

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1225/2019

Date of Institution ... 19.09.2019

Date of Decision ... 27.01.2022

Momin Khan S/O Muhammad Amin, R/O Mohallah Mena Khel, Lakki Marwat Ex-Naib Qasid Village Council Abdul Khel, Lakki Marwat.

... (Appellant)

VERSUS

Assistant Director, Local Government & Rural Development, Lakki Marwat and three others. ... (Respondents)

Arbab Saiful Kamal,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For official respondents

Mr. Taimur Ali Khan,
Advocate

... For private respondent No. 4.

AHMAD SULTAN TAREEN ...
ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- This judgment shall dispose of the instant service appeal as well as the following connected service appeals as common question of law and facts are involved therein:-

1. 1078/2018 titled Ihsan Ullah
2. 1079/2018 titled Tahir Khan
3. 1080/2018 titled Farooq Khan
4. 1081/2018 titled Mumtaz Khan
5. 1082/2018 titled Imtiaz Ahmad

6. 1083/2018 titled Haroon Khan
7. 1084/2018 titled Sabz Ali Khan
8. 1085/2018 titled Dil Jan
9. 1086/2018 titled Altaf-ur-Rehman
10. 1087/2018 titled Yousaf Jamal Shah
11. 1088/2018 titled Tanveer Khan
12. 1089/2018 titled Hamid Usman
13. 1090/2018 titled Muhammad Ismail
14. 1147/2018 titled Farman Ullah

02. Brief facts of the case are that on 04-07-2015, respondents advertised some posts of Class-IV servants for Village Councils. After going through the prescribed procedure of selection and upon recommendation of Selection & Recruitment Committee, the appellant was appointed as Naib Qasid on regular basis vide order dated 15-03-2016. The appellant assumed charge of the post and started performing duty against the said post. Private respondent No. 4 filed Writ Petition before the Hon'ble High Court, Bannu Bench to declare the order of appointment of the appellant as illegal and prayed for his appointment against the said post. The said Petition alongwith other connected Writ Petitions on the same point came up for hearing which were disposed of on 28.02.2018 and the case was remanded to respondent No. 1 to re-examine the issue. After receipt of the judgment, respondent No. 1, summoned the appellant on 07.11.2018 alongwith documents and the appellant duly attended his office, but respondent No. 1 vide impugned order dated 16.01.2019, terminated services of the appellant with immediate effect and respondent No. 4 was appointed in his place vide order dated 19.04.2018. Feeling aggrieved, the appellant submitted representation before respondent No. 02, which elicited no response within the stipulated time, hence the present appeal with

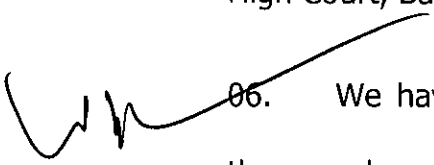
prayers that the impugned orders may be set aside and the appellant may be reinstated in service with all consequential benefits.

03. Learned counsel for the appellant has contended that the appellant had applied for the post of Naib Qasid against his own Village Council and it was incumbent upon the competent authority to appoint him in his own Village Council, but the appellant was posted against another Village Council, which was not illegal, as the appellant was selected against his own village council on merit; that the respondents selected the appellant after due process of advertisement, recommendation of Selection Committee headed by deputy commissioner Lakki Marwat; that upon recommendation of the committee, the appellant was appointed vide order dated 15.03.2016; that the appellant had gone through the process of medical fitness, proper arrival and construction of his service book and served against the post for almost three years and valuable rights have been accrued to him, which cannot be taken back from him. In support of his arguments learned counsel relied upon judgment reported as 2013-PLC (C.S) 712; that the appellant having no nexus with the mode of selection process and he could not be blamed or punished for the laxities on part of the respondents; that numerous other candidates having been appointed in similar situation have been left untouched while the appellant has been discriminated; that the appellant was terminated from service and the word "termination" nowhere exists in the service laws.

04. On the other hand, learned counsel appearing on behalf of private respondent No. 4 argued that the post in question was lying vacant in Village Council Abba Khel-IV while the appellant belongs to Village Council Mela Shahab Khel Lakki Marwat; that respondent No. 4 was rightly appointed in place of the appellant as respondent No. 4 was resident of that particular Village Council and not the appellant; that respondent No. 4

was appointed according to law and spirit of the judgment of Hon'ble Peshawar High Court, Bannu Bench referred to above; that private respondents has also developed vested rights over their respective post, which cannot be taken back as per verdict of the apex court.

05. Learned Addl. Advocate General mainly relied on the arguments of learned counsel for private respondent No. 4 with addition that no malafide could be pointed out by the appellant on part of official respondents rather the termination was in compliance with the Judgment of Hon'ble Peshawar High Court, Bannu Bench.

 06. We have heard learned counsel for the parties and have perused the record.

07. Record reveals that the Local Government Department had advertised certain Class-IV vacancies vide advertisement dated 04-07-2015. Such Class-IV vacancies were meant for village/neighborhood councils. It had been specifically mentioned in the advertisement that preference will be given to the candidates belonging to the same Village Council, which means that candidates from adjoining villages can also be considered but preference will be given to candidate of the same Village Council. The appellant was also one of the candidates, who had applied for his own Village Council. After due process of selection, the appellant was appointed as Naib Qasid vide order dated 15-03-2016, but was posted against another Village Council. In a similar manner, rest of the appellants in the connected cases were also selected but were appointed against Village Councils other than their own. One of the un-successful candidates filed a writ petition No 432-B/2018 with the contention that candidate of other Village Council had been appointed against his Village Council. The Honorable Peshawar High Court, Bannu Bench remanded the case to respondent No. 1 vide judgment dated 18-09-2018. Operative part of the judgment is reproduced as under:

".....this case is send back to the Assistant Director, Local Government and Rural Development Lakki Marwat to re-examine the appointments of the private respondents (present appellants), merit position of the petitioners (present respondents) and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV employees, after providing the parties an opportunity of hearing....."

In pursuance of the judgment, respondents No. 1 terminated all those including the appellant, who were appointed against villages other than their own. The appellant was terminated vide order dated 16-01-2019 under the pretext that he had provided wrong information regarding his Village Council, but in the meantime, the appellant had served against the post for almost three years and developed a vest right over such post. It however was the statutory duty of the appointing authority to check their documents in a specified time period which however was not done by the respondents well in time and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 has held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioners were having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in

favor of the appellant. Reliance is place on 2017 PLC (CS) 585. It was also astonishing to note that the same office, which had issued appointment order of the appellant, had declared such order as illegal. It would be beneficial to refer to the judgment reported as 2006 SCMR 678, which have held "that it has been noted in a number of cases that departmental authorities do show haste at the time of making such appointments when directives are issued to them by the persons who are in helm of the affairs without daring to point out to them that the directions are not implementable being contrary to law as well as prevalent rules and regulations. In fact such obedience is demonstrated by the concerned officers of the department to please the authorities governing the country just to earn their time being pleasure but on the change of regime and due to their such illegal acts the employees who were appointed suffer badly without any fault on their part and then even nobody bothers for their further career and in such a scenario, the appointing authority is required to be taken to task and not the civil servant. The instant case is a classical example of the case referred by the apex court in the above mentioned judgment. Not only this, we have noted that the candidates selected in place of the appellants are not 100% residents of their respective Village Councils, but there are cases available on record, which would suggest that the appellants have been discriminated, so much so that son of the then incumbent Assistant Director Local Government (respondent No. 1) was also one of the successful candidate in subsequent appointments, who might be a deserving candidate, but it certainly raises suspicion about the credibility of the subsequent appointments. It was also observed that subsequent appointments were not conducted upon recommendations of recruitment committee, but since we have referred to the judgment of Supreme Court reported as 2017 PLC (CS) 585 and the private respondents have also developed vested rights over their posts, hence it would not be

appropriate to open another Pandora box, hence we are constrained not to touch the private respondents

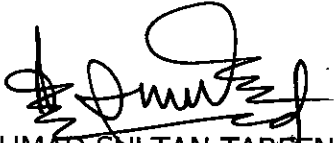
In pursuance of the judgment of the Honorable High Court, the respondent No. 1 accommodated the appellants but did not afford appropriate opportunity to respondents (the present appellants), as by every definition, they were civil servants and they were not supposed to be terminated by a single stroke of pen, as proper procedure is available for dealing with such cases, where the authority was required to conduct a detailed inquiry against respondent No. 1 for the lapses and action if any was required against the appellants, was supposed to be under the disciplinary rules, where proper opportunity was required to be afforded to them, as they are also of the same domicile and having valid reasons to show that their appointments were legal, which however was not done by the respondents. Respondent No. 1 in his comments have clarified that domicile holder of the said Tehsil were eligible for the said vacant posts and all the appellants belong to the same Tehsil, hence there were enough grounds for the appellants to defend their case in their favor.


08. The Tribunal observed that appointment of an employee, if made illegally, could not be withdrawn or rescinded instead action must be taken against the appointing authority for committing a misconduct by making illegal appointments as per his own admission. In the instant case, the appointments so made were not illegal, hence the appellants has made out a good case for indulgence of the Tribunal.

09. We are of the considered opinion that the appellants have not been treated in accordance with law and they were illegally removed from service. In view of the foregoing discussion, the instant appeal as well as all other connected appeals are accepted, the impugned orders of their termination from service are set aside and they are reinstated into service

against their respective positions with all back benefits with further direction that private respondents also shall not suffer for lapses of the respondents, hence they also be accommodated. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
27.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATTIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

27.01.2022

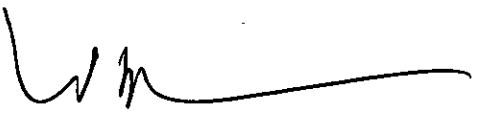
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 to 3 present. Counsel for private respondent No. 4 present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal as well as all other connected appeals are accepted, the impugned orders of their termination from service are set aside and they are reinstated into service against their respective positions with all back benefits with further direction that private respondents also shall not suffer for lapses of the respondents, hence they also be accommodated. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

27.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

06.01.2022

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that counsel for the appellant is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 14.01.2022.



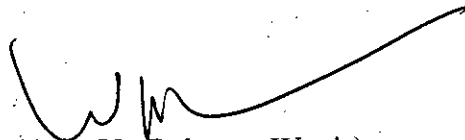
(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

14.01.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant AG for respondents present. Junior to counsel for private respondent No. 4 present and requested for adjournment as senior counsel for private respondent No. 4 is not available today. Adjourned. To come up for arguments before the D.B on 27.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)




Chairman

02.11.2021

Counsel for the appellant, Mr. Muhammad Adeel Butt, Addl. AG for the official respondents and counsel for respondent No. 4 present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 07.02.2022 before the D.B.


Chairman

06.12.2021

Learned counsel for the appellant present. Mr. Mohsan Khan Kundi, Assistant Director alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 and junior of learned counsel for private respondent No. 4 present.

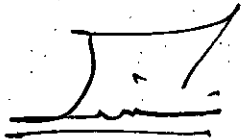
Junior of learned counsel for private respondent No. 4 sought adjournment on the ground that learned senior counsel is busy before the august Supreme Court of Pakistan. Adjourned. Case to come up for arguments on 06.01.2022 before the D.B.


(Salah-ud-Din)
Member (J)



Chairman

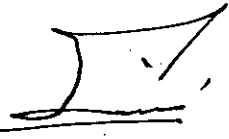
30.06.2021 Appellant alongwith his counsel Mr. Arbab Saif-ul-Kamal, Advocate, present. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Mr. Taimur Ali Khan, Advocate, on behalf of private respondent No. 4 present and submitted Memo of appearance with request that he will submit Wakalatnama on behalf of private respondent No. 4 on the next date. The Memo of appearance is placed on file of Service Appeal bearing No. 1080/2018. Adjourned. To come up for arguments before the D.B on 15.07.2021.


(ATIQ UR REHMĀN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.07.2021 Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Mr. Tariq Qurashi, Advocate, on behalf of private respondent No. 4 present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B. on 16.08.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.08.2021 Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 29.11.2021 for the same as before.


Reader

28.12.2020

Due to summer vacation, case is adjourned to 30.03.2021 for the same as before.



Reader

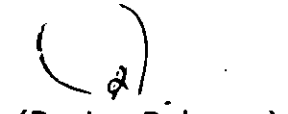
30.03.2021

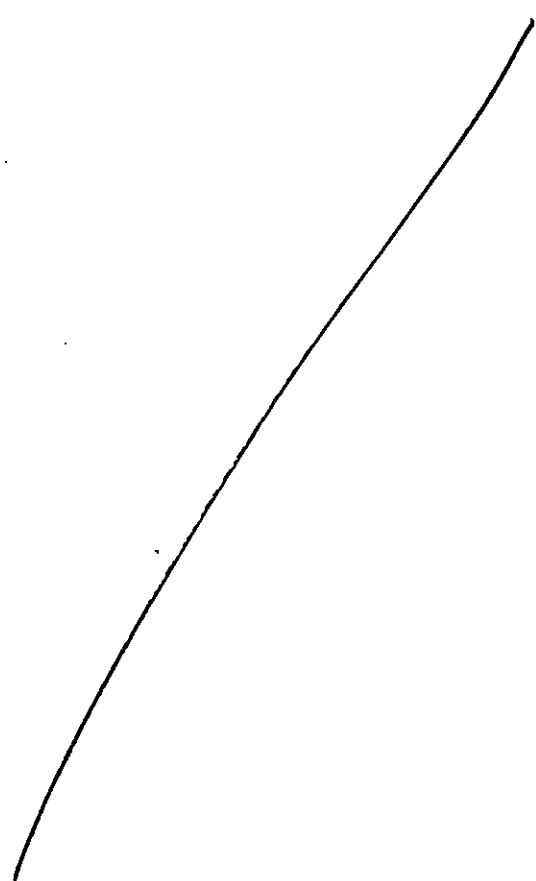
Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former made a request for adjournment; granted. To come up for arguments on 30/6/2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)



06.08.2020

Junior counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present.

Neither written reply/comments on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents for filing of written reply/comments by way of last chance. File to come up for written reply/comments on 30.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

30.09.2020

Junior to counsel for the appellant present. Addl. AG for official respondents present. Nemo on behalf of private respondent No. 4.

Respondents have not furnished requisite reply/comments despite various opportunities including last opportunity. The matter is posted to D.B for arguments on 10.12.2020, before S.B.

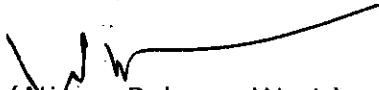

Chairman

10.12:2020

Counsel for the appellant and Asstt. AG for official respondents and counsel for private respondent No. 4 present.

Former states that a number of cases involving identical issue are posted for hearing on 28.12.2020. It would be appropriate to adjourn this appeal to the said date of hearing.

Adjourned accordingly.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

25.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present.

Learned Additional Advocate General requests for further time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned. To come up for written reply/comments on 31.03.2020 before S.B.



(Hussain Shah)
Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.



Reader

23.06.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General on behalf of the respondents present and requests for time to submit written reply/comments. Last chance is given. To come up for written reply/comments on 06.08.2020 before S.B.



Member

27.11.2019

Counsel for the appellant present.

Contends that an order was passed by the Honourable Peshawar High Court Bannu Bench in Writ Petition No. 432-B/2018 on 18.02.2018, wherein, the appellant was though arrayed as one of the respondents but was not put on notice. In pursuance to the order and in the course of its implementation the impugned order dated 16.01.2019 was passed by respondent No. 1, whereby, the service of appellant was terminated and he was relieved with immediate effect. It was noted in the impugned order that the appellant did not qualify for appointment as Naib Qasid from Village Council Abdul Khel(Rural Area). In juxtaposition, learned counsel referred to the advertisement dated 04.07.2015 wherein the condition regarding the domicile of the candidates covered the concerned district/village/neighborhood council while preference was to be given to the residents of concerned village. In the said manner, the appellant was not disqualified for appointment but, at the most, could be stated to have not qualified for priority, it was added.

The appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 16.01.2020 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

16.01.2020

Junior to counsel for the appellant and Addl. AG for the respondent present.

Learned AAG requests for time to contact the respondents and furnish reply/comments. Adjourned to 25.02.2020 on which date the requisite reply/comments shall positively be furnished.

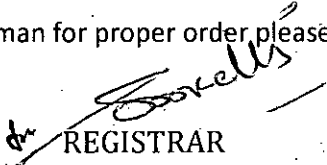
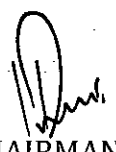
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1225/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2019	<p>The appeal of Mr. Momin Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/11/19</u></p> <p> CHAIRMAN</p>
2-	14/10/19	

The appeal of Mr. Momin Khan son of Muhammad Amin Ex-Naib Qasid village council Abdul Khel Lakki Marwat received today i.e. on 19.09.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Address of respondent No. 4 is incomplete which may be according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- Copy of rejection of departmental appeal is not attached with the appeal which may be placed on it. Annexure-J is comments of respondent no.1 but not a copy of rejection order of departmental appeal.
- 6- Annexure-C of the appeal is illegible which may be replaced by legible/better one.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1627 /S.T,

Dt. 20-9- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

in
Re submitted after completion of
by

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARS.A No. 1225/2019

Momin Khan

versus

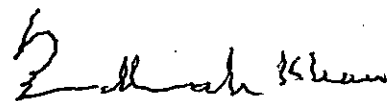
Assistant Director & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-5
2.	Advertisement dated 04-07-2015	"A"	6
3.	Appointment order dated 15-03-2016	"B"	7
4.	W.P / order of court	"C"	8-14
5.	Letter to appellant dated 07-11-2018	"D"	15
6.	Termination order of appellant, 16-1-19	"E"	16
7.	Representation dated 07-02-2019	"F"	17-22
8.	Letter of R. No. 01 to R. No. 02 for clarification of judgment, 11-02-19	"G"	23
9.	Misc. App:/order of 12(2) dated 19-2-19	"H"	24-29
10.	Appointment order of R. No. 04, 1-4-19	"I"	30
11.	Rejection order, 26-04-19 / Salary Slips up to 7/19	"J"	31-35

Appellant

Through


(Saadullah Khan Marwat)
Advocate.21-A Nasir Mansion,
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.18-09-2019

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1225/2019

Khyber Pakhtukhwa
Service Tribunal

Momin Khan S/O Muhammad Amin,
R/O Mohallah Mena Khel, Lakki Marwat
EX-Naib Qasid Village Council Abdul Khel,
Lakki Marwat Appellant

Diary No. 1279

Dated 19-9-2019

VERSUS

1. Assistant Director, Local Government
& Rural Development Department,
Lakki Marwat.
2. Director General, Local Government
& Rural Development Department,
Lakki Marwat.
3. Secretary, Local Government &
Rural Development Department,
Lakki Marwat.
4. Ashfaq Ullah S/O Aman Ullah,
R/O Village Abdul Khel,
Lakki Marwat Respondents

Filed to-day

[Signature]
Registrar

19/9/19

Re-submitted to 2 day
and filed.

[Signature]
Registrar

◊<=>◊<=>◊<=>◊<=>◊

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 5960-66 / ADLG DATED
16-01-2019 OF R. NO.01, WHEREBY SERVICES OF
APPELLANT WAS TERMINATED OR OFFICE ORDER
NO. 6648 DATED 16-04-2019 WHEREBY
DEPARTMENTAL APPEAL OF APPELLANT WAS
REJECTED:

◊<=>◊<=>◊<=>◊<=>◊

Respectfully Sheweth:

1. That on 15-03-2016, R. No. 01 floated advertisement in daily Newspapers for appointment of Class-IV servants. Preference was to be given to the candidate belonging to respective Village Councils. (Copy as annex "A")
2. That after going through the prescribed procedure of selection, appellant was appointed as Naib Qasid on regular basis on the recommendation of Selection and Recruitment Committee vide order dated 15-03-2016 and assumed the charge of the said assignment there and then. (Copy as annex "B")
3. That on 07-04-2018, R. No. 04 filed Writ Petition before Peshawar High Court, Circuit Bench Bannu to declare appointment order of appellant as illegal and he be appointed as such, which petition came up for hearing on 28-02-2018 along with other connected Writ Petitions on the same point and then the hon'ble court was pleased to hold that:-

"All the cases are remitted back to R. No. 01 to re-examine the appointment of the private respondents and pass an appropriate order in light of rules and policy after providing the parties and opportunity of hearing. The entire process shall be completed within two months positively. The Writ Petitions were disposed off accordingly". (Copy as annex "C")

4. That after remitting of the said judgment to R. No. 01 for compliance, appellant was directed on 07-11-2018 to appear before him to explain his position. (Copy as annex "D")
5. That on 16-01-2019, R. No. 01 terminated services of appellant with immediate effect on the score that he was not appointee of his own Village Council. (Copy as annex "E")

Here it would be not out of place to mention that R. No. 01 appointed numerous other candidates not in their own Village Councils but in others like Umair Ahmad Village Council Khero Khel Pakka appointed him as such at Serai Naurang-III, Faheem Ullah VC Khero

Khel Pakka appointed at VC Gerzai, Washee ullah VC Wanda Aurangzeb appointed at VC Attashi Mechan Khel, Ezat Khan VC Wanda Saeed Khel appointed at VC Qalang, Sher Nawaz VC Issat Khel appointed at VC Banda Baru, Siffat Ullah VC Khoydad Khel, Lakki City appointed at VC Jung Khel, etc. but their services were still retained till date, so appellant was not treated alike and discriminated inter-se.

6. That on 07-02-2019, appellant submitted representation before R. No. 02 for reinstatement in service. (Copy as annex "F")
7. That on 11-02-2019, R. No. 01 wrote letter to R. No. 02 that services of appellant were though terminated but the judgment is not clear on the appointment of petitioner (R. No. 04), therefore, the Manager, Employment Exchange Lakki Marwat was asked for list of candidates of Village Council Abdul Khel who has now furnish the same.

It is, therefore, requested that the case be forwarded to Provincial Govt. for consideration by the Departmental Recruitment Committee to determine suability of any of the candidate. (Copy as annex "G")

8. That thereafter appellant filed Misc. application 12(2) CPC for review of the judgment which was withdrawn on 19-02-2019. (Copy as annex "H")
9. That on 01-04-2019, R. No. 04 was appointed as Naib Qasid by R. No. 01. (Copy as annex "I")
10. That on 26-04-2019, representation of appellant was rejected which copy of the said order was received from the office of R. No. 01 on 29-08-2019. (Copy as annex "J")

Hence this appeal, inter alia, on the following grounds:

GROUND S:

- a. That appellant has the requisite qualification in his credit.

- b. That appellant applied to the said post of his own Village Council and it was incumbent upon the department to appoint him as such in his own Village Council and not in any other but instead he was appointed as such. He could not be held responsible for the lapses of the respondents, if any.
- c. That when the matter was taken to the court, the department was legally bound to transfer appellant even other incumbents to their own Village Council to save their skins.
- d. That as and when Show Cause Notice was issued to appellant regarding appointment in other Village Council, then he should rectify the mistake, if any, because the lapses were on the part of the authority and not of the appellant and in such situation, he could not be made responsible for the same.
- e. That appellant was appointed as per prescribed manner after observing the due codal formalities.
- f. That as per law and rules, appellant is liable to serve anywhere in district, outside district / province even outside country, then he can be appointed anywhere for the purpose, being citizen of the country.
- g. That it is to be ascertained as to whether R. No. 04 has applied to the said post or otherwise. In such a situation the department was legally bound to advertise the said post not to appoint him directly.
- h. That R. No. 04 was never gone through the process of selection, so at such a belated stage when his name was not recommended by the Departmental Selection / Recruitment Committee, he could not be appointed straight away as such.
- i. That in the aforesaid circumstances, order of appointment of R. No. 04 was not only illegal but was ab-initio-void. The same was based on favoritism.
- j. That service law is alien to the word "Termination", so on this score alone, order of termination of appellant is / was illegal.

- k. That order of appointment of appellant was acted upon, implemented and got finality, the same was made by the competent authority and cannot be rescinded in the manner taken.
- l. That appellant was paid Monthly Salaries since the date of his appointment till the month of July 2019.
- m. That order of termination of appellant from service is based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 16-01-2019 and 01-04-2019 be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant

Through

Saadullah Khan Marwat

Amjad Khan
Advocates.

Dated 18-09-2019

دفتر ڈائریکٹر جنرل محکمہ بلدیات و
دیہی ترقی صوبہ خیبر پختونخواہ پشاور

اشتہار برائے بھرتی کلاس-IV (BPS-01)

محکمہ نڈا کی طرف سے درج ذیل خالی آسامیوں کو پُر کرنے کے لئے صوبہ خیبر پختونخواہ کے ڈومیسائل کے حامل اہل امیدواروں سے درخواستیں مطلوب ہیں جو کہ اس اشتہار کے اشاعت کے پندرہ یوم کے اندر اندر متعلقہ ضلع کے اسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفاتر میں دفتری اوقات کار کے دوران بمقام تصدیق شدہ دستاویزات جمع کرائی جاسکتی ہیں۔

تفصیل آسامیاں و مطلوبہ قابلیت اور درکار عمر کی حد نیچے درج ہیں۔

نمبر شمار	ضلع	نام آسامی	بنیادی سکیل	مطلوبہ قابلیت	عمر کی حد
1	متعلقہ	کلاس-IV	01	متعلقہ ضلع اور تحصیل کے مستقل باشندے ہوں۔	18-40

1- گورنمنٹ ملازم کو ترجیح دی جائے گی۔

2- متعلقہ ضلع کے باشندے کو ترجیح دی جائے گی۔

مطلوبہ قابلیت اور دیگر شرائط پر پورا اترنے والے امیدواروں سے درخواست اس اشتہار کی اشاعت کے پندرہ (15) یوم کے اندر اندر اپنے دستاویزات اپنے ڈومیسائل کے حامل ضلع کے اسٹنٹ ڈائریکٹر محکمہ بلدیات و دیہی ترقی کے دفاتر میں جمع کرائے۔

ڈائریکٹر جنرل
محکمہ بلدیات و دیہی ترقی، خیبر پختونخواہ

مورہ 1 - 2015/07/04

Advt
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OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT

Dated. 15/3/2016

OFFICE ORDER

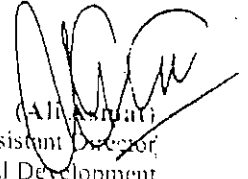
No. 3900-12 / On the recommendations of Selection and Recruitment Committee, appointment of the following Naib Qasid, Village / Neighborhood Council is hereby ordered in BPS-01 Rs. (6210-195-12060) plus usual allowances as admissible under the rules existing policy of the Provincial government on the terms and conditions given below w.e.f the date of taking over their charge in the interest of public service, they will report for duty in the office of Village / Neighborhood Council Nazim mentioned against each:-

S.No	Name with Address	Village/ Neighborhood Council	Remarks
1	Momin Khan s/o Muhammad Amin	Abdul Khel	Against vacant Post

Terms and Conditions.

1. His services will be liable to termination on one month notice in advance from either side, but in case of resignation without notice, one month pay shall be refunded towards Government.
2. He will be on probation for a period of one year extendable for a further period of 12 months and during this probationary period he will not be entitled to apply for any long leave etc.
3. His services will be governed by such rules and regulations as are in vogue and as may be issued by the Government from time to time.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period and in case of misconduct, he will be proceeded against the Removal from Service (Special Power) Ordinance, 2000 and the rules made from time to time.
5. He should report his arrival to all concerned. He will also not be entitled to any TA/DA for his first arrival joining duty but in case he is not willing to join the duty, he should furnish his un-willingness on a stamp paper to the office of the undersigned.
6. His services are also liable to be terminated if any of his documents is found fake or altered, at any later stage and that he will not entitle to undergo any litigation.
7. The undersigned deserves the rights to amend or add any condition to his appointment order.
8. He is required to produce Health and Age Certificate from the Medical Superintendent DHQ Hospital, Lakki Marwat within 15 days.
9. The appointment is made subject to the conditions that the candidate has a permanent domicile of District, Lakki Marwat.

If the above terms and conditions are accepted, he should immediately communicate to this office, and report for duty to the undersigned within (15) days, failing which this appointment order may be treated as cancel in respect of the candidate.


Ali Aslam
Assistant Director

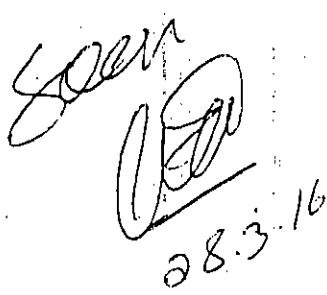
Local Govt. & Rural Development
Department, Lakki Marwat


Even No. & Date.

Copy forwarded to:-

1. The Director General, Local Govt. & Rural Development Deptt: KP, Peshawar.
2. The District Nazim, District Government Lakki Marwat.
3. The Deputy Commissioner/ Chairman Selection Committee, Lakki Marwat.
4. PS to Senior Minister LG&RDD, Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary LG&RDD Khyber Pakhtunkhwa, Peshawar.
6. The Section Officer (Estab), Khyber Pakhtunkhwa, Peshawar.
7. Tehsil Municipal Officer / Member Selection Committee, Lakki Marwat.
8. The District Accounts Officer, Lakki Marwat.
9. The Nazim NCVC concerned District Lakki Marwat.
10. All Supervisors LG&RDD, Lakki Marwat
11. Official concerned.
12. Office Order File.




08.3.16


Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat

C 18
BEFORE THE HON'BLE PESHAWAR HIGH COURT
BANNU BENCH.

Writ petition NO. 432-B / 2018

Ishfaq Ullah s/o Aman Ullah r/o village Abdul
Khel, Tehsil & District Lakki Marwat.

(Petitioner)

Versus

1. Government of Khyber Pakhtunkhwa through Sectary Local Govt: and Rural Development Peshawar.
2. Director General, Khyber Pakhtunkhwa, Local Govt: and Rural Development Peshawar.
3. Assistant Director General, Local Govt: and Rural Development Lakki Marwat.
4. The Deputy Commissioner, Lakki Marwat.
5. The District Accounts Officer, Lakki Marwat.
6. Moin Khan s/o Muhammad Amin r/o Lakki City, Tehsil & District Lakki Marwat presently posted as Peon class-IV at UC, Abdul Khel, Tehsil & District Lakki Marwat.

(Respondents)

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

PRAYER :-

On acceptance of this constitutional petition, the impugned order dated No. 3900-12 dated 15-03-2016 of respondent No.3 being illegal, unlawful, without jurisdiction and against the principles of natural justice may very kindly be

ATTESTED
EXAMINER
for High Court
Bench

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Filed Today
Additional Registrar

declared null and void and the respondents may please be directed to appoint the petitioner against the post in question being most suitable and eligible-cum-fit for the same OR any appropriate writ may very kindly be issued in the circumstances of the case.

Note: The addresses of the parties are sufficient and correct for the purpose of service.

Respectfully Sheweth:-

That the petitioner is a permanent resident of village Abdul Khel, Tehsil & District Lakki Marwat. (Copy of domicile certificate is annexed as Annexure

That, the Respondent No. 2, Director General, Khyber Pakhtunkhwa, Local Govt: and Rural Development Peshawar advertised the posts of Peon/ Class IV in UC offices across the entire district Lakki Marwat, including one post in UC, Abdul Khel. The advertisement was also having a condition that for each village / Neighbored Council, the candidate who is the permanent resident of the same village / village council will be appointed. (Copy of advertisement is annexed as annexure "B").

That the petitioner also apply for the said post and being eligible cum-fit for the post in question and stood most suitable candidate due to his educational qualification and being permanent resident of the same village / village council. (Copies of educational qualification is annexed as annexure "C")

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That the Respondents appointed another candidate he respondent No. 06, of their favor belonging to another village and stranger to the petitioner's village council Abdul Khel of UC Abdul Khel vide order No. 3900-12 dated 15-03-2016. (Copy of appointment order is annexed as annexure ("D"))

That now the petitioner was having no alternative remedy except the instant writ petition and wants to indulge this Honorable court into the matter, inter alia, on the following grounds.

That the impugned order is obviously illegal, unlawful and without jurisdiction, as well as extreme mala fide, therefore, ineffective upon rights of the petitioner.

That the petitioner, is most deserving candidate for the post in question by every law and policy and the petitioner is prevailing for appointment because he permanently, hail from village council Abdul Khel.

That, it would be a sheer injustice and discrimination towards the petitioner and the appointment order of respondent No. 6 is a strong example of nepotism.

That the petitioner's fundamental rights embodied in the constitution have been infringed

AND


P-

and the petitioner was left with no remedy except to approach this Hon'ble Court.

That the respondents have got no jurisdiction to bypass or amend the law or procedure already existing for the appointment on the basis of prescribed policy.

That as per article-4 of the constitution of Islamic Republic of Pakistan 1973, everyone is to be dealt with in accordance with law.

That if the petitioner is not appointed as requested above then the fundamental rights as provided by the constitution would be definitely infringed and thus the petitioner would become job less and over age.

That prior to the institution of instant writ petition, the counsel for the petitioner also inform the respondent under amended rule 2(3) of the High Court Rules and Orders regarding filing a writ petition before this august court. (Copy of Notices are annexed as annexure "E").

That counsel for the petitioner may please be allowed to raise further arguments during arguments.

For the above stated reasons, it is, therefore, most humbly prayed that on acceptance of this constitutional petition, the impugned order dated No. 3900-12 dated 15-03-2016 of respondent No.3 being illegal, unlawful, without jurisdiction and against the principles

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of natural justice may very kindly be declared null and void and the respondents may please be directed to appoint the petitioner against the post in question being most suitable and eligible-cum-fit for the same. OR any appropriate writ may very kindly be issued in the circumstances of the case.

Interim Relief:-

As the petitioner has got a prima face strong case, therefore, the impugned order No. 3900-12 dated 15-03-2016 issued by respondent No. 3, referred to herein above, may very kindly be suspended till final disposal of this constitutional petition.

Dated 07/04/2013. Your Humble Petitioner,

Ishfaq Ullah Khan
Ishfaq Ullah Khan

Through Counsel.

Haji Habib-ur-Rehman
HAJI HABIB-UR-REHMAN,
Advocate High Court,
Lakki Marwat.

List of Books:

- The Constitution of Islamic Republic of Pakistan 1973.
- Other case law according to need.
- Ruling of the Honourable High Court and Apex Court.

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PESHAWAR HIGH COURT,
BANNU BENCH
FORM OF ORDER SHEET

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Date of
order of
proceeding

Order or other proceedings with signatures of
Judge (s).

(2)

WP No. 432-B of 2018

Present:

Maji Habibur Rehman Advocate for
petitioner.

Shahid Hameed, Addl: A.G for the official
respondents.

ABDUL SHAKOOR J. Learned counsel for the
petitioner at the very outset, stated at the bar that this being
identical case of WP No. 199-B of 2016 decided on
28.02.2018 may please be disposed of in light of that
judgment. Learned A.A.G present in the Court in other
cases was put on notice, who accepted the same and stated
that he has no objection if the instant case be disposed of
in light of above mentioned judgment of this Court.

2. In light of judgment cited above, this case is
sent to the Assistant Director Local Government and Rural
Development, Lakki Marwat, to re-examine the
appointment of private respondent No.6, merit position of

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(19)

the petitioner and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV, employees after providing the parties an opportunity of hearing. The entire process shall be completed within 02 months positively. This writ petition is disposed of accordingly.

Approved:
18.09.2018

Sd/Justice Abdul Shakoor, J
Sd/Justice Shakeel-Ahmad, J

RECORDED TO OFFICE COPY
19/09/18
Responsible Officer: Mr. Annu Bhatti
Authorised Under Article 87 of
The Constitution of Pakistan Order 1573

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D 35

**OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RDD LAKKI MARWAT**

No. 5751-54/ADLGLM

Dated: 07/11/2018

To

✓
The Momin Khan
S/o Muhammad Amin
R/o Lakki City
Distt: Lakki Marwat

Subject:

**IMPLEMENTATION OF JUDGEMENT IN WRIT PETITION
NO. 432-B/2018 TITLED ISHFAQ ULLAH VS GOVT:
OF KPK ETC.**


Memo:

Please appear before the undersigned dated 08/11/2018 at 2:00 pm in the office in connection with implementation of the judgement of the learned High Court Bannu Bench alongwith documents in support of your claim for the post of Naib Qasid in Village Council Abdul Khel Tehsil & District Lakki Marwat.

Documents required:

- ✓ 1. Domicile (Original)
- ✓ 2. Education qualification (Original)
- ✓ 3. CNIC (Original)
- ✓ 4. Name of the Village Council and the Union Council


Matter most urgent basis.



Assistant Director,
Local Govt & Rural Development
Department District, Lakki Marwat

Even No. & Date.

Copy Forwarded to:

1. The Director General, Local Govt & Rural Development Deptt: KPK, Peshawar.
2. The Assistant Director (Litigation) LG&RDD KPK Peshawar.
3. The Nazim and Village Secretary, Village Council Abdul Khel for Information.

Atms



Assistant Director,
Local Govt & Rural Development
Department District, Lakki Marwat



OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT LAKKI MARWAT

No. 5960-66 /ADLG Lakki Marwat

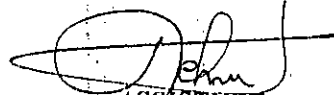
Dated 16 /01/2019

OFFICE ORDER

In pursuance of the Judgment of the learned Peshawar High Court Bench, Banau in W.P No.432-B/2018 dated 18.09.2018 titled "Ishfaquallah Khan VS Govt. of KPK etc". and on scrutiny of the record pertaining to the appointment of Mr. Momin Khan S/o Muhammad Amin Khan R/o Mohallah Mina Khel Tehsil & District Lakki Marwat as Naib Qasid, Village Council Abdul Khel, it has been found that he is bonafide resident of Neighbourhood Council Lakki City (Urban Area), thus did not qualify for appointment as Naib Qasid Village Council Abdul Khel (Rural Area).

The above official was provided opportunity to prove his domicile for Village Council Abdul Khel vide letter No.5751-54/ADLGLM dated 07.11.2018 but he could not do so. His reply received in the office of undersigned on 13.11.2018 has been considered and found vague and not relevant to the facts required to be established, thus it is not entertainable.

Having been satisfied that the appointment order obtained by said Momin Khan through misrepresentation, are void abinitio, therefore, his services are terminated and he is relieved of the post with immediate effect.

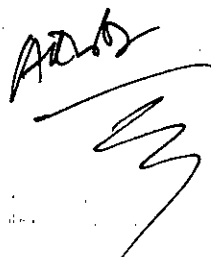

ASSISTANT DIRECTOR,
LG&RDD, LAKKI MARWAT

Even No. & Date.

Copy forwarded to:

1. The Director General, Local Govt. & Rural Development Deptt: KPK, Peshawar.
2. The District Accounts Officer, Lakki Marwat for necessary action please.
3. The Nazim VC Abdul Khel, Tehsil & District Lakki Marwat.
4. The Secretary, VC Abdul Khel, Tehsil & District Lakki Marwat.
5. Official Concerned.
6. Office Record.


ASSISTANT DIRECTOR,
LG&RDD, LAKKI MARWAT



16-1-19
15-3-16

E F 17

To:
The Director General,
Local Government and Rural Development Department,
Peshawar

/ 6679
07-2-2019

DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST
OFFICE ORDER / NOTIFICATION OF TERMINATION FROM
SERVICE OF THE APPELLANT DATED 16.01.2019 WHICH
RECEIVED ON 24.01.2019

Respectfully Sheweth:-

Brief facts of the case / appeal are as follows:-

1. The appellant is the permanent resident of District Lakki Marwat.
2. The appellant in wake of the advertisement dated 04.07.2015 of the Director General Local Government KPK, Peshawar, was formally selected by the appropriate Departmental Selection Committee headed by the Deputy Commissioner Lakki Marwat and the follow up order of appointment through initial recruitment dated 15.03.2016 was passed by the Assistant Director Local Government District Lakki Marwat and who instead of adjustment of the appellant at village council / Lakki City posted the appellant in village council Abdul Khel, though the appellant was simultaneous eligible for village council Lakki city as well. The DSC conducted proceedings in easy mood in March 2016 without any hastiness.
3. Thereafter, 65 appointment orders of class-IV were issued by the department on 15.03.2016 including the appointment order of appellant.
4. Probation-period of one year expired on 18.03.2017 accruing vested right coupled with the protected rule of Locus penitential (PLJ 2013 P-DB-P.64 and 2006 SCMR P.678).
5. That, after more than 03 years Ishfaq Ullah filed writ petition No. 432-B/2018 before Peshawar High Court Bench Bannu in which he challenged the appointment order of appellant dated 15.03.2016 after 02 years.

AWB
By

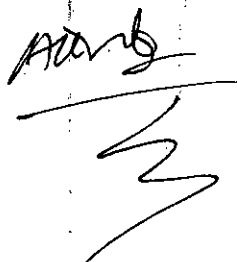
6. That above mentioned writ petition is decided by Peshawar High Court Bench Bannu on 18.09.2018 without giving notice to the appellant and with giving opportunity of hearing to the appellant before Peshawar High Court Bench Bannu.
7. That on 16.01.2019, the Assistant Director Local Government District Lakki Marwat issued termination order of appellant on the basis of judgment dated 18.09.2018 of Peshawar High Court Bench Bannu in W.P 432-B/2018 in which the appellant was not heard and not given opportunity of hearing.
8. The termination order of appellant dated 16.01.2019 is an act without lawful authority oriented with malafide intention more so; when the Deputy Commissioner being ex-officio chairman of the DSC had not been consulted by the Assistant Director Local Government District Lakki Marwat, when the Deputy Commissioner for all intents and purposes is ipso-facto the competent authority in this case on the rule of "The generality of law falters before the specifics of life (Aristotle)".
9. The appellant is thus aggrieved against the self-opinionated, mal-administered order dated 16.01.2019 by declining the termination of appellant, since no other adequate remedy except indulgence of this majestic authority on the following grounds:

GROUND:

- A. The appellant has not been treated according to Law nor been treated equally before the Law.
- B. That appellant has not been given notice nor opportunity of hearing and the said judgment is decided without appellant which is against the rule of "Audi Arterm Partem" and also against the rule of natural justice.
- C. That the appellant has been condemned unheard.

Adms

- D. Appellant is the permanent resident of Lakki Marwat and fulfills all the requirements laid down in the advertisement. Appellant is duly recommended by the Departmental Selection Committee headed by the Deputy Commissioner as Chairman.
- E. That Assistant Director Local Government District Lakki Marwat has decided the matter one handedly in despotic manner without consulting the matter with Departmental Selection Committee.
- F. That before termination of appellant dated 16.01.2019, Assistant Director Local Government District Lakki Marwat has not consulted the matter with Deputy Commissioner Lakki Marwat being competent authority and Chairman of Departmental Selection Committee. As such termination order dated 16.01.2019 of appellant is against the very spirit of the judgment of Peshawar High Court, Bench Bannu in writ petition no. 199-B/2016 decided on 28.02.2018. Because Assistant Director Local Government District Lakki Marwat is not competent authority and only one member of Departmental Selection Committee amongst two others.
- G. That as per advertisement dated 04.07.2015, the candidate must be permanent resident of relevant District. But Assistant Director LGRRD Lakki Marwat has wrongly and illegally terminated the appellant from service in violation of clear direction of Honorable Peshawar High Court Bench Bannu in judgment dated 28.02.2018.
- H. When the appellant is appointed as class-IV then why appellant has been posted in village council Abdul Khel. As the appellant belongs to Lakki city therefore respondents were required to post the appellant in his own village council i.e. Lakki city.
- I. The DSC recommended the names of 64 other candidates as class-IV employees but Assistant Director Local Government District Lakki Marwat has not terminated other similarly placed employees.

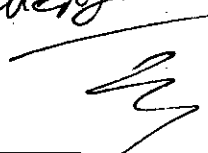


J. That the Assistant Director LGRRD Lakki Marwat has misconceived and misinterpreted the judgment of Peshawar High Court, Bannu Bench dated 28.02.2018 as the merit position of the appellant has not been called in question by the Assistant Director Local Government District Lakki Marwat. At the same time, it is written in the advertisement dated 04.07.2015, that preference shall be given to the candidate of concern village council which does not mean that respondent no.6 is entitled for appointment in place of appellant. As per merit, appellant is the top position holder therefore, appellant being resident of District Lakki Marwat has rightly been appointed. Therefore termination order dated 16.01.2019 of appellant is illegal, unlawful and without lawful authority.

K. That the procedure for appointments of class-IV are regulated by the Khyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer) rules, 1989 in which it is clearly mentioned that the post of class-IV is a District Cadre post which is to be filled / appointed throughout in the District irrespective of the fact that appointee belongs to one village council or the other. The only condition precedent is that the appointee must be the permanent resident of District where he belongs to. As such any policy whatsoever upon which the appellant's appointment order is terminated is only an Executive Order of the department which cannot override the statutory provision contained in the afore said rules of 1989 read with Notification of 1978.

L. That, appellant has not been terminated according to (Efficiency and Discipline) Rules but appellant has been terminated because of the judgment of High Court Peshawar Bench Bannu dated 18.09.2018, therefore, appellant has come to this Majestic Authority.

M. That, Local Government and Rural Development Khyber Pakhtunkhwa Peshawar issued Notification dated 03.12.2015 in which criteria laid down for class-IV appointment is that he must be physically sound, preferably literate, about 18 to 40 years aged. There is no such condition / criteria for the appointment of class-IV that he must be permanent resident of same village council. As such the reason given for termination of the appellant in

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the termination order dated 18.04.2018 is against the service rules dated 03.12.2015 of the Department. And ultimately the afore-said termination order is also against the very spirit of the judgment dated 28.02.2018 of the Peshawar High Court, Bannu Bench.

N. The appellant belongs to village council Lakki city and has been appointed in village council Abdul Khel District Lakki Marwat. Whereas there are 48 other candidates (who have been appointed in response to the same advertisement dated 04.07.2015) who are similarly placed persons who belong to one village council but they have been appointed in other village council (like appellant) but no Show Cause Notice nor any termination order has been issued to them. As such the conduct of the Assistant Director LGRRD Lakki Marwat is contradictory in itself.

O. That appellant has been appointed as Naib Qasid according to rules, regulations and policy by the Departmental Selection Committee after due process of law. The Departmental Selection Committee has discussed the case of each appointee after consultation with the Deputy Commissioner Lakki Marwat and after thorough scrutiny of documents the appellant has been appointed as class-IV along with 64 others. As such vested right has been accrued to the appellant for appointment and as such termination order dated 16.01.2019 of appellant is illegal, unlawful and without lawful authority.

P. That after appointment on 15.03.2016, the appellant was rendered medically fit for service, the appellant assumed charge of his office and rendered services for about 03 years. The Master file and service book of appellant are also prepared. As such vested right has been accrued to the appellant for appointment. Therefore, if any irregularity whatsoever, has been committed by the Department in the procedure / process of appointment (which is not available on record), then for such irregularity the appellant should not be punished (in this respect guidance can be sought from judgment of Supreme Court reported as 2009 SCMR page 663).

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It is therefore humbly prayed that the termination order of the appellant dated 16.01.2019 may kindly be declared null and void, and the petitioner may very graciously be reinstated in service as class-IV employees with all service back benefits.

Dated: 7.2.19

Appellant

Momin Khan s/o Muhammad Amin
r/o. Minakhel Lakki Marwat,
Class-IV, Village Council Abdul
Khel, District Lakki Marwat

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OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT.

No. 6071
Dated February 11, 2019.

To
The Director General
Local Govt. & Rural Development
Department, KPK, Peshawar.

Attention Director (Admn).

SUBJECT:- IMPLEMENTATION OF JUDGMENT OF PHC BANNU BENCH IN
WP NO.432-B / 2018, DATED 18.09.2018 TITLED ISHFAQULLAH V/S
GOVT OF KPK & OTHERS.

Dear Sir,

I am enclosing herewith a copy of writ petition No.432-B/2018 and copy of judgment of Peshawar High Court, Bannu Bench dated 18.09.2018. The concluding Para of the judgment is re-produced as under please:-

The case is send to the Assistant Director, Local Govt. & Rural Development Lakki Marwat to re-examine the appointment of private respondent No.6, merit position of the petitioner and pass an appropriate order keeping in mind the rules, policy and the terms and conditions incorporated in the advertisement for appointment as Class-IV, employees after providing the parties an opportunity of hearing. The entire process shall be completed within 02 months positively. This writ petition is disposed of accordingly.

In order to comply with orders of the honorable Court, services of the respondent No.6, Mr. Momin Khan, Naib Qasid (BPS-3) of Village Council Abdul Khel, District Lakki Marwat have been terminated. Furthermore, the judgment is not clear on the appointment of the petitioner therefore the Manager, Employment Exchange Lakki Marwat was asked for list of candidates of Village Council Abdul Khel who has now furnished the same.

It is, therefore, requested that the case may be forwarded to the Provincial Govt. for consideration by the Departmental Recruitment Committee to determine suitability of any of the candidates as provided under the Rules and as desired by the Section Officer (Estab:) LGRDD, KPK, Peshawar. Meeting of the Recruitment Committee may held shortly in other cases please.

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Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

H 24
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PESHAWAR HIGH COURT
SEAL
BANNU BENCH

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH.

12(2)
CIVIL MISLIEANOUS APPLICATION NO. 02-B /2019

IN W.P NO: 432-B/2018, TITLED ISHFAQ ULLAH V/S GOVERNMENT OF KHYBER
PAKHTUNKHWA AND OTHERS

DECIDED ON: 18-09-2018

Momin Khan S/O Muhammad Amin R/O Moh; Mina Khel Lakki District Lakki Marwat.

..... (applicant)

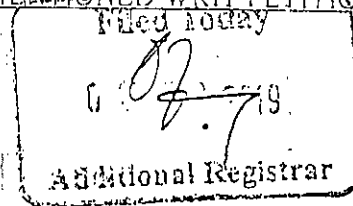
VERSUS

1. Government, of Khyber Pakhtunkhwa through Secretary Local Government & Rural Development Department Peshawar.
2. Government, of Khyber Pakhtunkhwa through Director General Local Government & Rural Development Department Peshawar.
3. Assistant Director Local Government & Rural Development Department Lakki Marwat.
4. Deputy Commissioner Lakki Marwat.
5. District Account Officer Lakki Marwat.
6. Ishfaq Ullah S/O Aman Ullah R/O Village Abdul Khel District Lakki Marwat.

..... (Respondents)

CIVIL MISLIEANOUS APPLICATION UNDER SECTION 12(2) CIVIL PROCEDURE CODE TO SET ASIDE THE JUDGMENT DATED 18/09/2018 IN THE ABOVE-MENTIONED WRIT PETITION BEING OBTAINED BY FRAUD, MISREPRESENTATION AND IN COLLUSION WITH THE OFFICIAL RESPONDENTS AND CONSEQUENTLY DECLARE NULL AND VOID THE TERMINATION ORDER OF APPLICANT DATED 16/1/2019 AND APPLICANT BE RE-INSTATED IN SERVICE AS CLASS-IV EMPLOYEE WITH ALL SERVICE BACK BENEFITS IN ORDER TO MEET THE ENDS OF JUSTICE. IT IS FURTHER PRAYED THAT APPLICANT MAY KINDLY BE GIVEN OPPORTUNITY OF HEARING IN THE ABOVE MENTIONED WRIT PETITION TO DEFEND AND PROTECT HIS CASE AND RIGHTS IN THE ABOVE MENTIONED WRIT PETITION.

Respectfully Sheweth:



ATTESTED
CLERK
Peshawar High Court
Bannu Bench

THE APPLICANT, AMONGST OTHER GROUNDS, RESPECTFULLY SUBMITS AS FOLLOWS:-

1. The applicant is the permanent resident of District Lakki Marwat. Copy of ID card of Applicant is attached as Annexure - A.
2. The applicant in wake of the advertisement dated 04.07.2015 of the respondent No. 2, was formally selected by the appropriate Departmental Selection Committee headed by the respondent No. 4 and the follow up order of appointment through initial recruitment dated 15.03.2016 was passed by the respondent No. 3, and the respondent No. 3 instead of adjustment of the applicant at Village Council/ Lakki-City posted the applicant in Village Council Abdul Khel, though the applicant was simultaneous

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eligible for Village Council Lakki-City as well. Copies of the advertisement Dated: 4/7/2015 and appointment order of applicant dated 15.03.2016 are enclosed as Annexure B and C respectively. The DSC conducted proceedings in easy mood in March 2016 without any hastiness. Copy of Minutes of Meeting of Departmental Selection Committee is attached as Annexure-D.

3. That thereafter, 65 appointment orders of class-IV were issued by the respondents/Department on 15/3/2016 including the appointment order of applicant.
4. Probation-period of one year expired on 18.03.2017 accruing vested right coupled with the protective Rule of Locus penitential (PLJ 2013 P-DB-P.64 and 2006 SCMR P.678).
5. That after more than 03 years Ishfaq Ullah filed writ petition 432-B/2018 before this Hon'ble Court in which he challenged the appointment order of applicant Dated 15/3/2016 after 02 years. Copy of writ petition 432-B/2018 is attached as Annexure-E.
6. That above-mentioned writ petition is decided by this Hon'ble court on 18/09/2018 without giving notice to the applicant and with giving opportunity of hearing to the applicant before this Hon'ble Court. Copy of judgment dated: 18/09/2018 of this Hon'ble court in W.P 432-B/2018 is attached as Annexure-F.
7. That on 16/01/2019, the respondent No: 3 issued termination order of applicant on the basis of judgment dated: 18/09/2018 of this Hon'ble Court in W.P 432-B/2018 in which the applicant was not heard and not given opportunity of hearing. Copy of termination order of applicant dated: 16/01/2019 is attached as Annexure-G.
8. The termination order of applicant dated: 16/01/2019 is an act without lawful authority oriented with malafide intention moreso; when the Deputy Commissioner being ex-officio chairman of the DSC had not been consulted by the respondent No. 3, when the Deputy Commissioner for all intents and purposes is ipso-facto the competent authority in this case on the rule of "The generality of law falters before the specifics of life (Aristotle)".
9. The applicant is thus aggrieved against the self-opinionated, mal-administered order dated 16-01-2019 by declining the termination of applicant, since no other adequate, inexpensive, expeditious and convenient remedy is available, the applicant seeks indulgence of this Hon'ble Court by filing CM Application U/S 12(2) Civil procedure Code as the afore-said judgment Dated: 18/09/2018 in W.P 432-B/2018 being obtained by fraud and misrepresentation on the following grounds.

GROUNDS

- A. That Applicant has not been treated according to Law nor been treated equally before the Law.
- B. That applicant has not been given notice nor opportunity of hearing in the above mentioned writ petition and the afore-said writ petition is decided without applicant which is against the rule of "Audi Arterm Partem" and also against the rule of natural justice.
- C. That cases must be decided on merits after giving opportunity of hearing to both the parties in order to defend their case but in the above mentioned case the applicant is not given opportunity to defend case which is against the ends of justice. As such applicant must be given full opportunity to defend his case.
- D. Applicant is the permanent resident of Lakki Marwat and fulfils all the requirements laid down in the advertisement. Applicant is duly recommended by the Departmental Selection Committee headed by the Deputy Commissioner as Chairman.

ATTESTED
Deputy Commissioner
Lakki Marwat

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- E. That respondent No: 03 has decided the matter one handedly in despotic manner without consulting the matter with Departmental Selection Committee.
- F. That before termination of applicant Dated: 16/01/2019, respondent No: 03 has not consulted the matter with Deputy Commissioner Lakki Marwat being competent authority and Chairman of Departmental Selection Committee. As such termination order Dated: 16/01/2019 of applicant is against the very spirit of the judgment of this Hon'ble court in writ petition 199-B/2016 decided on 28/02/2018. Because respondent No: 03 is not competent authority and only one member of Departmental Selection Committee amongst two others
- G. That as per advertisement dated 04.07.2015, the candidate must be the permanent resident of relevant District. But Assistant Director LGRRD Lakki Marwat has wrongly and illegally terminated the applicant from service in violation of clear direction of this Hon ble Court Judgment dated; 28.02.2018. In fact, respondent No; 3 wanted to adjust his blue eyed person.
- H. When the applicant is appointed as class-IV than why applicant has been posted in village council Abdul Khel. As the applicant belongs to, Lakki City therefore respondents were required to post the applicant in his own village council i.e Lakki City.
- I. The DSC recommended the names of 64 other candidates as class-IV employees but respondent No: 03 has not terminated other similarly placed employees.
- J. That the Assistant Director LGRRD Lakki Marwat has misconceived and misinterpreted the Judgment of Peshawar High Court, Bannu Bench dated 28.02.2018 as the merit position of the applicant has not been called in question by the Assistant Director LGRRD Lakki Marwat. At the same time, it is written in the advertisement dated: 04.07.2015, that preference shall be given to the candidate of concern Village Council which does not means that respondent No; 6 is entitled for appointment in place of applicant. As per merit, applicant is the top position holder therefore, applicant being resident of District Lakki Marwat has rightly been appointed. Therefore termination order dated 16.01.2019 Of applicant is illegal, unlawful and without lawful authority.
- K. That the procedure for appointments of Class-IV are regulated by the Khyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer) Rules, 1989 in which it is clearly mentioned that the Post of Class-IV is a District Cadre post which is to be filled / appointed throughout in the District irrespective of the fact that appointee belongs to one Village Council or the other. The only condition precedent is that the appointee must be the permanent resident of District where he belongs to. As such any policy whatsoever upon which the applicant's appointment order is terminated is only an Executive Order of the respondent Department which cannot override the statutory provision contained in the afore-said Rules of 1989 r/w Notification of 1978.
- L. That applicant has not been terminated according to (Efficiency and Discipline) Rules but applicant has been terminated because of the Judgment of this Hon'ble Court Judgment dated; 18.09.2018, therefore, applicant has come to this Hon'ble Court.
- M. That Local Government and Rural Development Department, Bannu Bench of Pakhtunkhwa Peshawar issued Notification dated: 03-12-2015 in which criteria laid down for Class-IV appointment is that he must be physically sound, preferably literate, about 18 to 40 years aged. There is no such condition / criteria for the appointment of Class-IV that he must be permanent resident of same village council. As such the reason given for termination of the applicant in the termination order dated 18.04.2018 is against the service rules dated 03.12.2015

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

Filed Today
02/10/19
Additional Registrar

Shahid

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(3)

of the Department. And ultimately the afore-said termination order is also against the very spirit of the Judgment dated 28.02.2018 of the Peshawar High Court, Bannu Bench. Copy of Service Rules / Notification dated: 03-12-2015 is attached as Annexure-II.

N. That applicant belongs to village Council Lakki-City and has been appointed in Village Council Abdul Khel District Lakki Marwat. Whereas there are 48 other Candidates (who have been appointed in response to the same advertisement dated 04.07.2015) who are similarly placed persons who belong to one Village Council but they have been appointed in other village Council (Like applicant) but no Show Cause Notice nor any termination order has been issued to them. As such the conduct of the Assistant Director LGRRD Lakki Marwat is contradictory in itself. Copy of appointment order of Wasiullah, affidavit dated: 06.08.2016 of Secretary Village Council Attrashi Machan Khel and Affidavit in respect of Rizwan Ullah are attached as Annexure-I.

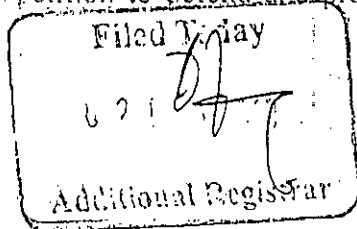
O. That applicant has been appointed as Naib Qasid according to rules, regulations and policy by the Departmental Selection Committee after due process of law. The Departmental Selection Committee has discussed the case of each appointee after consultation with the Deputy Commissioner Lakki Marwat and after thorough scrutiny of documents the applicant has been appointed as Class - IV along with 64 others. As such vested right has been accrued to the applicant for appointment and as such termination order dated: 16-01-2019 of applicant is illegal; unlawful and without lawful authority.

P. That after appointment on 15.03.2016, the applicant was rendered medically fit for service, the applicant assumed charge of his office and rendered services for about 03 years. The Master file and service book of applicant are also prepared. As such vested right has been accrued to the applicant for appointment. Therefore, if any irregularity whatsoever, has been committed by the Department in the procedure / process of appointment (which is not available on record), then for such irregularity the applicant should not be punished (In this respect guidance can be sought from Judgment of Supreme Court reported as 2009 SCMR page 663).

Q. That counsel for applicant may be allowed to raise additional grounds during the course of arguments.

ATTESTE

It is therefore most humbly prayed that on acceptance of instant civil miscellaneous application, under section 12(2) Civil Procedure Code, this Hon'ble Court may kindly be pleased to set aside the judgment dated: 18/09/2018 in writ petition 432-B/2018 being obtained by fraud, misrepresentation and in collusion with the official respondents and consequently declare null and void the termination order of applicant dated: 16/1/2019 and applicant be re-instated in service as class-iv employee with all service back benefits in order to meet the ends of justice. It is further prayed that applicant may kindly be given opportunity of hearing in the above mentioned writ petition to defend and protect his case and rights in the above mentioned writ



[Signature]

23 (5)
petition. Any other relief which deems fit and proper according to circumstances of the case may also be granted.

INTERIM RELIEF:


By way of interim relief, this Hon able Court may be pleased to restrain the official respondents to fill vacancy of class-iv in village council Abdul Khel District Lakki Marwar ~~_____~~ till final disposal of instant CM Application.

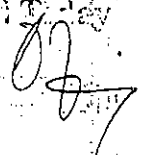
APPLICANT

U. G. M. S.
Through Counsel


SHAHID SALEEM MINA KHEL
ADVOCATES HIGH COURTS

ATTESTED


EXAMINER
Peshawar High Court
Banna Bench

Filed Today

Additional Registrar

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FORM "A"
FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
19.02.2019	<p><u>CM 12(2) No. 02-B/2019 in W.P. No. 432-B/2018.</u></p> <p><u>Present:</u></p> <p>Mr. Shahid Salim Mina Khel advocate for petitioner.</p> <p>*****</p> <p><u>SHAKEEL AHMAD, J.</u>--- Learned counsel for petitioner requested for withdrawal of the instant 12(2) petition with permission to file writ petition afresh, hence, the request is accede to and resultantly the instant 12(2) petition stands dismissed with permission to file a fresh writ petition, if so desired.</p> <p>Announced 19.02.2019. Sd/Justice Muhammad Nasir Mahfooz, J Sd/Justice Shakeel Ahmad, J</p> <p>VERIFIED TO BE TRUE COPY</p> <p>28/2/19</p> <p>Peshawar Bench Authorised under Article 87... The Qanun-e-Shahadat Order 1947</p> <p><i>Ali</i> <i>28/2/19</i></p> <p><i>Ahmad</i></p>

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1-4-19

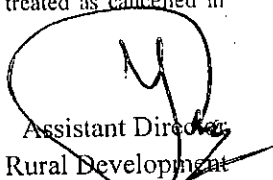
OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT: & RURAL DEVELOPMENT
DEPARTMENT, LAKKI MARWAT.

Dated April 1st, 2019.

OFFICE ORDER.

No. 6468-53/ In pursuance of the judgment of the Peshawar High Court Bannu Bench in Writ Petition No.432-B/2018, dated 18.09.2018 and judgment in similar Writ Petition No.970-B/2018 dated 19.03.2019, Mr. Ishfaquillah S/O Amanullah R/O Village Abdul Khel, Tehsil and District Lakki Marwat is hereby appointed as Naib Qasid in BPS-3 (Rs.9610-390-21310) against the vacant post in Village Council Abdul Khel, Tehsil & District Lakki Marwat with immediate effect in the best public interest with the following terms and conditions:-


1. His services will be governed by such rules and regulations as are in vogue and as may be issued by the from time to time.
2. His services will be liable to termination on one month notice in advance from either side, but in case of resignation without any notice, he will refund one month pay towards Govt.
3. He will be on probation of a period of one year extendable for a further period of 12 months and during this probationary period, he will not be entitled to apply for any long leave etc.
4. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period and in case of misconduct he will be proceeded against the Removal from Service (Special Powers) Ordinance, 2000 and the rules made from time to time.
5. He should report his arrival within 15 days after the receipt of this order for which he will not be entitled to any T.A./D.A. In case he is not willing to join his duty he will furnish his un-willingness on stamp paper.
6. His services are also liable to be terminated if any of his documents is found fake or altered at any later stage and that he will not be entitled to undergo any litigation.
7. The undersigned deserves the rights to amend or add any condition to his appointment order. His services will also be terminated in case his appointment is declared unlawful by the High Court or the apex court.
8. He is required to produce Health and Age Certificate from the Medical Superintendent DHQ Hospital, Lakki Marwat.
9. If the above conditions are acceptable to him, he should immediately communicate his willingness to this office and report for duty as already stated, failing which the appointment order shall be treated as cancelled in respect of the candidate.


Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat.

Even No. & Date.

Copy forwarded to:-

1. The Director General, Local Govt. & Rural Dev. Deptt. KPK, Peshawar.
 2. The Addl. Registrar, PHC Bannu Bench.
 3. The Nazim, District Govt. Lakki Marwat.
 4. The District Accounts Officer, Lakki Marwat.
 5. The Nazim, VC Abdul Khel, District Lakki Marwat.
 6. The official concerned.
- For information & necessary action.


Assistant Director
Local Govt. & Rural Development
Department, Lakki Marwat

Assistant Director
Local Govt. & Rural Development
Department, Lucknow



17/5/2019

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The report is submitted as directed please.

In pursuance of the decision of the PHC, Faizabad Bench dated 18.09.2018 on the subject case and decision in a similar writ petition No 970-B/2018 dated 19.03.2019 and directions contained in your letters under reference, the decision of the honorable Court has been implemented. The respondent candidate Mr. Moinul Hossain has been removed from service and the petitioner Mr. Ishfaqullah has been recruited.

Kindly refer to your office letter No. Director (I) (I) 3, T.C. (I) Cases/2019, dated 04.04.2019 and No. Director (I) (I) 3, T.C. (I) Cases/2019, dated 25.04.2019, on the subject noted above.

**APPLICATION REGARDING WRIT PETITION NO.32-B/2018
M. MOINUL HOSSAIN VERSUS GOVERNMENT ETC.**

The Assistant Director (Faizabad)
Local Govt. & Rural Development
Deptt. Faizabad, Faizabad, Faizabad

No. 6068
Dated 26/04/2019

OFFICE OF THE ASSISTANT DIRECTOR FOR
LOCAL GOVT. & RURAL DEVELOPMENT
DEPARTMENT, FAIZABAD

20-4-19

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Lakki

S#:1

P Sec:001 Month:May 2019
LK6171 -Asstt Director Local Govt
ASSISTANT DIRECTOR LOCAL

Pers #: 00783112 Buckle:
Name: MOMIN KHAN
NAIB QASID
CNIC No.1120158408227
GPF Interest Free
01 Active Temporary

NTN:
GPF #:
Old #:

LK6171 -

PAYS AND ALLOWANCES:

0001-Basic Pay	10,000.00
1000-House Rent Allowance	1,337.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1833-Integrated Allowance (2005)	450.00
2148-15% Adhoc Relief All-2013	240.00
2199-Adhoc Relief Allow @10%	152.00
2211-Adhoc Relief All 2016 10%	788.00
2224-Adhoc Relief All 2017 10%	1,000.00
Gross Pay and Allowances	18,252.00

DEDUCTIONS:

GPF Balance 20,696.00	Subrc:	770.00
3501-Benevolent Fund		300.00
4004-R. Benefits & Death Comp:		451.00

Total Deductions	1,521.00
	16,731.00

D.O.B
01.07.1978
03 Years 02 Months 005 Days

LFP Quota:
HABIB BANK LIMITED LAKKI MARWAT
11697900045303

33

S#:1
Lakki
Pers #: 00783112 Buckle:
Name: MOMIN KHAN
NAIB QASID
CNIC No.1120158408227
GPF Interest Free
01 Active Temporary

P Sec:001 Month:April 2019
LK6171 -Asstt Director Local Govt
ASSISTANT DIRECTOR LOCAL

NTN:
GPF #:
Old #:

LK6171

PAYS AND ALLOWANCES:

0001-Basic Pay	10,000.00
1000-House Rent Allowance	1,337.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1833-Integrated Allownce (2005)	450.00
2148-15% Adhoc Relief All-2013	240.00
2199-Adhoc Relief Allow @10%	152.00
2211-Adhoc Relief All 2016 10%	788.00
2224-Adhoc Relief All 2017 10%	1,000.00
Gross Pay and Allowances	18,252.00

DEDUCTIONS:

GPF Balance 19,926.00	Subrc: 770.00
3501-Benevolent Fund	300.00
4004-R. Benefits & Death Comp:	451.00

Total Deductions 1,521.00
16,731.00

D.O.B :
01.07.1978
03 Years 01 Months 004 Days

LFP Quota:
HABIB BANK LIMITED LAKKI MARWAT
11697900045303

34

Lakki

S#:1

Pers #: 00783112 Buckle:
Name: MOMIN KHAN
NAIB QASID
CNIC No.1120158408227
GPF Interest Free
01 Active Temporary

P Sec:001 Month:June 2019
LK6171 -Asstt Director Local Govt
ASSISTANT DIRECTOR LOCAL
NTN:
GPF #:
Old #:

LK6171

PAYS AND ALLOWANCES:

0001-Basic Pay	10,000.00
1000-House Rent Allowance	1,337.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1833-Integrated Allowance (2005)	450.00
2148-15% Adhoc Relief All-2013	240.00
2199-Adhoc Relief Allow @10%	152.00
2211-Adhoc Relief All 2016 10%	788.00
2224-Adhoc Relief All 2017 10%	1,000.00
Gross Pay and Allowances	18,252.00

DEDUCTIONS:

GPF Balance	21,466.00	Subrc:	770.00
3501-Benevolent Fund			300.00
4004-R. Benefits & Death Comp:			451.00

Total Deductions

1,521.00

16,731.00

D.O.B
01.07.1978
03 Years 03 Months 004 Days

LFP Quota:
HABIB BANK LIMITED LAKKI MARWAT
11697900045303

35

SH: 1
Lakki
Pers #: 00783112
Name: MOMIN KHAN
NAIB QASID
CNIC No. 1120158408227
GPF Interest Free
01 Active Temporary

P Sec:001 Month:June 2019
LK6171 -Asst Director Local Govt
ASSISTANT DIRECTOR LOCAL
NTN:
GPF #:
Old #:
LK6171

PAYS AND ALLOWANCES:	
0001-Basic Pay	10,000.00
1000-House Rent Allowance	1,337.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,804.00
1833-Integrated Allowance (2005)	450.00
2148-15% Adhoc Relief All-2015	240.00
2199-Adhoc Relief Allow. @10%	182.00
2211-Adhoc Relief All 2016 10%	788.00
2224-Adhoc Relief All 2017 10%	1,000.00
Gross Pay and Allowances	18,252.00
DEDUCTIONS:	
GPF Balance 21,466.00	
3501-Benevolent Fund	770.00
4004-R. Benefits & Death Comp:	300.00
	451.00
	Subrc:
	770.00
	300.00
	451.00

Total Deductions 1,521.00
16,731.00

D.O.B: 01.07.1978
03 Years 03 Months 004 Days

LFP Quota:
HABIB BANK LIMITED LAKKI MARWAT
11697900045303

SH: 2
Lakki
Pers #: 00783112
Name: MOMIN KHAN
NAIB QASID
CNIC No. 1120158408227
GPF Interest Free
01 Active Temporary

P Sec:001 Month:June 2019
LK6171 -Asst Director Local Govt
ASSISTANT DIRECTOR LOCAL
NTN:
GPF #:
Old #:
LK6171

PAYS AND ALLOWANCES:	
2247-Adhoc Relief All 2018 10%	1,000.00
DEDUCTIONS:	
GPF Balance 21,466.00	
	Subrc:
	1,000.00

Total Deductions 1,521.00
16,731.00

D.O.B: 01.07.1978
03 Years 03 Months 004 Days

LFP Quota:
HABIB BANK LIMITED LAKKI MARWAT
11697900045303

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بعد الت بجناب سرور ٹریڈنگ صوبہ کے بی کٹور

مورخ

امون خان بنام ڈاکٹر بکریہ عشرہ

دعویٰ رسیل

باعث شکریہ اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کٹور کے لئے سعید اللہ خان مروت ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا نمائند قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواہ مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

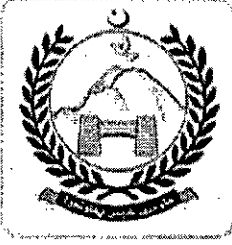
المرقوم ۱۸/۹/۱۹

العبد العبد العبد

امون خان

سعید اللہ خان مروت
ایڈووکیٹ

۱۸/۹/۱۹
الہ آباد



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 515 /ST

Dated: 22-2- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

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To

The Assistant Director Local Government & Rural Development,
Government of Khyber Pakhtunkhwa,
Lakki Marwat.

Subject: JUDGMENT IN APPEAL NO. 1225/2019 MR. MOMIN KHAN & 14 OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 27.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR