

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

Subject: GRANT OF PERMISSION FOR SUBMISSION OF RECORD
IN SERVICE APPEAL NO. 245 OF 2018.

Qazi Alam Zeb

Khyber Pakhtunkhwa
Service Tribunal

Case No. 9206

Dated 17-11-2023

VS


Secretary Local Government & Rural Development Department
Khyber Pakhtunkhwa Peshawar & Others.

It is submitted that the above mentioned appeal is pending for arguments before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Abbottabad Bench. The Right of written reply/submission of comments by the Respondents has been ceased by the Honorable Tribunal in the said appeal. It is humbly requested that the following documents owing to their significance to the said Appeal may please be made part of the record for consideration of the Honorable Tribunal.

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Dated: 17/11/2023


Assistant Director
LG&R&D Mansehra
(Respondent)



Annexure ①

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT MANSEHRA

No: 4150 /ADRDD (M)

Date: 18/02/2016

ORDER.

Based on the recommendation of Departmental Selection Committee vide minutes of meeting held on 04/02/2016 at 3:00 PM in this office, Mr. Qazi Alam S/O Qazi Mehmood R/O Ghazikot Township is hereby appointed as Naib Qasid, Neighborhood Council Ghazikot Township (BPS - 03) viz (6535-260-14335) against the newly created post subject to the following conditions:-

- He shall for all intents and purposes, be Civil Servant.
- He shall be on probation as required under Para -15 Part-V of Appointment, Promotion & Transfer Rules 1989.
- He shall produce Medical Fitness Certificate from the Medical Superintendent, King Abdullah Teaching Hospital Mansehra.
- He shall join duty within a week, failing which appointment order stand withdrawn automatically.
- He shall produce PRC of the Village Council concerned from the Nazim of concerned Village Council duly verified by Member Tehsil Council, District Member and countersigned by Assistant Commissioner of relevant Tehsil.

[Signature]
Assistant Director,
LG&RDD Mansehra.

No. 4151-56

Copy to:-

- The Secretary, LGE&RD Department, Khyber Pakhtunkhwa, Peshawar.
- The Director General, LGE&RD Department, Khyber Pakhtunkhwa, Peshawar.
- The Deputy Commissioner, Mansehra.
- The District Accounts Officer, Mansehra.
- The Nazim Village Council concerned.
- Candidate concerned.

[Signature]
Assistant Director,
LG&RDD Mansehra.

Attest ed
[Signature]

OFFICE OF THE:-
ASSISTANT DIRECTOR LG & RDD MANSEHRA

No. 9821/ADRDD (m)
Date:- 11/09/2017

**MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION AND
RECRUITMENT COMMITTEE HELD IN THE OFFICE OF DEPUTY
COMMISSIONER MANSEHRA UNDER HIS CHARIMANSHIP**

In order to fill up the vacant posts of Secretary Village Council Bakki and Mr. Shamas Ud Din Khan as Secretary on deceased son quota, the Departmental Selection and recruitment Committee already constituted by the Provincial Government of Khyber Pakhtunkhwa, LG & RDD Peshawar, the meeting was held on 16/08/2017 at 10:00 AM, in the office of Deputy Commissioner Mansehra.

The following attended the meeting:-

- | | | |
|--------------------------|-----------------------------------|----------|
| 1. Mr. Shahrukh Ali Khan | Deputy Commissioner Mansehra | Chairman |
| 2. Mr. Zia Ur Rehman | Assistant Director (LG & RDD) M | Member |
| 3. Mr. Farman Ali Shah | Tehsil Municipal Officer Mansehra | Member |

1. Appointment of secretary village council bakki

One post of Secretary was placed before the Selection Committee for Selection against this post. The meeting started with the recitation of the Holy Quran. The Chair welcomed all the participants and briefed them that to dispose off the Judgment dated 20/6/2017, of Honorable Peshawar High Court, Abbottabad Bench, regarding the Writ Petition No. 879-A, of secretary village council Bakki, is lying vacant. For the smooth running of official business, this post needs to filling up.

In discussion it was observed that the post of village Bakki is vacant due to case file by the one Mr. Awais Fashi-ur - Rehman which was dismissed by the Honorable Peshawar High Court, Circuit Bench, Abbottabad being bereft of any merit. Also candidate appeared before the DSC and interviewed by the DSC and recommended for appointment for the said post in compliance with judgment of Honorable High Court Circuit Bench, Abbottabad and in light of interview.

2. Appointment of Secretary on the basis of deceased son quota

The appointment case of Mr. Shamas Ud Din Khan as secretary on the basis of deceased son quota was placed before the DSC by the Assistant Director, LG & RDD Mansehra for discussion. After lengthy discussion and scrutiny the application along-with enclosures (Death Certificate of Applicant's father, pension Book and Academic Documents), the Departmental Selection & Recruitment Committee agrees upon the recommendation of the appointment of Mr. Shamas Ud Din Khan against the deceased son quota.

Attest-d
BS

3. Appointment of Naib Qasid.

The post of Naib Qasid is vacant which needs to be fill up for the smooth running of official business. Three candidates have applied for the post on the basis of Employment Certificates from which Mr. Muhammad Gufran S/O Gulzam has been recommended by the DSC for appointment as Naib Qasid against the vacant post at VC Danda kholian.

S. No	Name/Father Name of Candidates	Home Address	Post	Remarks
01	Mr. Muhammad Shabir Khan S/O Muhamamd Nazcer Khan	Bakki, Qazi Khait, Tehsil & District Mansehra	Secretary BPS-7	Appointment against V/Post
02	Mr. Shamas Ud Din Khan S/O Banaris Khan (Late)	Mohallah Lehari, Tehsil Balakot, District, Mansehra	Secretary, BPS-7	Appointed against deceased son Quota
03	Muhammad Gufran S/O Gul Zaman	Bandi Payeen, Tehsil Oghi, District Mansehra	N/Qasid	Appointed against vacant post VC Danda Kholian.

4. DECISION REGARDING THE TERMINATION OF CLASS-IV

In compliance of directive of the Chief Minister, Khyber Pakhtunkhwa, Peshawar, received vide letter No. SO-IV/CMS/KPK/RN/2016/296-62 Dated 9th March, 2016 & letter received from section officer (Estab), LG, E & RD, Department vide No. SO (LG-I) /2-343/Recrict/2015. (Copies of letters are attached as Annex- A & B), the Departmental Selection and Recruitment Committee already constituted by the Provincial Government of Khyber Pakhtunkhwa, LG, E & RDD, Peshawar, the meeting is held on 16/08/2017 at 10:00 AM, in the office of Deputy Commissioner Mansehra.

Enquiry report was placed before the Selection Committee for termination of appointment of candidates from outside village councils as it is a Government Policy that Class-IV, should be appointed from the village Council where vacancy exists. The chaired briefed them that to dispose off the CM directive according to record Note of the meeting to discuss the issues of Mansehra District Held on 7th March, 2016, vide Point No. I & ii. Of Record Note of above mentioned meeting.

In discussion it was observed that 17 Nos Naib Qasid were appointed outside from the concerned VC and 7 Nos Naib Qasid were also appointed outside from the concerned VC on the literate basis, which is unlawful and devoid of merit.

S.No	Name/Father Name of Candidate	VC/NC	Post	Remarks
01	Qazi Alam Zaib S/O Qazi Mehmood	Ghazikot Township	N/Q	Termination as his own VC is Danda Kholian
02	Waseem Ahmad S/O Farooq Khan	Banda Peeran	N/Q	Termination as his own VC is Inayatabad
03	Jamal Ud Din S/O Ghulam Abbas	Ghandian Chitti	N/Q	Termination as his own

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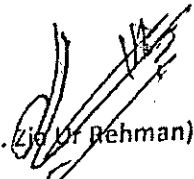
22	Khan Adeel S/O Bashir	Gatti Makria	N/Q	VC is Banda Peeran Termination as his own VC is Shinkhari
23	Abdul Waheed S/O M. Yousaf	Chila Bagh	N/Q	Termination as his own VC is Jabori
24	M. Nawaz S/O Malik Aman	Sharkolai	N/Q	His name is wrongly included in the list of out VC/ Class.IV, hence, he has been reinstated vide this office.
25	Aqil Hussain Shah S/O Zia Ud Din	Khan Shakora	N/Q	Termination as his own VC is Lachi Mang
26	M. Hafeez S/O M. Nazeer	Bakki	N/Q	Termination as his own VC is Bogar Mang
27	Mushtaq S/O Badri Zaman	Afzal Abad	N/Q	Termination as his own VC is Shoukatabad.
28	Sadam Hussain S/O Hussain Khan	Shanai	N/Q	Termination as his own NC is Shinkhari
29	Syed Mujid Hussain Shah S/O Syed Sadiq Shah	Cholandrian	N/Q	Termination as his own VC is Shamdhara
30	Muhammad Khalid S/O Juma Khan	Gali Badral	N/Q	Termination as his own VC is Gujjar Bandi
31	Muhammad Fiaz S/O Gul Zaman	Manoor	N/Q	Termination as his own VC is Nakka Jared
32	Muhammad Nazir S/O Noor Hussain	Kawai	N/Q	Termination as his own VC is Bhonja
33	M. Riaz S/O Mehboob	Soan	N/Q	Termination as his own VC is Bela Sacha
34	Muhammad Zahir S/O Habib ur Rehman	Hassari	N/Q	Termination as his own VC is Talhata
35	Mian M. Farooq S/O Habib Ur Rehman	Jiggan	N/Q	Termination as his own VC is Gancela
36	Sadaqat Shah S/O Syed Mujtaba Shah	Banda Lal Khan	N/Q	Termination as his own VC is Lohar Banda
37	Shujat Hussain Shah S/O Habib Hussain Shah	Gujjar Bandi	N/Q	Termination as his own VC is Shergarh
38	Muhamamd Aqib S/O /Sian Muhammad	Karam	N/Q	Termination as his own VC is Sokal
39	Muhammad Shafiq S/O M. Saddiqe	Bagwai	N/Q	Termination as his own VC is Terbat Dokani
40	Wajid Ali S/O Ghulam Daood	Naral Ban	N/Q	Termination as his own VC is Pajool
41	Mustaq Hussain Shah S/O Ghulam Muhammad Shah	Karmang	N/Q	Termination as his own VC is Harrori
42	Zia Ur Rehman S/O Malng Khan	Malkan	N/Q	Termination as his own VC is Harrori

AH est ed
B

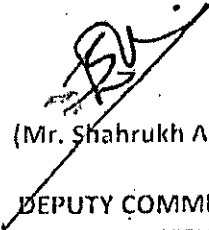
Also, Assistant Director, LG & RDD, Mansehra, brought into the notice of DSC, that the salaries of the above mentioned Naib Qasid were stopped but some of them had knocked the door of courts for release of their salaries, which had been decided by the court that pay with arrear be paid to concerned employee only, there case has been submitted to DAO Office for payment in light of court decision. Also he has stated that there is no stay order from any court of law regarding the termination of the above mentioned employees who were appointed against the Government policy.

DSC agreed with the proposal of Assistant Director LG & RDD, Mansehra and recommended that termination orders of Naib Qasid of above mentioned list from Serial No. 1 to 24 except serial No. 6 be issued without any loss of time.

The meeting ended with a vote of thanks from the chair.


(Mr. Zia Ur Rehman)
ASSISTANT DIRECTOR,
LG&RDD,MANSEHRA,
(MEMBER)


(Mr. Farman Ali Shah)
TMO,
TMA, MANSEHRA,
(MEMBER)


(Mr. Shahrukh Ali Khan)
DEPUTY COMMISSIONER,
MANSEHRA,
(MEMBER)

AHestad


OFFICE OF THE:-
ASSISTANT DIRECTOR LG & RDD MANSEHRA

No: 9871 /ADRDD (M)

Date: 28/09/2017

To

GAZI ALAM ZEB N/O S/O

GAZI MEHMOOD

(Ghazikot Township) Naib Qasid

Subject:- TERMINATION ORDER:-

In pursuance with the directive of Chief Minister, Khyber Pakhtunkhwa, Peshawar, received vide letter No. SO-IV/CMS/KPK/RN/2016/296-62 Dated 9th March, 2016, in light of enquiry report vide letter No. 322/AAC-II(M) dated 28/3/2016 and according to minutes of the meeting of the decision of Departmental Selection and Recruitment Committee dated 16/8/2017, your services are hereby terminated with effect from 01/10/2017, because as per above mentioned enquiry report, it has been declared that your appointment was made illegal and against the rules/regulations and guidelines issued by the Government for the Class-IV employees appointment in VC/NC.

ASSISTANT DIRECTOR,
LG&RDD, MANSEHRA,

Endst. Of Even No & Date:-

Copy to the:-

1. Ps to Chief Minister, Khyber Pakhtunkhwa, Peshawar with reference to Chief Minister's directive issued vide letter No. SO-IV/CMS/KPK/RN/2016/296-62 Dated 9th March, 2016.
2. Ps to Secretary, LG, E & RDD, Khyber Pakhtunkhwa, Peshawar.
3. District Nazim, Mansehra.
4. Deputy Commissioner, Mansehra.
5. PA to Director General, LG & RDD, Khyber Pakhtunkhwa, Peshawar.
6. District Accounts Officer, DAO, Mansehra.
7. Nazimeen Concerned VC/NCs.

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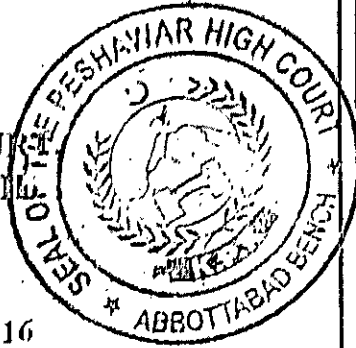
ASSISTANT DIRECTOR,
LG&RDD, MANSEHRA,

JUDGMENT SLIP

PESHAWAR HIGH COURT
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Writ Petition No.1012-A of 2016



JUDGMENT

Date of hearing.....18.10.2018.

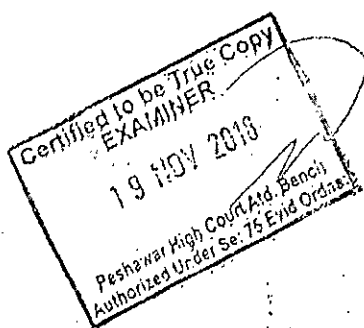
Petitioner(s)(Qazi Alam Zeb) in person

Respondent(s). (Government of KPK & others) by Mr. Yasir Zahoar Abbasi, Assist: AG.

SYED MUHAMMAD ATTIQUE SHAH, J.-

Qazi Alam Zeb, the petitioner, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 has prayed for:-

"That the impugned office order bearing No. SO (LG-1)2-343/recruit/2015 dated: 04.04.2016 to the extent of the petitioner may graciously be declared as unconstitutional, based on malafide, discriminatory, politically motivated, illegal, without lawful authority, having no legal effect hence be struck down and the respondents may please be directed to pay the salary of the petitioners with effect from February, 2016 onward or any other writ, order or relief which may deem fit and appropriate in the circumstances of the case, may also be passed/issued".



Attested
B S

2. Brief but relevant facts as per contents of the petitions are that in response to the advertisement floated by the respondents for appointments of class-IV, the petitioner being eligible candidate applied for his appointment for post of Naib Qasid (BPS-1) on the basis of village council as well as union council and after going through the process of interview by the selection committee, he was duly appointed as class-IV (BPS-1) by the respondent No. 5 and then after completion of all the codal formalities, he started to perform his duties at the place of his posting but he was not paid any salary and in the meanwhile, respondent No. 5 without mentioning any reason withdrawn the appointment order of the petitioner. Hence, the present writ petition.

3. Heard and record perused.

4. Perusal of the record reveals, that the present petitioner was appointed as class-iv in respondents' department. However, later, his services were terminated by respondent No. 5 vide impugned order bearing No. SO (LG-1)-343/recruit/2015 dated: 04.04,2016. However, it transpires from the appointment order of the petitioner that his position and status was of civil servant, thus, the impugned orders of respondent No.5 directly relates to the terms and conditions of his services; which is not amenable to the writ jurisdiction of this Court under Article 199 of the Constitution in view of the bar contained in Article 212 of the Constitution of 1973. Reliance is placed on case titled '*Pir Muhammad Vs. Government of*

Certified to be True Copy
 EXAMINER
 19 MAY 2018
 Peshawar High Court Atd Bench
 Authorized Under Sec-75 Evid Ordncs

Attested
 BS

Balushistan through Chief Secretary and others'
(2007 SCMR 54).

5. Moreover, it is also evident from record of the case, that the petitioner has not made departmental appeal/representation against the impugned order. Rather, he has straightaway impugned the same before this Court through present petition. Therefore, in the peculiar facts, circumstances of the present writ petition, this Court in the larger interest of justice, and in the light of case law reported as *2017 PLC (C.S), 692* and *2004 PLC (C.S) 1240*, treats the present petition as departmental representation/ appeal of the petitioner with directions to respondent No. 2 to consider the grievance of petitioner and decide the matter, strictly in accordance with the law, and also provide an opportunity of hearing, within a period of thirty days, from the date of receipt of this judgment/order, and decision so made be also communicated to the petitioner.

Dt.18.10.2018.
70/10/PS

Certified to be True Copy
EXAMINER
19 NOV 2018
Peshawar High Court Atd. Bench
Authorized Under Sec: 15 Evld Ordns.

Hon'ble Justice, Syed Muhammad Attique Shah & Hon'ble Justice

Attested

ADJUSTMENT PLAN OF PETITIONERS OF DIFFERENT WRIT PETITIONS FOR APPOINTMENT OF NAIB-QASIDS IN THE OFFICE OF ASSISTANT DIRECTOR LG&RDD MANSEHRA

S.No	Name of Petitioner	Residential VC/NC of the Petitioner	VC/NC of appointment	Remarks/Details	Recommendations of the Committee
1	Sadaqat Shah	Lohar Banda	Banda Lal khan	Another candidate Imran Malik from VC Banda Lal Khan challenged the appointment of Sadaqat Shah vide Writ Petition No 1001-A/2017. Sadaqat Shah appeared in the interview of NC Lohar Banda and was appointed in VC Banda Lal Khan	It is recommended that Imran Malik may be appointed on the vacant VC Banda Lal Khan as he is permanent resident of that VC and Mr. Sadaqat Shah may be appointed in another vacant VC Lassan Thakral of the same Union Council.
2	Muhammad Muneeb	Bakki	Not Appointed	Muhamad Hafeez from VC Bogermang was appointed. Another Candidate from Village Council Bakki (Muhammad Muneeb) Challenged his appointment vide WP No:196-A/2016.He was terminated and he challenged his termination in the court vide writ petition No 1001-A/2017 and the court converted the writ petition into departmental appeal and send to Director General LG&RD.	Muhammad Muneeb is recommended to be appointed in VC Bakki against the vacant post as he belongs to Bakki and is eligible and the termination of Muhammad Hafeez is justified, hence will not be re-instated.
3	Muhammad Riaz	Khan Shakoor	Not Appointed	He challenged the appointment of Muhammad Aqeel Shah on VC Khan Shakora as he belongs to another VC Chattar plain	Mr. Riaz to be appointed on his own VC Khan Shakora and Aqeel Hussain Shah to be re-instated and adjusted on the vacant post of Lachimang Chattar Plain.
4	Habib Ur Rehman	Timberi	Not Appointed	Muhammad Maroof from VC Timberi was appointed on the basis of disability and was not terminated.	Muhammad Maroof is already appointed on the seat of Naib Qasid VC Timbri and so the petitioner Habiburrahman cannot be appointed as there is no vacant post.
5	Wajid Ali	Panjool	Naral Ban	He was terminated on the basis that he does not belong to the VC on which he was appointed. No other candidate if any challenged his appointment.	In the absence of other contestants /applicants from the VC Naral Ban and not challenged so far, he is recommended to be reinstated as Naib Qasid on the vacant post of VC Naral Ban.

Attested

*Assistant Director
Local Govt. & Rural Dev. Deptt
Mansehra*

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Annexure E

S.No	Name of Petitioner	Residential VC/NC of the Petitioner	VC/NC of appointment	Remarks/Details	Recommendations of the Committee
6	Abdul Waheed	Jabori	Chehla Bagh	He was terminated on the basis that he does not belong to the VC on which he was appointed. No other candidate if any challenged his appointment.	The only other applicant Mr. Akhlaq Ahmad from VC Chila Bagh did not appear in the interview, neither he has filled any petition against Mr. Abdul Waheed. So Abdul Waheed is recommended to be re-instated on the Vacant seat of VC Chilabagh.
7	Waseem Ahmad	Banda Pairan	Banda Pairan	He was wrongly terminated as it was not an out of VC Case	He may be reinstated on the vacant post of VC Banda Pairaan
8	Jamal ud Din	Inayatabad	Gandian Chitti Ghatti	He was terminated on the basis of out of VC	He is recommended to be adjusted against the vacant post in his native VC Inayatabad.
9	Muhammad Aqib	Sokal	Karam	He was terminated on the basis that he does not belong to the VC on which he was appointed and unchallenged so far.	He will be adjusted against the vacant post in VC Karam as there was only one candidate Muhamad Arif who applied for the said post but was not considered as he was illiterate and he did not challenge the appointment of Muhammad Aqib.
10	Muhammad Shafique	Tirbat Dukani	Bagwai	He was terminated on the basis that he does not belong to the VC on which he was appointed. No other candidate if any challenged his appointment.	In the absence of other contestant /applicant from the VC Bagwai and not challenged so far, he is recommended to be reinstated as Naib Qasid on the vacant post of VC Bagwai.
11	Syed Majid Hussain Shah	Shamdara	Chalandrian	He was terminated on the basis of out of VC and now he has joined Forest Department.	Muhammad Naveed s/o Muhammad Bashir (Retd Naib Qasid of LG&RDD Mansehra) with WP-No 522-A /2016 is recommended to be appointed on the vacant seat of VC Chalandrian on the retired Employee Son Quota.
12	Zia Rehman Ur	Harori	Malkan	He was appointed out of VC on VC Malakn and was terminated. Mr Abdurrashid challenged his appointment under WP NO 196-A/2016. Ziaurrehman also challenged his termination under WP No. 1001-A/2017.	Abdurrashid deserves to be appointed on the vacant post in his native VC Malkan and the petitioner Ziaurrehman of the writ petition 1001-A/2017 cannot be re-instated as he does not belong to the Village Council Malkan.

Attested
 Assistant Director
 Local Govt. & Rural Dev. Deptt.
 Mansehra

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S.No	Name of Petitioner	Residential VC/NC of the Petitioner	VC/NC of appointment	Remarks/Details	Recommendations of the Committee
13	Shujat Hussain Shah	Sher Garh	Gujjar Bandi	He was appointed out of VC on VC Gujjar Bandi and was terminated. There was no other applicant on VC Gujjar Bandi and also his appointment is not challenged by any other applicant so far.	In the absence of other contestant /applicant from the VC Gujjar Bandi and his appointment not challenged so far, he is recommended to be reinstated as Naib Qasid on the vacant post of VC Gujjar Bandi of the same Union Council.
14	Muhammad Adeel	Shinkiyari	Makria	He was appointed out of another VC Shinkiyari because there was no other applicant on VC Makria and was terminated. No other candidate if any challenged his appointment.	In the absence of other contestant /applicant from the VC Makria and not challenged so far, he is recommended to be reinstated as Naib Qasid on the vacant post of VC Makria
15	Muhammad Khalid	VC Shergarh	Gali Badral	He was terminated on the basis that he does not belong to the VC on which he was appointed. No other candidate if any challenged his appointment.	He is recommended to be adjusted against the vacant post in VC Gali Badral of the same Union Council.
16	Mushtaq Hussain Shah	Harori	Karmang Bala	He was terminated on the basis that he did not belong to the VC Karmang Bala and his appointment has been challenged by Gulzar.	On the review of the documents it has been confirmed that Mr.Gulzar was present on the date of interview so he may be appointed on the vacant post of Village Council Karmang Bala and hence Mushtaq Hussain Shah cannot be re-instated as there is no other vacant post.
17	Mushtaq Khan	Shoukat Abad	Afzal Abad	He was terminated on the basis that he does not belong to the VC Afzalabad on which he was appointed. He challenged his termination vide Writ-Petition No.1001-A/2017 and the court converted his Writ Petition into Departmental Appeal.	He is recommended to be re-instated and adjusted against the vacant post in his native VC Shoukatabad.
18	Sadam Husain	Bedadi	Shanai Bala	He was appointed out of VC in the adjacent VC Shannai Bala.	He may be reinstated against the vacant post of VC Afzalabad and the other petitioner Mr.Muhammad Ashfaq in the writ-petition 340-A/2016 may be appointed on the vacant post of his native VC Shenai Bala.
19	Mian Muhammad Farooq	Jiggan	Jiggan	He was wrongly terminated as he was not an out of VC applicant.	He may be re-instated in his native VC Jiggaan against the Vacant post.


Attested

Assistant Director
Local Govt & Urban Dev. Dept

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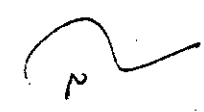
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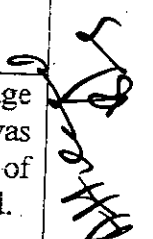
S.No	Name of Petitioner	Residential VC/NC of the Petitioner	VC/NC of appointment	Remarks/Details	Recommendations of the Committee
20	Muhammad Tanveer	Manoor	Not appointed	Muhammad Tanveer s/o Azizur Rahman with W.P no.192-A/2016 is the suitable candidate as he belongs to VC Manoor and is recommended to be appointed in his native VC Manoor instead of Muhammad Fayaz who was terminated and belongs to another VC Jareed.	He may be appointed in his native VC Manoor against the Vacant post.
21	Nizakat Ali	Kewai	Not Appointed	Another applicant of VC Bhoonja Muhammad Nazir was selected out of VC and then terminated. Nizakat Ali Challenged his appointment under petition NO 196-A/16. Muhammad Nazir also challenged his termination under WP 1060-A/2017.	Nizakat Ali is recommended to be appointed against the vacant post in his native VC Kewai and Muhammad Nazir may not be re-instated as he belongs to another VC Bonja where the post is not vacant.
22	Muhammad Hashim	Parhina	Application for Appointment on Retired Employee son quota at VC Hamsharian	He applied on the retired son quota as his father retired as Naib Qasid from VC Hamsheria.	Recommended for appointment on Retired Employee Son quota at vacant post of VC Hamsharian from where his father retired.
23	Muhammad Saleem	Hasari	Not Appointed	Muhammad Zahir from another VC Tallatta was appointed and then terminated. He did not challenge his termination. Muhammad Salim challenged the appointment of Muhammad Zahir vide WP NO 312-A/2016 and had a favorable judgement.	Muhammad Saleem is recommended to be appointed on the vacant post of Naib Qasid in his native NC Hasari.
24	Alam Zeb	Ganda	Not Appointed	He challenged the appointment of Muhammad Faizan.	As Muhammad Faizan is also from the same Village Council and appeared in the interview and was recommended by the Selection Committee, so the plea of Alam Zeb cannot be entertained and his appeal is rejected.

Attested


Assistant Director
Local Govt. & Rural Dev. Deptt
Mansehra

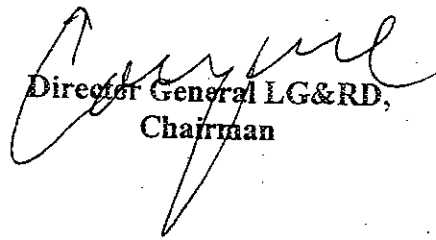


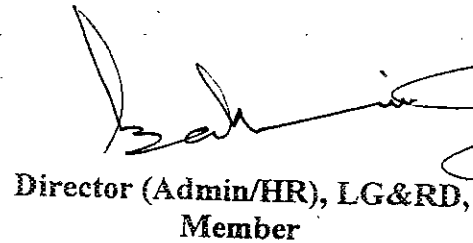


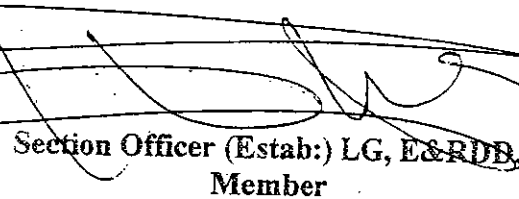


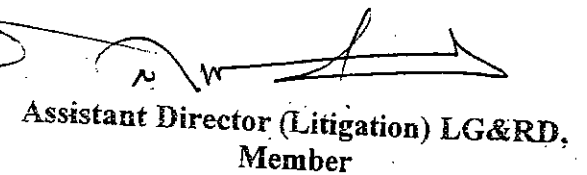
15

S.No	Name of Petitioner	Residential VC/NC of the Petitioner	VC/NC of appointment	Remarks/Details	Recommendations of the Committee
25	Muhammad Yasir	Chakia	Not Appointed	He challenged the appointment of Rashid Khan resident of the same Village Council Chakia. Rashid Khan was recommended by the Selection Committee as he was highly qualified.	As Rashid Khan is also from the same Village Council and appeared in the interview and was recommended by the Selection Committee, so the plea of Muhammad Yasir cannot be entertained and his appeal is rejected.
26	Qazi Alam Zeb	Nambal	NC Ghazikoot township	He was terminated on the basis of out of VC. He is settled in Ghazikoot Township and is the only applicant from Ghazikoot Township.	Reference the Residential Certificate of the Petitioner issued by the Secretary Neighborhood Council Ghazikoot Township, he can be re-instated and adjusted against the vacant seat of NC Ghazikoot Townships he was the only applicant from NC Ghazi Kot and his appointment is not challenged.
27	Zahid Murad	Baffa Kurd	Not appointed	Judgment in W.P No.470-A/2016 in Peshawar High Court Abbattabad Bench dated 28-11-2018 at para No.6 has directed the department to issue the appointment order of Zahid Murad against the vacant post of Naib Qasid in his native NC Baffa Kurd.	He may be appointed against the vacant post of his native Neighborhood Council Baffa Kurd as directed by the Honorable Court in its Judgment in the W.P No.470-A/2016 in Peshawar High Court Abbattabad Bench dated 28-11-2018

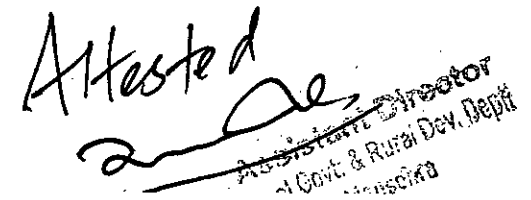

 Director General LG&RD,
 Chairman


 Director (Admin/HR), LG&RD,
 Member


 Section Officer (Estab:) LG, E&RDD,
 Member


 Assistant Director (Litigation) LG&RD,
 Member


 Assistant Director, LG&RDD, Mansehra
 Member

Attested

 Assistant Director
 Govt. & Rural Dev. Deptt
 Mansehra

Handwritten note: 28-11-18



**OFFICE OF THE
ASSISTANT DIRECTOR LOCAL GOVERNMENT
& RURAL DEVELOPMENT DEPARTMENT MANSEHRA**

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Tel: 920114/301129 Fax: 0997-920114/301129

No: 12142 /ADRDD (M)

Date: 15/01/2019

OFFICE ORDER.

Based on the recommendations/approval of the Departmental Appeal Committee under the Chairmanship of the DG LG&RDD KPK Peshawar (Appellate Authority) in pursuance of the implementation of the judgments of the Honorable Peshawar High Court Abbottabad Bench in different writ petitions, the following writ petitioners are hereby appointed/reinstated as the case maybe) as Naib Qasid (BPS-3) against the vacant posts of Naib Qasids on the terms and conditions given below: -

S#	Name	Father Name	Plcement VC/NC	Reinstated/ Appointed	Remarks
1	Sadaqat Shah	Syed Mujtaba Shah	Lassan Thakral	Reinstated	
2	Imran Malik	Malik Aman Awan	Banda Lal Khan	Appointed	
3	Muhammad Muneeb	Abdul Qayum	Dakki	Appointed	
4	Muhammad Riaz	Sher Din	Khan Shakoora	Appointed	
5	Aqeel Hussain Shah	Ziauddin Shah	Laachimang	Reinstated	
6	Wajid Ali	Ghulam Daud	Naral Ban	Reinstated	
7	Abdul Waheed	Muhammad Yusuf Khan	Chela Bagh	Reinstated	
8	Wassem Ahmad	Farooq Khan	Banda Pairan	Reinstated	
9	Jamal-ud-Din	Ghulam Abbas	Inayatabad	Reinstated	
10	Muhammad Aqib	Sain Muhammad	Karam	Reinstated	
11	Muhammad Shafique	Muhammad Sadiq	Bagwai	Reinstated	
12	Abdurrahid	Abdul Sattar	Malkan	Appointed	
13	Shujaat Hussain Shah	Habib Hussain Shah	Gujjar Bandi	Reinstated	
14	Adeel	Muhammad Basheer	Makria	Reinstated	
15	Muhammad Khalid	Jumma Khan	Gali Badral	Reinstated	
16	Gulzar	Shah Zaman	Karmang Bala	Appointed	
17	Mushtaq Khan	Buchi Zaman	Shoukatabad	Reinstated	
18	Sadam Hussain	Hussain Khan	Afzalabad	Reinstated	
19	Muhammad Ashfaq	Shamsbad Khan	Shenai Bala	Appointed	
20	Mian Muhammad Farooq	Habiburrehman	Jiggan	Reinstated	
21	Muhammad Tanweer	Azizurrehman	Manoor	Appointed	
22	Nizakat Ali	Shoukat Ali	Kewal	Appointed	
23	Muhammad Saleem	Habiburrehman	Hassari	Appointed	
24	Qazi Alam Zeb	Qazi Mehmood	Ghazikot Township	Reinstated	
25	Zahid Murad	Murad Ehan	Baffa Khurd	Appointed	

A. H. Khan
AS

Terms & Conditions:

1. The service of the each one of the above will be governed by the rules and regulations of the Provincial Government.
2. Each one of the above shall be on probation as required under Para -15 Part-V of Appointment, Promotion & Transfer Rules 1989.
3. Each one of the above shall produce Medical Fitness Certificate from the Medical Superintendent, King Abdullah Teaching Hospital Manséhra. (For newly appointed only)
4. Each one of the above shall join duty within 15 days, failing which appointment order will stand withdrawn automatically.
5. The service of the each one of the above will be liable to be terminated on one month notice in advance from either side. But in case of resignation without notice, two month pay shall be refunded towards Govt.
6. The service of the each one of the above will be terminable/liable to face proceedings under E&D rules 2011 and other rules as framed by the Govt of KPK from time to time at any time in case his performance is found to be unsatisfactory or found to be guilty of misconduct, non-compliance of the official orders/directives, embezzlement.
7. All rules and policies relating to the Govt servants will be applicable on them.



Assistant Director (Sr.)
LG&RDD Manséhra.

Endstt. Of Even No & dated: 12142 /ADRDD (M) Dated 15/01/2019

Copy for information to:-

1. The Deputy Commissioner, Manséhra.
2. AR Honorable Peshawar High Court Abbottabad Bench
3. The District Accounts Officer Manséhra
4. PA to Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
5. Candidates concerned.


Assistant Director (Sr.)
LG&RDD Manséhra.

Attested


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

Appeal No. 245 OF 2018

Qazi Alam Zeb

VERSUS

**Secretary Local Government Khyber Pakhtunkhwa
Peshawar & Others.**

AFFIDAVIT!

I, Mr. TAUSEEF MUSHTAQ, ASSISTANT DIRECTOR LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT MANSHERA CNIC 13503-2790320-5 DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT ATTACHED DOCUMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE COURT.

DEPONENT

