

3.1.2017

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Khursheed, Computer Operator for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of today in connected service appeal No. 1157/2015, titled Zahiq Hussain Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 4 others”, we dispose off the present appeal also as per detailed judgment. Parties are left to bear their own cost. File be consigned to the record room.

Member

ANNOUNCED

03.1.2017

Chairman
Camp Court Swat

03-01-17

07.06.2016

Agent of counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for the respondents present. Rejoinder submitted. Counsel for the appellant is not in attendance. To come up for final hearing on 05.09.2016 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat.

05.09.2016

Mr. Shamsheer Ali, appellant in connected appeal and Mr. Ismaeel, Secretary, Union Council alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Due to strike of the bar counsel for the appellant is not in attendance. To come up for final hearing on 09.11.2016 before the D.B at camp court, Swat. The restraint order shall continue.



Member


Chairman
Camp Court, Swat

09.11.2016

Appellant in person and Mr. Muhammad Zubair, Sr.GP for respondents present. Learned counsel for the appellant has not turned-up from Peshawar. Seeks adjournment. Adjourned for final hearing to 03.01.2017 before D.B at Camp Court Swat. The restraint order shall continue.


Member


Chairman
Camp court, Swat

13.01.2016


None present for appellant. Mr. Bakh Sher, Assistant alongwith Mian Amir Qadir, G.P for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 3.2.2016 before S.B at Camp Court Swat. The restraint order shall continue.


Chairman
Camp Court Swat

3.2.2016

None present for appellant. Dr. Sardar-ul-Mulk alongwith and Mr. Ameer Qadir, GP for respondents present. Written statement by respondents No. 1 to 5 submitted. Learned Government Pleader requested for modification of the restraint order as the respondents have advertised 59 posts which are to be filled in by initial recruitment and against which the initial appointment could not be made due to restraint order of this Tribunal. The restraint order is, therefore, modified to the extent that one post out of the same be reserved for the appellant and in case of acceptance of appeal the appellant is to be considered for promotion against the same irrespective of other initial appointments.

The appeal is assigned to DB for rejoinder and final hearing for 7.6.2016 at Camp Court Swat.


Chairman
Camp Court Swat

27.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Naib Qasid in Local Government Department and was entitled to promotion as Junior Clerk on the strength of 20% quota reserved for promotion of Class-IV employees which was abolished in the devolution plan where-after appellant became entitled to be promoted as Secretary of the concerned village Union Council as held by this Tribunal in its judgment dated 31.10.2007 and 29.4.2008 and implemented by DCO Swat vide office order dated 31.5.2008. That the appellant preferred departmental appeal on 6.7.2015 which was not responded and hence the instant service appeal on 13.10.2015.

That the respondents have advertised the said post of Village Secretary by ignoring the right of the appellant as he is entitled to be considered for promotion against the said post.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 30.11.2015 before S.B. Notice of stay application for the date fixed. Meanwhile final appointment order shall not be made against the advertised post.


Chairman

30.11.2015

Counsel for the appellant and Mr. Sattar-ul-Mulk alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 13.1.2016 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division. The restraint order shall continue.


Chairman

Appellant Deposited
Security & Process Fee

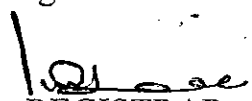



FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1159/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	13.10.2015	<p>The appeal of Mr. Muhammad Sajid presented to-day by Mr. Noor Muhammad Khattak, Advocate may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p> <p>This case be put up before the S.B for preliminary hearing on <u>27-10-15</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 1159 /2015

Mohammad Sajid

VS

Govt: of KPK

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1159 /2015

**A.W.F. Province
Service Tribunal**
Diary No. 1247
Date 13.10.2015

Mr. Mohammad Sajid, Naib Qasid (BPS-02),
O/O Assistant Director Local Government and Rural Development
Department Malakand, District Malakand.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director General Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Assistant Director Local Government and Rural Development Department Malakand, District Malakand

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENT No.4 BY NOT PROMOTING THE APPELLANT TO THE POST OF VILLAGE/ NEIGHBORHOOD COUNCIL SECRETARY (BPS-07) AND AGAINST THE SERVICE RULES OF THE RESPONDENT DEPARTMENT NOTIFIED ON 26.1.1978 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

*Filed to day
13/10/15*

PRAYER: That on acceptance of this appeal this appeal the impugned service Rules dated 26.1.1978 of the respondent Department may kindly be modify to the extent that promotion quota may very kindly be allocated for class-iv to the post of Secretary village Council and the respondent No.5 may further kindly be directed to consider the appellant for promotion to the post of Village/ neighborhood Council Secretary (BPS-07) in light of the order dated 31.5.20008. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

- 1- That appellant is the bonafide resident of District Malakand and has been appointed as Class-IV (Naib Qasid) (BPS-02) in the respondent Department on the proper recommendations of Departmental Selection Committee vide order dated 9.5.2013. Copies of the Domicile, Educational testimonials and appointment order are attached as annexure **A, B and C.**
- 2- That after appointment the appellant started performing his duty as Naib Qasid's (BPS-02) quite efficiently and up to the entire satisfaction of his superiors.
- 3- That according to the service Rules of the respondent Department Notified on 26.1.1978 a promotion quota of 20% now 33% quota was allocated for class-iv employees to the post of Junior clerk (BPS-7). That as per devolution plan the District Council has been divided to that of Tehsil Councils, Union Councils and that of village Councils. That unfortunately the post of junior clerk has been abolished in Tehsil, union and village Councils level and due to that reason the prospects of promotion of appellant has been stopped and he has been deprived from his due right of promotion. Copy of the service Rules is attached as annexure **D.**
- 4- That after creation of village Councils many posts of Secretary (BPS-6) have been created and are lying vacant under the kind control of respondent No.5. That appellant as having eligible and senior most class-iv employee of the respondent Department applied for his promotion to the post of Secretary (BPS-7) in light of the 33% quota and on the analogy of his colleague namely Mr. Ayub Khan who has been promoted to the post of Secretary (BPS-6) now BPS-7 by the respondents on the directions of august service Tribunal vide order dated 31.5.2008. Copy of the promotion order is attached as annexure **E.**
- 5- That vide impugned advertisement dated 11/4/2015 and 27/6/2015 the respondents advertised the posts of Secretaries (BPS-7) for all the village/Neighborhood councils situated in District Malakand by ignoring and not considering the appellant for promotion to the post of Secretary (BPS-7). Copies of the advertisements are attached as annexure **F and G.**
- 6- That feeling aggrieved the appellant submitted Departmental appeal for promotion to the post of Secretary (BPS-7) in light of the respondent No.3 Notification dated 21/12/1982 and on the analogy of the above mentioned employee who was promoted in light of the said rules/notification. Copy of

the Departmental appeal is attached as annexure
..... H.

- 7- That no reply has been received so far on the Departmental appeal filed by the appellant for allocation of quota and promotion to the post of Secretary (BPS-7). Hence the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned advertisements dated 11/4/2015 and 27/6/2015 are against the law, facts and norms of natural justice hence not tenable and liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department 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 according to Article 38 (e) of the Constitution of Pakistan 1973 the state is bound to reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan, therefore in light of the above quoted Article the appellant has the right to have prospects of promotion.
- D- That the respondent Department acted an arbitrary and malafide manner by not promoting the appellant to the posts of Secretary (BPS-7) despite of having eligibility and seniority.
- E- That according to the promotion orders already issued by the respondent Department the appellant is fully entitle to be promoted to the posts of Secretary (BPS-7) but the respondents discriminated the appellant and as such violated the principle of natural justice.
- F- That as per creation of village councils many posts of secretaries has been created and for the said posts the appellant has the requisite qualification and seniority to be promoted but inspite of that the respondents are not willing to do the same.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

APPELLANT



MOHAMMAD SAJID

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____/2015

Mohammad Sajid

VS

Govt: of KPK

APPLICATION FOR SUSPENSION OF OPERATION
OF THE IMPUGNED ADVERTISEMENTS DATED 11-
4-2015 & 27.6.2015 TILL THE DISPOSAL OF THIS
APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the impugned advertisement dated 11.4.2015 and 27.6.2015 are against the Civil Servant Act 1973 as well as the appointment, promotion and transfer Rules 1989.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the impugned advertisements dated 11-4-2015 and 27.6.2015 may very kindly be suspended till disposal of this appeal.

APPELLANT



MOHAMMAD SAJID

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

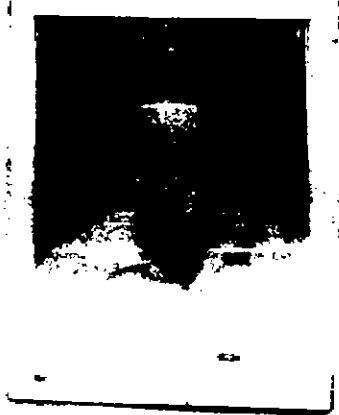
DOMICILE CERTIFICATE

A-6

I declare that I was born of parents who are permanently domiciled in N.W.F.P., having belonged to it by birth/settled in it.

I belong by birth to Village / Mohallah Totakan

Tehsil Batchala District Malakand



Handwritten signature/initials

M. SAJID
Signature of the applicant
Dated 15/7/2003

Pursuance to the declaration dated 15/7/2003 filed by Muhammad Sajid

son/daughter of Muhammad domiciled in the N.W.F.P., it is hereby certify that the said Muhammad ^{sajid} is born of parents who are permanent residents of the N.W.F.P., having belonged to it by birth/settled in it. I have satisfied myself from personal/my knowledge verification that the above declaration is true and certify.

This 16th day of July 2003

Attest

COUNTERSIGNED

Signature of District Revenue Officer
DISTRICT REVENUE OFFICER

DEPUTY DISTRICT REVENUE OFFICER
Signature of Deputy District Officer
Deputy District Officer
(Judicial) Malakand
at Batchala

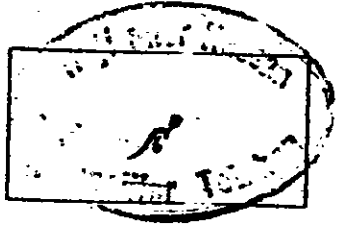
NO. 5130
Dated 16/7/2003



(۱) یہ کہ مسی اسماء محمد ساجد ولد ایدہ ازجہ سمیع اللہ
 ساکن طوطہ کان (ملاکزہ ایجنسی) کا اصلی پیدائشی باشندہ ہے جو کہ
 میرے حلقہ نیابت اختیار حدود میں واقع ہے۔
 (۲) یہ کہ مسی اسماء محمد قوم افغان قبیلہ میردان خیل سے تعلق

رکھتا ہے۔

(۳) یہ کہ مسی اسماء مذکورہ نے قبل ازیں کوئی ڈومیسائل سرٹیفکیٹ حاصل نہیں کیا ہے۔
 (۴) یہ کہ سائل اسماء مذکورہ بالا ڈومیسائل سرٹیفکیٹ کا حقدار ہے۔ مذکورہ بالا کو میری ذاتی ذمہ داری پر
 ڈومیسائل سرٹیفکیٹ دیا جائے۔



دستخط: _____
 نام: محمد رفیق خان
 عہدہ: جسٹس برائے قلم و لہجہ

رپورٹ پوسٹ کمانڈر ضلع کابل۔
 یہودیم سائل محمد ساجد ولد سمیع اللہ ساکن طوطہ کان
 ملاکزہ ایجنسی کا باپ محمد رفیق خان سے تعلق رکھتا ہے۔
 یہ سائل میردان خیل سے تعلق رکھتا ہے۔
 سائل کو اللہ نے ایجنسی حیدر
 سے قومی شناختی کارڈ نمبر 298879-51-117
 جاری کیا ہے۔

محمد رفیق خان
 Sub Post Commissioner
 15-07-2023

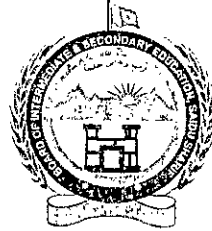
15/7/23

S.No X 3376

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Roll No 18462

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif, Swat, N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 2002 (ANNUAL/SUPPLEMENTARY)

THIS IS TO CERTIFY THAT MUHAMMAD SAJID

Son/Daughter of SAMI ULLAH
and a student of MKD: AGENCY

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in
_____ as a Regular/Private candidate. He/She obtained 437 Marks out
of 850 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-----------|-----------------|
| 1. English | 3. Islamiyat | 5. MATHS | 7. GEN: SCIENCE |
| 2. Urdu | 4. Pakistan Studies | 6. PASHTO | 8. ISL: STUDIES |

Date of birth according to admission form is TWELVETH JANUARY
one thousand nine hundred and EIGHTY SIX (12-01-1986)

Asstt. Secretary

Secretary

This certificate is issued without alteration or erasure.

ATTESTED



S.No. 512

3

BOARD OF INTERMEDIATE & SECONDARY EDUCATION MALAKAND

AT CHAKDARA N.W.F.P PAKISTAN

INTERMEDIATE EXAMINATION

DETAILED MARKS & PROVISIONAL CERTIFICATE

Session 2005 (SUPPLY)

Roll No: 2963

Group: HUMANITIES (Part-II)

MUHAMMAD SAJID

Son of

SAMI ULLAH

of Malakand Agency has Secured the Marks shown against each Subject in the Higher Secondary School Certificate Examination held in the month of November as Private candidate.

Subjects	Marks	Marks Obtained						
		Part-I		Part-II		Total	Marks in Words	
		Theory	Pract	Theory	Pract			
English	200	33	--	33	--	66	Sixty-Six	
Urdu	200	33	--	41	--	74	Seventy-Four	
Islamic Education	50	24	--	--	--	24	Twenty-Four	
Pakistan Studies	50	--	--	27	--	27	Twenty-Seven	
Civics	200	41	--	43	--	84	Eighty-Four	
Islamic Studies	200	41	--	39	--	80	Eighty Only	
Health & Physical Education	200	51	--	44	15	110	One Hundred Ten Only	
Total : 1100						Marks :	465-D	Four Hundred Sixty-Five Only
Remarks :								

Checked By : Waqar

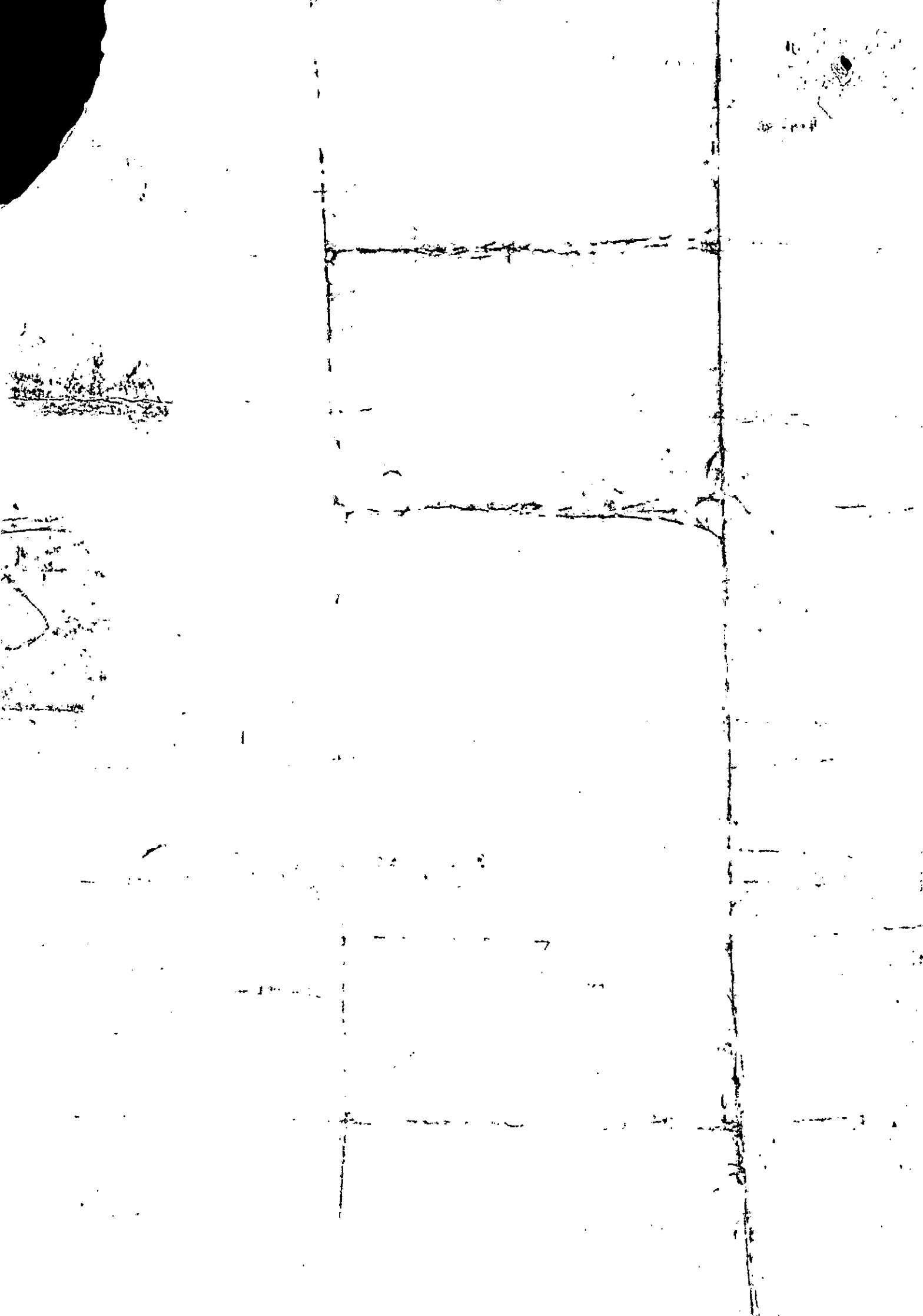
Attested
S. D. O. (Insp) (S.E.)
Syed Ranizal
Malakand

Note: Errors / Omissions excepted. Any Mistake in Name etc must be intimated within 30 days after receiving the above certificate.

Computer Cell B.I.S.E. Malakand

13 JAN 2006 10:37 AM

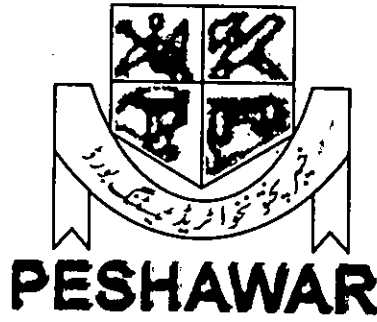
Subedhar
 Controller of Examinations
 B.I.S.E. Malakand



Serial No. 4000

KHYBER PUKHTOONKHWA TRADE TESTING BOARD

9



DETAIL MARKS CERTIFICATE DIPLOMA IN INFORMATION TECHNOLOGY (2nd Semester)

Name of Candidate:- MUHAMMAD SAJID

Father's Name:- SAMI ULLAH

Roll No : 3006

Session: 1st TERM 2012

Reg: No:- WHAICS/DIR(L)/DIT/SEP/11/14

Institute/College:- WISDOM HOUSE ACADEMY OF IT & COMMUNICATIVE SKILLS DIR-L

Subject Name	Total Marks	Obtained Marks			In Words:
		Th	Pr	Total	
Part - I	800			571	
11. Adobe Photo Shop	100/100	46	67	113	One hundred thirteen
12. Coral Draw	100/100	70	74	144	One hundred forty four
13. Ms-Access (Database)	100/100	65	75	140	One hundred forty
14. PowerPoint ,E-commerce & Internet	100/100	56	75	131	One hundred thirty one
15. Project	100		67	67	Sixty seven
Total Marks	1700	155	55	1166	One thousand one hundred sixty six

Note: -

Theory Passing Marks = 40%
Practical/Project Passing Marks = 50%

ATTESTED

(Secretary)
Trade Testing Board
Peshawar

Prepared by: _____

Checked by: _____

(Errors & omissions are excepted)



University of Malakand Pakistan

10

DETAILED MARKS CERTIFICATE

Serial No. 011287

Name: MUHAMMAD SAJID
Father's Name: SAMI ULLAH
Registration No. 2006750239
College/District: Private Candidate Malakand Agency
Address: Vill: & P/O Totakan Mkd Agency

Examination	Roll No.	Held Date	Result Date
B.A PART-I ANNUAL EXAMINATION 2007	27595	Jun-Jul, 2007	03-Oct-2007
B A PART-II SUPPLEMENTARY EXAMINATION 2012	13231	Nov, 2012	31-Dec-2012

Subject Name	Maximum Marks	Obtained in Part-I	Obtained in Part-II	Obtained Total
ISLAMIC STUDIES(E)	150	41	28	69
URDU	150	27	31	58
ENGLISH(C)	150	25	24	49
ISLAMIYAT (C)	60	26		26
PAK. STUDY	40		14	14
	550	119	97	216



The examination was taken in Parts
Errors and Omissions are subject to subsequent rectification.

Issuance Date: 15-Mar-2013

Prepared by: MUJEEB UR RAHMAN

Checked by:

Controller of Examinations
University of Malakand

Attested

Hamid Khan
Assistant Examinator
BPS-18 (GD)
Totakan Distt: Mkd

C-11

OFFICE OF THE ASSISTANT DIRECTOR LG & RDD MALAKAND


No. 183/ADLG&RDD/MKD

Dated: 09/05/2013

Office Order

In pursuance to the recommendations of the Departmental Selection Committee Malakand meeting, Mr. Muhammad Sajid S/O Samiullah resident of village Totakan Muhallah Dagai, Tehsil Batkhela District Malakand is hereby appointed as Naib Qasid on regular basis in the office of ADLG&RDD, Malakand against the vacant post in (BPS-1) with usual allowances as admissible under the rules.


He should submit Age & Health Certificate from Medical Superintendent DHQ Hospital Batkhela and submit arrival report for duty.


Assistant Director
LG & RDD Malakand

No. 183-188/ADLG&RDD/Mkd

Copy forwarded for information to:-

1. The Director General LG&RDD, Khyber Pakhtunkhwa, Peshawar
2. The Director LG&RDD, Khyber Pakhtunkhwa, Peshawar
3. The Agency Accounts Officer, Malakand
4. The Section Officer (Establishment) LG&RDD, Khyber Pakhtunkhwa, Peshawar
5. MS DHQ Hospital, Batkhela
6. The official Concerned.


Assistant Director
LG & RDD Malakand

o/c

ATTESTED



12

KPK Med No.4

MEDICAL CERTIFICATE





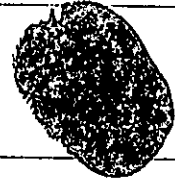
- > Name of Official Muhammad Sajid
- > Father's Name Samiullah
- > Caste or Race Muslim / Pakistani
- > Residence Distt. Muzaffargarh
- > Date of birth 13/12/1986, according to NIC
- > Exact height by measurement 5' 5"
- > Personal mark identification Black mole R cheek
- > Signature of the official M Sajid
- > Signature of head of office _____

Seal of office

I do hereby certify that I have examined Muhammad Sajid
 Candidate for employment in the office of the L.C. & R.D.D. Muzaffargarh and
 can not discover that he / she had any disease communicable or other constitutional effecton or
 bodily infirmity except NIL


I do not consider this as disqualifications for employments in the office of
L.C. & R.D.D. Muzaffargarh his/her age according to his/her own statement is
 _____ Years, and by appearance/ general development is about _____ years.

Impressions

Small Fig:	Ring Fig:	Middle Fig:	Index Fig:	Thumb.
				

Dated: 17/05/2012

Medical Superintendent
 DHQ Hospital, Muzaffargarh
 O.H. & M.D. Hospital, Muzaffargarh

Attested


ATTESTED



13

ARRIVAL REPORT

In Compliance with office order issued vide no. ^{188/188} /ADLG & RDD Malakand Dated 09/05/2013 I, Muhammad Sajid S/o Samiullah resident of Village Totakan Muhallah Dagai, Tehsil Batkhela District Malakand hereby submit my arrival report for duty in the office of ADLG & RDD Malakand today on 09/05/2013 (A.N.).

s. Sajid

Muhammad Sajid S/o Samiullah
R/O Village Totakan District Malakand.
Cell No: 03449659485

No. ¹⁹⁶⁻¹⁹⁸ /ADLG & RDD/Mkd dated 09/05/2013

Copy of the above is forwarded for information and necessary action to:-

- ✓ 1. The Director LG & RDD Khyber Pakhtunkhwa Peshawar.
2. The Agency Accounts Officer Malakand.
3. Office Record.

[Signature]

ADLG & RDD Malakand.

ATTESTED

[Signature]



OFFICE OF THE ASSISTANT DIRECTOR LG&RDD, MALAKAND

No. 9384 /ADLG/Coordinator/VC/NC's Malakand
Dated: 30/06/2015

Office Order:

In pursuance of instructions issued by the Director General to Govt. of Khyber Pakhtunkhwa in LG&RDD, Peshawar vide of Para-2 of his letter No. Director (LG) 3-1/Establishment/2013/3401 dated Peshawar the 26th June, 2015, the undersigned is hereby pleased to issue the following office order with effect from the date of its issuance till further orders without involving any financial implications alongwith responsibilities assigned as under:

S #	Name of Naib Qasid Village Council	Transferred & Posted to	Additional duties assigned as Naib Qasid Village/Neighbourhood Council till further orders
1	Sana Ullah	VC Baba Khel/ Ali Khel	1. VC Ghari Hazrat Khel
2	Fazal Hamid	VC Dhanda	1. VC Chapai Maizara 2. VC Muslim Abad/Khadim Abad
3	Will be filled as per Govt. policy.	VC Nal Gunyar	
4	Muhammad Shahab	VC Bazid Khail	1. VC Hibat Gram
5	Sher Rahman	VC Jalala	
6	Will be filled as per Govt. policy.	VC Palai Shahkot	1. VC Sher Khana /Zoor Mandai 2. VC Bazdara Bala & Payeen
7	Sajad Ali	VC Baro	1. VC Said Abad 2. VC Khan palo
8	Salman Khan	VC Fazal Abad	1. VC Cheshti Baba 2. VC Amandara
9	Will be filled as per Govt. policy.	NHC Pir Khushal Baba	1. NHC New Batkhela 2. NHC Bala Batkhela
10	Dilawar Khan	NHC Din Abad	1. NHC Ibrahim Khail 2. NHC Maday Khail
11	Will be filled as per Govt. policy.	NHC Akbar Abad	1. NHC Saman Abad 2. NHC Maizara
12	Shah Sawood	VC Noor Muhammad Khail	1. VC Kotkay 2. VC Mucha Khail
13	Jamshid Khan	VC Malakand	3. VC Jalal Kot
14	Fazal Rahman	VC Piran	
15	Shahab	VC Bara Atya Dheri	1. VC Koza Atya Dheri 2. VC Julagram
16	Jamil Haidar	VC Ismail Khail	
17	Zahig Hussain	VC Matkanai	
18	Muhammad Sajid	VC Mubarak Khail	
19	Rahmani Mulk	VC Pirkhail	1. VC Mekhband 2. VC Qulangai
20	Will be filled as per Govt. policy.	VC Totai	1. VC Khanorai 2. VC Dheri/Silai Patay
21	Zahid Akram	VC Loya Agra	1. VC Kama Agra


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			2.VC Inzergai
22	Sher Mula	VC Kot	1.VC Maina 2. VC Mungai
23	Will be filled as per Govt. policy.	NHC Village Dargai	1. NHC Dargai patak Jaban 2. NHC Petaw
24	Umar Nazif	NHC Kharkai	1. NHC Qaldara 2. NHC Dargai Bazar
25	Said <i>AKBAR SHAH</i>	VC Alifi Kalay	1.VC Kharkai Dheri
26	Said <i>MALIK</i>	VC Latifi	
27	Sham Sher Ali	VC Wartair	
28	Gulim Shah	VC Dobandai	
29	Will be filled as per Govt. policy.	VC GU Khail	1. VC Anar Tangai 2. VC Sidrajuwar
30	Fazal Subhan	VC Hayun Kot	1. VC Palaw 2. VC Narai Oba
31	Shah Jehan	VC Meherday	1. VC Wazir Abad 2. VC Sharif Abad
32	Will be filled as per Govt. policy.	VC Sakhakot Bazar	1. VC Purana Sakhakot 2. VC Khan Garai
33	Will be filled as per Govt. policy.	VC Koper Khas	1. VC Ghani Dehrai 2. VC Muhammad Patai
34	Will be filled as per Govt. policy.	VC Badraga	1. VC Ghawar Kalay 2. VC Khushal Garah
35	Amir Nawaz	VC Arab Danda	
36	Sarwar Khan	VC Ghwando Bala and Payen	
37	Rashid Khan	Transferred to the Office of AD LG&RDD, Malakand	
38	Muhammad Riaz	Transferred the Office of AD LG&RDD, Malakand	

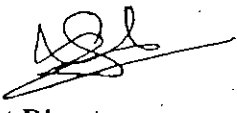
The above order is issued in the best public interest.


Assistant Director
LG&RDD, Malakand

No. *2384* ADLG&RDD/MKD & Even dated

Copy forwarded for information to:

1. The Director General LG&RDD, Govt. of Khyber Pakhtunkhwa, Peshawar
2. All Naib Qasids of Village/Neighbourhood Councils, District Malakand for strict compliance with immediate effect


Assistant Director
LG&RDD, Malakand

D-15

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

No. 5896 /50/DCO/Estt.

Dated the 31-5 /2008.

O R D E R.

In pursuance of the Judgement passed by the Hon'able Services Tribunal N.W.F.P. dated 31/10/2007, and 29/4/2008, Mr. Ayub Khan, Naib Qasid (EPS-02) of Union Council is hereby selected/promoted as secretary (B-06) against the vacant post at Union Council Pindodag, Swat on regular basis with immediate effect.

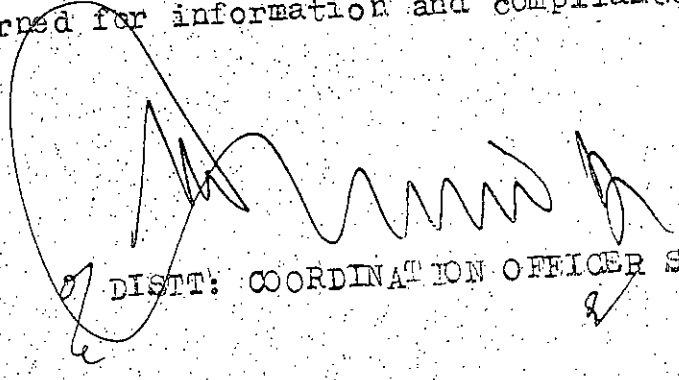

DISTT: COORDINATION OFFICER SWAT.

No. 5897-5900 /50/DCO/Estt.

Copy forwarded to:-

- 1- The Registrar NWF services Tribunal, Peshawar, for information.
- 2- The District Accounts Officer, Swat.
- 3- Nazar (Local Office).
- 4- Official concerned for information and compliance.

ATTESTED


DISTT: COORDINATION OFFICER SWAT.

~~Appendix B~~

E-15

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
LOCAL GOVT: COOPERATION, SOCIAL WELFARE,
TOURISM AND RURAL DEVELOPMENT DEPARTMENT.
=O=

Dated Peshawar the 26th January, 1978.

NOTIFICATION.

No. DG(RWP)7(2)/73. In exercise of the powers conferred by Sub-Rule(2) of 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 Welfare, Tourism and Rural Development Department is pleased to lay down the method of appointment, qualifications and other 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.

Sd/- (ATTAUR REHMAN KHAN)
Secretary to Govt: of N.W.F.P.
Local Govt:, Cooperation,
Social Welfare, Tourism and R
Rural Development Department.

No. DG(RWP)7(2)/73.

Copy of the above forwarded to the:-

1. All Administrative Secretaries to Govt: of N.W.F.P.
2. All Divisional Commissioner in N.W.F.P.
3. Secretary to Governor, N.W.F.P.
4. Secretary, Public Service Commission, NWFP, Peshawar.
5. All Heads of Attached Departments in NWFP.
6. All Deputy Commissioner/Political Agents in NWFP.
7. All District and Session Judges in N.W.F.P.
8. Registrar, Peshawar High Court Peshawar.
9. Deputy Secretary-II, I S&GAD.
10. All Section Officers in S&GAD.
11. Section Officer (Legis) Government of NWFP, Law Deptt: with reference to his U.O. No. Reg: 1(4)76/452, dated 8th October, 1977.
12. Section Officer (Inform:) Govt: of NWFP, IS&GAD with ref: to his letter No. SOS-III(S&GAD)4-6/75, dated 21st July, 1978.
13. The Manager, Govt: Printing Press, Peshawar for publication in the next Govt: Gazette Notification. 30 copies of the Notification may be sent to this Deptt: Deputy Director (PWP), Rural Development, NWFP, Peshawar for information with reference to SO-Services-III, IS&GAD No. SOS-III(S&GAD)4-6/75, dated 21st January, 1978.

ATTESTED

19/1

ATTESTED.

Sd/- As above.

METHOD OF APPOINTMENT, QUALIFICATIONS AND OTHER CONDITIONS
RURAL DEVELOPMENT DEPARTMENT

(11)

(6)

Sl. No.	Nomenclature of post.	Qualification for initial recruitment.	Qualifications for promotion.	Age limit for initial recruitment.	Method of appointment.
1.	2.	3.	4.	5.	6.
1.	<u>DEPUTY DIRECTORS.</u>	a) 2nd Class Master's Degree from a recognised University in Economics, Statistics, Social Works/ Sociology, Animal Husbandry, Agril: Political Science, Public Admn: Geography or Social Psychology: and b) Five years experience in Agric- culture, Animal Husbandry Education, Social Welfare, Planning & Dev: or Forest in Grade-16 or above.	-	Not less than 30 years and not more than 40 years.	i) 25% by initial recruitment, and 75% by sel on merit with due regard to seniority from amongst the holders of the posts of Assist Directors, Rural Development (including the defunct Basic Democracies Deptt:) Project Managers & Progress Officers, with at least years experience as such.
2.	<u>ASSISTANT DIRECTORS/ PROJECT MANAGER/ PROGRESS OFFICER.</u>	2nd Class Master's Degree from a recognised University in Economics, Statistics, Social works/Sociology, Animal Husbandry, Agriculture, 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 regard seniority from amongst holders of the posts Development Officers and Sub-Divisional Of (Assistant Engineers).
3.	<u>ACCOUNTS OFFICER.</u>	2nd 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 regard seniority holders of posts Superintendents the Deptt: with a least three years service such.
4.	<u>DEVELOPMENT OFFICER.</u>	2nd Class Master Degree from a recognised 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 regard seniority from amongst holders of the post of Supervisors, RD in the Deptt with at le ten years service. Service in defunct Vill: Aid Deptt: and B: the purpose of service under this clause treated as service in the Department.

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1.	2.	3.	4.	5.	6.
5.	<u>SUB-DIVISIONAL OFFICER/ASSTT: ENGINEER.</u>	Degree in Engineering or equivalent qualification from a recognised University.	-	Not less than 21 years and not more than 30 years.	i) 75% by initial recruitment and ii) 25% by selection on merit with due regard to seniority from amongst holders of the posts of Overseers.
6.	<u>SUPERINTENDENT.</u>	-	-	-	By selection on merit with due regard to seniority from amongst holders of the posts Asstts./Accountants/Senior Stenographers/Senior Auditors, with at least five years experience as such.
7.	<u>ASSISTANT/ACCOUNTANT.</u>	Degree from a recognised University.	-	Not less than 21 years and not more than 25 years.	i) 25% by initial recruitment and ii) 75% by selection on merit with due regard to seniority from amongst holders of the posts of Senior Clerks, Junior Auditors in the Deptt with at least five years service as such.
8.	<u>STENOGRAPHERS. (SENIOR SCALE).</u>	a) Matriculation or equivalent qualification from a recognised Board and b) Speed of 100 words per minute 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 regard to seniority from amongst holders of the posts Stenographers (Junior Scale).
9.	<u>OVERSEER.</u>	Diploma in Engineering from a recognised Institutes.	-	Not less than 21 years and not more than 25 years.	By initial recruitment.
10.	<u>SUPERVISOR, RURAL DEV.</u>	Degree from a recognised University.	-	Not less than 21 years and not more than 25 years.	i) 25% by initial recruitment; and ii) 75% by selection on merit with due regard to seniority from amongst holders of the posts of Vill:Secys: in the Deptt: with at least five years experience as such.
11.	<u>SENIOR AUDITOR.</u>	Degree from a recognised 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 regard to seniority from amongst holders of the posts of Junior Auditors/Senior Clerks in the Deptt: with at least (3) years service as such.

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-: 3 :-

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 12. STENOGRAPHER (JUNIOR SCALE).
 - a) Matriculation or equivalent qualification from a recognised Board; and
 - b) Speed of 80 words per minute in Shorthand in English and 35 words per minute in typing.
- 13. STENO-TYPISTS.
 - a) Matriculation or equivalent qualification from a recognised Board; and
 - b) Speed of 60 words per minute in Shorthand in English and 25 words per minute in typing.
- 14. JUNIOR AUDITOR. Matriculation or equivalent qualification from a recognised Board.
- 15. SENIOR CLERKS.
- 16. VILLAGE SECRETARIES. Intermediate from a recognised Board.
- 17. JUNIOR CLERKS. Matriculation or equivalent qualification from a recognised Board.

- 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 regard to seniority from amongst holders of the posts of Steno-typists in the Department.
- 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 the holders of the posts of Junior Clerks in the Deptt: with three years service such, who have the minimum qualifications prescribed for initial recruitment.

By initial recruitment.
- Not less than 18 years and not more than 25 years.

By selection on merit with due regard to seniority from amongst the holders of the posts of Junior Clerks in the Deptt: with at least three years service as such.

By initial recruitment.
- Not less than 18 years and not more than 25 years.
 - i) Not less than 80% by initial recruitment; and
 - ii) Not more than 20% by selection on merit with due regard to seniority from amongst Daftaries and peons in the Deptt: who have the minimum qualifications prescribed for initial recruitment.

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استھار بھرتی کے لیے سیکرٹری برائے

ویلج / نیبرہڈ کونسل (BPS-07)

INF(P)2000 ڈائریکٹریٹ جنرل محکمہ بلدیات و دیہی ترقی صوبہ خیبر پختونخوا
 11-04-2015 کو مندرجہ بالا بھرتی کے لیے اشتہار دیا گیا تھا۔ امیدواروں کے تحریری ٹیسٹ کے لیے نیشنل ٹیسٹنگ
 سروس کو مندرجہ ذیل معلومات درکار ہیں۔

نمبر شمار	ضلع	نام آسامی	بنیادی سکیل	مطلوبہ قابلیت	عمر کی حد
1	متعلقہ	ویلج سیکرٹری برائے ویلج / نیبرہڈ کونسل	07	(i) تصدیق شدہ بورڈ سے ایف اے / ایف ایس سی یا اس کے مساوی امتحان پاس کیا ہو۔ (ii) تصدیق شدہ ادارے سے کمپیوٹر سافٹ ویئر 6 ماہ کا کورس پاس کیا ہو۔ MS-Word, Excel, Internet/Email Inpage (Urdu) (iii) - ان پیج (Inpage) اور انٹرنیٹ پر عبور حاصل ہو۔	18-30

بنیادی شرائط:

- (1) متعلقہ ویلج / نیبرہڈ کونسل کے باشندے کو ترجیح دی جائے گی۔
- (2) مذکورہ بالا بھرتی متعلقہ ضلع کے سرپلس پول میں موجود عملہ (Surplus Staff) کے مکمل تعیناتی (Adjustment) کے بعد عمل میں لائی جائیگی۔

مندرجہ بالا معلومات جمع کرنے کا طریقہ کار:

- فازم اور آن لائن ڈیپازٹ سہل نیشنل ٹیسٹنگ سروس کی ویب سائٹ www.nts.org.pk پر موجود ہیں اور 06-07-2015 تک این ٹی ایس ہیڈ کوارٹرز (1-E, Street No.46, I-8/2, Islamabad) کو موصول ہونی چاہئیں۔
- بذریعہ ڈاک تاخیر سے موصول ہونے کی صورت میں این ٹی ایس ذمہ دار نہ ہوگا۔
- براہ کرم اپنی مجوزہ ڈیپازٹ سہل کے ذریعے ٹیسٹ فیس مبلغ -/400 Rs روپے، HBL یا ABL، UBL، MCB کی کسی بھی آن لائن برانچ میں جمع کرائیں۔

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NTS

- امتحانی مراکز میں موبائل فون لانے کی اجازت نہیں۔
- جمع شدہ رقم ناقابل واپسی اور ناقابل منتقلی ہے۔
- روزنامہ آج، مورخہ 27 جون 2015ء
- سرور ہفتہ

UAN +92-51-844-444-1

National Testing Service Pakistan

محکمہ تعلیم و تربیت، حکومت پنجاب، لاہور۔
محکمہ تعلیم و تربیت، حکومت پنجاب، لاہور۔

استدعا
درخواست بہرہ دار محمدان ترقی نائب قاصد سے سیکرٹری ویلج کونسل
مطابق حکومت فیبر ایگرو فوواہ آرڈیننس (دولز) پر وہ آرڈر نمبر
2074/ESTT:1/11/135/SSR< مورخہ 23/01/2015

جناب عالی: گزارش حسب ذیل ہے۔

بہ ایم جیہ سائینس آپ صاحبان کے زیر سایہ مختلف یونین
کونسلز میں ہر وہ دراز سے بحیثیت نائب قاصد اپنی فرانس منی
سراجام دے رہے ہیں
بہ ایم جیہ سائینس تعلیم یافتہ، تربیت یافتہ، یونین کونسل
کے جگہ آہور سراجام دینے سے واقف و ماہر ہیں۔
بہ ایم جیہ صاحبان کے زیر سایہ مختلف ویلج کونسلز میں سیکرٹری
ہے آسامیاں خالی پڑی ہیں، جس کے ایم جیہ سائینس بحیثیت
امیدوار فزوری ہیں۔ اور حکومت فیبر ایگرو فوواہ کے مندرجہ بالا
رولٹ کردہ رولز کے مطابق تینس فی صد (33%) ٹوٹا میں نائب
قاصد سے سیکرٹری محمدان ترقی کے حقدار ہیں۔ (آرڈر مطابق ہے)
لہذا استدعا ہے کہ جنطور درخواست صراہم جیہ سائینس کے حالات
پر دم فرمائے نائب قاصد سے سیکرٹری ویلج کونسل محمدان
ترقی کے احکامات حسب ضابطہ جاری فرمائے مشورہ فرمائیں۔

ATTESTED

توہین دواڑس پوری
لے تقوا زیادہ آداب مورخہ 06/07/2015

سائیک

دی محمد ساجد والا سمیع اللہ سائیک

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Mohammad Sajid

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gont: of KPK

(RESPONDENT)
(DEFENDANT)

I/We Mohammad Sajid

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. ___/___/2015



CLIENT



ACCEPTED
NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

OFFICE OF THE ASSISTANT DIRECTOR LG&RDD MALAKAND
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. (1159)/2015

MR. MUHAMMAD SAJID -----APPELLANT

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar and
others ----- respondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS NO. (1 TO 5)

RESPECTFULLY

Preliminary Objections:

- A. That the appellant has got no cause of action
- B. That the instant appeal is barred by law
- C. That the instant appeal is not maintainable
- D. That the appellant has got no locus standi

FACTS:

1. Pertain to record need no comments.
2. Correct to the extent that the government has allocated 33% promotion quota for the class- IV employees only for their promotion from the post of Naib Qasid/class- IV to the erstwhile post of junior clerk (BPS-5) and there exist no rules in the Local Government & RDD, Khyber Pakhtunkhwa, under which the Naib Qasids can be promoted to the post of secretary village/Neighborhood council. It is pointed out that the present post of Juniouir Clerk is in BPS-11 has now been created most recently in this year supplementary Financial Budget.
3. Correct to the extent that the post of secretaries of village / Neighborhood councils are lying vacant posts in the office of respondents No.5 after the publication of an advertisement from LG&RDD Khyber Pakhtunkhwa in the leading news papers. Candidates (other than appellants) for such posts have qualified the NTS and the recruitment process have already been completed but the appointment orders have so far not been issued due to the filing of appeals by the appellants in the honorable service tribunal Peshawar and the whole appointment process have been stayed by the court .
4. As regards the promotion of MR. Ayub khan Naib Qasid (BPS-02), the post of Secretary UC (BPS-06) new in BPS-07 this official was serving as Naib Qasid in the office of the then DC Swat, after devolution, he applied to the DCO Swat for his promotion to the post of Junior Clerk at that time his request was not exceeded to because the post of junior Clerk did not exist in the office of the DCO Swat. Aggrieved from the refuse, he approached the service tribunal for the purpose of redressed. After considering his appeal an order was passed for his adjustment, promotion against the post of Junior Clerk later on the then DCO Swat requested the honorable tribunal presently a post of Secretary UC BPS-6 vacant against which he can be adjusted. The Service Tribunal later on passed an order Dated 31/10/2007 whereby the then DCO Swat selected/promoted Mr. Ayub Khan as Secretary UC in BPS-06 in the capacity of Administrator Union Councils.

5. Correct to the extent that advertisement 11-04-2015 was published in the newspapers for the post of Secretary in BPS-07 for Village/Neighbourhood Councils by the provincial Govt. of Khyber Pakhtunkhwa in LGE&RDD but nothing regarding the promotion quota in respect of the Naib Qasids to the post of Secretary Village/Neighbourhood Council was mentioned therein because the service rules in Local Govt. & RDD, Khyber Pakhtunkhwa does not permit promotion of Class-iv employees of LGE&RDD to the post of Village Secretary/Neighbourhood Council.
6. Correct to the extent that the appellants had filed Departmental Appeal before the respondent NO. 5 but the promotion of appellants was beyond the jurisdiction of respondent No.5, because the advertisement had been pushed by the LGE&RDD Govt. of Khyber Pakhtunkhwa, Peshawar in the leading Newspapers and on the other hand, no service rules of this department exist for the promotion of the appellants to the post of Secretary (BPS-07) village/Neighbourhood Council e in LGE&RDD, Khyber Pakhtunkhwa.
7. As explained in the Para No. 6 above.

Ground:

- A. In-correct. Both the Advertisements are pushed by the Provincial Govt. in LGE&RDD; whereby, it was ordered that all the candidates will face NTS for the purpose.
- B. In-Correct. Article (4) and (25) of the constitution of the Islamic Republic of Pakistan have not been violated in this regard.
- C. As explained in Para no. 6 above.
- D. In-Correct. No. malafide has been committed in this regard.
- E. The point of view of parent department has been explained in Para No. 6 above
- F. Correct to the extent that the post of Secretaries in Village/Neighbourhood Council have been created but no service rules for the promotion of Naib Qasid to the post of Secretary of Village/Neighbourhood Council exist in LG&RDD govt. of Khyber Pakhtunkhwa
- G. The respondents seek promotion through additional grounds at the time of arguments

Prays:

The instant appeal of the appellants is not based on facts and not maintainable; therefore, it is humbly requested that the instant appeal of the appellants may kindly be dismissed with cost, please.

Respondents No. 1

Ali
the Govt. of Khyber Pakhtunkhwa through Chief
Secretary Khyber Pakhtunkhwa, Peshawar

Respondents No. 2

AA
the Secretary LG&RDD, Govt. of Khyber
Pakhtunkhwa Peshawar

Respondents No. 3

The Secretary Establishment Deptt: Govt. of Khyber
the Secretary Establishment Deptt: Govt. of Khyber
Pakhtunkhwa, Peshawar

Respondents No. 4

Director General LG&RDD
the Director General LG&RDD, Khyber Pakhtunkhwa,
Peshawar

Respondents No. 5

Assistant Director LG&RDD
the Assistant Director LG&RDD, Malakand

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO.1159/2015

MOHAMMAD SAJID

VS

GOVT: OF KPK

Sofed

REJOINDER ON BEHALF OF PETITIONER IN
RESPONSE TO THE REPLY SUBMITTED BY THE
RESPONDENTS

R/SHEWETH:

PRELIMINARY OBJECTIONS:

(A to D):

All the objections raised by the respondents are in correct and baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the writ petition.

ON FACTS:

- 1- Admitted correct hence denied.
- 2- Incorrect and not replied accordingly. That according to the service rules of the respondent Department 20% now 33% promotion Quota has been allocated for class IV employees to the post of Junior Clerk. That after devolution the post of Junior Clerk at village/union Council level has been abolished. That appellant can not be kept deprived from promotion in light of Article 38(e) of the Constitution of Pakistan 1973. Moreover many class-iv employees of the respondent Department have been promoted to the post of Secretary (BPS-7). Copies of the record is attached as annexure **R.**
- 3- Incorrect and not replied accordingly. That the appellant can be promoted to the post of village secretary (BPS-7) on the analogy of this august Service Tribunal judgment dated 31-10-2007 and 29-04-2008 which was implemented by the concerned authority vide order dated 31-05-2008. That as per rules of consistency reported in 2009 SCMR page 1 the appellant is also deserve to be promoted to the post of village secretary by making necessary amendments in the Rules. Copy of the implementation order is already attached with the memo of appeal.

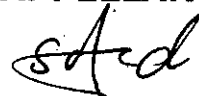
- 4- Incorrect and not replied accordingly. That in light of the said promotion orders of his colleagues the appellant also filed Departmental appeal for his promotion to the post of Secretary (BPS-07) but till now the respondents are not willing to do the same.
- 5- Incorrect and not replied accordingly. That as explained above the appellant can be promoted to the post of Village secretary in light of the above mentioned orders. Moreover the respondents are duty bound to allow prospects of promotion to employees in light of Article 38(e) of the Constitution of Pakistan 1973.
- 6- Incorrect and not replied accordingly hence denied.
- 7- Incorrect and not replied accordingly hence denied.

GROUND:

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the impugned advertisement dated 11-04-2015 and 27-06-2015 is against the law, facts and norms of natural justice. That the respondent Department acted in arbitrary and malafide manner by not promoting the appellant to the post of Secretary BPS-07 despite having eligibility and seniority. That the promotion orders already issued by the respondent Department, the appellant is fully entitled to be promoted to the post of Secretary (BPS-07) but respondents discriminated the appellant and as such violated the principle of natural justice.

It is therefore most humbly prayed that on acceptance of this rejoinder the writ petition of the petitioner may be accepted as prayed.

APPELLANT



MOHAMMAD SAJID

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

OFFICE OF THE
DISTRICT COORDINATION OFFICER,
MALAKAND.

No. 2732-557. Dated 15/05/2007.

R-(3)

To,

All Nazim Union Council,
in District Malakand.

Subject:

APPLICATION FOR PROMOTION AS VILLAGE SECRETARY.

Memo:

The Service Documents of those Naib Qasid of your Union Council who passes Matric/ FA/ F.Sc/ D.Com Examination, may be sent to this office for further proceed and necessary action in the matter.


Human Resource Dev: Officer,
Malakand.

19.5.07

Diary no 280
dt. 22/5/07

ATTESTED



(4)

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKAD.

No. /50/DCO/Estt.

Dated the 26/7/2008.

O R D E R.

Mr. Mushtaq Ahmad (FA) Naib Qasid
Union Council Landikass Mingora, Swat is hereby
promoted as Secretary Union Council (BPS-05) and
posted in Union Council Shalidhrai Swat, against
the vacant post (i.e. Leave vacancy) with immediate
effect in the interest of public service.

NOTE:

- 1) The promotion of Mr. Mushtaq Ahmad, Naib Qasid is purely on temporary basis and subject to clearance by the Departmental Section/Departmental committee in due course.
- 2) The official will be reverted to his original post of Naib Qasid, in case the Secretary is returned from leave.

SD/
DISTRICT COORDINATION OFFICER SWAT.

No. 9497-99 /50/DCO/Estt.

Copy forwarded to:-

- 1- The District Accounts Officer, Swat.
- 2- Official concerned.
- 3- Nazir (Local Office).

Mushtaq Ahmad
DISTRICT COORDINATION OFFICER SWAT.

ATTESTED
[Signature]