

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

APPEAL NO. 9247 /2020

ZAHID HUSSAIN

V/S

**GOVT. OF KP
& OTHERS**

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APPELLANT

THROUGH:

**NOOR MOHAMMAD KHATTAK,
ADVOCATE**

ROOM NO. 3, UPPER FLOOR,
NEW ISLAMIA CLUB BUILDING,
KHYBER BAZAR, PESHAWAR CITY

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 9247 / 2020 Diary No. 8467

Mr. Zahid Hussain, Village Secretary,
Village Council Battan Karakabanj, U/C Akhgram, District Upper Dir.

Dated 10/8/2020

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Local Government, Election & Rural Development Department, Civil Secretariat, Peshawar.
- 4- The Secretary (Finance) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5- The Director General Local Govt., Election & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES OF THE RESPONDENT DEPARTMENT NOTIFIED ON 5.4.2018, 1.8.2018 & 16.10.2019 WHEREBY THE PROSPECTS OF PROMOTION OF THE APPELLANT TO THE NEXT HIGHER SCALES HAS BEEN DONE AWAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the impugned service rules Notified on 5.04.2018, 1.8.2018 & 16.10.2019 may kindly be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and the respondents be directed to consider the appellant for promotion to the next higher scale/scales under the old rules notified on 26.01.1978. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

Filed to-day
Registrar
10/8/2020

R/SHEWETH:
ON FACTS:

- 1- That the appellant is the employee of the respondent Department and is presently serving as Village Secretary since from the date of appointment till date quite efficiently

and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**

- 2- That according to the service rules Notified on 26.1.1978 the initial scale of the appellant was in BPS-6 which was later on upgraded to BPS-7. That under the said Rules the prospects of promotion was on up to the post of Deputy Director (BPS-18) but later on vide impugned Notifications dated 5.4.2018, 1.8.2018 and 16.10.2019 the channel of promotion has been limited to the post of Developmental Officer (BPS-16) and where after no channel for promotion has been lift for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Civil Servant Act, 1973 & APT Rules, 1989. Copies rules and impugned rules are attached as annexure **B, C, D & E.**
- 3- That according to the old rules of 1978, after appointment the village secretaries has 75% promotion quota to the post of Supervisor (BPS-14) & Assistant Accountant (BPS-14), 50% quota was reserved from supervisor & Assistant Accountant to Development Officer (BPS-16) and where after from the post of Development Officer to the Village Secretary was in a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Manager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were based on the basis of seniority cum fitness. Copy of the rules is already attached.
- 4- The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Neighborhood Council (BPS-11) and Junior Secretary Village Neighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (BPS-14) with 75% quota. Copy of the impugned rules is already attached.
- 5- That it is pertinent to mention that the post of Village Secretary in Local Government Department of Punjab in BPS-14 while in the respondent Department the post of Village Secretary is in BPS-9. Copy of the Notification is attached as annexure **F.**
- 6- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Hence the present

appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure G.

GROUND:

- A-** That the impugned service rules dated 5.4.2018, 1.8.2018 and 16.10.2019 framed by the respondents whereby ignoring the appellant from promotion to the next higher scales is against the Law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B-** That the appellant has not been treated by the respondents 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, the treatment meted out to the appellant is clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan, 1973.
- D-** That according to Article 37 of the Constitution the state is bound to promote social justice and eradication of social evils and accordingly the action and inaction of the respondents squarely falls in violation of the said Article.
- E-** That, inspite of all the requisites available with the appellant the respondents acted in a malafide and arbitrary manner by issuing the impugned service rules dated 5.4.2018 & 16.10.2019.
- F-** That, the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- G-** That, the ignoring the appellant from promotion to the next higher scales is violative of Article-38 (e) of the Constitution of Pakistan, 1973.
- H-** That the appellant seek 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: 10.8.2020


APPELLANT
ZAHID HUSSAIN

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

C.M. NO. _____/2020
IN
APPEAL NO. _____/2020

ZAHID HUSSAIN VS GOVT: OF KPK & OTHERS

**APPLICATION FOR RESTRAINING THE RESPONDENTS
NOT TO ACT UPON THE IMPUGNED SERVICE RULES
DATED 5.4.2018, 1.8.2018 & 16.10.2019 TILL THE
DISPOSAL OF THE INSTANT SERVICE APPEAL**

R.SHEWETH:

1. That, the appellant has filed the above titled service appeal before this Honorable Tribunal in which no date has so far been fixed.
 2. That, appellant filed the above mentioned service appeal against the impugned service rules dated 5.4.2018, 1.8.2018 & 16.10.2019 whereby the 75% promotion quota have been done/washed away.
 3. That, all the three ingredients required for grant of stay are in favor of the appellant.
 4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.
- It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to act upon on the impugned service rules dated 5.4.2018, 1.8.2018 & 16.10.2019 till the disposal of the instant service appeal.

APPELLANT

THROUGH:



NOOR MOHAMMAD KHATTAK

ADVOCATE,

High Court Peshawar



New-order

OFFICE OF THE
ASSISTANT DIRECTOR LG & RDD
DIR UPPER.

No. 1163-71 AD/RDD/Estt:
Dated: 14/03/2016.

A/S

OFFICE ORDER/ APPOINTMENT LETTER.

Consequent upon the decision and recommendation of the Departmental Selection Committee held on-10-02-2016 under the Chairmanship of Deputy Commissioner, Dir Upper, the following candidates are hereby selected as village/Neighborhood Council Secretary (BPS-7) against the vacant post of Secretary in each Village/Neighborhood Council in the District noted against each with immediate effect.

Sr #	Name / Father Name	Date Of Birth	Age	U/C	Village Council
1	SAYYED BADSHAH S/O ABD UL HAI	12/5/1981	Years-Month-Days 34-8-29	Barikot	Barikot
2	SAID AMIR ALI SHAH S/O FAZAL GANI	15/4/1982	Years-Month-Days 33-9-26	Jabbar	Kattan bala
3	MUHAMMAD ZAHID S/O SHEREEN	2/3/1984	Years-Month-Days 31-11-9	Qulandal	Dobando
4	RIAZ KHAN S/O TAJ MUHAMMAD	9/4/1985	Years-Month-Days 30-10-2	Wari	Malook Banda
5	SHER JAHADAR S/O UMAR KHAN	1/1/1986	Years-Month-Days 30-01-10	Cawaldni	Bar Kalay
6	INAMUR RAHMAN S/O SAIF UIR RAHMAN	22/2/1986	Years-Month-Days 29-11-19	Darikand	Gul Bahar
7	SHAKIR ULLAH S/O GUL KHAN	22/3/1986	Years-Month-Days 29-10-19	Sheringal	Ganshal
8	MUSHTAQ MUHAMMAD S/O ANWAR MUHAMMAD	7/5/1986	Years-Month-Days 29-09-17	Darora	Landai Shah
9	HAZRAT RIAZ S/O SHAHNAS KHAN	5/1/1987	Years-Month-Days 29-01-06	Wari	Daskor
10	JEHANGIR KHAN S/O MEMBER KHAN	20/03/1987	Years-Month-Days 28-11-03	Akhagram	Akhagram
11	INAM ULLAH S/O BACHA	10/4/1987	Years-Month-Days 28-10-01	Barikot	Shalban
12	MUHAMMAD AYAZ S/O MUHAMMAD	13/4/1987	Years-Month-Days 28-09-28	Shahikot	Nasrat
13	INAYAT ULLAH S/O MOHAMMAD SAID	20/4/1987	Years-Month-Days 28-09-21	Jan Battai	Noor Khail
14	MUHAMMAD ISHAQ S/O MOHAMMAD GUL	25/7/1987	Years-Month-Days 28-06-16	Chukyattan	Nawoo
15	HIDAYAT SHAH S/O SHER AZAM	1/11/1987	Years-Month-Days 28-03-22	Pashta	Balkor
16	TAJ MUHAMMAD S/O GUL REHMAN	2/2/1988	Years-Month-Days 28-00-11	Palam	Samkoot
17	HAMID JAN S/O UMAR JAN	9/2/1988	Years-Month-Days 28-0-02	Bibyawnr	Shamorgar
18	FARI DULLAH S/O FARAZ KHAN	3/3/1988	Years-Month-Days 27-11-08	Shahikot	Shahkhaloo

ESTED
Assistant Director
LG, RDD Dir Upper

72	ZAHID HUSSAIN S/O AMIR SHAHZADA	14/03/1993	Years-Month-Days 22-11-09	Akhagram	Battan Karakabanj
73	MUJEEB ULLAH S/O GHULAM NADAR	10/3/1993	Years-Month-Days 22-11-01	Bibyawar	Serai
74	SHAHZADA SHAHAB S/O MOHAMMAD ZAMIN KHAN	12/3/1993	Years-Month-Days 22-10-29	Sundrawal	Dir Khan
75	AMIR ZADA S/O FATIH MUHAMMAD KHAN	15/4/1993	Years-Month-Days 22-09-26	Patrak Sharqi	Saisan
76	AMIR AFZAL KHAN S/O AMIR GHAZAN	5/5/1993	Years-Month-Days 22-09-06	Nehag	Karpat
77	AYUB KHAN S/O UMAR GUL	6/6/1993	Years-Month-Days 22-08-05	Gawaldai	Narkoon
78	MUBARAK ZEB S/O SHAHNULLAH KHAN	4/7/1993	Years-Month-Days 22-07-07	Sundal	Rambyal
79	WAQAS ILYAS S/O MUHAMMAD ILYAS	12/7/1993	Years-Month-Days 22-06-29	Palam	Palam
80	AMJAD IQBAL S/O AMIRSHAHAD	12/11/1993	Years-Month-Days 22-02-29	Gawaldai	Kandawo
81	NAIZAM ULLAH S/O INYAT ULLAH	2/2/1994	Years-Month-Days 22-00-09	Sawnai	Achar Bala
82	ZAKIR ULLAH S/O DILAWAR KHAN	3/4/1994	Years-Month-Days 21-10-08	Dislawar	Kadi Khail
83	TAHSINULLAH S/O MATUULLAH	20/4/1994	Years-Month-Days 21-09-21	Kotkay	Serai Sultan Kheil
84	ISLAM ZEB S/O JEHAN ZEB	20/4/1994	Years-Month-Days 21-09-21	Bandai	Bandai
85	JAVEDULLAH S/O SAIDAGUL	20/7/1994	Years-Month-Days 21-06-21	Ganori	Pacha Kalay
86	HABIB ULLAH S/O HABIB SAEED	7/9/1994	Years-Month-Days 21-05-04	Gawaldai	Sundrai
87	SHAH HUSSAIN S/O AHMAD RAHIM	8/9/1994	Years-Month-Days 21-05-03	Bandai	Serai Nehag
88	ABDUL WAHAB S/O ALAEEF ZAMAN	20/9/1994	Years-Month-Days 21-04-21	Gawaldai	Bela
89	NIZAR ALI S/O SHAM SHER ALI	15/2/1995	Years-Month-Days 20-11-26	Nehag	Nehag
90	MOHIBULLAH S/O MUHAMMAD ZAHIR SHAH	01/01/1996	Years-Month-Days 20-01-28	Gawaldai	Shahoor
91	ASMAT ULLAH S/O BACHA REHMAN	8/4/1996	Years-Month-Days 19-10-03	Kotkay	Molvi
92	KALIM ULLAH S/O SAEED JAN	29/9/1996	Years-Month-Days 19-04-12	Dislawar	Dislawar

S/A

Terms and Conditions:

1. The selectees will be governed by such rules and regulations issued by the Government or may be issued herein after for category of post to which they belong.
2. Before assumption of charge the selectees will provide Medical Fitness Certificate from the medical Superintendent DHQ Hospital Dir, Police Clearance Certificate from local police station

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and affidavit on judicial stamp for good conduct, punctuality and will compulsorily perform at least for 02 years or penalties under the rules will be enforced.

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3. The selectees will remain on probation period for one year.
4. The selectee will submit one month prior notice in case they wish to resign from service or in lieu thereof one month pay shall be forfeited.
5. Legal action will be initiated in case the documents/particulars if found fake or bogus.

Deputy Commissioner

Dir Upper

Endst: No. 11637 /AD/RDD

Copy forwarded to:

- 1) The Secretary LGRDD, Government of Khyber Pakhtunkhwa, Peshawar
- 2) The Secretary LCB, Government of Khyber Pakhtunkhwa, Peshawar
- 3) The Commissioner Malakand Division, swat
- 4) The Director General LGRDD, Government of Khyber Pakhtunkhwa, Peshawar.
- 5) The Medical Superintendent, DHQ Hospital, Dir Upper.
- 6) District Account Office Dir Upper.
- 7) The Nazims, VCs/NCs concerned, District Dir Upper.
- 9) The official concerned.

Assistant Director
LG & RDD Dir Upper.
Assistant Director
LG.RDD Dir Upper

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EXTRAORDINARY
GOVERNMENT

REGISTERED NO. PIII
G A Z E T T E



B-6

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated: 26th January, 1978.

No. Section Officer(LG-1) 2-188/93-Vol-II: In exercise of the powers conferred by sub-rule (2) of the rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 and in consultation with the Information Services and General Administration Department and the Finance Department, the Local Government Cooperation, Social Affairs, Tourism and Rural Development Department is pleased to lay down the method of appointment, qualification and others conditions specified in column 3 to 6 of the appendix to this Notification, which shall be applicable to posts borne on the Rural Development Department specified in column 2 of the said appendix.

S.No.	Nomenclature of post	Qualification for initial recruitment	Qualification for promotion	Age limit for initial recruitments	Method of appointment
1	Deputy Director	a) 2 nd Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agril: Geography or Social Psychology and b) Five year experience in Agriculture, Animal Husbandry Education, Social Welfare, Planning & Dev: or Forest in Grade-16 or above		Not less than 30 years and not more than 35 years	i) 25% by initial recruitment, and 75% by or merit with due regards to seniority from amongst the holders of the posts of Assistant Director Rural Development (including the defunct basis Democracies Dept.) Project Managers & Progress Officers with at least years experience as such.

1430 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE, 2019.

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2	Assistant Director/ Project Manager /Progress Officer	a) 2 nd Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agri: Political Science, Public Administration, Geography or Social Psychology, Physics, Chemistry, Mathematics	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Development Officers and Sub-Divisional (Assistant Director Engineer)
3	Accounts Officer	2 nd class Master's Degree in Commerce / Business Administration, or G.A.S qualified persons of Pakistan Audit Deptt. or Provincial Local Audit Department.	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Superintendent the Deptt. with a least three years service such.
4	Development Officer	2 nd Class Master Degree from a recognized University in Economics, statistics, social works/ sociology, Animal Husbandry, Agriculture, Public Admn: Political Science Geography or Social Psychology	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post supervisor, RD in the deptt. with at least. Note: Service in defunct vill: Deptt and the purpose of service under this
5	Sub Divisional Officer /Assistant Director Engineer	Degree in Engineering or equivalent qualification from a recognized University	Not less than 21 years and not more than 30 years	i) 75% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post (the overseers
6	Superintendent			By the selection on merit with due regards to seniority from amongst holders of the Assists./Accountants/ Senior Stenographer /Senior Auditors with least five years experience as such.
7	Assistant / Accountant	Degree from recognized University	Not less than 21 years and not more than 30 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy. in the Deptt. with at least years experience as such.
8	Stenographer (Senior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 100 words per minutes in shorthand in English and 40 words per minute in typing	Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Stenographer (Junior Clerk).
9	Overseer	Diploma from recognized Institute	Not less than 21 years and not more than 25 years	By Initial Recruitment
10	Supervisor	Degree from recognized University	Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy. in Deptt with least years experie such.

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE 2019 1431

11	Senior Auditor	Degree from recognized University Note: Preference will be given to persons holding Degree with Commerce as one of the subjects or equivalent qualification in Accounts	Not less than 18 years and not more than 25 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Junior Clerk in the Deptt: with a least three years service such, who have minimum qualification prescribed for initial recruitment
12	Stenographer (Junior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing	Not less than 18 years and not more than 25 years	By Initial Recruitment
13	Steno Typist	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing	Not less than 18 years and not more than 25 years	i) Not less than 50% by initial recruitment and ii) Not more than 50% by selection on merit from amongst holders of the post Junior Clerk /Senior Clerk in the Deptt: with a least three years service such.
14	Junior Auditor	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	By Initial Recruitment
15	Senior Clerk	-	-	by selection on merit with due regards seniority from amongst holders of the post Junior Clerk in the Deptt: with a least three years service such, who have minimum qualification prescribed for initial recruitment
16	Village Secretary	Intermediate from recognized Board	Not less than 18 years and not more than 25 years	By Initial Recruitment
17	Junior Clerk	Matriculation or equivalent qualification from recognized board	Not less than 18 years and not more than 25 years	iii) Not less than 80% by initial recruitment and iv) Not more than 20% by selection on merit from amongst holders of the post Darlaries and Poon in the Deptt: with a least three years service such. Qualification prescribed for initial recruitment

Sd/-xxx

ATTAUR REHMAN KHAN
Secretary to Govt: of N.W.F.P.
Local Govt, Cooperation, Social Welfare, Tourism &
Rural Development Department.

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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

Handwritten marks and the number 9 in a circle.

NOTIFICATION

Dated Peshawar, the 05th April, 2018

No. SO(LG-112-188/SSRC/2018.-/981 In exercise of the power conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, -1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department, is hereby directs that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

for serial No. 10 the following shall be substituted, in the respective columns, namely:

"10. Supervisor	Atleast Second Class 21 to 30 years. Bachelor's Degree from a recognized University	i) Seventy-five (75) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Secretary Village / Neighborhood Council, with atleast five (05) year service as such; and ii) Twenty-five (25) per cent by initial recruitment.
-----------------	---	--

(b) after serial No. 15, the following new entries shall be inserted, in the respectively columns, namely.

"15A	Senior Secretary Village Neighborhood Council.	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Secretary Village / Neighborhood Council, with atleast ten (10) year service as such; and
------	--	--

(c) for serial No. 16, the following shall be substituted, in the respective columns, namely:

"16	Junior Secretary Village / Neighborhood Council.	Atleast Second Class Intermediate or equivalent qualification from a recognized Board and atleast six (06) months Certificate in Computer from a recognized Institute with experience in MS-Office, Impage and Internet.	18 to 30 years. i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village / Neighborhood Council with seniority at tehsil level, having Secondary School Certificate in second division, from a recognized Board or Institute with three (03) year service as such; and
-----	--	--	--

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ii) Eighty (80) per cent by initial recruitment.

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such candidate is not available in the same Village / Neighborhood Council then the candidates from adjacent Village / Neighborhood Council.

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

SECRETARY TO GOVERNMENT OF KP
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Dated Peshawar, the 05th April, 2018

No. SO(LG-I)2-188/SSRC/2018.-

Copy forwarded to:-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. All Divisional Commissioners in Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
6. The Director General, LG,E&RDD, Khyber Pakhtunkhwa Peshawar.
7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. All Head of Attached Departments in Khyber Pakhtunkhwa
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. All District and Session Judges in Khyber Pakhtunkhwa.
12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
13. The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 40 copies of the Notification may be sent to this Department.
14. The PS to Senior Minister for LG,E&RD Khyber Pakhtunkhwa.
15. The PS to Secretary LG,E&RDD Peshawar.
16. The Office Order file.

ATTESTED

(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Phone # 091-9213274

EXTRAORDINARY

REGISTERED NO. PIII

GOVERNMENT



GAZETTE

D-10

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

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

NOTIFICATION

Peshawar, dated the 1st August 2018.

No. SO (LG-I)2-188/SSRC/2018.-In exercise of the powers conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department, in consultation with the Establishment and Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG (RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made. namely:

AMENDMENTS

In the Appendix,-

(a) for Serial No. 1 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"1.	Director General.	-	-	-	By transfer from amongst PAS, PCS and PMS officer in BPS-20."

(b) for Serial No. 1A, the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"1A.	Director.	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors and Assistant Directors (Senior) with at least seven (07) years service as such or twelve (12) years service as Assistant Director and above. <u>Note:</u> For the purpose of promotion to the post of Director, there shall be maintained a joint seniority list of Deputy Directors and Assistant Directors (Senior).";


ATTESTED

(11)

- (c) after Serial No. 1A, as so substituted, the following new entries shall be inserted, in the respective columns, namely:

1B.	Director (Technical).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors (Technical) with at least seven (07) years service as such or twelve (12) years service, as Assistant Engineer and Assistant Director (Technical) and above.
1C.	Deputy Director/Assistant Director (Senior).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors with at least five (05) years service as such.
1D.	Deputy Director, (Finance and Accounts).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Accounts Officers with at least five years service as such.
1E.	Deputy Director (Technical).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers and Assistant Directors (Technical) with five (05) years service as such and having a Bachelor's Degree in Civil Engineering.”; Note: For the purpose of promotion to the post of Deputy Director (Technical), there shall be maintained a joint seniority list of Assistant Engineers and Assistant Directors (Technical).”;

- (d) against Serial No. 2, in column No. 2, the slash and words “/Planning Officer” shall be deleted.
- (e) against Serial No. 3, in columns 3 and 6, the following shall respectively be substituted, namely:

3.	6.
<p>“At least Second Class Master's Degree in Commerce / Business Administration/BS (Honours) Finance and Accounting or its equivalent qualification from a recognized University.</p> <p>ATTESTED</p> 	<p>(i) Fifty (50) per cent by promotion, on the basis on the basis of seniority-cum-fitness, from amongst the Accountants with at least five (05) years service as such:</p> <p>Provided that if no suitable officer is available for promotion then by transfer.; and</p> <p>(ii) fifty (50) per cent by initial recruitment.”;</p>

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- (f) against Serial No. 5, in column No. 2, for the words "Sub Divisional Officer", the words and brackets "Assistant Director (Technical)" shall be substituted.
- (g) against Serial No. 7, in column Nos. 2 and 6, for the existing entries, the following shall respectively be substituted, namely:

2.	6.
"Assistant.	(i) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least three years' service as such; and (ii) twenty-five percent initial recruitment.";

- (h) against Serial No. 9, in column No. 6, in clause (iii), the full-stop, appearing at the end shall be replaced by colon and thereafter the following proviso shall be added, namely:

"Provided that if no suitable officer is available for promotion then by transfer.";

- (i) after Serial No. 9, as so amended, the following new entries shall be inserted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"9B.	Auto CAD Operator.	(a) At least Second Class Bachelor's Degree from a recognized University; (b) six months Diploma in Civil AutoCAD from a recognized Technical Institute; and (c) at least two years experience in relevant field.	-	18 to 30 years.	By initial recruitment.";

- (j) for Serial No. 11 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"11.	Accountant.	At least Second Class Bachelor's Degree in Business Administration or its equivalent qualification, from a recognized University.	-	21 to 30 years.	By initial recruitment: Provided that till the appointment of a suitable person on initial recruitment the post shall be filled by transfer.";

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- (k) for Serial No. 14, the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"14.	Computer Operator.	(a) At least Second Class Bachelor's Degree in Computer Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent qualification from a recognized University; or (b) At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	--	21 to 32 years.	By initial recruitment.";

(j) after Serial No. 19, the following new entries shall be inserted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"19A.	Driver.	Preferably literate and holding a valid Driving License.	-	18 to 40 years.	By initial recruitment."; and

(l) for Serial No. 20, in column No. 2, after the word and slash "Chowkidar/", the word "Sweeper" shall be added.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL
GOVERNMENT ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT.

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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Page No 5



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



NOTIFICATION

Dated Peshawar, the 16th October, 2019

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

In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG(RWP)7(2)/73, dated 16.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix:-

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

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

- b) against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely:
 - i) "Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and
 - ii) Fifty (50) per cent by initial recruitment."
- c) against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted, namely:
 - i) "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
 - ii) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University, and
 - iii) Seventy per cent by initial recruitment."

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

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such candidate is not available in the same Village Council / Neighborhood Council then the candidate from adjacent Village Council / Neighborhood Council.

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


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

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

Dated Peshawar, the 16th October, 2019

Copy forwarded to:-

- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa
- The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- The Director General, LG, E&RDD, Khyber Pakhtunkhwa Peshawar.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- All Head of Attached Departments in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa
- The Registrar, Peshawar High Court, Peshawar
- All District and Session Judges in Khyber Pakhtunkhwa.
- All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
- The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 100 copies of the Notification may be sent to this Department.
- The PS to Senior Minister for LG, E&RD, Khyber Pakhtunkhwa.
- The PS to Secretary LG, E&RDD Peshawar.
- The Office Order file.


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

ATTESTED

ATTESTED

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GOVERNMENT OF THE PUNJAB
LOCAL GOVT. & COMMUNITY DEVELOPMENT
DEPARTMENT

Dated Lahore the 27th July, 2018

NOTIFICATION

NO.SO.Admn-I(LG)1-4/15:

The Competent Authority is pleased to approve up-gradation of the following posts of Secretary Union Councils appointed under the Punjab LG&R) Service Rules, 1981 and Punjab Government District Service (Town/Tehsil Municipal cadre) Rules 2005 w.e.f 01.07.2018:-

Sr#	Post	Present Scale	Up gradation
1.	Union Secretary (Committee)	BS-07	BS-11 ✓
2.	Union Secretary (CD)	BS-11	BS-14 ✓

2. The additional financial implication shall be met out of the budget of the respective Union Councils.

SECRETARY
LOCAL GOVT. & COMMUNITY DEVELOPMENT
DEPARTMENT

NO & DATE EVEN

A copy is forwarded for information & necessary action to:-

1. The Secretary, Government of the Punjab, Finance Department
2. The Director General, LG&CD Punjab Lahore with the request to amend the service rules accordingly.
3. All the Directors, LG&CD in the Punjab.
4. All the District Accounts Officers in the Punjab.
5. All the Deputy Directors, LG&CD in the Punjab
6. All Chairmen of Union Councils, in the Punjab.
7. The Assistant Director (UC), at the PHQ, Lahore.
8. Master file.

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(MAJMOOD AHMAD)
DEPUTY SECRETARY (ADMIN.)

CC:-

Rana Mahboob Hussain, All Punjab Secretaries UCs Association Punjab.

RECEIVED

TO

THE SECRETARY,
Local Government, Elections & Rural Development Department,
Khyber Pakhtunkhwa, Peshawar.

G-17

Subject:

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATIONS DATED
5.4.2018 & 16.10.2019 AND FOR THE REVIVAL/RESTORATION
THE OLD SERVICE STRUCTURE NOTIFIED ON 26.01.1978

Sir,

Most respectfully, it is stated that I am working as Village Secretary under your kind control. I am qualified and performing my duties with my full devotion. According to the service structure Notified on 26.01.1978, the prospects of promotion for Village Secretaries were in line. That according to the said rules of 1978, after appointment the village secretaries has 75% promotion quota to the post of Supervisor (BPS-14) & Assistant Accountant (BPS-14), 50% quota was reserved from supervisor & Assistant Accountant to Development Officer (BPS-16) and where after from the post of Development Officer to the Village Secretary was in a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Manager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were based on the basis of seniority cum fitness. The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Neighborhood Council (BPS-11) and Junior Secretary Village Neighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (BPS-14) with 75% quota.

Astonishingly the old service structure was further amended through impugned notification dated 16-10-2019 whereby the channel of promotions has been limited to the post of Developmental Officer (BPS-16) and where after no channel for promotion has been left for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Law & APT Rules, 1989.

It is therefore, requested that the impugned Notifications dated 15.04.2018 & 16.10.2019 may be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and as such I may be considered for promotion under the old rules dated 26.01.1978.

Obediently Yours,

ATTESTED

m

Zaid Hussain

Secretary (VC/NH Council)

u/c *Battam Karakabam*

Cell No. *0348-9526690*

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Sales Tax Invoice | **DOMESTIC**

Shipper's Account # **UPLD** Consignment # **1910 01830882** PEW Origin / Destination **AD / LC** Pieces **1** Weight **1**

Shipper Information		Consignee Information		Dimensions / Shipper	
Name	_____	Name	S L G	Length (cm)	_____
Address	_____	Address	KPK	Width (cm)	_____
Tel	_____	Tel	_____	Height (cm)	_____
<small>This is a non-refundable invoice. It is subject to the terms and conditions set forth on the reverse of invoice 4 6201 in reference to this shipment. Shipper agrees that MAP shall not be liable for special incidents for consequential damage or damages arising from carriage hereof. MAP disclaims all responsibility for loss or damage to contents in the shipment. The amount under this consignment note is not insured by the shipper, and is covered for shipper's loss alone.</small>		Service Type: Overnight <input type="checkbox"/> Special Handling <input type="checkbox"/> Second Day <input type="checkbox"/> Same Day <input type="checkbox"/> Sunday/Holiday <input type="checkbox"/> Other _____		CASH CREDIT Charged Rates _____ Other Charges _____ Insurance _____ Taxes As per Govt _____ Total Amount 200	
Insurance: Do You Require Coverage? YES <input type="checkbox"/> NO <input type="checkbox"/> Ins. Premium YH Declared Value _____		Collection by: _____ Date 9/15/10 Code _____ Time _____ NTN: 0860540-9		Shipper's Signature _____ Consignment Note - Not Negotiable	

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VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2020

Zahid Hussain

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


Govt. of KP & Others

(RESPONDENT)
(DEFENDANT)

I/we *Zahid Hussain*

Do hereby appoint and constitute **NOOR MOHAMMAD 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: _____/_____/2020

Zahid Hussain


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
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Phone: 091-2211391
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