

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No: 219 /2023

Shahid Akbar S/O Wali Akbar

R/O Mohalla Tawas khel, village Sangao Tehsil Katlang & District Mardan

..... Petitioner

Versus

1. Govt. of KPK, through Secretary Local Government & Rural Development, civil Secretariat Peshawar.
2. Director General Local Government & Rural Development of KPK Civil Secretariat Peshawar.
3. Deputy commissioner, District Mardan.
4. Assistant Director Local Government & Rural Development, Mardan.
5. Village Secretary, VC Rorya-01 Tehsil & District Mardan..... Respondents

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Deponent

Cell No. 0937-9230067  
0342-2065580

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 219/2023**

①

1. Shahid Akbar S/O Wali Akbar  
R/O Mohallah Tawas Khel, Village Sangao Tehsil Katlang, District Mardan.

..... APPELLANT

**VERSUS**

1. Govt of KPK Through Secretary Local Government and Rural Development Department, Civil Secretariat Peshawar.  
2. Director General, Local Government and Rural Development Department, Civil Secretariat Peshawar.  
3. Deputy Commissioner, District Mardan.  
4. The Assistant Director, Local Government & Rural Development Department, District Mardan.  
5. Village Secretary, VC Rorya-01 Tehsil & District Mardan.

..... Respondents

**COMMENTS ON BEHALF OF RESPONDENTS NO 1,2,3 & 4.**

Respectfully Shewth:

The Respondents most humbly submits as under.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9546

Dated 29-11-2023

**Preliminary Objections**

- i. That the appellants has got no cause of action/locus standi.  
ii. That the appellants has not come to this Hon'ble court with clean hands.  
iii. That the instant appeal is based on, malicious/vexatious, frivolous grounds.  
iv. That the appellants is estopped by his own conduct to file the present instant Appeal.  
v. That the instant Appeal is against the relevant recruitment policy.  
vi. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties.  
vii. That the instant Appeal is time barred.  
viii. That the instant Appeal is not maintainable in its present form.  
ix. That the Appellant has not filed any Departmental Appeal before knocking at the door of the Hon'ble Courts.

**ON FACTS**

1. Para No: 01 relates to record.  
2. Correct: To the extent that the respondent No:04 advertised 164 post of Naib Qasid BPS 03 as per advertisement published in the daily newspaper (copy attached) Annexure "A".  
3. Correct: To the extent that the Petitioner was illegally appointed by the then Assistant director LG & RDD Mardan without recommendation of District Selection & Recruitment Committee in the Village Council Rorya-I (Appointment order, and Minutes of District Selection & Recruitment Committee in neighborhood Village Council are Annexure "B & C".  
4. Incorrect: The Petitioner was not recommended by Selection & Recruitment Committee for appointment. Moreover, one Yousaf Shah S/O Raza Shah was recommended and was appointed. Copy of the list applied from the Village Council Sangao is Annexure "D".  
5. Incorrect: The Petitioner was illegally appointed without recommendation of District Selection & Recruitment Committee in Neighborhood Council Rorya-I. Furthermore, One Mr. Muhammad Arslan was terminated by the then Assitant Director LG&RDD Mardan. who was working as Naib Qasid Rorya-I Vide office order No: DD/ADLG&RDD(MDN)office-order/291 dated: 05/03/2020. Muhammad Arslan filed an appeal against the termination order, and an enquiry was conducted

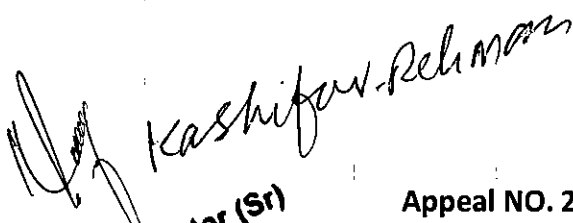
*Kashif Rehman*  
Assistant Director (Sr)  
LG & RDD  
Mardan  
Appeal NO. 219/2023....1/3

wherein his termination was declared illegal. Muhammad Arslan was re-instated into service Vide office order No: ADLG(MDN)EST/Service/2020-M4/99 dated: 23-10-2020 & order of Petitioner Mr. Shahid Akbar was withdrawn Vide Order No:ADLG(MRD)Est/Serbvce/2020M4/99-A dated: 23/10/2020. (The termination, re-instated order of Muhammad Arslan, & Reversion/withdrawn of Mr. Shahid Akbar termination order **Annexure "E", "F", "G".**)

6. **Incorrect:** After filling of Writ Petition No:3662-P/2021 when the Respondents came into know, the respondent filed comments well on time before the Honorable High Court and later on the Writ Petition stood dismissed on 12-05-2022 with the direction to approached the Khyber Pakhtunkhwa Service tribunal, constituted under Khyber Pakhtunkhwa act 1974. But in spite of the direction of the Honorable High Court the appellant filed a review Petition No:89-P/2022 in Writ Petition No:3662-P/2021 title Shahid Akbar S/O Wali Akbar VS Govt of KPK through Secretary Local Govt & Rural Development, Civil Secretariat Peshawar and others which was being merit list was dismissed on 30-11-2022. **Judgement passed on 12-05-2022 by the Honorable Peshawar High Court in Writ Petition No:3662-P/2021, review Petition No:89-P/2022 passed on 30-11-2022 are Annexures "H", "I".**
7. **Incorrect:** While filling the comments before the Honorable High Court Peshawar in Writ Petition No:3662-P/2021. The respondents has clearly mentioned and attached the office order No:ADLG(NRD)/Estb/Service/2020-M499-A dated:23-10-2020. Where from it is clear that the order of appointment of the appellant was withdrawn after the re-instatement of one Muhammad Arslan Ex-Naib Qasid, after proper enquiry.
8. **Correct:** As evident from record.
9. **Correct:** To the extent that the review Petition of the appellant was also dismissed on 30-11-2022.
10. **Incorrect:** The appellant was required to file an appeal before the Hon'ble Service Tribunal, as per direction of the Hon'ble Peshawar High Court but he did not do so and filed an appeal after a lapse of 09 months and 19 days

#### ON GROUNDS

- A. **Incorrect.** As evident from the record the appellant was appointed by the then Assistant Director (now retired) illegally and without proper procedure after the termination of one Muhammad Arslan who was re-instated after proper enquiry conducted by the Higher Authority and the appointment order of the present appellant was reverted / withdrawn.
- B. **Incorrect.** As the appointment order of the appellant was made illegally which was withdrawn after proper enquiry hence the appellant has no right to be reinstated into service as there is no any other post for Naib Qasid at NC Rorya-I after reinstatement of Ex-Naib Qasid after proper enquiry.
- C. **Incorrect.** The reversion / withdrawn order of the appellant was issued on 23-10-2020 after the reinstatement of Ex-Naib Qasid Muhammad Arslan after proper enquiry before the filling of Writ Petition No:3662-P/2021 title Shahid Akbar Vs Govt of KPK through Secretary Local Govt and others which was filed on 09-07-2021. As the evident from the affidavit filed by the Petitioner.
- D. **Incorrect.** The appointment order of the Petitioner was issued on 09-March-2020 illegally and without proper procedure. While his reversion / withdrawn order was issued on 23-10-2020 while the Writ Petition NO:3662-P/2021 was filed on 09-07-2021 as evident from the affidavit / record therefore the it is incorrect that the respondent has issued the reversion / termination order of the Petitioner during the pendency of the writ Petition No:3662-P/2021 before the Hon'ble Peshawar High Court.
- E. No comments.
- F. **Incorrect.** As the reversion / Termination order of the appellant has been issued after proper enquiry therefore it is incorrect that there is any irregularity which requires to be corrected by this Hon'ble High Court.

  
Assistant Director (Sr)  
L.G & RDD  
Mardan

Appeal NO. 219/2023....2/3

G. ~~is~~ correct. The appellant has approached this Hon'ble High Court after a laps or 9 months and 19 days against the reversion / Termination order which was issued after proper procedure. (3)

H. No comments.

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.

Assistant Director (Sr)  
LG&RDD Mardan Respondent No.04

*Kashif-Ur-Rehman*

Director General

LG&RDD Civil Secretariat Peshawar  
Respondent No.02

*iftikhar Alam*

Deputy Commissioner  
District Mardan Respondent No.03

*Capt (Rtd) Abdul Rehman*

Secretary

LG&RDD Civil Secretariat Peshawar  
Respondent No.01

*Daud Khan*

*Vetted*

*Ahmad*  
28.11.2023  
Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

**BEFORE THE HONOURABLE, PESHAWAR, HIGH  
COURT, PESHAWAR**

Appeal NO. 219-P/2023

Shahid Akbar S/O Wali Akbar ..... Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa, etc. .... Respondents

**AFFIDAVIT**

I, Kashif Rehman Assistant Director Senior Local Govt & RDD Mardan respondent No. 04 do hereby solemnly affirm and declare that the contents of the accompanying Appeal No. 219-P/2020 title Shahid Akbar Versus Govt. of Khyber Pakhtunkhwa through Secretary Local Govt & others are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

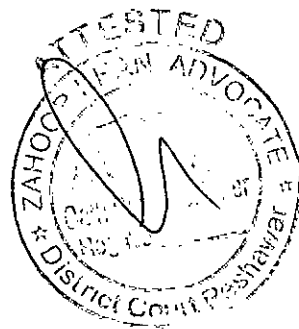
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

**Deponent**



Kashif Ur Rehman  
Assitant Director(Sr)  
Responent No.04

CNIC No. 11101-6334326-1  
Cell No. 0333 9723561



29/11/23



1

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

Phone: 0937 9230067

Email: [adlgmardan2@gmail.com](mailto:adlgmardan2@gmail.com)  
No. AD LG&RDD(MDN)/SUP/LIT/  
Dated: 28, November, 2023

**AUTHORITY LETTER**

Mr. Wisal Khan/ Wilayat Shah, Legal Assistant/Progress officer, LG & RDD Mardan is hereby authorized to attend/Submitted before the Hon'ble Court of Service Tribunal Peshawar in Service Appeal NO. 219-P/2023 i.e. Shahid Akbar Versus Govt. of Khyber Pakhtunkhwa through Secretary Local Govt and others on behalf on the undersigned and other respondents.

**Kashif Ur Rehman**  
**Assistant Director (Sr)**  
**Responent No. 04**  
**Local Govt & RDD Mardan**

**Copy Forwarded to:**

1. Director General, Local Govt and RDD, Khyber Pakhtunkhwa.
2. Advocate General, Peshawar High Court, Khyber Pakhtunkhwa.
3. Section Officer (Litigation), Local Govt and RDD, Khyber Pakhtunkhwa.
4. Assistant Director (Litigation), Local Govt and RDD, Khyber Pakhtunkhwa.
5. PS to Secretary, Local Govt and RDD, Khyber Pakhtunkhwa.

**Kashif Ur Rehman**  
**Assistant Director (Sr)**  
**Responent No. 04**  
**Local Govt & RDD Mardan**



Annexure = "A"

5

## بھرتی برائے نائب قاصد مردان

خان اخبار فروش ملاکنڈ چوک مردان روزنامہ آج 22/10/2017

خان اخبار فروش ملاکنڈ چوک مردان روزنامہ آج 22/10/2017

محکمہ بلدیات و دیہی ترقی حکومت خیبر پختونخوا

دفتر اسسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی ضلع مردان

**اشتہار برائے بھرتی نائب قاصد (BPS-03)**

دفتر ہذا کو بیچ امیر ہوڈ کونسل میں نائب قاصد کی خالی آسامیوں کو پر کرنے کیلئے متعلقہ بیچ امیر ہوڈ کونسل کے ڈویسائل کے حامل اہل امیدواروں سے درخواستیں مطلوب ہیں جو کہ اس اشتہار کی اشاعت کے پندرہ یوم کے اندر اندر اسسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی ضلع مردان کے دفتر میں دفتری اوقات کار کے دوران جمعہ تصدیق شدہ دستاویزات جمع کرائی جاسکتی ہیں۔

تفصیلی آسامیاں و مطلوبہ قابلیت اور دل کار عمر کی حد ذیل ہے درج ہیں

نمبر شمار / ضلع	نام آسامی	بنیادی سکیل	تعداد آسامی	ضلع مردان کے بیچ امیر ہوڈ کونسل	عمر کی حد
1- مردان	نائب قاصد	03	164	(1) متعلقہ بیچ امیر ہوڈ کونسل کا مستقل باشندہ ہو	18-40

(1) متعلقہ بیچ امیر ہوڈ کونسل کے سکوتی باشندے کو ترجیح دی جائے گی۔ (2) بیچ امیر ہوڈ کونسل میں نائب قاصد کے خالی آسامیوں کے بارے میں تفصیلی دفتر ہذا سے حاصل کئے جاسکتی ہیں۔ مطلوبہ قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواست ہے کہ اس اشتہار کی اشاعت کے پندرہ یوم کے اندر اندر اپنے دستاویزات بیچ ڈویسائل ضلع مردان کے اسسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفتر میں جمع کرائے۔

المستہر

**Say No to Corruption / Drugs** INF(P)6020

محکمہ بلدیات و دیہی ترقی ضلع مردان

ہر قسم آن لائن رجسٹریشن کیلئے **خاکسار** نزد شاہ میڈین فیصل مارکیٹ ملاکنڈ روڈ مردان **لیاقت**

Attested

ATTESTED

ATTESTED

Assistant Director (Sr.)  
LGSROD  
Mardan

Annexure - B

6

**ASSISTANT DIRECTOR (SENIOR)**  
**LG & RDD DISTRICT MARDAN**

Dated: 9<sup>th</sup> March 2020

**OFFICE ORDER:**

No. AD/LG&RDD/(MDN)/Office-Order/ 305 Consequent upon the recommendations of the Departmental Selection Committee, Mr. Shahid Akbar S/O Wali Akbar is hereby appointed as Naib-Qasid (BPS-03) VC/NC Rorya-01 Tehsil & District Mardan as per following terms and conditions with immediate effect in the public interest, please.

**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, punctuality and will compulsorily perform duty at least for 02 years on this post.
3. The Selectee will remain on probation period/provisionally for two years.
4. In case, the selectee wishes 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.
9. The salary will be activated only and only subject to relaxation of age from Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.

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.
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, Tehsil and District Mardan.
9. Secretary VC/NC Rorya-01, Tehsil and District Mardan.
10. Official Concerned.

Attested

Attested

Assistant Director (Sr)  
LG&RDD  
Mardan

Sd/ -

Assistant Director (Senior)  
Local Govt. & Rural Dev. Deptt:  
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 27<sup>th</sup>, 29<sup>th</sup> August, 3<sup>rd</sup>, 6<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, 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 there were 164 vacant posts 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 interview. 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 27<sup>th</sup>, 29<sup>th</sup> August, 3<sup>rd</sup>, 6<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, September, 2019.

S#	Name of Candidates	Father Name	Employment Exchange Reg#	Interview Marks			T Mark	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  
Assistant Director (Sr)  
LG&RDD  
Mardan

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

Sd/-  
Chairman

Sd/-  
Member-I

Sd/-  
Member-II

Attested  
Assistant Director (Sr)  
LGROD  
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	Iftihar 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/-  
ChairmanSd/-  
Member-ISd/-  
Member-II

Attested  
Assistant Director (Sr)  
LGARD  
Mardan

57	Bakhtiar Khan	Arifeen Sardar Khan	2741/2017	16/08/1985	3	1	1	5	VC/NC Bilondi
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	Ifibar 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/-  
Chairman

Sd/-  
Member-I

Sd/-  
Member-II

*Attested*  
Assistant Director (Sr)  
LGARD  
Mardan

Better Copy

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	Sarfaraz	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

Attested  
Assistant Director (Sr)  
LG&RDD  
Mardan

That all candidates who applied for the post of Naib-Qasids were informed timely to attend interview;  
That all application of applicants have been dairzied in the register maintained for the purpose;  
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/ -  
(Muhammad Wisal Khan)  
Supervisor LG&RDD District  
Mardan  
(Member)

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

Attested  
Assistant Director (Sr)  
LG&RDD  
Mardan

Sl. No.	Name of Candidate	Father's Name	Registration No.	Intervall Marks			Total Marks	DOB	Village Council for which the candidate has applied
				Class (01)	MTI (01)	MTII (02)			
1	Rnees Khan	Bacha Khan	Advt: 24/10/17	A	A	A	A	9/2/1987	VC/NC Sangao
2	Shahid Akbar	Wall Akbar	Advt: 24/10/17	1	1	1	3	16/03/1998	--do--
3	Bilal Suid	Hikmat Suid	Advt: 24/10/17	A	A	A	A	18/3/1996	--do--
4	Wajid Khan	Sherdad Khan	Advt: 24/10/17	A	A	A	A	5/2/1997	--do--
5	Sajid Khan	Sherdad Khan	Advt: 24/10/17	1	1	1	3	15/4/1992	--do--
6	Altaf Khan	Momin Khan	Advt: 24/10/17	2	1	1	4	10/11/1984	--do--
7	Amroz Khan	Shah Roz Khan	Advt: 24/10/17	A	A	A	A	10/5/1989	--do--
8	Zarak Khan	Gul Umar Khan	Advt: 24/10/17	A	A	A	A	15/02/1992	--do--
9	Shah Roz Khan	Zafar Khan	Advt: 24/10/17	1	1	1	3	30/08/1981	--do--
10	Muhammad Iqbal	Behroz Khan	Advt: 24/10/17	1	1	1	3	15/02/1990	--do--
11	Jehan Zeb Khan	Khawas Khan	Advt: 24/10/17	A	A	A	A	NIL	--do--
12	Asif Khan	Zahir Khan	Advt: 24/10/17	A	A	A	A	10/03/1993	--do--
13	Shakir Ullah	Akmal Khan	Advt: 24/10/17	2	1	1	4	9/6/1999	--do--
14	Umar Bahadar	Yaardil Khan	2833/2017	1	1	1	3	23/03/1980	--do--
15	Umar Iqbal	Umbara Khan	3224/2017	1	1	1	3	17/02/1997	--do--
16	Khalid Iqbal	Umbara Khan	3238/2017	1	2	1.5	4.5	7/11/1979	--do--
17	Imran Khan	Fazal Qadar	Advt: 24/10/17	1	1	1	3	2/12/1985	--do--
18	Yousaf Shah	Raza Shah	404/2019	3	1	1	5	20/03/1994	--do--

Sd/-  
Chairman

Sd/-  
Member-I

Sd/-  
Member-II

Attested

Assistant Director (Sr)  
LGSRDD  
Mardan

Attested  
[Signature]

Annex - B

14

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

No. AD(Senior)/LGRDD/ (Mardan)/  
Dated: 05<sup>th</sup> March, 2020

OFFICE ORDER:

No.DD/ADLG&RDD/(MDN)/Office-Order/ 29 Reportedly, involvement and habitual of drug addiction, lack of interest in the official duty, non-cooperative with the secretary VC/NC concerned also observing to misconduct, laxity, slackness and non-compliance of the orders of the competent authority for the official purpose as well as mentally disturbed due to some unforeseen reasons and unfit for service, Mr. Muhammad Arsalan Naib Qasid VC/NC Rorya-I Tehsil & District Mardan is hereby **TERMINATED** from service with immediate effect.

  
Deputy Director/Assistant Director (Senior)  
LG & RDD District Mardan

Even No. & Date.

Copy of the above is forwarded to the:-

1. Deputy Commissioner, District Mardan.
2. District Accounts Officer, District Mardan.
3. Progress Officer, LG&RD Mardan.
4. Accountant, LG&RDD Mardan *with the direction to submit source-II (closure of salary) in the DAO office Mardan immediately.*
5. Supervisor, LG&RDD Tehsil & District Mardan.
6. Secretary VC/NC Rorya-I Tehsil & District Mardan.
7. Ex-Official Concerned.

  
Deputy Director/Assistant Director (Senior)  
LG & RDD District Mardan

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



OFFICE OF THE ASSISTANT DIRECTOR

LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT

MARDAN

Phone: 0217 2230067

Fax: 0217 2230067

No. AD LG(RD)/Estb/Services/2020-11/99-A  
Date: October, 23, 2020

OFFICE ORDER

Consequent upon the directions of the findings of enquiry report conducted by 1)- Mr. Sheraz Ahmad, Deputy Director (Litigation) Enquiry Officer, and 2)- Mr. Arif Ullah Khan Deputy Director (Admin/HR)/Enquiry Officer, Local Government and RDD, Khyber Pakhtunkhwa, received in this office vide letter No. Director (LG)-40/Application/2019/17069 dated 17/07/2020 from Assistant Director (Admin/HR). On the recommendation of enquiry committee, and in respect of re-appointment order No. AD LG(RD)/Estb/Services/2020-11/99, Mr. Mahmood Arzlan Nais-Qaid has service from the date of termination, the appointment order of Mr. Shahid Akbar S/O Wali Akbar resident of Village Sangro is hereby reverted/withdrawn from the date of its issue.

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

Copy Forwarded to:

1. Director General, Local Government & RDD, Khyber Pakhtunkhwa.
2. District controller of Accounts, Mardan.
3. Progress Officer, Local Govt & RDD, Mardan.
4. Office Assistant, Local Govt & RDD, Mardan.
5. Mr. Shahid Akbar S/O Wali Akbar Resident of Village Sangro Takht Rafiq.

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

*[Signature]*  
ATTESTED

Attested

Assistant Director (Sr)  
LG & RDD  
Mardan

Attested  
*[Signature]*  
Assistant Director Sr  
LG & RDD  
Distt. Mardan



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

No. AD/LGRDD/ (Mardan)/\_\_\_\_\_

Dated: October 23, 2020

**OFFICE ORDER**

Consequent upon the directions on the finding of enquiry report conducted by Sheraz Ahmad, Deputy Director (Admin/Litigation), Local Govt and RDD, Khyber Pakhtunkhwa and Asad Ullah Khan, Deputy Director (Admin/HR), Local Govt and RDD, Khyber Pakhtunkhwa received in this office vide letter No. Director (L.G) 3-40/Application/2019/17069 dated 07.10.2020 from Assistant Director (Admin/HR). On the recommendation inquiry committee and issuance of re-instatement order No. AD LG(MRd)/Estb/Service/2020-M4/99, Mr. Muhammad Arsalan, Naib Qasid into service from the date of termination, the appointment order of Mr. Shahid Akbar S/O Wali Akbar resident of Village Sangao is hereby reverted/withdrawn from the date of its issue.

**Assistant Director  
Local Govt & RDD Mardan**

**Copy Forwarded to:**

1. Director General, Local Govt & RDD, Khyber Pakhtunkhwa.
2. District Comptroller of Accounts, Mardan.
3. Progress Officer, Local Govt & RDD, Mardan.
4. Office Assistant, Local Govt & RDD, Mardan.
5. Officials concerned.

**Assistant Director  
Local Govt & RDD Mardan**



Annex "G" 16  
OFFICE OF THE ASSISTANT DIRECTOR

**LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT**

MARDAN

Phone: 0937-9230067

Email: adlgmardan2@gmail.com

No. AD LG(Mrd)/Estb/Service/2020-M4/99

Dated: October 23, 2020


OFFICE ORDER

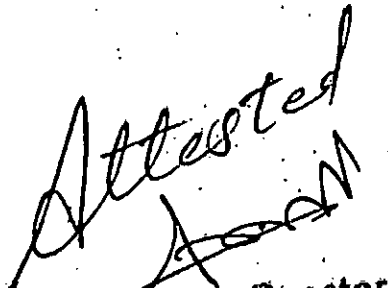
Consequent upon the directions on the finding of enquiry report conducted by Sheraz Ahmad, Deputy Director (Admin/Litigation), Local Govt and RDD, Khyber Pakhtunkhwa and Asad Ullah Khan, Deputy Director (Admin/HR), Local Govt and RDD, Khyber Pakhtunkhwa received in this office vide letter No. Director (LG) 3-40/Application/2019/17069 dated 07.10.2020 from Assistant Director (Admin/HR), Mr. Muhammad Arsalan, Naib Qasid is hereby is re-instated in service from the date of termination and is posted as Naib Qasid against the vacant post of Naib Qasid Roria-1.


  
Assistant Director  
Local Govt & RDD Mardan

Copy Forwarded to:

1. Director General, Local Govt & RDD, Khyber Pakhtunkhwa.
2. District Comptroller of Accounts, Mardan.
3. Progress Officer, Local Govt & RDD, Mardan.
4. Office Assistant, Local Govt & RDD, Mardan.
5. Officials concerned.

  
Assistant Director  
Local Govt & RDD Mardan

  
Assistant Director Sr  
LG & RDD  
Distt Mardan

  
Assistant Director (Sr)  
LG & RDD  
Mardan

Annex- "H"

17



**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
*(Judicial Department)*

**Writ Petition No.3662-P/2021**

**Shahid Akbar**  
**Vs**  
**Government of K.P.K through Secretary Local**  
**Government & Rural Development, Civil Secretariat,**  
**Peshawar & others**

For Petitioner(s): Mr. Asif Ali Shah, Advocate.

For respondent(s): Mr. Mujahid Ali, AAG, alongwith Mr. Wilayat Shah.

Date of hearing: 12.05.2022

**JUDGMENT**

**ABDUL SHAKOOR, J.-** Through the instant constitutional petition, filed under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, the petitioner seeks the following relief: -

*"It is, therefore, prayed that in view of the above submissions the instant Writ Petition may graciously be accepted and the respondents may kindly be directed:*

- i. To declare the impugned Letter No.ADLG(Mrd)/Estb/Service/2020-M499-A, dated October, 23 2020, ultra vires, unconstitutional, void ab-initio, illegal and inoperative upon the rights of the petitioners.
- ii. To reinstate the services of the petitioner from his initial appointment with all back benefit.

AS

*Attested*

Assistant Director (Sr)  
LG  
Mardan

**ATTESTED**  
EXAMINER  
Peshawar High Court

RECEIVED

iii. To direct respondents to issue the monthly salary of the petitioner from the date of appointment till date and onward."

2. Facts, in brief, are that the petitioner, has applied for the post of Naib Qasid (BPS-03) in Local Government & Rural Development, Government of KPK, duly advertised/published in Daily News Paper. After due process, petitioner was appointed as per "Appointment Order", dated 09.03.2020, and posted in VC Rorya-01. Thereby, the petitioner reported for duty and has served in the office of respondent No.5 till August, 2020, without being paid any salary and thus the petitioner was orally informed that there is no vacant post for the petitioner. Due to salary stoppage, petitioner moved written application to respondent No.2, but was in vain, thereafter he filed W.P No.3346-P/2020, the comments were filed and during pendency of the said writ petition, the respondents vide impugned Letter No.AD LG(Mrd)/Estb/Service/2020-M499-A, dated October, 23, 2020, withdraw the appointment of petitioner on the ground that another employee Muhammad Arsalan has been reinstated and one Yousaf Shah has been appointed. Subsequently, after getting knowledge of the impugned letter, petitioner has submitted before the Court for withdrawal of aforesaid writ petition bearing No.3346-P/2020, with permission to file a fresh one, which was allowed, hence, the instant petition.

(FD)

RECEIVED

Barki, SSS,

(D.B) Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble Mr. Justice Abdul Shakoor, J.

Attested

Assistant Director (Sd)  
LG, RDO  
Mardan

ATTESTED  
EXAMINER  
Peshawa High Court



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- 3. Arguments heard and record gone through.
- 4. Admittedly, the petitioner has served the *Education Department* for certain period of time and **Article 212 of the Constitution of Islamic Republic of Pakistan** clearly stipulates that the Tribunal constituted by an appropriate legislature by way of Act shall have an exclusive jurisdiction in respect of matters related to the terms & conditions of service who are or have been in the service of Pakistan including disciplinary matters.
- 5. For ready reference, the relevant section of Article 212 is reproduced herein below:

**“212(1): Notwithstanding anything hereinbefore contained the appropriate Legislature may by Act 1[provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of--**  
**(a): matters relating to the terms and conditions of persons 2[who are or have been] in the service of Pakistan, including disciplinary matters.”**

6. No doubt, the appointment letter of the petitioner has been withdrawn but petitioner through the instant petition has sought a relief of his reinstatement in service with effect from his initial appointment with all back benefits, thus, in essence, he is admitting that his service has been terminated which undoubtedly falls within the contemplation of terms &

SPD

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 EXAMINER  
 Peshawar High Court

Attested

Assistant Director (Sr)  
 LG 17/3  
 Peshawar



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conditions of civil servants as stipulated in Chapter-II of **Khyber Pakhtunkhwa, Civil Servants Act, 1973.**

7. In such view of the matter, petitioner for the redressal of his grievance i.e. his reinstatement in service, has to approach Khyber Pakhtunkhwa Service Tribunal, constituted under Khyber Pakhtunkhwa Service Tribunal Act, 1974.

8. For what has been discussed above, the instant petition being not maintainable, stands dismissed.

*Lal Jan*  
JUDGE  
*Abdul Shakoor*  
JUDGE

**Announced.**  
**12.05.2022**

37189

Date of Presentation of Petition 17-5-22

No of Pages 10

Copying fee 40

Total 40

Date of Preparation 17-5-22

Date of Delivery of Copy 17-5-22

Received By B. Khan

REGISTERED BY THE CLERK  
 Khyber Pakhtunkhwa High Court, Peshawar  
 Authorized Under Article 87 of  
 The Constitution of Pakistan Order 1973  
 17 MAY 2022

Attested  
 Assistant Director (Sr)  
 LGROD  
 Mardan

ATTESTED

Annex-I

21



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Review Petition No. 89F/2022

In

WP No. 3662-P/2021

Shahid Akbar S/o Wali Akbar  
R/o Mohallah Tawas Khel, Village Sangao Tehsil Katlang & District Mardan  
..... Petitioner.

Versus

1. Govt. of K.P.K. Through Secretary Local Government & Rural Development, Civil Secretariat Peshawar.
2. Director General, Local Government & Rural Development & Rural Development of K.P.K. Civil Secretariat Peshawar.
3. Deputy Commissioner, District Mardan.
4. Assistant Director Local Government & Rural Development, Mardan.
5. Village Secretary, VC Rorya-01 Tehsil & District Mardan.

..... Respondents

REVIEW PETITION UNDER SECTION 114 CPC OF ORDER,  
JUDGMENT DATED: 12.05.2022, VIDE WHICH THIS  
HONOURABLE COURT HELD THAT THE PETITION WAS  
DISMISSED IN LIMINE.

RE-FILED TODAY

Deputy Registrar

09 JUN 2022

Respectfully Sheweth,

The petitioner humbly submits as under:-

- A. That the Writ Petition No.3662-P2021 Title: Shahid Akbar versus Govt. Of KPK & Others was dismissed by the Honourable Divisional Bench of their Lordship Mr. Justice Lal Jan Khattak & Mr. Justice Abdul Shakoor Vide Judgment Dated: 12.05.2022.
- B. That after the Announcement of Judgment dated: 12.05.2022 the Petitioner Was Satisfied from the Judgment but it was surprising moment for the Petitioner and his Counsel when they received the attested copy of judgment of this Honorable Court.

Attested

ATTESTED  
EXAMINER  
Peshawar High Court

Assistant Registrar  
LG  
Mardan





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**PESHAWAR HIGH COURT PESHAWAR**  
**FORM "A"**  
**FORM OF ORDER SHEET**

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
30.11.2022	<p><b><u>Review Petition No. 89-P/2022 in WP No. 3662-P/2021.</u></b></p> <p>Present:</p> <p>Mr. Asif Ali Shah, Advocate for petitioner.</p> <p align="center">*****</p> <p><b><u>ROOH-UL-AMIN KHAN, J:-</u></b> Through instant petition, petitioner seeks review of judgment of this Court dated 12.5.2022 passed in WP No. 3662-P/2021.</p> <p>2. The petitioner earlier filed writ petition No. 3662-P/2021, wherein he had challenged the Letter No. AD LG/Mrd)/Estb/Service/2020-M499-A dated 23.10.2020, whereby the appointment order of petitioner as Naib Qasid in Local Government &amp; Rural Development Government of Khyber Pakhtunkhwa was withdrawn. The writ petition was dismissed vide judgment dated 12.5.2022 to approach the Khyber</p>

*Rooh-ul-Amin Khan*

*Attested*

Assistant Director (Sr)  
LGERDD  
Mardan

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

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**Pakhtunkhwa Service Tribunal.**

3. Heard. It is settled law that the Court can review its judgment or order, but in a situation where an error of law or fact has materially affected the merits of the case, which is not the case herein. Moreover, the grounds agitated for review of the judgment under review would amount to reopening of the case which has already been dealt with and attended by this Court. No errors were apparently found in the judgment under review, which could justify the review.

4. Accordingly this petition being meritless is hereby dismissed.

**Announced on;  
30<sup>th</sup> of November, 2022**

*Rooh ul Amin*  
**SENIOR JUDGE**

*AS*  
**JUDGE**

**\*Zakat\* (DB) Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Abdul Shakoore**

**VERIFIED TO BE TRUE COPY**  
**EXAMINER**  
Peshawar High Court, Peshawar  
authorized Under Article 97 of  
the Constitution of the Federated States of  
**02 DEC 2022**

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