

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	26.04.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 1296/2015</p> <p>Date of Institution ... 16.11.2015 Date of Decision ... 26.04.2019</p> <p>Mr. Qasim Khan, Ex: Union Council Secretary (BPS-07), O/O the Assistant Director LG&RD Department, District Malakand</p> <p align="right">-----Appellant</p> <p>The Government of Khyber Pakhtunkhwa through Secretary Local Government and Rural Development, Department, Khyber Pakhtunkhwa, Peshawar.</p> <p align="right">-----Respondents</p> <p>Mr. Muhammad Hamid Mughal.....Member(J) Mr. Hussain Shah.....Member(E)</p> <p><u>JUDGMENT</u> <u>HUSSAIN SHAH, MEMBER (E):</u> - Learned counsel for the appellant and Mr. Muhammad Zia Ullah learned Deputy District Attorney for the respondents present.</p> <p>2. The appellant was initially appointed as Secretary Union Council (BPS-6) vide order dated 15.03.1979 and was granted move-over to (BPS-09) on 30.11.2000. That the appellant stood retired from service w.e.f 11.01.2015. That a regular post of Supervisor (BPS-09) was available in the year 2011 and appellant serving as Secretary Union Council (BPS-6), mover-over (BPS-09), was entitled to promotion against the said position as his name was reflected at serial No. 1 of the seniority list, as stood on 24. 03.2014, but the same was not granted to the appellant despite</p>

entitlement where against, he preferred departmental appeal on 23.07.2015 which was not responded and hence the instant service appeal on 19.11.2015.

3. The learned counsel for the appellant argued that the respondent department has not treated the appellant in accordance with the law and rules and has violated article 4 and 25 of the constitution of Islamic Republic of Pakistan, 1973. Further argued that the post of Supervisor lying vacant since 2011 but due to unjustifiable attitude of the department, the appellant, being the senior most employee in the LG&RD Department of District Malakand, was not granted antedated promotion which resulted into recurring losses in term of pension. He further referred to the section 7 and 8 of the Civil Servant Act 1973 and the rules made there under, according to which the appellant was fully entitled for antedated promotion w.e.f. the date of availability of vacancy and the date of the appellant fulfilling the requisite qualification for promotion in his quota. He pleaded the Tribunal to accept the appeal and direct the respondent department to consider the appellant for pro-forma promotion to the post of Supervisor (BPS-09) with retrospective effect i.e. 2011. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

4. The learned Deputy District Attorney argued on behalf of respondent department and stated that according to the final seniority list of the cadre to which the appellant belonged one Secretary Village Council Mr. Gul Nabi was senior most amongst

the secretary and hence was promoted to the post of Supervisor in District Malakand on the Departmental Promotion Committee meeting held on 13.04.2015 under the Chair persons ship of respondent No.2. He further argued that the seniority list annexed by the appellant to the memo of appeal was in fact tentative seniority list. He further sought the attention of the Tribunal to letter No. 1103/ADLG&RDD/MKD/ Seniority/Secretaries dated 24.06.2014 and explained that the appellant was at serial No.2 of the final seniority list while Mr. Gul Nabi was on a top of seniority list on the basis of Sub Para-D of Para 6 of the Surplus pool policy of the government. He also pointed out that the appellant did not challenged the final seniority list mentioned above. He pleaded that the appeal does not carry any merit, therefore, the appeal may be dismissed.



5. Arguments heard. File Perused.

6. The Tribunal examined the record on the file and arguments of both the parties. According to the service rules/criteria for promotion to the post of Supervisor in the respondent department 75% posts of the Supervisor in BPS-09 for reserved for promotion amongst the Secretaries Village Council on the basis of seniority-cum-fitness within the District concern in the province. The appellant has based his case for notional/pro-forma promotion on the basis of seniority position in the list annexed to the memo of appeal which was challenged/contested by the respondent department in his Para-wise comments and presented the final

seniority list prepared in the light of the decision taken in the joint staff meeting of all Assistant Directors LG&RD on the basis of their respective service record read with Sub Para-D of Para 6 of Surplus Pool Policy. According to the said list the appellant stood at serial No.2 in the District while Mr. Gul Nabi Secretary Village Council stood senior to the appellant in the District. As the promotion criteria/Service rules provides that the post of Supervisor should be filled on the basis of seniority-cum-fitness and the appellant was at serial No.2 of the said final seniority list hence he could not be promoted against the single vacant position of the Supervisor of the District had he been in service at the time of the DPC meeting.

7. In view of the above discussion the plea of the appellant does not carry any merit hence this Tribunal is of the view to dismiss the appeal. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(HUSSAIN SHAH)
MEMBER

ANNOUNCED

26.04.2019

25.01.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.04.2019 before D.B.



Member



Member

09.04.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 26.04.2019 before D.B



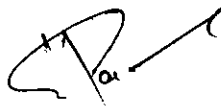
Member




Member

26.04.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member



(Hussain Shah)
Member

ANNOUNCED
26.04.2019

Service Appeal No. 1296/2015

03.09.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.10.2018 before D.B.



(M. Amin Khan Kundi)
Member



(M. Hamid Mughal)
Member

25.10.2018

Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up for same on 12.12.2018 before D.B




READER

12.12.2018

Nemo for appellant. Mr. Muhammad Riaz Painda Khel, Asstt. A.G alongwith Muhammad Farooq, Inspector (Legal) for the respondents present.

Noted for 25/01/2019

counsel. 
06/01/2019

On the last date the matter was adjourned through a Reader note on account of the Tribunal being incomplete.

Adjourned to 25.01.2019 for hearing before the D.B. Fresh notices be issued to appellant/counsel.




Member




Chairman

04.01.2018

Junior counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 07.03.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

07.03.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.04.2018 before D.B.


(Muhammad Hamid Mughal)
Member


(Muhammad Amin Khan Kundi)
Member


26.04.2018


Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is non functioned due to retirement of Hon'ble Chairman. Therefore the case is adjourn. To come up for the same on 09.07.2018.


READER

03.09.2018

Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

1296/2015

17.04.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Earlier the right of the respondents was struck off by this Tribunal vide order sheet dated 29.11.2016. But today learned Additional AG for respondents submitted application for giving the opportunity of defence. Learned counsel for the appellant has no objection, therefore, the order dated 29.11.2016 is set-aside. Written reply by respondents submitted today. To come up for rejoinder and arguments on 28.07.2017 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

28.07.2017

Clerk to counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for respondents present. Clerk to counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 03.11.2017 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

03.11.2017

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.01.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

29.11.2016

Counsel for the appellant and Assistant AG for respondents present. None present on behalf of respondents despite of extended numerous chances. Right of defense of respondents is struck off. No further opportunities shall be given to the respondents. The appeal is assigned to D.B for rejoinder and final hearing on 02.02.2017.



MEMBER

02.02.2017

Junior to counsel for the appellant and Addl. AG for respondents present. Junior to counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 17.04.2017 before D.B.



(ASHFAQUE TAJ)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

12.05.2016

Appellant in person and Addl: AG for respondents present. Written reply by respondents not submitted despite last opportunity. Requested for further time. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 500/- on 08.08.2016 before S.B.


Member

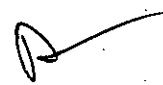
08.08.2016

Agent to counsel for the appellant and Mr. Noman, Assistant alongwith Additional AG for respondents present. Written reply not submitted by respondents despite extension of last opportunity. Cost of Rs. 500/- also not paid. Requested for further time. Last opportunity is further extended. To come up for written reply/comments on 28.09.2016 before S.B.


Member

28.09.2016

Counsel for the appellant and Mr. Bakhat Sher Khan, Assistant alongwith Addl: AG for respondents present. Written reply not submitted despite extension of last opportunity and cost of Rs. 500/-. Request for further adjournment. Another last opportunity is extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1000/- on 29.11.2016.


Member

Appellant Deposited
Security & Process Fee



26.11.2015

Counsel for the present. Learned counsel for the appellant argued that the appellant was initially appointed as Secretary Union Council (BPS-6) vide order dated 15.3.1979 and was granted move-over to BPS-9 on 30.11.2000. That the appellant stood retired from service on 31.12.2014. That a regular post of Supervisor BPS-9 was available in the year 2011 and appellant serving as Secretary Union Council BPS-6, move-over BPS-9, was entitled to promotion against the said position as his name was reflecting at serial No. 1 of the seniority list but the same was not granted to the appellant despite entitlement where against he preferred departmental appeal on 23.7.2015 which was not responded and hence the instant service appeal on 19.11.2015.

That the appellant is entitled to notional promotion from the date of availability of vacancy of Supervisor i.e year 2011 and entitled to pensionary benefits thereon.

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 22.3.2015 before S.B.


Chairman

22.03.2016



Appellant in person and Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 12.5.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1296/2015 _____


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.11.2015	<p>The appeal of Mr. Qasim Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Qasim Khan Ex-Union Council Secretary office of the Assistant Director LG&RDD Malakand received to-day i.e. on 16.11.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Copy of order attached with the appeal on page 27 is incomplete which may be completed.
- 3- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.

No. 1777 /S.T,

Dt. 16 / 11 /2015



to REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

That objection No. 1 has been removed, and in objection No. 2 the Page No. 27 may be treat as final page of annexure - F. That objection No. 3 has also been removed, hence the appeal may be put up before the bench.


19/11/2015.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1896 /2015

QASIM KHAN

VS

GOVT: OF KPK

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 4.
2.	Condonation application	5.
3.	Appointment order	A	6.
4.	Service book	B	7- 12.
5.	Seniority list	C	13- 15.
6.	Service rules	D	16- 18.
7.	Synopsis	E	19- 20.
8.	Budget book	F	21- 27.
9.	Retirement order	G	28.
10.	Promotion order	H	29.
11.	Departmental appeal	I	30- 31.
12.	Vakalat nama	32.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE HYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1296 /2015

H.W.F. Province
Service Tribunal
Diary No. 1359
dated 16-11-2015

Mr. Qasim Khan, Ex: Union Council Secretary (BPS-07),
O/O the Assistant Director LG&RD Department,
District Malakand **APPELLANT**

VERSUS

Ex-Parte

- 1- The Government of Khyber Pakhtunkhwa through Secretary Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General (LG&RD) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director Local Government & Rural Development Department, District Malakand.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE GRANT OF PRO-FORMA PROMTION/ NOTIONAL PROMTION TO THE POST OF SUPERVISOR (BPS-9) WITH RETROSPECTIVE EFFECT I.E. W.E.F. 2011 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the respondents may kindly be directed to consider the appellant for pro-forma promotion to the post of Supervisor (BPS-9) with retrospective effect i.e. 2011. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

1- That the appellant was appointed as secretary village Council (BPS-6) in the Department of LG&RDD vide order dated 15.3.1979. That after appointment as Secretary Village Council the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**

2- That during the course of service the pay of the appellant was fixed in BPS-07 by the concerned Department vide order dated 23.12.1996. That appellant has served the

Qasim Khan
16-11-15
Registrar

Department with all zeal and zest and was subsequently allowed move over to BPS-8 and 9 vide orders dated 20.12.1998 and 30.11.2000 respectively. Copy of the service book is attached as annexure **B.**

3- That according to the seniority list of Secretaries union councils of District Malakand the appellant is at serial No.1 of the said seniority list being senior most employee of the Local government and Rural Development Department. Copy of the seniority list is attached as annexure **C.**

4- That according to the service rules of LG&RDD 75 % quota has been reserved for promotion of Secretary to the post Supervisor (BPS09). That appellant being senior most amongst the Secretaries Union Councils of District Malakand requested for promotion to the post of Supervisor (BPS-9) to the concerned authority in light of the said quota reserved for promotion. Copy of the service Rules is attached as annexure **D.**

5- That it is very pertinent to mention that the said post of Supervisor (BPS-9) is vacant since 2011 which is fully reflected from the budget book of LG&RD Department and as such the appellant being senior most amongst his colleagues has fully entitled for promotion to the post of supervisor (BPS-09) w.e.f. 2011 but inspite of that the concerned authority did not promoted the appellant to the post of Supervisor BPS-9 and finally the appellant was retired from service on superannuation basis vide order dated 31.12.2014. Copies of the synopsis, budget book and retirement order are attached as annexure **E, F and G.**

6- That recently many junior colleagues have been awarded/ granted promotion to the post of supervisor vide Notification dated 20.5.2015 but the appellant inspite of seniority and eligibility has been ignored and was retired from service vide dated 31.12.2014. Copy of the promotion order is attached as annexure **H.**

7- That feeling aggrieved the appellant filed Departmental appeal but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **I.**

GROUNDS:

A- That not allowing/ granting pro forma promotion to the appellant to the post of supervisor with retrospective effect by

the respondents is against the law, facts and norms of natural justice.

- B-** That the respondent Department has not been treated by the respondents Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C-** That the respondent Department acted in arbitrary and malafide manner by not allowing/granting ante dated pro forma promotion to the appellant w.e.f. 2011.
- D-** That as the said post is lying vacant since 2011 which is fully reflected from the budget book of 2011 of the LG&RD Department and appellant being the senior most employ amongst his colleagues of LG&RD Department of District Malakand, therefore, the dictates of justice demands that such promotion should be made with retrospective effect.
- E-** That according to section 7 and 8 of the civil servant Act 1973 read with appointment, promotion and transfer rules 1989 the appellant is fully entitled for anti dated promotion with effect from 2011 will all back benefits.
- F-** That according to the Apex Court judgments the appellant is entitled to be promoted to the post of Supervisor (BPS-09) with retrospective effect i.e. w.e.f. 2011.
- G-** That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very kindly be accepted as prayed for.

APPELLANT



QASIM KHAN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2015

QASIM KHAN

VS

GOVT: OF KPK

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

H. Khan

QASIM KHAN

THROUGH:

[Signature]
NOOR MOHAMMAD KHATTAK
ADVOCATE

Dated Peshawar, the 15th March, 1979.

OFFICE ORDER

No. DG(RWP)2(11)/73 Vol-III. On the recommendation of the Departmental Selection Board, the following candidates are hereby appointed as Village Secretaries in the NFS-6(Rs.315-12-399/14-525) against the vacant posts subject to the production of Academic, Health & Age, Domicile and Character Certificates.

<u>S. No.</u>	<u>Name & Address.</u>	<u>Place of Posting.</u>
1-	Mr. Mohammad Amin S/o. Mohammad Afzal S/o. Vill: Ambar Teh: & P.O. Daggar District Swat.	Asstt: Director, Rural Development, Swat.
2-	Mr. Adalat Khan S/o. Said Rahim, Vill: Chanshah Teh: Alpuri Distt Swat.	-do-
3-	Mr. Inamul Haq of Malakand Agency.	-do-
4-	Mr. Qasim Khan S/o. Gul Fareen, Vill: & P.O. Agra, Teh: Malakand (Malakand)	-do-
5-	Mr. Izzat Khan S/o. Kirammat Khan, Vill Midan Kuzpelas Teh: Pattan, Distt: Kohistan.	Asstt: Director, Rural Development, Kohistan.

Their services are purely temporary and can be terminated at any time without any notice. In case, they desire to leave the jobs, they will either give 15 days notice or will deposit 15 days pay in lieu thereof. They will also be required to successfully complete a training course as and when arranged in due course of time.

They should report to the Assistant Directors, Rural Development of the concerned Districts for assigning of charge immediately.

Ejaz Rahim
(EJAZ RAHIM)
Director General,
Rural Development Department,
NWFP, Peshawar.

Handwritten mark

(contd on next page)

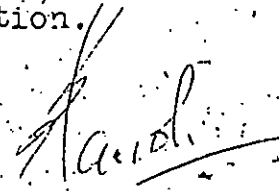
--:(2):-

No. DG(PWP)2(11)/73 Vol-III

Copy of the above forwarded to :-

- 1- The Deputy Director (Adm:) Directorate of Rural Development, N-W.F.P., Peshawar.
- 2- The Deputy Director (RWP) Directorate of Rural Development, N-W.F.P., Peshawar.
- 3- The Assistant Director, Rural Development, Swat.
- 4- The Assistant Director, Rural Development, Manshara/Kohistan.
- 5- The individuals concerned. ✓
- 6- Office Order File

For information & necessary action.



Asstt: Director (Adm:),
Rural Development Department, NWFP,
Peshawar.

Name DASIM KHAN

(نام)

Nationality and Religion Pakistan Muslim (ISLAM)

(قومیت اور مذہب)

Residence village P.O. Agra, Malakand Agency

(مستقل رہائش)

Father's name and residence Mr. Gul Feroze village and P.O. Agra Malakand Agency

(والد کا نام اور پتہ)

Date of birth by Christian era as nearly as can be ascertained 12-1-1955

(تاریخ پیدائش مطابق سن عیسوی)

Twelfth January one thousand nine hundred and fifty five.

Exact height by measurement 5-7

(قد و قامت)

Personal mark for identification _____

(نشان شناخت)

Wounded mark on right leg

Left hand/right hand thumb and finger impressions of (None-gazetted) officer:

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھنگیا)

Ring Finger (چھنگیا کے ساتھ کی انگلی)

Middle Finger (انگشت میاں)

Fore Finger (انگشت شہادت)

Thum (انگوٹھا)

Signature of Government servant [Signature]

(سرکاری ملازم کے دستخط)

Signature and designation of the Head of the Office, or other Attesting Officer _____

(تصدیق کنندہ افسر کے دستخط اور مہر)

ATTESTATION

[Signature]

Note:—The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے اندراجات کم از کم ہالچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر ۹-۱۰ میں دستخطوں کے تاریخ ہونی چاہیے۔ انگلیوں کے نشانات کیلئے ہر ہالچ سال کے بعد تصدیق کی ضرورت نہیں۔

1 Name of post ذریعہ ملازمت	2 Whether substantive or officiating, and whether permanent or temporary عارضی، مستقل یا قائم مقام	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II اگر عارضی ہے تو کیا وہ رول 3.20 مطابق پنشن کا مستحق ہے؟	4 Pay in substantive post تنخواہ بطور عارضی ملازمت	5 Additional pay for officiating زائد تنخواہ بطور قائم مقام	6 Other emoluments falling under the term "pay" ماسوائے تنخواہ دیگر الاصل	7 Date of appointment تاریخ تقرری	8 Signature of Government servant دستخط سرکاری ملازم
village seey Rs 315-12-399/15-5257-	off temp	-	RS. P. 315/-	RS. P. -	-	21 ³ / ₁₉₇₉	<i>[Signature]</i>
- do -	- do -	-	327/-	-	-	12 ¹² / ₇₉	<i>[Signature]</i>
- do -	- do -	-	327/-	-	-	-	<i>[Signature]</i>
seey. v/council in the pay scale of Rs. 315-12-399/14-5257	official / tempo	-	327/-	-	-	11 ¹¹ / ₁₉₈₀ (F.N)	<i>[Signature]</i>

ATTESTED

[Signature]


PROFORMA FOR FIXATION OF PAY UNDER THE BASIC PAY SCALE, 1983.

9

Name of Government Servant. Mr. Basim Khan
 Post held on 30.6.1983. village Secretary
 Department. Local Govt; & Rural Dev: Department.
 Existing Revised National Pay Scale No. Rs. 315-12-399/14-525-16-605
 Corresponding Basic Pay Scale, 1983 Scale No. 6 Scale. Rs. 540-20-940/=

- a) Pay fixation under the MD of stages formula.
- i) Basic pay in the Revised National Pay Scales on 30.6.83. 375/=
 - ii) No. of stages availed in the No. of revised National Pay Scale upto 30.6.83. 5 Nos
 - iii) Minimum of the corresponding Basic Scale 1983. Rs. 540/=
 - iv) No. of stages to be given in the Basic Pay Scale 1983 on 1.7.1983... No. 5 amount (20 x 5) = Rs. 100
 - v) Pay fixed in the Basic Pay Scale in 1983 on 1.7.1983 (Column No. iii & iv)..... Rs. 540 + 100 = Rs. 640/=
- b) Pay fixation under the 10% increase formula.
- i) Basic Pay on 30.6.1983. Rs. 375/=
 - ii) Dearness Allow: and Addl: DA Rs. 169/=
 Total:- Rs. 544/=
 - iii) 10% increa..... Rs. 54/=
 Total:- Rs. 598/=
 L.C.A..... 5%..... Rs. 18/75
 G/Total:- Rs. 616/75
 - Pay fixed in the Basic pay scale 1983 on 1.7.83. Rs. 640/=
- c) Date of next Increment 1.12.83 Rs. _____

Estt: Asstt/Accountant. Supdt:

ATTESTED


Assistant Director,
 Local Govt; & Rural Dev:
 Deptt: malakand Batkhela.

PROFORMA OF REVISED BASIC PAY SCALE 1987 VIDE GOVERNMENT OF PAKISTAN FINANCE DIVISION (REGULATION WING) NO. F.I/7. IMD-II/87 DATED 1-7-1987.

Name of Govt. Servant.....

Mr. Qasim Khan

Post held on 30.6.1987.

Village Secretary

Department,

LG & R.O.D. BTh.

Existing Basic Pay Scale.

540-20-940

Corresponding Revised Basic Pay Scale:-

725-28-1285

Basic Pay in Basic Pay Scale, 1987

Rs. 720/-

No. of stages availed

9 Nos

Basic Pay Scale, 1987

725-28-1285

Minimum of corresponding revised Basic Scale, 1987

Rs. 725/-

No. of stages to be given in Revised Basic Pay Scale 1987 on 1.7.87

No. 4 amount. 952 + 725 = Rs. 977/-

fixed in revised Basic Pay Scale 1987

977/-

of Next Increment.....

1-12-1987

84
1000
2-95
x
✓

725-28-1285 (B-4)
1-7-1987
1-12-1987


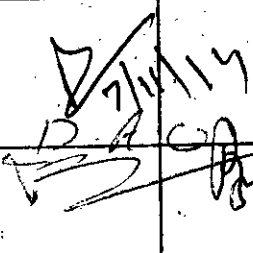
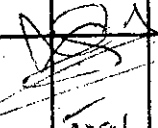
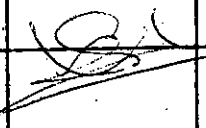
ASSISTANT DIRECTOR,
LOCAL GOVT: & RURAL DEV: DEPTT:
MALAKAND AT BATHHELA.

[Handwritten signatures and initials]

Depu
-1-87

9	10	11	12	13		14	15		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8				Leave		Reference to any recorded punishment or censure, or reward or praise of the Government Servant.			
Date of termination of appointment				Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer			
Reason of termination (such as promotion, transfer, dismissal, etc).				Nature and duration of leave taken	Period	Government to which debitable			
<p>30/11/2000</p> <p><i>[Signature]</i> DIRECTOR, Local Government And Rural Dev. Department, Malabar District</p>				<p>Allowed leave from 1-12-2000 from BPS-8 to BPS-9 vide affidavit no. dt Main ANS/DBD</p>		<p><i>[Signature]</i> ASSISTANT DIRECTOR, Local Government - And Rural Dev. Department, Malabar District</p>			
<p>Annual increment granted on 1/12/2001</p>				<p>Service verified from 1-12-99 to 30/11/2000 from the above copies of pay bills and other relevant records.</p>		<p><i>[Signature]</i> ASSISTANT DIRECTOR, Local Government And Rural Dev. Department, Malabar District</p>			
<p>Service verified w.e.f. 1/12/2000 to 30/6/2001 from pay bill records of the office.</p>				<p><i>[Signature]</i> Assistant Director, CS (R) Malabar District</p>		<p>7/204 7/1/01 Pn BPS 8 to BPS 9</p>			
<p>Service verified w.e.f. 1/7/2001 to 30/11/2001 (AN) from pay bill records of the office.</p>				<p><i>[Signature]</i> Officer</p>		<p>Advised as Secretary, UIC Scherlot-Preper vide office order no 1625-1727/ D/O (M) (CS) dt 20/9/2001</p>			
<p>Pay fixed in the Revised Basic pay scale, 2001. Rs 4470/- PM.</p>				<p><i>[Signature]</i></p>		<p><i>[Signature]</i></p>			

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Governor serv
Secretary, U Council BPS: No. 6 (19160-110-5460) Qasim Khan Secy,			64580/10m			1/12/02	
—do—		919/Pant	64690/			1/12/03	
—do—							
—do—			4900/			1/12/04	
New pay scale: 6(2485-125-6235)							
Secretary Union Council		919/P	5485/	✓		1/7/05	
—do—		—do—	5610/			1/12/05	
—do—		—do—	5735/	✓		1/12/05	
5485/6		Office of The Accountant General N.W.F.P. Peshawar Pay Fixed in The Revised Basic Pay Scales 2005 OF RS 2485-125-6235 AT RS 5485 P.M.W.E.N. 5735 With Next increment on					
		Accounts Officer Pay Fixation Party N.W.F.P. Peshawar					
		Revised BPS-6(2860-145-7210)					
		Pay fixed	6630/	✓		1/12/07	

9 Hand Designation of the office attesting officer (Sections 1 to 8)	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government			
					Period			Government to which debtible
					1453 6/11			
					Drawn arrears of W.C.F. 30/05/2014 to 31/10/2014 RSI- 2288/-			
						 7/11/14 D.A. G.P. 6/11		
					Service from 1.12.2013 to 30.11.2014 verified from The office copies of pay bill and other relevant record and found correct			
								
					1291 9/11/14 drawn arrears of P.P. @ 2204 PM 2 wof 1-12-2014 to 31-11-14 464/2			
					Service from 1-12-2014 to 11-1-2015 verified from The office copies of pay bills and found correct.			
								

Mr. Chabim Khan village
Secretary has retired from service
on superannuation with effect
from 11-1-2015 (AN) with full
pensionary benefits, vide order
No. 1674/PAD/LB+RDP/MW dated 3-12-2014.

15

16	Fazal Wahid	Village Secretary	F.A	Malakand	01-04-69	20-01-90	21-09-01	7	Middle Batkhela	JC PA office MKD Sec UC w.e.f 21-09-2001
17	Muhammad Naeem	Village Secretary	F.A	Malakand	01-05-69	01-09-94	21-09-01	7	Khār	JC PA office MKD, Adj as Sec UC w.e.f 21-09-2001
18	Ghani Akbar	Village Secretary	B.A	Malakand	25-01-64	12-09-92	30-09-01	7	Badraga	W/T C&W Deptt. Adj as Sec UC w.e.f 01-10-2001
19	Ismail Khan	Village Secretary	F.A	Malakand	10-04-68	12-09-92	01-10-01	7	Totakan	do
20	Muhammad Tariq	Village Secretary	F.A	Malakand	02-02-72	12-07-94	01-10-01	7	Wartiar	JC PA office MKD Adj as Sec UC 01-10-2001
21	Fazal Mehmood	Village Secretary	F.A	Malakand	01-04-75	03-09-95	01-10-01	7	Malakand	JC PA office MKD Adj as Sec UC 01-10-2001
22	Hazrat Muhammad	Village Secretary	M.A	Malakand	11-11-57	15-05-86	01-11-01	7	Koper	JC PA office MKD Adj as Sec UC 01-11-2001
23	Sohail Muhammad	Village Secretary	F.A	Malakand	05-03-69	20-06-91	30-11-01	7	Dheri	JC Coop Adj as Sec w.e.f 30-11-2001
24	Muhammad Wahid	Village Secretary	F.A	Malakand	16-02-72	11-07-91	30-11-01	7	Pali	NQ/JC PA office MKD Adj as Sec UC w.e.f 30-11-2001
25	Ayan Ullah	Village Secretary	M.A	Malakand	15-02-72	02-06-96	01-12-01	7	Kot	W/T C&W Deptt. Adj as Sec UC w.e.f 01-12-2001
26	Shoukat Ali	Village Secretary	F.A	Malakand	30-12-64	09-08-93	09-07-02	7	Alladand	JC PA office MKD Adj as Sec UC 09-07-2002
27	Sajad Ali	Village Secretary	F.A	Malakand	24-05-86	23-06-07	23-06-07	7	Sakhakot Bandajat	
28	Muhammad Akbar	Village Secretary	F.A	Malakand	28-03-61	07-06-79	01-07-08	7	Sali Paty	AAR Pesh. JC 06/79, SC 11/79 Sec UC w.e.f 01-07-2008

Assistant Director LG&RDD,
Malakand

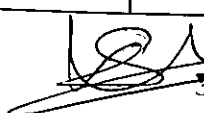
o/c

point out that
most secretari

from letter

FINAL SENIORITY LIST IN R/O SECRETARIES UNION COUNCILS DISTRICT MALAKAND AS STOOD ON 31-12-2014

Name	Designation	Qualification	Demicile	Date of Birth	Date of Appointment	Date of Adjustment	Scale	Name of Union Council	Remarks	Signature
1 Qasim Khan	Village Secretary	Matric	Malakand	12-01-55	21-03-79	01-07-01	7	Sakhakot Khas		
2 Inam Ul Haq	Village Secretary	Matric	Malakand	13-10-55	22-03-79	01-07-01	7	Upper Batkhela		
3 Fazal Jamil	Village Secretary	Matric	Malakand	01-03-57	01-07-79	01-07-01	7	Agra		
4 Gul Nabi	Village Secretary	B.A	Malakand	15-09-58	01-01-76	01-07-01	7	Kharkai	W.e.f 1-01-01-1976 to 21-05-1991 Sc to 31-03-2001 Accountant then UC Sec	
5 Muhammad Parveez	Village Secretary	F.A	Malakand	15-11-58	11-11-80	01-07-01	7	Sakhakot Jadeed		
6 Iqbal Hussain	Village Secretary	Matric	Malakand	06-01-61	27-06-82	01-07-01	7	Middle Batkhela	JC 06-82, SC 01-96 Sec 01-07-2001	
7 Muhammad Qayum	Village Secretary	B.A	Malakand	12-01-62	07-04-84	01-07-01	7	Pir khail		
8 Muhammad Israr	Village Secretary	B.A	Malakand	14-04-60	20-09-84	01-07-01	7	Thana Jeeded		
9 Muhammad Alamgir	Village Secretary	B.A	Malakand	14-03-60	03-01-85	01-07-01	7	Thana Khas		
10 Naiz Muhammad	Village Secretary	B.A	Malakand	20-05-62	23-01-85	01-07-01	7	Ghari Usmani Khail		
11 Muhammad Ibrahim	Village Secretary	F.A	Malakand	18-02-63	05-05-88	01-07-01	7	Hero Shah		
12 Ghulam Shahid	Village Secretary	F.A	Malakand	01-02-62	23-04-90	01-07-01	7	Thana Bandajat		
13 Fazal Hussain	Village Secretary	Matric	Malakand	04-04-70	16-01-96	01-07-01	7	Meherdi		
14 Amir Gul	Village Secretary	Matric	Malakand	17-02-56	01-05-80	01-07-01	7	Dargai	NQ/JC (PA MKD) Sec W.e.f 01-07-2001	
15 Shah Uddin	Village Secretary	Matric	Malakand	15-02-55	13-11-85	21-09-01	7	Dheri Julagram	Adj form A.A.E Office as Sec UC w.e.f 21-09-01	

o/c 
 District Director
 Malakand District
 Malakand

ATTACHED

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

Copy of the above forwarded to the:-

1. All Administrative Secretaries to Govt. of N.W.F.P.
2. All Divisional Commissioners in N.W.F.P.
3. Secretary to Governor, N.W.F.P.
4. Secretary, Public Service Commission, N.W.F.P.
5. All Heads of attached Departments in N.W.F.P.
6. All Deputy Commissioners/Deputy District Officers in N.W.F.P.
7. All District and Session Judges in N.W.F.P.
8. Registrar, Peshawar High Court Peshawar.
9. Deputy Secretary-II, I S.G.D.
10. All Section Officers in S.G.D.
11. Section Officer (Legis) Government of N.W.F.P., New Delhi with reference to his H.O. No. Reg. 1(4)76/452, dated 8th October, 1978.
12. Section Officer (Income) Govt. of N.W.F.P., ISSGAD with reference to his letter No. 503-III (S.G.D) 4-6/75, dated 28th July, 1978.
13. The Manager, Govt. Printing Press, Peshawar for publication in the next Govt. Gazette.
14. 30 copies of the notification may be sent to this Deputy Director (PWP), Rural Development, N.W.F.P. for information with reference to CO-Services-111 ISSGAD No. 503-III (S.G.D) 4-6/75.

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

SECTION OFFICER (GENERAL ADMINISTRATION)
RURAL DEVELOPMENT DEPARTMENT
N.W.F.P.

5/16/78

M. K. S.

SA/- (M. K. S. KHAN)
Secretary to Govt. of N.W.F.P.
Local Govt., Cooperation,
Social Welfare, Tourism and
Rural Development Department.

Department specified in column 2 of the said appendix.

shall be applicable to posts borne on the Rural Development specified in column 3 to 6 of the appendix to this notification, which down the method of appointment, qualifications and other conditions the Finance Department, the Local Government Cooperation, Social Welfare, Tourism and Rural Development Department is pleased to lay the information, services and general administration Department and merit, promotion and transfer) rules, 1953, and in connection with of clause 3 of the North-West Frontier Province Civil Service (Appointment, Promotion and Transfer) Rules, 1953, in exercise of the powers conferred by sub-rule (2) of clause 3 of the North-West Frontier Province Civil Service (Appointment, Promotion and Transfer) Rules, 1953, and in connection 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.

NOTIFICATION

Dated Peshawar the 26th January, 1978.

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

with attached two pa

D-16

3. IONAL Degree in Engineering or equivalent
SSTT: qualification from a recognised
University.

ADENT:

Degree from a recognised university.

LEERS. a) Matriculation or equivalent
(ALL) qualification from a recognised
Board and
b) Speed of 100 words per minute in
Shorthand in English and 40 words
per minute in typing.

Diploma in Engineering from a
recognised Institutes.

Degree from a recognised University.

LEORS. 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.

4. Not less than 21 years and not more than 30 years.
5. i) 75% by initial recruitment and
ii) 25% by selection on merit with due regard
seniority from amongst holders of the posts
of Overseers.

By selection on merit with due regard to
seniority from amongst holders of the posts of
Asst. Ss./Accountants/Senior Stenographers/
Senior Auditors with at least five years
experience as such.

Not less than 21 years and not more than 25 years.
6. i) 25% by initial recruitment and
ii) 75% by selection on merit with due regard
seniority from amongst holders of the posts
of Junior Auditors with at least
with at least five years service as such.


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
seniority from amongst holders of the posts
Stenographers (Junior Scale).

Not less than 21 years and not more than 25 years.
By initial recruitment.

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
seniority from amongst holders of the posts
of Vill. Seos. in the Dept. with at least
years experience as such.

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 Dept.
at least (3) years service as such.

No.	Recruitment.	for promotion.	Initial recruitment.	6.
1.	2.	3.	4.	5.
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 Agriculture, Animal Husbandry Education, Social Welfare, Planning & Dev: or Forest in Grade-16 or above.	Not less than 30 years and not more than 40 year.	30 i) 25% by initial recruitment, and 75% on merit with due regard to seniority amongst the holders of the posts of Directors, Rural Development (including defunct Basic Democracies Deptt:), Managers & Progress Officers, with 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.	21 i) 50% by initial recruitment and ii) 50% by selection on merit with due seniority from amongst holders of Development Officers and Sub-Divis (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.	21 i) 50% by initial recruitment, and ii) 50% by selection on merit with due seniority holders of posts Superin the Deptt: with a least three year 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.	21 i) 50% by initial recruitment, and ii) 50% by selection on merit with due seniority from amongst holders of or Supervisors in the Deptt: with ten years service. Note:- Service in defunct Vill: Mid Deptt: the purpose of service under this treated as service in the Department

Attested

 M. A. KHAN (GENERAL)
 LOCAL GOVERNMENT RELATIONS AND
 RURAL DEVELOPMENT DEPTT:
 P. M. F. O.

ATTESTED



18

- 3 :-

- | | | | | |
|---|---|----|--|--|
| 2. | 3. | 4. | 5. | 6. |
| 12. <u>STENOGRAPHER (JUNIOR SCALE).</u> | 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. | - | Not less than 18 years and not more than 25 years. | i) 50% by initial recruitments and
ii) 50% by selection on merit with due regard to seniority from amongst holders of the posts of Steno-typists in the Department. |
| 13. <u>STENO-TYPISTS.</u> | 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. | - | 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. |
| 14. <u>JUNIOR AUDITOR.</u> | Matriculation or equivalent qualification from a recognised Board. | - | Not less than 18 years and not more than 25 years. | By initial recruitment. |
| 15. <u>SENIOR CLERKS.</u> | | - | | 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. |
| 16. <u>VILLAGE SECRETARIES.</u> | Intermediate from a recognised Board. | - | Not less than 18 years and not more than 25 years. | By initial recruitment. |
| 17. <u>JUNIOR CLERKS.</u> | Matriculation or equivalent qualification from a recognised Board. | - | 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 Deftaries and peons in the Deptt. who have the minimum qualifications prescribed for initial recruitment. |

ATTESTED

Attested
[Signature]
05/6/07

mmmm

[Signature]

E-19



OFFICE OF THE ASSISTANT DIRECTOR LG&RDD MALAKAND

SYNOPSIS OF THE ACR FORMS IN R/O FIVE SENIOR MOST SECRETARIES OF UC's, DISTRICT MALAKAND W.E.F. (01-01-2009 to 31-12-2013):


S.No.	Name of Secretary UC	Year of service rendered	Overall Grading	Adverse Remarks (if any)
1	Gul Nabi	1. 01-01-2009 to 31-12-2009	Very Good	Null
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-01-2013 to 31-12-2013	Very Good	
2	Iqbal Hussein	1. 01-01-2009 to 31-12-2009	V.Good	Null
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-2013 to 31-12-2013	Very Good	
3	Qasim Khan	1. 01-01-2009 to 31-12-2009	V.Good	Null
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011		
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-2013 to 31-12-2013	Very Good	

ATTESTED

[Handwritten signature]

191

4	Inamul Haque	1. 01-01-2009 to 31-12-2009	V.Good	Null
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-01-2013 to 31-12-2013	Very Good	
5	Qazi Jamil	1. 01-01-2009 to 31-12-2009	V.Good	Null
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-01-2013 to 31-12-2013	Very Good	


 Assistant Director
 LG&RDD, Malakand

ATTESTED



ATTESTED



F-(21)
B-(20)

MD21C22 (17)
LOCAL GOVERNMENT DEPARTMENT

062206 ADMINISTRATION

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2011-2012	2012-2013	2011-2012	2011-2012	2012-2013
			Rs	Rs	Rs
06 HOUSING AND COMMUNITY AMENITIES					
062 COMMUNITY DEVELOPMENT					
0622 RURAL DEVELOPMENT					
062206 ADMINISTRATION					
MD6179 ASSISTANT DIRECTOR LOCAL GOVT. & RDD					
A01 TOTAL EMPLOYEES RELATED EXPENSES.					1,719,000
A011 TOTAL PAY		8			746,400
A011-1 TOTAL PAY OF OFFICERS		2			312,000
✓ A01101 Total Basic Pay Of Officer ✓		2			312,000 ✓
A079 Assistant Director (BPS-17)		1			192,000
P085 Progress Officer (BPS-16)		1			120,000
✓ A011-2 TOTAL PAY OF OTHER STAFF ✓		6			434,400 ✓
A01151 Total Basic Pay Other Staff		6			434,400
A057 Assistant (BPS-14)		1			96,000
C082 Computer Operator (BPS-12)		1			84,000
S152 Supervisor (BPS-09)		1			74,400
D112 Driver (BPS-04)		1			62,400
C057 Chowkidar (BPS-01)		1			58,800
N005 Naib Qasid (BPS-01)		1			58,800
✓ A012 TOTAL ALLOWANCES					972,600 ✓
A012-1 TOTAL REGULAR ALLOWANCES					972,600
A01202 House Rent Allowance ✓					223,920 ✓
A01203 Conveyance Allowance ✓					144,720 ✓
A0120X Adhoc Allowance - 2010 ✓					373,200 ✓
A01217 Medical Allowance ✓					118,800 ✓
A0121A Ad - hoc Allowance - 2011 ✓					111,960 ✓
A03 TOTAL OPERATING EXPENSES					227,000
A032 TOTAL COMMUNICATIONS ✓					15,000 ✓
A03201 Postage and Telegraph ✓					5,000 ✓

ATTESTED

M

F-21

MD21C22 (17)
LOCAL GOVERNMENT DEPARTMENT

062206 ADMINISTRATION		NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		2011-2012	2012-2013	2011-2012	2011-2012	2012-2013
				Rs	Rs	Rs
06	HOUSING AND COMMUNITY AMENITIES					
062	COMMUNITY DEVELOPMENT					
0622	RURAL DEVELOPMENT					
062206	ADMINISTRATION					
MD6179	ASSISTANT DIRECTOR LOCAL GOVT. & RDD					10,000 ✓
A03202	Telephone and Trunk Call ✓					120,000 ✓
A033	TOTAL UTILITIES					50,000 ✓
A03301	Gas ✓					70,000 ✓
A03303	Electricity ✓					70,000 ✓
001	Electricity					50,000 ✓
A034	TOTAL OCCUPANCY COSTS					50,000 ✓
A03402	Rent for Office Building ✓					18,000 ✓
A038	TOTAL TRAVEL & TRANSPORTATION ✓					15,000 ✓
A03805	Travelling Allowance ✓					15,000 ✓
001	Travelling Allowance ✓					3,000 ✓
A03808	Conveyance Charges ✓					24,000 ✓
A039	TOTAL GENERAL ✓					5,000 ✓
A03901	Stationery ✓					5,000 ✓
001	Stationery Charges					3,000 ✓
A03902	Printing and Publication ✓					1,000 ✓
A03906	Uniforms and Protective Clothing ✓					10,000 ✓
A03907	Advertising & Publicity ✓					10,000 ✓
001	Advertising and Publicity					5,000 ✓
A03970	Others ✓					5,000 ✓
002	Other Contingencies					75,000 ✓
A09	TOTAL PHYSICAL ASSETS ✓					50,000 ✓
A096	TOTAL PURCHASE OF PLANT & MACHINERY ✓					50,000 ✓
A09601	Plant and Machinery ✓					50,000 ✓
001	Plant and Machinery					50,000 ✓

22

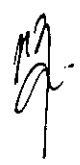
430

MD21C22 (17)
LOCAL GOVERNMENT DEPARTMENT

062206 ADMINISTRATION

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2011-2012	2012-2013	2011-2012	2011-2012	2012-2013
			Rs	Rs	Rs
06 HOUSING AND COMMUNITY AMENITIES					
062 COMMUNITY DEVELOPMENT					
0622 RURAL DEVELOPMENT					
062206 ADMINISTRATION					
MD6179 ASSISTANT DIRECTOR LOCAL GOVT. & RDD					
A097 TOTAL PURCHASE FURNITURE & FIXTURE					25,000
✓ A09701 Furniture and Fixtures					25,000
001 Furniture & Fixture					25,000
A13 TOTAL REPAIRS AND MAINTENANCE					2,000
✓ A131 TOTAL MACHINERY AND EQUIPMENT					1,000
A13101 Machinery and Equipment					1,000
001 Machinery and Equipment					1,000
A132 TOTAL FURNITURE AND FIXTURE					1,000
✓ A13201 Furniture and Fixture					1,000
ASSISTANT DIRECTOR LOCAL GOVT. & RDD					2,023,000

ATTESTED



5
5
TAX

2013/14

NC21022 (017)
LOCAL GOVERNMENT DEPARTMENT

011108 LOCAL AUTHORITY ADMIN. & REGULATION

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2013-2014	BUDGET ESTIMATES 2013-2014	RELEASED 2013-2014
		Rs	Rs	Rs
01	GENERAL-PUBLIC SERVICE			
011	EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL			
0111	EXECUTIVE AND LEGISLATIVE ORGANS			
011108	LOCAL AUTHORITY ADMIN. & REGULATION			
MD7023	Assistant Director Local Govt. Department Malakand			
			15,680,200	15,680,200
A01	TOTAL EMPLOYEES RELATED EXPENSES.			
		64	8,955,400	8,955,400
A011	TOTAL PAY			
		2	358,800	358,800
A011-1	TOTAL PAY OF OFFICERS			
		2	358,800	358,800
A01101	Total Basic Pay Of Officer			
		1	220,800	220,800
A079	Assistant Director (BPS-17)	1	138,000	138,000
P085	Progress Officer (BPS-16)	1		
		62	8,596,600	8,596,600
A011-2	TOTAL PAY OF OTHER STAFF			
		62	8,596,600	8,596,600
A01151	Total Basic Pay Other Staff			
		1	110,400	110,400
A057	Assistant (BPS-14)	1	96,600	96,600
C082	Computer Operator (BPS-12)	1	85,600	85,600
S152	Supervisor (BPS-09)	1		
		28	5,750,000	5,750,000
V012	Village Secretary (BPS-07)			
		1	71,800	71,800
D112	Driver (BPS-04)			
		1	67,600	67,600
C057	Chowkidar (BPS-01)			
		29	2,414,600	2,414,600
			6,724,800	6,724,800
A012	TOTAL ALLOWANCES			
			6,724,800	6,724,800
A012-1	TOTAL REGULAR ALLOWANCES			
			870,000	870,000
A01202	House Rent Allowance		1,457,960	1,457,960
A01203	Conveyance Allowance		1,200	1,200
A01207	Washing Allowance		1,200	1,200
A01208	Dress Allowance		104,400	104,400
A0120D	Integrated Allowance		1,321,100	1,321,100
A0120X	Adhoc Allowance - 2010		772,700	772,700
A01217	Medical Allowance		396,240	396,240
A0121A	Ad - hoc Allowance - 2011			

ATTESTED

NC21022 (017)
LOCAL GOVERNMENT DEPARTMENT

(24) 

LOCAL AUTHORITY ADMIN. & REGULATION

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS 2013-2014	BUDGET	RELEASED
		ESTIMATES 2013-2014	2013-2014
	Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE			
011 EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL			
0111 EXECUTIVE AND LEGISLATIVE ORGANS			
011108 LOCAL AUTHORITY ADMIN. & REGULATION			
MD7023 Assistant Director Local Govt. Department Malakand			
A0121M Adhoc Relief Allowance - 2012		1,800,000	1,800,000
A03 TOTAL OPERATING EXPENSES		<u>256,600</u>	<u>198,300</u>
A032 TOTAL COMMUNICATIONS		<u>16,200</u>	<u>8,100</u>
A03201 Postage and Telegraph		5,400	2,700
A03202 Telephone and Trunk Call		10,800	5,400
A033 TOTAL UTILITIES		<u>144,900</u>	<u>136,850</u>
A03301 Gas		64,400	64,400
A03303 Electricity		80,500	72,450
001 Electricity		80,500	72,450
A034 TOTAL OCCUPANCY COSTS		<u>50,000</u>	<u>25,000</u>
A03402 Rent for Office Building		50,000	25,000
A038 TOTAL TRAVEL & TRANSPORTATION		<u>20,100</u>	<u>10,050</u>
A03805 Travelling Allowance		16,800	8,400
001 Travelling Allowance		16,800	8,400
A03808 Conveyance Charges		3,300	1,650
A039 TOTAL GENERAL		<u>25,400</u>	<u>18,300</u>
A03901 Stationery		5,000	2,500
A03902 Printing and Publication		3,200	1,600
A03906 Uniforms and Protective Clothing		1,000	500
A03907 Advertising & Publicity		11,200	11,200
001 Advertising and Publicity		11,200	11,200
A03970 Others		5,000	2,500
001 Others		5,000	2,500
A09 TOTAL PHYSICAL ASSETS		<u>2,000</u>	<u>1,000</u>

ATTESTED

M

East
Budget Officer-KI
Govt. of Khyber Pakhtunkhwa
Finance Department

(25)

(3)

NC21022 (017)
LOCAL GOVERNMENT DEPARTMENT

011108 LOCAL AUTHORITY ADMIN. & REGULATION			
FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS 2013-2014	BUDGET ESTIMATES 2013-2014	RELEASED 2013-2014
	Rs	Rs	Rs
01 GENERAL PUBLIC SERVICE			
011 EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL			
0111 EXECUTIVE AND LEGISLATIVE ORGANS			
011108 LOCAL AUTHORITY ADMIN. & REGULATION			
MD7023 Assistant Director Local Govt. Department Malakand			
A096 TOTAL PURCHASE OF PLANT & MACHINERY		1,000	500
A09601 Plant and Machinery		1,000	500
001 Plant and Machinery		1,000	500
A097 TOTAL PURCHASE FURNITURE & FIXTURE		1,000	500
A09701 Furniture and fixtures		1,000	500
001 Furniture & Fixture		1,000	500
A13 TOTAL REPAIRS AND MAINTENANCE		2,200	1,100
A131 TOTAL MACHINERY AND EQUIPMENT		1,100	550
A13101 Machinery and Equipment		1,100	550
001 Machinery and Equipment		1,100	550
A132 TOTAL FURNITURE AND FIXTURE		1,100	550
A13201 Furniture and Fixture		1,100	550
Assistant Director Local Govt. Department Malakand		15,941,000	15,880,600

ATTESTED

[Signature]

[Signature]
Budget Officer-XI
Govt. of Khyber Pakhtunkhwa
Finance Dept.

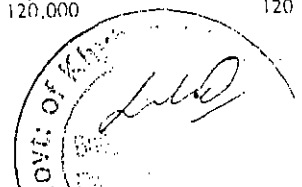
NC21022 (017)
LOCAL GOVERNMENT DEPARTMENT

011108 LOCAL AUTHORITY ADMIN. & REGULATION

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2014-2015	BUDGET ESTIMATES 2014-2015	RELEASED 2014-2015
			Rs	Rs	Rs
01	GENERAL PUBLIC SERVICE				
011	EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL				
0111	EXECUTIVE AND LEGISLATIVE ORGANS				
011108	LOCAL AUTHORITY ADMIN. & REGULATION				
MD7023	Assistant Director Local Govt. Department Malakand				
A01	TOTAL EMPLOYEES RELATED EXPENSES.			<u>38,515,000</u>	<u>38,515,000</u>
A011	TOTAL PAY		<u>175</u>	<u>16,331,000</u>	<u>16,331,000</u>
A011-1	TOTAL PAY OF OFFICERS		<u>4</u>	<u>727,000</u>	<u>727,000</u>
A01101	Total Basic Pay Of Officer		<u>4</u>	<u>727,000</u>	<u>727,000</u>
A079	Assistant Director	(BPS-17)	1	250,000	250,000
A099	Assistant Engineer	(BPS-17)	1	202,000	202,000
A057	Assistant	(BPS-16)	1	135,000	135,000
P085	Progress Officer	(BPS-16)	1	140,000	140,000
A011-2	TOTAL PAY OF OTHER STAFF		<u>171</u>	<u>15,604,000</u>	<u>15,604,000</u>
A01151	Total Basic Pay Other Staff		<u>171</u>	<u>15,576,000</u>	<u>15,576,000</u>
C082	Computer Operator	(BPS-12)	1	99,000	99,000
S136	Sub Engineer	(BPS-11)	2	169,000	169,000
S152	Supervisor	(BPS-09)	1	91,000	91,000
V012	Village Secretary	(BPS-07)	82	9,458,000	9,458,000
D112	Driver	(BPS-04)	1	74,600	74,600
C057	Chowkidar	(BPS-01)	1	69,400	69,400
N005	Naib Qasid	(BPS-01)	83	5,615,000	5,615,000
A01152	Personal pay			28,000	28,000
A012	TOTAL ALLOWANCES			<u>22,184,000</u>	<u>22,184,000</u>
A012-1	TOTAL REGULAR ALLOWANCES			<u>22,184,000</u>	<u>22,184,000</u>
A01202	House Rent Allowance			2,235,000	2,235,000
A01203	Conveyance Allowance			3,869,000	3,869,000
A01204	Sumptuary Allowance			120,000	120,000

ATTESTED

ATTESTED



(27)



2. The incurrence of expenditure against the released funds is in observance of the following:-

- a) Consumption of Electricity and POL shall be economized. 10% in POL charges, without limit POL allocation is not allowed.
 - b) Expenditure on "Advertising & Publicity" may be restricted to minimum and will be utilized on the current side only.
 - c) The allocation against **Medical Charges** are withheld which released on case to case basis.
 - d) The expenditure may be restricted to the funds released additional grants or supplementary grant will be allowed during t. It is also added that the audit copy of SNE (Fresh) 2014-15 authenticated from Finance Department.
3. It is further clarified that the released funds are also includes 50% budget the total allocation for the offices of Chairmen DDACs in light of this Dept's No.BO.XI/FD/2-1/2013-14/LG&RD, dated 24/12/2013.

4. The DDO/Object wise details of Budget Estimates 2014-15 and the an being authorized for expenditure are also attached, duly authenticated and stamped, which kindly be forwarded to your subordinate offices.

Encl: as above

Yours faithfully,

(Amir Muhammad)
Budget Officer-XI

Endst: No. and date even:

Copy alongwith detail of BEs 2014-15 is forwarded to the:-

- 1) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2) Director, FMIU, Finance Department, Peshawar.
- 3) Director General, LG&RD, Khyber Pakhtunkhwa, Peshawar.
- 4) All Assistant Directors, Local Govt. Department, in Khyber Pakhtunkhwa.
- 5) All District Comptroller/Accounts Officers in Khyber Pakhtunkhwa.
- 6) Master File.

مال

Encl: as above.

ATTESTED

BUDGET OFFICER-XI

90-29




OFFICE OF THE ASSISTANT DIRECTOR LG & RDD MALAKAND

Office Order:

No _____ AD/LG&RDD/MKD dated 31/12/2014 in exercise of the powers conferred upon me as DDO of Union Councils, District Malakand; the undersigned is pleased to order for the retirement of Mr. Qasim Khan Secretary Union Council of the office of undersigned is hereby retired from Govt. service w.e.f 11/01/2015 (AN) on attaining the age of super annuation.


Sanction is also hereby accorded to the grant of encashment of 365 days LPR subject to availability of leave at his credit if admissible to him under the rules.


ASSISTANT DIRECTOR
LG & RDD, MALAKAND

No 1675-78 AD/LG&RDD/MKD even No

Copy forwarded to:

1. The Director General LG&RDD, Govt. of Khyber Pakhtunkhwa, Peshawar
- ✓ 2. The District Account Officer, Malakand
3. Mr. Qasim Khan Secretary Union Council Sakhakot Bandajat
4. Office file


ASSISTANT DIRECTOR
LG & RDD, MALAKAND

ATTESTED



HQ-28

28



OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

Dated the Peshawar 26th May, 2015

OFFICE ORDER

No. Director(LG)/3-12/DPC/2012-13/. Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 13.04.2015, the Competent Authority has been pleased to promote Mr. Gul Nabi, Village Secretary Union Council (BPS - 07) to the post of Supervisor (BPS - 09) with immediate effect and to post him as Supervisor (BPS - 09) against the vacant post in the office of Assistant Director LG&RDD, Malakand. On his promotion, the terms & conditions of his appointment will remain the same on which he was appointed.

-sd/-

Director General
LG&RDD

Endst of Even No & Date

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Estab), LGE&RDD, Khyber Pakhtunkhwa.
3. Assistant Director, LG&RDD Malakand.
4. District Accounts Officer Malakand.
5. PA to Director General, LG&RDD Peshawar.
6. Mr. Gul Nabi, Supervisor, LG&RDD Malakand.

Revised on 23/06/2015

Deputy Director (Admin)
LG&RDD

ATTESTED

ATTESTED

To

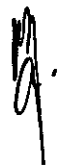
The Honorable Secretary LG & RDD,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR THE GRANT OF PRO-FORMA PROMOTION/ NOTIONAL PROMOTION TO THE POSTS OF SUPERVISOR (BPS-9) AND RETROSPECTIVE EFFECT I.E. W.E.F. 2011

R/SHEWETH:

- 1- That the appellant was appointed as secretary village Council (BPS-6) in the Department of LG&RDD vide order dated 15.3.1979. That after appointment as Secretary Village Council the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during the course of service the pay of the appellant was fixed in BPS-07 by the concerned Department vide order dated 23.12.1996. That appellant has served the Department with all zeal and zest and was subsequently allowed move over to BPS-8 and 9 vide orders dated 20.12.1998 and 30.11.2000 respectively.
- 3- That according to the seniority list of Secretaries union councils of District Malakand the appellant is at serial No.1 of the said seniority list being senior most employee of the Local government and Rural Development Department.
- 4- That according to the service rules of LG&RDD 75 % quota has been reserved for promotion of Secretary to the post Supervisor (BPS09). That appellant being senior most amongst the Secretaries Union Councils of District Malakand requested for promotion to the post of Supervisor (BPS-9) to the concerned authority in light of the said quota reserved for promotion.
- 5- That it is very pertinent to mention that the said post of Supervisor (BPS-9) is vacant since 2011 which is fully reflected from the budget book of LG&RD Department and as such the appellant being senior most amongst his colleagues has fully entitled for promotion to the post of supervisor (BPS-09) w.e.f. 2011 but inspite of that the concerned authority did not promoted the appellant to the post of Supervisor BPS-9 and finally the appellant was retired from service on superannuation basis vide order dated 31.12.2014.

ATTACHED



- 6- That recently many junior colleagues have been awarded/ granted promotion to the post of supervisor vide Notification dated 20.5.2015 but the appellant inspite of seniority and eligibility has been ignored and was retired from service vide dated 31.12.2014.
- 7- That as the said post is lying vacant since 2011 which is fully reflected from the budget book of 2011 of the LG&RD Department and appellant being the senior most employee amongst his colleagues of LG & RD Department of District Malakand, therefore, the dictates of justice demands that such promotion should be made with retrospective effect.
- 8- That according to section 7 and 8 of the civil servant Act 1973 read with appointment, promotion and transfer rules 1989 the appellant is fully entitled for pro forma promotion with from 2011 with all back benefits.
- 9- That according to the Apex Court judgments the appellant is entitled for the grant of pro forma promotion to the post of Supervisor BPS-9 with retrospective effect i.e. w.e.f. 2011.
- 10- That appellant seeks the permission of your good self to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the appellant may very kindly be allowed/ granted pro forma promotion to post of Supervisor (BPS-9) with effect from 2011 with all consequential benefits. Any other relief which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 23.7.2015

APPELLANT



Qasim Khan, Ex: U/C Secretary,
R/O of Mohallah Akbar Abad Batkhela,
Tehsil Batkhela, District Malakan

ATTENDED


Copy to:-

- 1- The Director LG&RD Department Khyber Pakhtunkhwa, Peshawar.
- 2- The Assistant Director LG&RDD District Malakand.

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Rasim Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Local Government

(RESPONDENT)
(DEFENDANT)

I/We Rasim Khan

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

H. Khan
CLIENT

N. M. Khattak
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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Re:

Writ Petition No 1296/2015

Mr. Qasim Khan Ex- Union Council Secretary LG&RDD, District Malakand

_____ (appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary to Govt. of Khyber

Pakhtunkhwa LG&RDD & Others .

_____ (Respondents)

INDEX

S NO	DESCRIPTION	ANNEX	PAGE
1.	Para Wise Comments	-	01 to 02
2.	Affidavit	-	03
3.	Final Seniority List	A	04
4.	Synopsis of the ACR	-	05
5.	Minutes of DPC Committee	B	06 & 07
6.	Office Order of Supervisor Mr. Gul Nabi	C	08
7.	Retirement order of applicant (Mr. Qasim Khan)	B	09

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO.1296 OF 2015

Mr. Qasim Khan Ex: Union Council Secretary (BPS-07)
O/O the Assistant Director LG&RD Department
District Malakand.....

APPELLANT

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Local Government and Rural Development Department Khyber Pakhtunkhwa, Peshawar.
 2. The Director General LG&RD Department, Khyber Pakhtunkhwa, Peshawar.
 3. The Assistant Director Local Government & Rural Development Department, District Malakand.....
- RESPONDENTS**

PARAWISE REPLIES ON BEHALF OF RESPONDANTS NO. 1, 2 & 3

Respectively Sheweth:

Preliminary Objections:

- i. That the appellant has no cause of action/ locus stand to file the present appeal.
- ii. That the appellant concealed material facts from the service tribunal.
- iii. That the appellant has not come to this Honorable Tribunal with clean hands.
- iv. That the appeal is not maintainable and not covered by the relevant rules.
- v. That the appeal is badly time barred.

FACTS:

1. Correct, pertain to record.
2. Correct, pertain to record.
3. Incorrect. As per record, one Secretary Village Council Mr. GulNabi was senior most among the Secretaries (**Annex-A**).
4. Incorrect, as the appellant was not the senior most secretary VC/NC.
5. Correct to the extent that the appellant was retired on attaining the age of superannuation w.e.f 31st December, 2014. But the Final Seniority list of Secretaries VC/NC (**Annex-A**) shows that Mr. GulNabi was senior most Secretary

VC/NC, and hence promoted to the post of Supervisor in District Malakand, after the Departmental Promotion Committee (DPC) held on 13th April, 2015 at 10.30 AM, under the Chairmanship of Director General LG&RD Khyber Pakhtunkhwa (**Meeting Minutes of DPC as Annex-B**).

6. Correct, as the said Notification dated 26th May, 2015 (**Annex-C**) was issued, after the decision of the DPC meeting dated 13th April, 2015, and also correct that the appellant stood retired on 31st December, 2014 (**Annex-D**), almost 4 months before the DPC meeting.
7. The appellant has got no cause of action to file instant appeal.

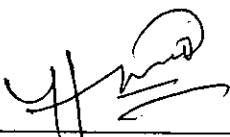
GROUNDS:

- A. The appellant has been treated in accordance with law, hence incorrect.
- B. Incorrect, as reply above.
- C. Incorrect, the Department has acted in accordance with Law, Rules and Regulations.
- D. Incorrect, as explained at Para No. 3 and 4 of FACTS.
- E. Incorrect, as reply above.
- F. Incorrect, as reply above.
- G. The respondent also seek permission to raise additional ground at the time of arguments.

It is requested that the appeal may be dismissed.


SECRETARY LG, E&RDD
RESPONDENT NO. 1.


DIRECTOR GENERAL LG&RD
RESPONDENT NO. 2.


ASSISTANT DIRECTOR
LG&RD MALAKAND
RESPONDENT NO. 3

(3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Re:

Writ Petition No 1296 / 2015

Mr. Qasim Khan District Malakand

_____ (Petitioner)

VERSUS


The Government of KPK through Secretary to Govt. of Khyber Pakhtunkhwa

LG&RDD & Other.

_____ (Respondents)

AFFIDAVIT

I, **Waheed Ur Rahman** Assistant director LG&RD Department Malakand at Batkhela, do hereby solemnly affirm and declare on Oath that all the contents of accompanied comments are true and correct to the best of my knowledge and belief and nothing has been concealed **OR** with-held from this Honourable Court.


Assistant Director
LG&RDD, Malakand

(4)

OFFICE OF THE ASSISTANT DIRECTOR LG&RDD, MALAKANDNo/103 /ADLG&RDD/MKD/Seniority/Secretaries
Dated: 24/06/2014

To

The Director
LG&RDD, Khyber Pakhtunkhwa
Peshawar

Subject:

Final Seniority List of Top five Village Secretaries

Memo,

In continuation of this office letter no. 785/ADLG&RDD/MKD/Seniority/List/Secretaries dated 24/03/2014 & No. 887 dated 11/04/2014 regarding the final Seniority List in respect of Village Secretaries of district Malakand, the following revised list of top five Village Secretaries is hereby forwarded to your good office in light of the decision taken in the Joint Staff meeting of all Assistant Directors LG&RDD, Khyber Pakhtunkhwa, Peshawar on the basis of their respective Service record (duly compiled as under) as per their Service book data read with sub-rule "d" of Rule-6 of the Khyber Pakhtunkhwa ESTACODE (Revised) 2011 duly notified by the provincial Govt. of Khyber Pakhtunkhwa in Establishment Deptt: dated 2006:

S. no	Name Of village Secretary	Date of appointment With (BPS)	Date Of Promotion (Grade & post)	Date of move-over with BPS)	Selection Grade Granted (with Date)	Grade With Designation On 14-08-2001	Date Of Adjustment (with grade)
1	Mr. Gul Nabi	01-01-1976 (B-5)	01/07/1991 (B-5 to 7) as Senior Clerk	1/12/1994 (B-7 to 8) 1/12/1996 (B-8 to 9) 1/12/1998 (B-9 to 10) 01/12/2010 (B10 to 11) 2003 9B-11 to 12)	01/07/1987 (BPS-7) as JC	BPS-7 as Senior Clerk (was in move-over B-11)	01/07/2001 (BPS-6)
2	Mr. Qasim Khan	21-03-1979 (B-6)	Nil	1/12/1998 (B-6 to 7) 1/12/2000 (B-7 to 8)	Nil	Village Secretary (was in move-over B-8)	01/07/2001 (B-6)
3	Mr. Inamul-Haque	22-03-1979 (B-6)	Nil	1/12/1996 (B-6 to 7) 1/12/1998 (B-7 to 8) 1/12/2000 (B-8 to 9)	Nil	-do- (was in move over B-9)	01/07/2001 (B-6)
4	Mr. Fazal Jamil	01/07/1979 (B-6)	Nil	17/04/1998 (B-6 to 7) 1/12/1999 (B-7 to 8)	Nil	-do- (was in move-over B-8)	01-07-2001 (B-6)
5	Muhammad Parvez	11/11/1980 (BPS-6)	Nil	17/4/1998 (B-6 to 7) 1/12/2000 (B-7 to 8)	Nil	Grade-6 (was in move-over B-8)	01/07/2001 (B-6)

Attested
Assistant Director
L.G & R.D.D
Distt: Malakand

5



OFFICE OF THE ASSISTANT DIRECTOR LG & RDD MALAKAND

SYNOPSIS OF THE ACR FORMS IN R/O FIVE SENIOR MOST SECRETARIES OF UC's, DISTRICT MALAKAND W.E.F. (01-01-2009 to 31-12-2013):

S.No.	Name of Secretary UC	Year of service rendered	Overall Grading	Adverse Remarks (if any)
1	Gul Nabi	1. 01-01-2009 to 31-12-2009	Very Good	Nil
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-01-2013 to 31-12-2013	Very Good	
2	Qasim Khan	1. 01-01-2009 to 31-12-2009	V.Good	Nil
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-2013 to 31-12-2013	Very Good	
3	Inamul Haque	1. 01-01-2009 to 31-12-2009	V.Good	Nil
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-2013 to 31-12-2013	Very Good	
4	Fazal Jamil	1. 01-01-2009 to 31-12-2009	V.Good	Nil
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-01-2013 to 31-12-2013	Very Good	
5	Muhammad Parveez	1. 01-01-2009 to 31-12-2009	V.Good	Nil
		2. 01-01-2010 to 31-12-2010	V.Good	
		3. 1-1-2011 to 31-12-2011	V.Good	
		4. 01-01-2012 to 31-12-2012	Very Good	
		5. 01-01-2013 to 31-12-2013	Very Good	

Attested

 Assistant Director
 L.G & R.D.D
 Distt: Malakand

Assistant Director
 LG&RDD, Malakand

SR

Subject:

MINUTES OF DEPARTMENTAL PROMOTION COMMITTEE
(DPC) MEETING HELD ON 13.04.2015 AT 10:30 A.M.

The Departmental Promotion Committee (DPC) met on 13.04.2015 at 10.30 AM under the Chairmanship of Director General LG&RDD, the following attended:

- | | | |
|----|---|-----------|
| 1. | Mr. Adil Siddiq, Director General
LG&RDD Peshawar. | Chairman. |
| 2. | Mrs. Tahira Yasmin, Director
LG&RDD Peshawar. | Member. |
| 3. | Mr. Izaz Ullah Section Officer (Estab)
LG&RDD, Khyber Pakhtunkhwa. | Member |
| 4. | Mr. Shibli Khan, Deputy Director (Admin)
LG&RDD Peshawar. | Member |
| 5. | Dr. Sardar-ul-Mulk
AD LG & RDD Malakand. | Member. |

The chairman welcomed the participants. He apprised the participants regarding convening of the meeting of DPC. The participants were also introduced. Thereafter, the meeting proceeded as per agenda of the meeting i.e. promotion of Village Secretary Union Council (BPS - 7) to the post of Supervisor (BPS-9). The Deputy Director LG&RDD explained that the total strength of the posts of Supervisor (BPS 9) inclusive of FATA Secretariat is 43. Out of 43, 25% posts shall be filled through initial recruitment and 75 % shall be filled through promotion amongst the lot of the Village Secretaries of the respective District, therefore, 32 posts of Supervisors shall be filled through promotion. He further added that being a District Cadre post, the promotion shall be decided on the basis of District quota i.e. one Village Secretary UC shall be considered for promotion on the basis of fitness cum seniority. He stressed that the respective Assistant Director, Local Government shall present the Final Seniority List with Synopses and Working Paper. The respective Assistant Director shall also submit a certificate / NOC that there was no inquiry in any establishment pending against the incumbent Village Secretary who falls at top of the said Seniority List and the Seniority List prepared by him was accordingly circulated amongst all concerned in light of the policy / rules in vogue. This was seconded by the Section Officer Establishment, representative of the Administrative Department.

During discussion on the agenda item, Dr. Sardar-ul-Mulk, Assistant Director, Local Government & Rural Development Malakand presented the Final Seniority List of Village Secretaries Union Councils District Malakand with Synopses. The Assistant Director, LG&RDD Malakand informed the committee that:

- a) As per policy governing the seniority list of the Govt employees, the final seniority list of Village Secretaries Union Councils District Malakand was prepared and circulated amongst all concerned, annexed F/A.


Attested
HAW
 Assistant Director
 L.G & R.D.D
 Dist: Malakand


b) As per F/A, Mr. Gul Nabi, Village Secretary (BPS-7) falls at top of the Seniority List i.e. serial number 1.

c) He also submitted a certificate regarding no pending enquiry against the said Village Secretary in any establishment including Anti Corruption etc.

After detailed discussion, the Committee unanimously recommended and approved Mr. Gul Nabi, Village Secretary Union Council District Malakand for promotion against the vacant post of Supervisor BPS -9 subject to the condition that the promotion shall be granted with immediate effect as per rules.


The meeting ended with a note of thanks.


Shibli Khan
Deputy Director (Admin)
LG&RDD Peshawar


Dr. Sardar-ul-Mulk
AD LG&RDD
Malakand.


Izaqullah
Section Officer (E)
LG&RDD Peshawar.

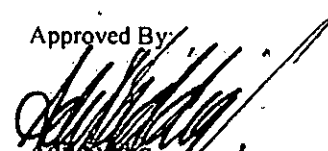
Recommended By:


Tahira Yasmin
Director
Local Govt & RDD
Peshawar.



Assistant Director
L.G & R.D.D
Distt. Malakand

Approved By:


Adil Siddiq
Director General
Local Govt & RDD
Peshawar.

7

8



**OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

Dated the Peshawar 26th May, 2015

OFFICE ORDER

No. Director(LG)/3-12/DPC/2012-13/. Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 13.04.2015, the Competent Authority has been pleased to promote Mr. Gul Nabi, Village Secretary Union Council (BPS - 07) to the post of Supervisor (BPS - 09) with immediate effect and to post him as Supervisor (BPS - 09) against the vacant post in the office of Assistant Director LG&RDD, Malakand. On his promotion, the terms & conditions of his appointment will remain the same on which he was appointed.

Attested

[Signature]
Assistant Director
L.G & R.D.D
Distt. Malakand

-sd/-
Director General
LG&RDD

Endst of Even No & Date

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Estab), LGE&RDD, Khyber Pakhtunkhwa.
3. Assistant Director, LG&RDD Malakand.
4. District Accounts Officer Malakand.
5. PA to Director General, LG&RDD Peshawar.
6. Mr. Gul Nabi, Supervisor, LG&RDD Malakand.

[Signature]
Deputy Director (Admin)
LG&RDD

Received
[Signature]
19

9

9 - 24



OFFICE OF THE ASSISTANT DIRECTOR LG & RDD MALAKAND

Office Order:

No _____ AD/LG&RDD/MKD dated 31/12/2014 in exercise of the powers conferred upon me as DDO of Union Councils, District Malakand, the undersigned is pleased to order for the retirement of Mr. Qasim Khan Secretary Union Council of the office of undersigned is hereby retired from Govt. service w.e.f 11/01/2015 (AN) on attaining the age of superannuation.

Sanction is also hereby accorded to the grant of encashment of 365 days LPR subject to availability of leave at his credit if admissible to him under the rules.

ASSISTANT DIRECTOR
LG & RDD, MALAKAND

No 1675-78 AD/LG&RDD/MKD even No

Copy forwarded to:

1. The Director General LG&RDD, Govt. of Khyber Pakhtunkhwa, Peshawar
- ✓ 2. The District Account Officer, Malakand
3. Mr. Qasim Khan Secretary Union Council Sakhakot Bandajat
4. Office file

ASSISTANT DIRECTOR
LG & RDD, MALAKAND

Attested

Assistant Director
L.G & R.D.D
Distt. Malakand

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.1296/2015

QASIM KHAN

VS

LG&RD DEPTT:

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

R/SHEWETH:

(1 to 5):

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

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Incorrect and misconceived. That appellant is the senior most employee of the respondent Department and the name of the appellant was enlisted at serial No.1 of the seniority list vide dated 24.03.2014.
- 4- Admitted correct to the extent of retirement of the appellant while the remaining Para is incorrect. That appellant being senior most amongst the Secretaries Union Council of District Malakand was entitled for promotion to the post of Supervisor (BPS-09) according to the service rules of LG&RDD in which 75% quota has been reserved of promotion of Secretary to the post of Supervisor (BPS-09).
- 5- Incorrect and not replied accordingly. That the post of supervisor was lying vacant since 2011 which was fully reflected from the budget book of LG&RD Department and as such the appellant being senior most amongst his colleagues has fully entitled for promotion to the post of Supervisor (BPS-09) w.e.f. 2011 but inspite of that the concerned authority did not promoted the appellant to the post of Supervisor (BPS-09) and finally the appellant was retired from service on superannuation basis vide order dated 31.12.2014. That the said post is lying vacant since 2011.

- 6- Admitted correct by the respondents hence need no comments.
- 7- Incorrect and not replied accordingly hence need no comments.

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 respondent Department acted in arbitrary and malafide manner by not allowing/granting ante dated pro-forma promotion to the appellant w.e.f. 2011. That as the said post is lying vacant since 2011 of the LG&RD Department and appellant being the senior most employee amongst his colleagues of LG&RD Department of District Malakand, therefore, the dictates of justice demands that such like promotion should be made with retrospective effect. That according to section 7 and 8 of the civil servant act 1973 read with appointment, promotion and transfer rules 1989 the appellant is fully entitle for anti dated promotion with effect from 2011 with all back benefits. That according to the Apex Court Judgments the appellant is entitled to be promoted to the post of supervisor (BPs-09) with retrospective effect i.e. w.e.f. 2011.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may kindly be accepted in favor of the appellant with all back benefits.

APPELLANT



QASIM KHAN

THROUGH:



**NOOR MOHAMMAD KHATTAK
DVOATE**

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

In Re: Service Appeal No.1296 of 2015

M. Qasim Khan.....Appellant

V.

The Govt of KPK and others.....Respondents

Application for cancellation of orders dated 29.11.2016 of the learned Tribunal, whereby defence of respondents have been ordered to be struck-off.

Respectfully Sheweth:


1. **That** the above noted service appeal is pending adjudication before this Honourable Tribunal and is fixed for 17.04.2017.
2. **That** on 29.11.2016, due to absentia of the respondents, the defence of the respondents have been ordered to be struck-off by this Honourable Tribunal. **(Copy of order sheet dt.29.11.2016 is attached herewith).**
3. **That** the respondents on the following grounds seek cancellation of order dated 29.11.2016 and permission to defend their case before the Honourable Tribunal.

G R O U N D S:

- A. **That** the absentia of the respondents on the date fixed i.e. 29.11.2016, was neither intentional nor deliberate but due to some misunderstanding regarding fixation of the exact date of hearing before this Honourable Tribunal.
- B. **That** the Office Assistant namely Bakht Sher Khan, who was officially nominated for appearance before this Honourable Tribunal, was transferred before the fixation of the date i.e. 29.11.2016.

- C. **That** the respondents were under the impression that the said Assistant Director had attended the Honourable Tribunal before the nomination of the next official for attending the Tribunal, because till that time, no official relieving or taking-over proceedings of the said official have been taken place.
- D. **That** the decision on merits is a most cherished goal of law and dicta of the superior courts also encourages the decisions on merits rather than technicalities.
- E. **That** since the valuable rights of the respondents are involved in the instant case, if the order dated 29.11.2016 is not cancelled, the respondents would suffer irreparable loss.
- F. **That** after cancellation of order dated 29.11.2016, the applicants/ respondents will appear and assist this Honourable Tribunal on each and every date of hearing.
- G. **That** there is no legal obstruction in the way of cancellation of order dated 29.11.2016 of this Honourable Tribunal.

IT IS, THEREFORE, humbly prayed that on acceptance of this application, the order dated 29.11.2016 may kindly be cancelled and an opportunity may very graciously be given to the respondents to contest the instant case, in the best interests of justice.

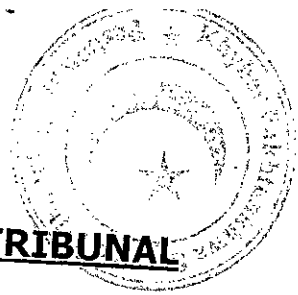

Respondents
Assistant Director, LG&RDD
Malakand.

Dated: 14.04.2017

AFFIDAVIT:

It is stated on that the contents of **Application** are true and correct to the best of my knowledge and belief.


DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1296 / 2015

M. W. F. Peshawar
Service Tribunal
Diary No. 1359
dated 16-11-2015

Masim Khan, Ex: Union Council Secretary (BPS-07),
The Assistant Director LG&RD Department,
District Malakand

APPELLANT

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary
Local Government and Rural Development Department,
Khyber Pakhtunkhwa, Peshawar.

The Director General (LG&RD) Department, Khyber
Pakhtunkhwa, Peshawar.

The Assistant Director Local Government & Rural
Development Department, District Malakand.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
FOR THE GRANT OF PRO-FORMA PROMOTION/
NOTIONAL PROMOTION TO THE POST OF
SUPERVISOR (BPS-9) WITH RETROSPECTIVE
EFFECT I.E. W.E.F. 2011 AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL
OF THE APPEAL WITHIN THE STATUTORY PERIOD
OF NINETY DAYS**

**That on acceptance of this appeal the respondents
may kindly be directed to consider the appellant
for pro-forma promotion to the post of Supervisor
(BPS-9) with retrospective effect i.e. 2011. Any
other remedy which this august Tribunal deems fit
that may also be awarded in favor of the appellant.**

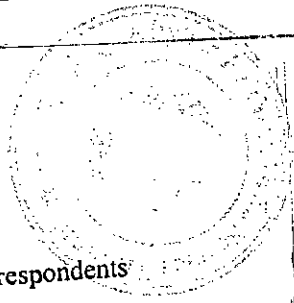
FINDINGS:

That the appellant was appointed as secretary village
Council (BPS-6) in the Department of LG&RDD vide order
dated 15.3.1979. That after appointment as Secretary
village Council the appellant started performing his duty
quite efficiently and up to the entire satisfaction of his
superiors. Copy of the appointment order is attached as
annexure

A.

That during the course of service the pay of the appellant
was fixed in BPS-07 by the concerned Department vide order
dated 23.12.1996. That appellant has served the

Appeal No. 1296/2015
Qasim Khan vs Govt



29.11.2016

Counsel for the appellant and Assistant AG for respondents present. None present on behalf of respondents despite of extended numerous chances. Right of defense of respondents is struck off. No further opportunities shall be given to the respondents. The appeal is assigned to D.B for rejoinder and final hearing on 02.02.2017.

sd/- Member

02.02.2017

Junior to counsel for the appellant and Addl: AG for respondents present. Junior to counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 17.04.2017 before D.B.

sd/-
(Asif Ali Taj) (M. Amir Nazir)
Member Member

Certified
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Deposit of Fee 30-3-17
Number of Pages 800
Copying Fee
Budget
Total
Name of Counsel
Date of Deposit of Fee 30-3-17
Date of Deposit of Fee 30-3-17