	3/16/1984	1	1	1	3	--do--
6	Riaz Muhammad	Ali Sher	Advt: 24/10/17	4/3/1987	1	1	1	3	--do--
7	Shakeel	Gul Muhammad	Advt: 24/10/17	3/20/1996	1	1	1	3	--do--
8	Fazal Zada	Gul Zada	Advt: 24/10/17	2/15/1979	1	1	1	3	--do--
9	Waris Khan	Sher Ali	Advt: 24/10/17	4/1/1974	A	A	A	A	--do--
10	Sohail Khan	Yousaf Ali	Advt: 24/10/17	3/1/1992	1	1	1	3	--do--
11	Ghawas Ur Rahman	Amir Khan	3511/2019	5/2/1978	1	1	1	3	--do--
12	Murad Ali	Noor Muhammad	Advt: 24/10/17	4/1/1994	1	1	1	3	--do--
13	Nouman	Bacha Khan	Advt: 24/10/17	5/10/1996	1	1	1	3	--do--
14	Muhammad Usman	Bakht Rawan	Advt: 24/10/17	1/15/1991	A	A	A	A	--do--
15	Fazak Kabir	Muhammad Salim	Advt: 24/10/17	1/2/1983	1	1	1	3	--do--
16	Farman Ullah	Ihsan Ul Haq	Advt: 24/10/17	4/12/1984	1	1	1	3	--do--
17	Aftab Khan	Noor Zaman	Advt: 24/10/17	2/20/1994	1	1	1	3	--do--
18	Muhammad Karim	Fazal Muhammad	Advt: 24/10/17	3/15/1984	1	1	1	3	--do--
S#	Name of Candidate	Father's Name	Employment Exchange Reg#	D.O.B	Interview Marks			T Marks	VC/NC for which the candidate has applied
					Chair 04	M-I 04	M-II 02		
1	Rahat Ullah	Hidayat Ullah	Advt: 24/10/17	2/10/1991	1	1	1	3	VC NC Hathian-II
2	Bakht Jamal	M Rasheed	Advt: 24/10/17	3/15/1980	1	1	1	3	--do--
3	M Ilyas	Bakht Zamin	Advt: 24/10/17	3/23/1981	1	1	1	3	--do--
4	Fazal Khan	Faqir Muhamamd	Advt: 24/10/17	3/20/1986	1	1	1	3	--do--
5	M Murtaza	Faqir Muhammad	Advt: 24/10/17	4/4/1991	1	1	1	3	--do--
6	M Haroon	M Ameen	Advt: 24/10/17	3/13/1982	A	A	A	A	--do--
7	Qaisar Ali	Siad Umar	Advt: 24/10/17	4/4/1993	1	1	1	3	--do--
8	Naveed Khan	Muhammad Rahim	Advt: 24/10/17	1/1/1992	A	A	A	A	--do--
9	Aurangzeb	Muhammad Noshad	Advt: 24/10/17	6/4/1974	A	A	A	A	--do--
10	Muhammad Haroon	Hakim Khan	Advt: 24/10/17	3/20/1995	1	1	1	3	--do--
11	Tasleem Gul	Faqir Gul	Advt: 24/10/17	2/2/1981	1	1	1	3	--do--
12	Shah Fahad	Muhammad Diyar	Advt: 24/10/17	7/4/1993	1	2	2	5	--do--
13	Saluman Khan	Siraj Khan	Advt: 24/10/17	4/6/1990	1	1	1	3	--do--
14	Shoakat Ali	Musa Khan	Advt: 24/10/17	2/22/1985	1	1	1	3	--do--
15	Shah Faisal	Muhammad Rasool	Advt: 24/10/17	4/5/1987	1	1	1	3	--do--
16	Umar Khitab	Fatih Ullah	Advt: 24/10/17	1/1/1974	A	A	A	A	--do--
17	Shoaib Ali	Hazrat Iqbal	Advt: 24/10/17	3/20/1992	A	A	A	A	--do--
18	Ali Rahman	Faqir	Advt: 24/10/17	4/3/1978	A	A	A	A	--do--
19	Muhammad Abid	Muhammad Younas	Advt: 24/10/17	3514/2019	A	A	A	A	--do--

Attested


Assistant Director (Sr)
I.G & RDD
Mardan

MINUTES OF THE MEETING REGARDING RECRUITMENT OF NAIB-QASIDS, VILLAGE/NEIGHBORHOOD COUNCILS (1-231) DISTRICT MARDAN

1. The District Departmental Selection Committee meetings were held in the office of Assistant Director (Senior), Local Government and Rural Development Department, Mardan on 27th, 29th August, 3rd, 6th, 17th, 24th, September, 2019 for recruitment of Naib-Qasids, Village/Neighborhood Councils in District Mardan.

1. Mr. Akhtar Munir, Assistant Director (Senior) LG&RDD Mardan. Chair
2. Mr. Shams-Ul-Arifeen, Assistant Director (Administration/HR) LG&RDD (Representative of Govt. of Khyber Pakhtunkhwa) Member-I
3. Mr. Wisal Khan (Supervisor LG&RDD District Mardan) Member-II

(List of the participants is attached)

2. The Chairman welcomed the participants. The Chairman informed that here were 164 vacant post of Naib-Qasids in VCs/NCs in District Mardan which were advertised in 2017. Out of these posts recruitment against 68 posts of Naib-Qasids has already been made while for the remaining 96 posts, 2244 candidates who applied for the posts have been called for interviewed. The Committee agreed to specify 10 marks for each candidate for interview distributed as under:

S#	Designation	Marks Assigned for interview
1	Assistant Director (Senior) LG&RDD Mardan	04
2	Assistant Director (Administration/HR) Representative of Govt. of Khyber Pakhtunkhwa LG&RDD	04
3	Supervisor LG&RDD District Mardan	02
4	Assistant / Accountant LG&RDD District Mardan	VC/NC identification and picture collection
5	Acting Supervisor, LG&RDD District Mardan	For thumb Impression and signature i.e. attendance

3. The interview candidates for recruitment against the vacant posts of Naib-Qasids in their respective NCs/VCS were held on 27th, 29th August, 3rd, 6th, 17th, 24th, September, 2019.

S#	Name of Candidates	Father Name	Employment Exchange Reg#	Interview Marks			T Marks	D.O.B	Village Council for which the candidates has applied
				Chair (04)	M-I (04)	M-II (02)			
1	Mudassir Javed	Anwar Zada	2838/2017	1	1	1	3	1/3/1992	VC/NC Babuzai Aba Khel
2	Kamran Shah	Zarb Ali Shah	2703/2017	1	1	1	3	19/3/1991	--do--
3	Zia Ur Rahman	Liaqat Ali	2203/2017	1	1	1	3	25/9/1990	--do--
4	Rasheed Ahmad	Miran Shah	Advt: 24/10/2017	A	A	A	A	12/9/1983	--do--
5	Zarshed Khan	Razi Khan	Advt: 24/10/2017	1	1	1	3	5/7/1982	--do--
6	Kamran Shah	Zarb Ali Shah	2703/2017	A	A	A	A	19/3/1991	--do--
7	Zia Ur Rahman	Liaqat Ali	Advt: 24/10/2017	A	A	A	A	25/9/1990	--do--
8	Kaleem Ullah	Zakir Ullah		A	A	A	A	1/4/1983	--do--
9	Asad Zia	Syed Shah Nazir		A	A	A	A	15/11/1989	--do--

Sd/-
Chairman

Sd/-
Member-I

Sd/-
Member-II

Attested
Wahid A.
Assistant Director (Sr)
LG & RDD
Mardan

13	Mujeeb Ur Rahman	Wali Rahman	Advt: 24/10/17	8/20/1992	1	1	1	3	VC/NC Babuzai Aba Khel
14	Sawar Khan	Mir Bahadar	Advt: 24/10/17	6/16/1981	A	A	A	A	--do--
15	Haider Khan	Mir Bahadar	Advt: 24/10/17	5/7/1977	1	1	1	3	--do--
16	Inayat Ullah Khan	Nasrullah	Advt: 24/10/17	4/4/1996	1	1	1	3	--do--
17	Shah Sawar	Mahboob Khan	Advt: 24/10/17	1/5/1998	1	1	1	3	--do--
18	Muhammad Ayaz	Muhammad Rahman	3711/2019	18/3/1990	3	1	2	6	--do--
19	Faisal Shah	Muqadar Shah	3457/2019	1/1/1996	1	1	1	3	--do--
20	Said Nawab	Haji Nawab	Advt: 24/10/17	1/1/1992	1	1	1	3	--do--
21	Roman Khan	Mian Khan	Advt: 24/10/17	4/1/1998	1	1	1	3	--do--
22	Muhammad Noor Ul Amin	Ahmad Jan	Advt: 24/10/17	1/8/1972	A	A	A	A	--do--
23	Atta Ullah	Abid Jan	Advt: 24/10/17	1/11/1992	1	1	1	3	--do--
S#	Name of Candidate	Father's Name	Employment Exchange Reg#	D.O.B	Interview Marks			T Mark s	VC/NC for which the candidate has applied
					Chair 04	M-I 04	M-II 02		
1	Liaqat Ali	Sabz Ali	Advt: 24/10/17	3/10/1986	1	1	1	3	VC NC Khan Killi
2	Irshad Khan	Mirza Khan	Advt: 24/10/17	1/1/1982	A	A	A	A	--do--
3	M. Idrees	M Yaseen	Advt: 24/10/17	5/5/1990	1	1	1	3	--do--
4	Qasam Khan (overage)	Hayat Khan	Advt: 24/10/17	1/1/1978	A	A	A	A	--do--
5	Abid Hussain	Gul Zaman	Advt: 24/10/17	1/1/1985	1	1	1	3	--do--
6	Masood Shah	Zabita Khan	Advt: 24/10/17	1/1/1990	1	1	1	3	--do--
7	Junaid Khan	Farid Khan	Advt: 24/10/17	2/15/1992	1	1	1	3	--do--
8	Fida Muhammad	Muhammad Yar Khan	Advt: 24/10/17	2/2/1981	1	1	1	3	--do--
9	Mukamil Shah	Ghazan Khan	Advt: 24/10/17	1/1/1976	1	1	1	3	--do--
10	Ali Afsar	Ali Jan	Advt: 24/10/17	1/1/1998	A	A	A	A	--do--
11	Shah Khalid	Hamish Gul	Advt: 24/10/17	2/3/1992	1	1	1	3	--do--
12	Rizwan Ullah	Nadar Khan	Advt: 24/10/17	1/1/1986	1	1	1	3	--do--
13	Shahab Ali	Zubair Shah	3401/2019	3/12/1994	2	1.5	1.5	5	--do--
14	Muhammad Zakriya	Ajmal Khan	Advt: 24/10/17	11/2/1995	A	A	A	A	--do--
15	Muhammad Usman	Aziz Khan	Advt: 24/10/17	8/8/1994	1	1	1	3	--do--
16	Muhammad Ishaq	Khurshid	3401/2017	2/1/2000	2.5	1	1	4.5	--do--
17	Irfan	Muhammad Ali	Advt: 24/10/17	3/8/1989	1	1	1	3	--do--
18	Akhtar Zeb	Azeem Khan	Advt: 24/10/17	10/5/1988	1	1	1	3	--do--
19	Ali Muhammad	Pir Muhammad Khan	Advt: 24/10/17	3/4/1996	A	A	A	A	--do--

4. After detail & deliberate interviews on the prescribed parameters, the following candidates were selected as Naib Qasid (BS-03) in the VC/NCs assigned/mentioned against each to perform their duties as per their job description.

S #	Name of Candidate	Father's Name	Employment Exchange Reg#	D.O.B	Interview Marks			T Marks	VC/NC for which the candidate has applied
					Chair 04	M-I 04	M-II 02		
1	Ghawas Ur Rahman	Amir Khan	3511/2019	5/2/1978	3	1	1	5	VC/NC Hathin-I
2	Shehzad Muhammad	Shad Muhammad	Advt: 24/10/17	4/2/1993	2.5	1	1	4.5	VC/NC Hathian-II
3	Abid Ali	Shah Muhammad Safi	3558/2019	26/6/1993	2	1	1	4	VC/NC Hathian-III

Sd/-
Chairman

Sd/-
Member-I

Attested
Assistant Director (Sr)
LG & RDD
Mardan

Sd/-
Member-II

4									VC/NC Jalala-II
5	Muhammad Ishaq	Khurshed	3401/2019	2/1/2000	2.5	1	1	4.5	VC/NC Khan Killi
6	Jawad Ali	Imran Ali	3176/2019	26/07/1994	2.5	1	1	4.5	VC/NC Lund Khwar-I
7	Janat Gul	Khan Sher	2753/2019	3/2/1992	3	1	1	5	VC/NC Kund Khwar-II
8	Saeed Khan	Nadar Khan	3246/2019	1/12/1993	2.5	1	1	4.5	VC/NC Lund Khwar-III
9	Shah Faisal	Nooran Shah	Advt: 24/10/17	1/1/1989	3.5	1	1	5.5	VC/NC Pir Saddi-I
10	Muslim Khan	Tawoos Khan	2661/2019	2/3/1986	2.5	2	1	5.5	VC/NC Pir Saddi-II
11	Muhammad Tariq	Ajab Khan	2833/2019	15/1/1993	2.5	1	1	4.5	VC/NC Sher Garh-I
12	Asif Khan	Rahim Dad	3702/2019	1/1/1986	3	1	1	5	VC/NC Aher Garh-III
13	Amir Zeb	Sabz Ali	2861/2019	15/5/1992	2.5	1	1.5	5	VC/NC Parkho Dheri-I
14	Arif shah	Faqir Shah	111/2019	6/3/1992	3.5	1	1	5.5	VC/NC Parkho-II
15	Muhammad Zeeshan	Waheed Gul	2647/2019	4/5/1997	3.5	1	1	5.5	VC/NC Makori-III
16	Junaid Ahmad	Muhammad Saeed Khan	Advt: 24/10/17	3/21/1992	3.5	1	1	5.5	VC/NC Tordher
17	Muhammad Arif	Mutabar Khan	2886/2019	1/1/1988	3	1	1	5	VC/NC Makori-I
18	Riaz Ahmad	Zaidar Khan	Advt: 24/10/17	6/2/1905	2.5	1	1	4.5	VC/NC Makori-II
19	Sajjad Ahmad	Hashmand Khan	3147/2019	12/3/1988	3	1	1	5	VC/NC Matta Odi-Gram-I
20	Asad Ali	Wakil Shah	3834/2017	10/08/1983	3	1	1	5	VC/NC Shamozai-II
21	Irshad Muhammad	Taj Malook	3247/2017	10/08/1983	3	1	1	5	VC/NC Shamozai-I
22	Saeed Ullah	Sher Ullah Khan	Advt: 24/10/17	3/3/2000	3	1	1	5	VC/NC Koh e Barmol-I
23	Muhammad Naveed	Qajeer Badshah	3508/2019	10/03/1994	3	1	1	5	VC/NC Koh e Barmol-II
24	Yousaf Shah	Raza Shah	404/2019	20/03/1994	3.5	1	1	5.5	VC/NC Sangao
25	Saqib Muhammad	Gul Muhammad	Advt: 24/10/17	1/4/2000	3.5	1	1	5.5	VC/NC Sarobi
26	Hamza Ali	Shah Ali Rahman	3054/2019	8/6/1998	3.5	1	1.5	6	VC/NC Taza Gram
27	Muhammad Zeb	Khan Zeb	112/2019	31/5/1981	3	1	1.5	5.5	VC/NC Baizo Kharki-I
28	Usman Ali	Khawas Khan	1955/2019	4/2/1994	3	1	1	5	VC/NC Baizo Kharki-II
29	Tanveer Ul Haq	Ihtisham Ul Haq	3672/2017	16/4/1996	3.5	1	1	5.5	VC/NC Zareen Abad

Attested

Sd/-
ChairmanSd/-
Member-ISd/-
Member-II

[Signature]
Assistant Director (Sr)
LG & RDD
Mardan

30	Muhammad Tufail	Janas Khan	2570/2019	20/3/1990	2	1	1	4	VC/NC Minagano Killi
31	Mukhtiar Ahmad	Mir Afzal	Advt: 24/10/2017	13/03/1990	3	1	1	5	VC/NC Kalo
32	Arif Hussain	Rahim Ullah	2310/2019	7/3/1996	2	1	1	4	VC/NC Alo-I
33	Anwar Gul	Ziarat Gul	Advt: 24/10/2017	1/1/1980	2.5	1	1	4.5	VC/NC Alo-II
34	Naveed Khan	Tawoos Khan	2457/2019	27/4/2001	3	1	1	5	VC/NC Shabat Khel
35	Sadam Hussain	Muntaj Hussain	4463/2019	3/6/1995	3	1	1	5	VC/NC Likpani
36	Abdullah Shah	Behram Shahq	Advt: 24/10/2017	Nil	3	1	1	5	VC/NC Mian Khan
37	Shehriyar	Fazal Wahab	3236/2017	7/3/1988	3	1	1	5	VC/NC Mian Essa
38	Muhammad Ayaz	Khitab Gul	Advt: 24/10/2017	4/13/1987	3	1	1	5	VC/NC Dewan Khel
39	Sajjad Ahmad	Muhammad Inam	Advt: 24/10/2017	2/2/1992	2	1.5	2	5.5	VC/NC Babozai Barathkhel
40	Fazal Hameed	Muhammad Ghani	3410/2019	21/5/1984	2	1	1	4	VC/NC Sherro-I
41	Arshad Khan	Kareem Ullah	368/2017	25/3/1995	2.5	1	1.5	5	VC/NC Shero-II
42	Wahid Ali	Muhammad Ali	4447/2019	4/2/1978	3	1	1	5	VC/NC Kat Garhi
43	Ihsan Ullah	Amin Ullah	3352/2017	1/3/1989	4	1	1	6	VC/NC Taja
44	Muhammad Haris	Muhammad Iqrar	2290/2019	Nil	2.5	2	1	5.5	VC/NC Surkh Dheri
45	Hubaib Khan	Adil Zaman	402/2019	10/1/1999	3	1	1	5	VC/NC Cheena
46	Tauseef Ahmad	Sher Bahdar	3616/2017	4/12/1983	3	1	1	5	VC/NC Daulat Zai
47	Zafar Ali	Jamshed Khan	63/2019	NIL	3	1	1.5	5.5	VC/NC Rustam-I
48	Muhammad Sohrab	Farhad Gul	166/2013	23/8/1985	2.5	1	1	4.5	VC/NC Rustam-II
49	Muhammad Amin	Ahmad Saeed	4129/2019	13/2/1986	3	1	1	5	VC/NC Rustam-II
50	Saeed Ghufuran	Saeed Numan	3387/2017	4/3/1984	3	1	1	5	VC/NC Bazar
51	Ifthar Ali	Miraj Wali	2299/2019	15/4/1998	2	1	1	4	VC/NC Beroach
52	Farhad Ali	Muhammad Bashir	2768/2019	25/12/1984	3.5	1	1	5.5	VC/NC Landi
53	Ibrar Ahmad	Qadar Muhammad	3698/2019	3/3/1982	2.5	1	1	4.5	VC/NC Ali
54	Kamran Khan	Gul Muhammad	3258/2017	10/4/1995	3.5	1	1	5.5	VC/NC Jamal Garhi-I
55	Afsar baz	Nazeer Baz	1658/2018	8/1/1987	2	1	1	4	VC/NC Jamal Garhi-II
56	Imtiaz Ahmad	Sahib Zada Sultan	113/2018	16/3/1997	3	1	1	5.5	VC/NC Machi

Sd/ -
Chairman

Sd/-
Member-I

Sd/-
Member-II

Attested

[Signature]
Assistant Director (Sr)
LG & RDD
Mardan

57	Bakhtiar Khan	Arifeen Sardar Khan	2741/2017	16/08/1985	3	1	1	5	VC/NC Bilandi
58	Sayed Adnan	Sayed Maqbool Shah	4155/2014	1/3/1988	3	1	1	5	VC/NC Katlang-I
59	Sami Ullah	Khan Sher	1848/2019	NIL	3	1	1	5	VC/NC Katlang-II
60	Muhammad Abbas	Faiz Talab Khan	441/2019	15/3/1998	2.5	1	1	4.5	VC/NC Katlang-III
61	Saeed Gul	Wahid Gul	Advt: 24/10/2017	14/4/1982	3.5	1	1	5.5	VC/NC Kotar Pan
62	Syed Adnan	Syed Maqbool Shah	4155/2014	1/3/1988	3	1	1	4	VC/NC Kata Khat
63	Muneeb Ur Rahman	Sher Khan	4406/2019	15/08/1994	2	2	1	5	VC/NC Barikab
64	Asif Ali	Saif Ur Rahman	3296/2017	3/3/1997	1	1	1.5	3.5	VC/NC Charguli
65	Umair Ahmad	Masood Ali	4175/2019	NIL	3	1	1	5	VC/NC Qazi Abad
66	Sair Ali	Rawas Khan	3077/2017	1987	3	1	1	5	VC/NC Garyala
67	Iftihar Ali	Muhammad Sultan	3251/2018	NIL	3.5	1	1	5.5	VC/NC Bhai Khan
68	Hassan Zada	Muhammad Younas	Advt: 24/10/2017	NIL	3	1	1	5	VC/NC Gujrat-II
69	Subhan Ullah	Bakhtiar	2864/2019	NIL	3	1	1	5	VC/NC Chak Mardan-I
70	Adnan Khan	Sahib Ali Khan	260/2019	15/8/1993	3	1	1	5	VC/NC Chak Mardan-II
71	Shaukat Khan	Hassan Khan	4148/2019	1/1/1987	3	1	1	5	VC/NC Mardan Rural-I
72	Kashif Khan	Aqif Khan	1318/2019	1/1/1999	3	1	1	5	VC/NC Mardan Rural-II
73	Said Ul Amin	Farid Ul Haq	4327/2019	1/1/1979	3	1	1	5	VC/NC Shehbaz Garhi-I
74	Asif Khan	Abdul Khaliq	4332/2019	NIL	3	1	1	5	VC/NC Shehbaz Garhi-II
75	Muhammad Arsalan	Waheed Zaman	3383/2017	13/1/2000	3	1	1	5	VC/NC Baghicha Dheri
76	Anwar Sher	Gul Sher	4450/2019	3/3/1980	3	1	1	5	VC/NC Shehbaz Garhi-III
77	Shah Khalid	Khan Zada	4132/2019	NIL	3	1	1	5	VC/NC Bakhshali-II
78	Zia Ullah Khalid	Khalid Khan	Advt: 24/10/2017	23/05/2001	3	1	1	5	VC/NC Barikab
79	Baharman	Muhammad Akbar	4172/2019	28/6/1985	3	1	1	5	VC/NC Fatima-II
80	Bakht Zada	Sher Zada	814/2017	12/2/1985	3	1	1	5	VC/NC Jungara
81	Rahim Dad	Hbib Khan	821/2017	8/2/1986	3.5	1	1	5.5	VC/NC Gedar
82	Waheed Khan	Inayat Ur Rahman	3297/2018	1/1/1988	3.5	1	1	5.5	VC/NC Muhabat Abad
83	Sami Ur Rahman	Mir Aman Khan	3005/2017	1/3/1993	2.5	1	1	4.5	VC/NC Sheikh Maltoon Town

Sd/-
ChairmanSd/-
Member-ISd/-
Member-II

Attested

[Signature]
Assistant Director (Sr)
LG & RDD
Mardan

84	Sham Ur Rahman	Muhammad Aslam	2584/2019	1/3/1985	3	1	1	5	VC/NC Sokai
85	Asfandyar Khan	Ameer Muhammad	2960/2017	15/1/1988	3.5	1	1	5.5	VC/NC Bago Banda
86	Zeeshan Ur Rahman	Muhammad Sher	3635/2019	12/1/1989	3	1	1	5	VC/NC Bari Cham-II
87	Atta Ullah	Sarfraz	1502/2019	4/1/1995	3	1	1	5	VC/NC Par Hoti-II
88	Amir Khan	Gulab Sher	1052/2017	15/2/1993	3.5	1	1	5.5	VC/NC Par Hoti-III
89	Muhammad tariq	Muhammad Usman	1464/2019	1/1/1978	2.5	1	1	4.5	VC/NC Sekandri-I
90	Kashif Muhammad	Javed Muhammad	4469/2017	12/4/1984	2.5	1	1.5	5	VC/NC Sikandri-II
91	Muhammad Abbas	Taj Muhammad	2890/2017	23/11/1992	2.5	1	1.5	5	VC/NC Ala Dad Khel-II
92	Ali Zaman	Muhammad Zaman	2442/2019	5/3/1989	3	1	1	5	VC/NC Mayar-II
93	Muhammad Owais	Wisal Khan	246/2019	3/5/1995	1.5	2	3	6.5	VC/NC Mayar-III
94	Ijaz Ahmad	Faqeer Khan	Advt: 24/10/17	27/2/1998	2	1	1	4	VC/NC Cham Dheri-III
95	Waqar Hussain	Hazrat Gulab Khan	Advt: 24/10/17	4/4/1995	2.5	1	1	4.5	VC/NC Ala dad Khel-I
96	Arif Ur Rahman	Inayat ur Rahman	Advt: 24/10/17	1/1/1976	2	1	2	5	VC/NC Hamza Khan

5. The chairman also clarified in the meeting that 28 Naib-Qasids were recruited against 28% Quota reserve for recruitment of son/daughter of retired class-IV Employees, 3 candidates were recruited against disable quota while 2 candidates were recruited against diseased son quota in LG&RDD Mardan by his predecessor.

6. the Assistant Director (Admin/HR) Directorate General LG&RDD (Representative of the Administrative Department) stated that before issuing of order of appointment to the recommended candidates, the Assistant Director (Senior), LG&RDD Mardan must insure: -

Sd/-
Chairman

Sd/-
Member-I

Sd/-
Member-II

Selected

[Signature]
Assistant Director (Sr)
LG & RDD
Mardan

- (i) That all candidates who applied for the post of Naib-Qasids were informed timely to attend interview;
- (ii) That all application of applicants have been dairzied in the register maintained for the purpose;
- (iii) Verification of the recommendee candidates to which NC/VC they belong.

The meeting ended with the vote of thanks from & by the Chair.

Sd/-
(Shamsul Arifeen)
Assistant Director (ADMIN/HR)
LG&RDD Khyber Pakhtunkhwa
Peshawar
(Member)

Sd/-
(Akhtar Munir)
Assistant Director (Senior)
Local Govt. & Rural Dev. Deptt:
Mardan
(Chairman)

Sd/-
(Muhammad Wisal Khan)
Supervisor LG&RDD District
Mardan
(Member)

Attested
[Signature]
Assistant Director (Sr)
LG & RDD
Mardan



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13

**OFFICE OF THE
ASSISTANT DIRECTOR (SENIOR)
LG & RDD DISTRICT MARDAN**

Dated: March, 16th2020

OFFICE ORDER:

No.AD/LG&RDD/(MDN)/Office-Order/ 349 Consequent upon the recommendations of the Departmental Selection Committee, the following Naib-Qasids (BPS-03) are hereby **APPOINTED** as per following terms and conditions with immediate effect in the public interest, please.

The Detail is as under:

S#	Name	F.Name	VC/NC
1	Fazal Kabir	Muhammad Saleem	Village Council Hathian-1
2	Shah Fahad	Muhammad Diyar	Village Council Hathian-2
3	Ali Zaman	Gul Zaman	Village Council Hathian-3
4	Muhammad Arif	Mutabar Khan	Village Council Makori-1
5	Riaz Ahmad	Zaidar Khan	Village Council Makori-2
6	Muhammad Zeeshan	Waheed Gul	Village Council Makori-3
7	Adil	Saifor	Village Council Lund Khwarr-1
8	Naveed Akhtar	Bahar Aman	Village Council Lund Khwarr-2
9	Rashid Ali	Qayum Khan	Village Council Lund Khwarr-3
10	Muhammad Tariq	Ajab Khan	Village Council Sher Garh-1
11	Asif Khan	Rahim Dad	Village Council Sher Garh-3
12	Muhammad Ayaz	Muhammad Rehman	Village Council Jalala-2
13	Shahab Ali	Zubair Shah	Village Council Jalala-3
14	Amir Zeb	Sabz Ali	Village Council Parkho Dheri-1
15	Arif Shah	Faqir Shah	Village Council Parkho Dheri-2
16	Junaid Ahmad	Muhammad Saeed Khan	Village Council Tordher

Terms & conditions

1. The selectee will be governed by such rules and regulations issued by the Govt or may be issued hereinafter for category of post to which he belongs.
2. Before assumption of charge the selectee will provide **Medical Fitness Certificate** from the Medical Superintendent DHQ Hospital Mardan, **Police Clearance Certificate** from local Police Station and an affidavit on Judicial Stamp Paper for good conduct, punctually and will compulsorily perform duty at least for 02 years on this post.
3. The Selectee will remain on probation period for two years.
4. In case, the selectee wish to resign from service at any time, one-month prior notice should be necessary or in lieu thereof one month pay shall be forfeited.
5. The documents/particulars reflected/submitted by the selectee will be abided upon him/them, if found fake or bogus.
6. The order may be withdrawn any time, without assigning any reason.
7. An affidavit/Judicial Stamp paper will be submitted by the applicant concerned that in case of any litigation, he will be exclusively responsible, and in case of any misconduct, absence from official duty or non-punctuality will be tantamount to disciplinary action under E&D/Service rules.
8. If the Naib-Qasid concerned, where his duty has been assigned, is found absent somewhere else from VC/NC, will be terminated and dismissed with immediate effect.

Sd/ -
Assistant Director (Senior)
Local Govt. & Rural Dev. Deptt:
Mardan

Even No & Date.

Copy of the above is forwarded to the:

1. Director General, LG & RDD Khyber Pakhtunkhwa Peshawar, with reference your kind directions on the subject.
2. Deputy Commissioner, District Mardan.
3. District Police Officer, Mardan.
4. MS DHQ Hospital Mardan.
5. District Accounts Officer, District Mardan.
6. Progress Officer, LG&RD Mardan.
7. Accountant LG&RDD Mardan.
8. Supervisor LG&RDD Takht Bhai, District Mardan.
9. Secretary VC/NCs concerned.
10. Official Concerned for immediate compliance.

Attested

Assistant Director (Sr)
LG & RDD
Mardan

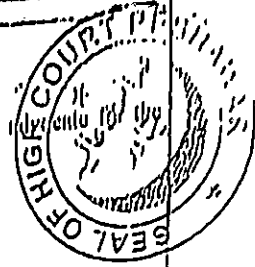
Sd/ -
Assistant Director (Senior)
Local Govt. & Rural Dev. Deptt:
Mardan

**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**

Annex: 'D'

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Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Head of parties or counsel where necessary.
07.05.2020	<p>WP No. 2036-P/2020.</p> <p>Present: Mr. Ali Gohar Durani, petitioners.</p> <p>.....</p> <p>Comments of respondent No.3 be called for, so as to reach this Court within a fortnight.</p> <p><u>Interim Relief.</u></p> <p>Notice for a date to be fixed by the office, till then no adverse action shall be taken against the petitioners.</p>



No. 38137
 Date of Presentation of Application 16/05/2020
 No of Pages 6
 Copies 267
 Total
 Date of Preparation of copy 16/05/2020
 Date of Delivery of copy 16/05/2020
 Received by
 C-400
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 LG&RDD Mardan

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 Assistant Director (Sr)
 LG&RDD
 Mardan

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 Assistant Director (Sr)
 LG & RDD
 Mardan

IN THE
PESHAWAR HIGH COURT
PESHAWAR

Annex 'E'

15

W.P No. 2056-P/2019

1. Masood Shah s/o Muhammad Akbar Shah.
2. Shahid Ali s/o Jamshed Khan.
3. Abid Ali s/o Haji Muhammad Saffi.
4. Ali Raza s/o Sher Wali.
5. Fawad ali s/o Muhammad Ali.
6. Sher Alam s/o Sherzada.
7. Ali Khan s/o Muhammad Nawaz.
8. Muhammad Shoaib s/o Muhammad Khan.
9. Irfan s/o Muhammad Ali.
10. Syed Khalid Shah S/o Bakhtawar Shah
All residents of Tehsil Takhtbai, District Mardan.

..... Petitioner

Versus

WP2056P2020 Masood Shah vs Govt CF PG 121

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Assistant Director (Sr)
LG&RDD
Mardan

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Assistant Director (Sr)
LG & RDD
Mardan

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- 16
1. Government of Khyber Pakhtunkhwa
through Secretary Local Government & Rural Development Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
 2. Director General,
Local Government and Rural Development Department,
Civil Secretariat, Peshawar.
 3. Assistant Director
Local Government and Rural Development Department,
Mardan.

.....Respondents

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

RESPECTFULLY SUBMITTED:

1. That the petitioners are bonafide citizens of Pakistan and residents of Khyber Pakhtunkhwa Pakistan duly domiciled at District Mardan.
(Copy of the CNIC's is hereby annexed as annexure A),
(Copy of Domiciles is hereby annexed as annexure B).
2. That the respondent No. 03 advertised posts of Naib Qasid BPS-03 total numbering 164 vide advertisement widely circulated in local newspapers.
(Copy of the advertisement is hereby annexed as annexure C).
3. That the petitioners had registered themselves with the employment exchange registration.
(Copies of the registration are hereby annexed as annexure D).

WP2056P2020 Masood Shah vs Govt CF PG 121

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LG&RDD
Mardan

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Assistant Director (Sr)
LG & RDD
Mardan

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That the petitioners were issued with call letters dated: 21.08.2019 by Assistant Director (nonor) LG and RDD District Mardan. (Copies of call letters are hereby annexed as annexure H).

That the petitioners were subsequently issued letters of appointment by the Respondent No.03. The petitioners were required after the said appointment letter to give police clearance, and medical certificates, which they all provide. (Copies of appointment orders are hereby annexed as annexure I). Copies of the Police Clearance and medical certificates are annexed as annexure-F/1.

6. That subsequent to the appointment letters some of the petitioners gave arrival reports and were handed over charge, whereas the rest though did give arrival reports but were not entertained by the respondent No.03 and no charge was handed over, rather their arrival reports weren't taken from them. (Copies of the arrival and the charge reports are hereby annexed as annexure G).

7. That the respondent No. 03 has now directed the petitioners not to come for duty as the appointment stands cancelled upon the directions of an member provincial assembly of the locality.

8. That having no alternate remedy the petitioners approaches this Honorable court in its constitutional jurisdiction amongst others on the following grounds:

GROUNDS:

a. Because the action of Respondents in not allowing the petitioners to perform their duties and not taking their joining reports and non issuance of the charge assumption certificates as well as the withholding of permission to work are acts which are clearly tainted with malafide are arbitrary, illegal and unlawful.

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Attested
Assistant Director (Sr)
LG & RDD
Mardan

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Assistant Director (Sr)
LG & RDD
Mardan

- 18
- b. Because the Respondents cannot be allowed under the law to pass any illegal order.
 - c. Because the Petitioner has wrongly been deprived of her Constitutional Rights so guaranteed by the Constitution of Islamic Republic of Pakistan 1973 in general.
 - d. Because the entire process of recruitment was properly followed and the petitioners were properly issued letters of appointment, the non-adherence to the appointment letters is based in malafide and in excess of authority on part of the respondents.
 - e. Because the Petitioner have wrongly been deprived of their Constitutional Rights so guaranteed by the Constitution of Islamic Republic of Pakistan 1973 in general.
 - f.
 - g. Because the entire process of recruitment is based in malafide and in excess of authority on part of the petitioners.
 - h. Because the Petitioner crave for leave to add further grounds at the time of his oral arguments before this Hon'ble Court highlighting further contraventions of the provisions of the Constitution & Laws.

P R A Y E R:

In view of the above, it is humbly prayed that this honorable Court may graciously be pleased to:

- e. Declare that the actions of the Respondents in the non-issuance of charge certificates to some of the petitioners and the directions of not allowing the petitioners to work as acts which are inherently and patently illegal, unlawful and against the rights of the petitioners.
- f. Declare further that the petitioners have been validly appointed against the posts of Bps-3 and the Respondents have exceeded their jurisdiction in not

WP2050P2020 Masood Shah vs Govt CF PG 121

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LG&RDD
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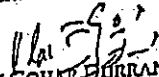
allowing the petitioners to work against their duly appointed positions of Naib Qasid (bps-3),

- g. Direct that the petitioners be allowed to work on the posts of Naib Qasid against which they have been validly appointed.
- h. Any other relief deemed appropriate in the circumstance of the case may also be granted.

Interim Relief:

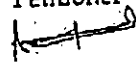
May it please this Honorable Court to direct the respondents to permit the petitioners to work against their posts of Naib Qasids (BPS-03) to which they have been validly appointed till the final decision of the instant writ petition and that no adverse action be taken against the petitioners.

Petitioners

Through 
 (ALI GOHAR DURRANI)
 Advocate High Court
 0332-9297427
 khaneligohar@yahoo.com
 Shah | Durrani | Chhattak
 62-C/1, University Road,
 University Town, Peshawar.


CERTIFICATE:

It is certify that no such like writ petition has earlier been filed by the Petitioner in this Honourable Court

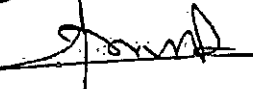
Petitioner 

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan 1973
2. Khyber Pakhtunkhwa Local Government Act 2013 along-with all the amendments.
3. Case Laws as per need


Advocate

Attested

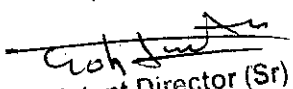


Assistant Director (Sr)
LG&RDD

WP2056P2020 Masood Shah vs Govt of Peshawar

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Assistant Director (Sr)
LG & RDD
Mardan

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



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Date of order or proceedings	Order or other proceedings with signature of Judge or that of parties or counsel where necessary.
2.	3.
13.10.2020	<p><u>WP No.2056-17/2020 with C.I.</u></p> <p>Present: Mr. Ali Gulur Durrani, Advocate for the petitioners.</p> <p>Mr. Moeen-ud-Din Humayun, AAG along with Mr. Wisal Khan, Superintendent, LG&RDD, Mardan for the respondents.</p> <p>*****</p> <p><u>QIASER RASHID KHAN, J.-</u> Through the petition in hand, the petitioners have prayed as under :-</p> <ul style="list-style-type: none"> > Declare that the actions of the respondents in the non-issuance of charge certificates to some of the petitioners and the directions of not allowing the petitioners to work as acts which are inherently and patently illegal, unlawful and against the rights of the petitioners; > Declare further that the petitioners have been validly appointed against the posts of BPS-3 and the respondents have exceeded their jurisdiction in not allowing the petitioners to work against their duly appointed positions of Naib Qasid (BPS-3); > Direct that the petitioners be allowed to work on the posts of Naib Qasid against which they have been validly appointed. <p>2. The learned AAG accompanied by Mr. Wisal Khan, Superintendent / representative of the</p>

ATTESTED

EXAMINER
Peshawar High Court

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Assistant Director (Sr)
LG & RDD
Mardan

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Assistant Director (Sr)
LG&RDD
Mardan

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respondent-department, at the very outset, has produced a copy of office order dated 2.3.2020 (copy placed on file), whereby, the appointment orders of the petitioners have been withdrawn. On being confronted with such development, the learned counsel for the petitioners seeks withdrawal of the instant petition, so as to file a fresh one.

Order accordingly.

Announced.
Dated: 13.10.2020.

[Signature]
Senior Puisne Judge

[Signature]
Judge

No. 14/2021
Date of Presentation of Application 3/11/2020
No of Pages 7
Copying fee 28/-
Total 28/-
Date of Preparation of Copy 3/11/2020
Date of Delivery of Copy 3/11/2020
Received By [Signature]

[Signature]

VERIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan

03 NOV 2020

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Attested

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LG&RDD
Mardan
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Assistant Director (Sr)
LG & RDD
Mardan

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IN THE
PESHAWAR HIGH COURT
PESHAWAR

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22

W.P No. 4775-P/2020

1. Masood Shah s/o Muhammad Akbar Shah.
2. Shahid Ali s/o Jamshed Khan.
3. Abid Ali s/o Haji Muhammad Safi.
4. Ali Raza s/o Sher Wali.
5. Fawad ali s/o Muhammad Ali.
6. Sher Alam s/o Sherzada.
7. Ali Khan s/o Muhammad Nawaz.
8. Muhammad Shoaib s/o Muhammad Khan.
9. Irfan s/o Muhammad Ali.
10. Syed Khalid Shah S/o Balchtawar Shah

All residents of Tehsil Takhtbai, District Mardan.

..... Petitioner

Versus

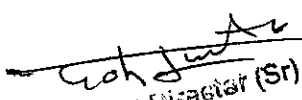
1. Government of Khyber Pakhtunkhwa
through Secretary Local Government & Rural Development Department,
Government of Khyber Pakhtunkhwa.
Civil Secretariat, Peshawar.
2. Director General,
Local Government and Rural Development Department,
Civil Secretariat, Peshawar.
3. Assistant Director
Local Government and Rural Development Department,
Mardan.

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LG&RDD
Mardan

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- 23
4. Fazal Kabir S/o Muhammad Saleem
 5. Shah Fahad S/o Muhammad Dlyar
 6. Ali Zaman S/o Gul Zaman
 7. Muhammad Arif S/o Mutabar Khan
 8. Rizaz Ahmad S/o Zaidar Khan
 9. Muhammad Zeeshan S/o Waheed Gul
 10. Adil S/o Salfoor
 11. Naveed Akhtar S/o Bahar Aman
 12. Rashid Ali S/o Qayum Khan
 13. Muhammad Tariq S/o Ajab Khan
 14. Asif Khan S/o Raham Dad
 15. Muhammad Ayaz S/o Muhammad Rehman
 16. Shahab Ali S/o Zubair Shah
 17. Amir Zeb S/o Sabz Ali
 18. Arif Shah S/o Faqir Shah
 19. Junaid Ahmad S/o Muhammad Saeed Khan
- S. No. 4 to 19 all residents of Tehsil Takhtbai District Mardan and currently on the pay roll of Respondent No. 3.

.....Respondents

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

RESPECTFULLY SUBMITTED:

1. That the petitioners are bonafide citizens of Pakistan and residents of Khyber Pakhtunkhwa Pakistan duly domiciled at District Mardan.
(Copy of the CNIC's is hereby annexed as annexure A),
(Copy of Domicile's is hereby annexed as annexure B).
2. That the respondent No. 03 advertised posts of Naib Qasid BPS-03 total numbering 164 vide advertisement widely circulated in local newspapers.
(Copy of the advertisement is hereby annexed as annexure C).

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3. That the petitioners had registered themselves with the employment exchange registration.
(Copies of the registration are hereby annexed as annexure D).
4. That the petitioners were issued with call letters dated: 21.08.2019 by Assistant Director (senior) LG and RDD District Mardan.
(Copies of call letters are hereby annexed as annexure E).
5. That the petitioners were subsequently issued letters of appointment by the Respondent No.03. The petitioners were required after the said appointment letter to give police clearance, and medical certificates, which they all provided.
(Copies of appointment orders are hereby annexed as annexure F).
Copies of the Police Clearance and medical certificates are annexed as annexure-F/1.
6. That subsequent to the appointment letters some of the petitioners gave arrival reports and were handed over charge, whereas the rest though did give arrival reports but were not entertained by the respondent No.03 and no charge was handed over, rather their arrival reports weren't taken from them.
(Copies of the arrival and the charge reports are hereby annexed as annexure G).
Copy of the minutes of the meeting of the DSC is Annex-G/1.
7. That the respondent No. 03, after the issuance of the appointment orders directed the petitioners not to come for duty as the appointment stands cancelled upon the directions of a member provincial assembly of the locality.
8. That feeling aggrieved of the inaction of the respondents in non-issuance of the charge certificates and the act of not giving permission of joining duties, the petitioners approached this Honorable Court in WP. No. 2056-P/2020 Masood Shah Vs. Govt. of Khyber Pakhtunkhwa. The Honorable Court was pleased to grant status quo in favor of the petitioners. However subsequently when the petition came for hearing on 13-10-2020, the representative of the respondents presented office order dated 02-03-2020 whereby the appointment orders of the

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petitioners were ordered to be Cancelled/Withdrawn. In view of the changed circumstances, the petitioner was directed to file a fresh petition and the WP, No. 2036-P/2020 was dismissed as withdrawn with permission to file a fresh. Copy of the grounds of writ petition and the judgment dated 13-10-2020 is Annex-H.

Copy of the office order dated 02-03-2020 is Annex-I.

9. That the respondent no. 3 has also issued the office orders of the private respondents in place of the petitioners with sheer malice. Copy of the appointment order is Annex-J.

10. That having no alternate remedy the petitioners approaches this Honorable court in its constitutional jurisdiction against the office orders dated 02-03-2020 amongst others on the following grounds:

GROUND:

a. Because the actions of the respondents in withdrawing/cancelling the appointment orders of the petitioners without any due process of the law are illegal, unlawful and without any authority vested in them by the law.

b. Because the cardinal principles of natural justice in adhering to "no one should be condemned unheard" are in literal sense obliterated by the respondents. There is no law that allows the cancellation of appointments of duly appointed candidates without giving them the reason for such cancellation/withdrawal. Such act is clearly colorful exercise of authority.

c. Because the respondents have no regard for the law, rules and have acted in disregard of the law. Such actions warrant interference of this Honorable Court as the Constitutional Rights of the petitioners are involved.

d. Because the action of Respondents in not allowing the petitioners to perform their duties and not taking their joining reports and non issuance of the charge assumption certificates as well as the withholding of permission to work are acts which are clearly tainted with malafide are arbitrary, illegal and unlawful.

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order.

Because the Respondents cannot be allowed under the law to pass any illegal

Because the Petitioner has wrongly been deprived of her Constitutional Rights so

guaranteed by the Constitution of Islamic Republic of Pakistan 1973 in general.

Because the entire process of recruitment was properly followed and the

petitioners were properly issued letters of appointments, the non-adherence to

the appointment letters is based in malafide and in excess of authority on part of

the respondents. The subsequent cancellation is adding salt to the wounds of the

petitioners and they cannot be allowed to go unescaped from it.

Because the Petitioner have wrongly been deprived of their Constitutional

Rights so guaranteed by the Constitution of Islamic Republic of Pakistan 1973 in

general.

Because the Petitioner crave for leave to add further grounds at the time of his oral

arguments before this Hon'ble Court highlighting further contraventions of the

provisions of the Constitution & Laws.

PRAYER:

In view of the above, it is humbly prayed that this honorable Court may graciously be pleased to:

a. Declare that the Office Order dated 02-03-2020 whereby the appointment orders of the petitioners were withdrawn/cancelled are illegal, unlawful and without any jurisdiction and is in excess of the authority vested in the respondents.

b. Declare further that the office orders dated 16-03-2020 whereby the appointments of the private respondents were brought about are issued without any lawful authority, in derogation of the principles of natural justice and in colorful exercise of authority with no regards to law and rules.

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- c. Direct the respondents to forthwith withdraw the office order dated 02-03-2020 and the orders dated 16-03-2020 to the extent of the posts of petitioners.
- d. Declare that the actions of the Respondents in the non-issuance of charge certificates to some of the petitioners and the directions of not allowing the petitioners to work as acts which are inherently and patently illegal, unlawful and against the rights of the petitioners.
- e. Declare further that the petitioners have been validly appointed against the posts of Bps-3 and the Respondents have exceeded their jurisdiction in not allowing the petitioners to work against their duly appointed positions of Naib Qasid (bps-3) and the subsequent action in withdrawing/cancelling the appointment orders suffers from legal defect and are illegal.
- f. Direct that the petitioners be allowed to work on the posts of Naib Qasid against which they have been validly appointed.
- g. Any other relief deemed appropriate in the circumstance of the case may also be granted.

Interim Relief:

May it please this Honorable Court to direct the respondents to permit the petitioners to work against their posts of Naib Qasids (BPS-03) to which they have been validly appointed till the final decision of the instant writ petition and that no adverse action be taken against the petitioners.

Petitioners

Through

(ALI GOHAR DURRANI)
Advocate High Court
0332-9297427
khanallegohar@yahoo.com
Shah | Durrani | Khattak
House No. 231-A, Street No. 13,
New Shami Road, Peshawar.

CERTIFICATE:

It is certify that no such like writ petition has earlier been filed by the Petitioner in this Honourable Court

Petitioner

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