

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 683/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER (E)

ANSAR NISAR, Superintendent, Directorate of Local Government & Rural Development, Peshawar. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, Chief Secretary Civil Secretariat, Peshawar.
2. Secretary Local Government, Election & Rural Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Director General, Local Government, Election & Rural Development Department, Government of Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

Mr. Bilal Ahmad Kakazai
Advocate

... For Appellant

Mr. Muhammad Jan
District Attorney

... For Respondents

Date of Institution..... 29.03.2023
Date of Hearing..... 12.10.2023
Date of Decision..... 12.10.2023

JUDGMENT

RASHIDA BANO, MEMBER (J): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, by the appellant for granting ante-dated promotion or giving retrospective effect to the promotion of the appellant, from the date of eligibility or else from 12.12.2019 i.e the schedule date of meeting of Departmental Promotion Board/Committee, wherein the promotion of the appellant was deferred without any fault on his part.

2. Brief facts of the case are that appellant was appointed as Assistant (BPS-14) in the respondent department vide order dated 26.10.2012.

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Previously the post of Assistant/Accountant was mentioned at Sr. No.7 of the service rules of 1978 amended in the year 1998 as a single cadre, however on 12.06.2018 both the cadres of Assistant and Accountant were bifurcated. In pursuance of bifurcation of cadres of Accountant and Assistant the appellant requested for placing him in cadre of Accountant instead of Assistant which was accepted. Next cadre of promotion from the post of Accountant is Superintendent BPS-17 for which appellant's working papers were sent for consideration to Departmental Selection Committee but he was deferred due to anonymous complaint. Later on he was promoted vide order notification dated 04.11.2021 with immediate effect. Feeling aggrieved appellant filed departmental appeal which was rejected, hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel appearing on behalf of appellant argued that the appellant has not been treated in accordance with law and rules. He further argued that appellant deserved to be promoted from the date when he became eligible or at least from the date when the meeting of the Departmental Promotion Board was scheduled to be held on 12.12.2019 however he has been deprived of his right due to no fault on his part.

5. Conversely, learned District Attorney argued that appellant has been treated in accordance with law and rules. He contended that appellant was deferred due to pending inquiry and after conclusion of enquiry he was given his due right of promotion as per policy in vogue.



6. Perusal of record would reveals that appellant brought this appeal for ante dating his promotion form 04.11.2021 to 12.12.2019. Appellant was appointed as Assistant and Accountant BPS-14 on 26.10.2012. Initially nomenclature of the post of Assistant and Accountant was same but later on both were bifurcated vide rules of 2018 and appellant opted the Accountant cadre accordingly as appointed as Accountant on 18.09.2018. Appellant was the only Accountant so he was placed at serial No.1 of seniority list. Promotion of the appellant was due and meeting was scheduled and held on 12.12.2019 but promotion of the appellant was deferred due to filing of a anonymous complaint against him alongwith others. Enquiry was conducted and appellant was given clean chit by the enquiry committee. Respondent then promoted appellant vide notification dated 04.11.2021 with immediate effect. It is admitted fact that appellant was considered in Departmental Promotion Committee on 12.12.2019 which is evident from meeting of DPC but was deferred due to some reasons, later on after removal of said deficiency, appellant was promoted Then case of the appellant covered under Rule-V(d) of Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009, which deals with deferment of promotion and determination of seniority of deferred employ/civil servant which read as:

"If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion come to notice, is considered by the Provincial Selection Board/Departmental Promotion Committee and is declared fit for promotion to the next higher scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance the proviso of Sub-section (4) of Section 8 of the

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Khyber Pakhtunkhwa Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior”

7. So according to above referred rule of promotion policy, appellant have a fit case for antedated promotion. We allow the appeal of the appellant and direct the respondents to consider him for antedated promotion with effect from the date when his promotion was deferred i.e 12.12.2019 with all back benefits. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of October, 2023.*


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

*Kalcemullah

SCANNED
PESHAWAR

ORDER

12th Oct, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Aizal Ul Hasan, Assistant Director for the respondents present.

2. Vide our detailed judgement of today placed on file, we allow the appeal of the appellant and direct the respondents to consider him for antedated promotion with effect from the date when his promotion was deferred i.e 12.12.2019 with all back benefits. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of October, 2023.*

SCANNED
BY
PESHAWAR



(MUHAMMAD AKBAR KHAN)
Member (E)



(RASHIDA BANO)
Member (J)

*Kaleemullah

23rd May, 2023

01. Appellant present in person. Mr. Fazal Shah Mohmand, Addl. AG alongwith Aizazul Hassan, Assistant for the respondents present.

02. Written reply/comments on behalf of the respondents has not been submitted. Representative of the respondents requested for further time. Granted. To come up for written reply/comments on 23.06.2023 before the S.B. Parcha Peshi given to the parties.

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Peshawar


(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S


23.06.2023

Learned counsel for the appellant present. Mr. Izazul-Hassan, Assistant Director (Litigation) alongwith Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Reply on behalf of respondents submitted, copy of which handed over to learned counsel for the appellant. Adjourned. To come up for arguments on 12.10.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
K-1 ST
Peshawar



Naeem Amin


(Salah-Ud-Din)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 683/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
<p>SCANNED CPST Peshawar</p>	<p>29/03/2023</p>	<p>The appeal of Mr. Ansar Nisar presented today by Mr. Bilal Ahmad Kakaizai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>4-4-23</u>. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: right;">  REGISTRAR </div>
<p>04th April, 2023</p>	<p>04th April, 2023</p>	<p>Counsel for the appellant present. Preliminary augments heard and record perused.</p> <p>Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security within 10 days. Thereafter, respondents be served through ordinary mode. To come up for written reply/comments 23.05.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.</p> <div style="text-align: right;">  (Fareeha Paul) Member(E) </div>

Rs-100/-
Appellant Deposited Security & Process Fee
A. Jaffar
7/4/23

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Peshawar

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Ansar Nisar
..... Appellant

Versus

Government of KP etc
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: _____ Advocate _____ Court	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Bilal A Kakar

Signature:- [Signature]

Dated:- 29-03-2023

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

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Peshawar

Service Appeal No. 683 / 2023.

ANSAR NISAR Vs Government of Khyber Pakhtunkhwa etc.

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Wakalat Nama		


Appellant

Through,


BILAL AHMAD KAKAIZAI

(Advocate, Supreme Court of Pakistan)

213, Sunehri Masjid Road, Near HBL

Nothia Branch, Peshawar Cantt.

0300-9020098.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 683 / 2023.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4570

Dated 29/3/2023

ANSAR NISAR,
Superintendent,
Directorate of Local Government & Rural Development Department,
Peshawar.

APPELLANT

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Through Chief Secretary,
Civil Secretariat, Peshawar.
2. SECRETARY,
Local Government, Elections & Rural Development Department,
Government of Khyber Pakhtunkhwa, Peshawar.
3. DIRECTOR GENERAL,
Local Government & Rural Development Department,
Government of Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR GRANTING ANTE-DATED PROMOTION OR GIVING RETROSPECTIVE EFFECT TO THE PROMOTION OF THE APPELLANT, FROM THE DATE OF ELIGIBILITY OR ELSE FROM 12.12.2019 I.E. THE SCHEDULE DATE OF MEETING OF DEPARTMENTAL PROMOTION BOARD / COMMITTEE, WHEREIN THE PROMOTION OF THE APPELLANT WAS DEFERRED WITHOUT ANY FAULT ON HIS PART.

Prayer: That, on acceptance of this Service Appeal the Promotion of the Appellant dated 04.11.2021 may please be given retrospective effect (Antedating) / Proforma Promotion as mentioned in the heading of the Appeal, with such other

relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth;

Short facts, giving rise to present Service Appeal, are as under:

1. That, Appellant was appointed in pursuance of Advertisement dated 26.07.2012 as Assistant BPS-14 on 26.10.2012 in the Respondent No. 3 Directorate, copies of Advertisement, Appointment Order of the Appellant and other relevant documents are attached as Annexure A.
2. That, previously, the post of Assistant / Accountant was mentioned at Serial No. 7 of the Service Rules of 1978 amended in the year 1998 as a single cadre, however on 12.06.2018 both the cadres of Assistant and Accountant were bifurcated and were placed at Serial 8 and 11 of the Rules, copies of the Rules, subsequent Amendments along with synopsis prepared by the Appellant regarding the Rules of particular category of Assistant and Accountant are attached as Annexure B.
3. That, pursuant to the bifurcation of cadres of Accountant and Assistant, the Appellant requested for placing him in cadre of Accountant instead of Assistant, which was accepted and Appellant was adjusted as Accountant along with seniority, copies of Application, Office Order dated 18.09.2018, Seniority Position of Appellant are attached as Annexure C.
4. That, as per Rules, the next cadre of Promotion from the post of Accountant has been mentioned as Superintendent BPS-17, for which, Appellant's working papers were sent for consideration for promotion before the Department Promotion Committee of LGE&RDD which was scheduled on 12.12.2019 however the promotion case of the Appellant was deferred due to filing of an anonymous complaint before the National Accountability Bureau, copies of the Minutes of Departmental Promotion Committee dated 12.12.2019 and Anonymous Complaints are attached as Annexure D.

5. That, on the basis of above stated Anonymous Complaint forwarded by the NAB Authorities; vide Order dated 24.06.2020 Mr. Said Rehman, Additional Secretary Local Council Board was appointed as Enquiry Officer to conduct a Fact Finding Enquiry. Accordingly Enquiry was conducted and report was submitted by the above mentioned Enquiry Officer on 07.08.2020; copies of the Order dated 24.06.2020 and Enquiry Report dated 07.08.2020 are attached as Annexure E.
6. That, pursuant to submission of Enquiry Report, Appellant was promoted as Superintendent BPS-17 by the Competent Authority, copies of Working Papers of the Appellant and Promotion Notification dated 04.11.2021 are attached as Annexure F.
7. That, keeping in view section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 and continuance of Probation Period of the Appellant as Superintendent BPS-17, the Appellant submitted his Departmental Appeal on 16.11.2022 before the Competent Authority for antedating / giving retrospective effect to the Promotion of the Appellant from 12.12.2019, as earlier, his case was deferred on 12.12.2019 due to filing of Anonymous Complaint, copies of Departmental Appeal dated 16.11.2022, earlier Appeals for the purpose of Promotion and section 30 of Khyber Pakhtunkhwa Epidemic Control and Relief Act, 2020 are attached as Annexure G.
8. That, the Respondent No. 2 on 08.03.2023 regretted the Departmental Appeal of the Appellant on merits, copy of the Impugned Appellate Order dated 08.03.2023 is attached as Annexure H, hence this Appeal for indulgence of this Honorable Tribunal and enforcement of rights *inter alia* on the following grounds:

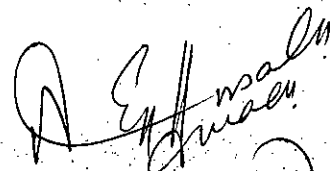
GROUND:

- A. That, actions and inactions of the Respondents Department / Directorate are illegal, unlawful, void and ineffective.
- B. That, same are against the principles of Natural Justice, also.

- C. That, Appellant deserved to be promoted from the date when he became eligible or at least from the date when the meeting of the Departmental Promotion Board was scheduled to be held on 12.12.2019 however he has been deprived of his right due to no fault on his part.
- D. That, contents of Fundamental Rule 17, also favors the situation of the Appellant as meeting of the Departmental Promotion Committee / Board was not held due to an Anonymous Complaint which was later on enquired as well but nothing fruitful for the Anonymous Complainant was came out.
- E. That, even otherwise as per law it was the responsibility of the Department to have thrown the Anonymous complaint in dustbin as per the instructions contained in ESTACODE however it was processed which ultimately caused deferment of promotion of the Appellant.
- F. That, ESTACODE and instructions issued by time to time from the Government of Khyber Pakhtunkhwa are clear about the law of deferment wherein it is mentioned that when reasons for deferment ceased to have any effect the incumbent who was deferred should be promoted from the date of deferment.
- G. That, no adverse report / remarks, Notice, Charge Sheet or enquiry is pending against the conduct and office work of the Appellant hence he deserves to be treated in accordance with law.
- H. That, as per Fundamental Rule 17, the case of the Appellant could be considered by the Departmental Authority for ante dating his promotion / granting Proforma Promotion as at the relevant time he was handicapped due to filing of Anonymous Complaint.
- I. That, the fundamental, legal and constitutional rights of the Appellant are being violated by the Respondents.
- J. That, the Respondents Department, being public office, cannot be allowed to exercise its powers, in sheer violation of law nor are they allowed to promote nepotism and favoritism.

- K. That, the Departments are also not allowed to damage the honour and prestige of Civil Servants, moreover the action of the Department is without any just and legal ground.
- L. That, the Respondents have violated Articles 4, 9, 10-A, 25, 27 and 37 of the Constitution of the Islamic Republic of Pakistan, 1973. The indulgence of this august Tribunal is, therefore, necessary and indispensable in order to save the ends of justice and to prevent the abuse of the process of law.
- M. That, the Departmental Appeal / Representation or any other Application submitted by the Appellant in respect of his due right of Seniority / Retrospective Promotion may please be treated as integral part of this Service Appeal.
- N. That, the Appellate Authority malafidely did not specially mentioned Para-V of the Promotion Policy 2009 and decided the Departmental Appeal of the Appellant as per the contents mentioned at Para VI and IX of the Promotion Policy which act on part of the Respondents is based on ill will and discriminatory.
- O. The Appellant seeks permission to raise any other additional legal grounds at the time of hearing of this writ petition.

It is, therefore, prayed that Appeal be accepted as prayed for.


Appellant

Through,


BILAL AHMAD KAKAIZAI

(Advocate, Supreme Court of Pakistan)

213, Sunehri Masjid Road, Near HBL

Nothia Branch, Peshawar Cantt.

0300-9020098.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ / 2023.

ANSAR NISAR vs **Government of Khyber Pakhtunkhwa etc.**

AFFIDAVIT

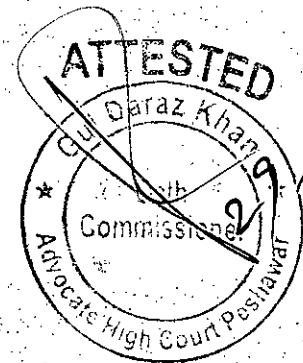
I, **ANSAR NISAR**, Superintendent, Directorate of Local Government & Rural Development Department, Peshawar, do hereby on oath affirm and declare that the contents of the Writ Petition are true and correct and nothing has been kept secret from this Honourable Court.

A. E. J. mala
Deponent

Identified by:

Bilal Ahmad Kakaizai

BILAL AHMAD KAKAIZAI
(Advocate, Supreme Court of Pakistan)



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ / 2023.

ANSAR NISAR Vs **Government of Khyber Pakhtunkhwa etc.**

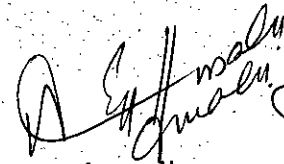
ADDRESSES OF PARTIES.

APPELLANT:

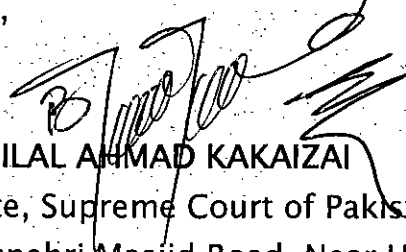
ANSAR NISAR, Superintendent, Directorate of Local Government & Rural Development Department, Peshawar.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary, Local Government, Elections & Rural Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Director General, Local Government & Rural Development Department, Government of Khyber Pakhtunkhwa, Peshawar.


Appellant

Through,


BILAL AHMAD KAKAIZAI
(Advocate, Supreme Court of Pakistan)
213, Sunehri Masjid Road, Near HBL
Nothia Branch, Peshawar Cantt.
0300-9020098



10

GOVERNMENT OF KHYBER PAKHTUNKAWA
LOCAL GOVERNMENT ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Dated Peshawar the 26 October, 2012

OFFER OF APPOINTMENT

No.Dir(LG&RDD)KPK/Appt/2012. On the recommendations of the Departmental Selection Committee, Local Govt & Rural Dev : Department, the Competent Authority is pleased to offer a post of Assitant(BPS-14) to Mr. Ansar Nisar/S/O Mohammad Nisar on the following terms and condition

1. You will get pay at the minimum of BPS-14 including usual allowances as admissible under the rules. You will also be entitled to annual increment as per exiting policy
2. You will be governed by the Khyber Pakhtunkawa Civil Servant Act, 1973 and all the laws applicable to the Civil Servants and the Rules made there under
3. You, will for all intents and purposes, be civil servant except for the purpose of pension and gratuity. In lieu of pension and gratuity, you shall be entitled to receive such amount as would be contributed by you towards Contributory Provident Fund (CPF) along with the contributions made by Government to your account in the said fund, in the prescribed manner
4. You will be initially, on probation for a period of one year extendable for further period of one year
5. In case you wish to resign at any time, Fourteen days notice shall be necessary or in lieu thereof fourteen days pay shall be forfeited
6. You will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar
7. Your continuance in service will be subject to verification of your domicile and testimonial from the concerned authorities/offices
8. Your appointment will be subject to verification of character and antecedents from the concerned authorities/offices
9. Your appointment is on temporary and liable to be terminated at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if your performance during this period is not found satisfactory
10. You will join duty at your own expenses
11. If the post is acceptable to you on above condition, you should report for duty to the undersigned within (30) days of the receipt of this offer and produce original certificates in connection with your qualification, domicile and age etc. Your appointment will be subject to verification of your degrees/certificate

Ansar Nisar

Mr. Ansar Nisar/S/O Mohammad Nisar

[Signature]
DIRECTOR
LOCAL GOVT & RURAL DEV:DEPTT

[Signature]
Assistant Director (Litigation)
Directorate General LG & RD
Khyber Pakhtunkhwa

[Signature]
ATTESTED

(11)

The Director
LG & RDD
Khyber Pakhtunkhwa.

Subject: - **Acceptance of Offer of Appointment.**

Kindly refer to your Offer of Appointment No.Dir(LG&RDD)KPK/Appt/2012 dated 26-10-2012 for the post of Assistant BPS-14, I hereby submit my acceptance report for duty on 30-10-2012 (F.N).

Best Regards

A. S. Nisar

Ansar Nisar
S/O Muhammad Nisar

[Signature]
Assistant Director (Litigation)
Directorate General LG & RD
Khyber Pakhtunkhwa

[Signature]
ATTESTED

(12)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT ELECTIONS
AND RURAL DEVELOPMENT DEPARTMENT**

Dated Peshawar the 15/11 2012

OFFICE ORDER

No. Dir(LG&RDD) KPK/ Appt/2012, Mr. Ansar Nisar S/O Muhammad Nisar appointed as Assistant in BS-14 is directed to report for duty in the office of Directorate General, Local Government and Rural Development Department, Peshawar.

Director
Local Government

Copy forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Account Officer, Directorate General, LG&RDD
3. Official Concerned.
4. Personnel File

Director
Local Government

ATTESTED

Assistant Director (Litigation)
Directorate General LG & RD
Khyber Pakhtunkhwa

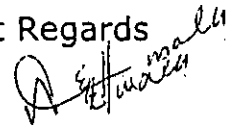
To

Director
LG & RDD
Khyber Pakhtunkhwa.

Subject: - **Arrival Report.**

Kindly refer to Office Order No.Dir(LG&RDD)KPK/Aptt/2012 dated 15-11-2012 for the post of Assistant BPS-14, I hereby submit my arrival report for duty on 16-11-2012 (F.N).

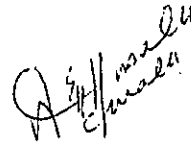
Best Regards



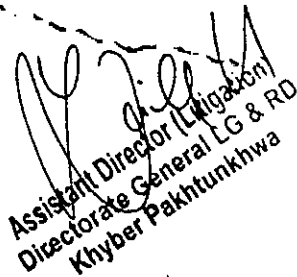
Ansar Nisar S/O
Muhammad Nisar
Assistant, BPS-14

Copy to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Accounts Officer, Directorate General LG & RDD, Peshawar.
3. Personal File.



Ansar Nisar S/O
Muhammad Nisar
Assistant, BPS-14


Assistant Director Investigation
Directorate General LG & RD
Khyber Pakhtunkhwa


ATTESTED

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
GAZETTE

4 4
B
14

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated: 26th January, 1978.

No. Section Officer(LG-1) 2-188/93-Vol-II: In exercise of the powers conferred by sub-rule (2) of the rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 and in consultation with the information services and General Administration Department and the Finance Department, the Local Government Cooperation, Social affairs, Tourism and Rural Development Department is pleased to lay down the method of appointment, qualification and others 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

S.No.	Nomenclature of post	Qualification for initial recruitment	Qualification for promotion	Age limit for initial recruitments	Method of appointment
1	2	3	4	5	6
1	Deputy Director	a) 2 nd Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agri: Geography or Social Psychology and b) Five year 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 35 years	i) 25% by initial recruitment, and 75% by on merit with due regards to seniority from amongst the holders of the posts of Assistant Director Rural Development (including the defunct basis Democracies Deptt:) Project Managers & Progress Officers with at least years experience as such.

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1430 KHYBER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE, 2019

2	Assistant Director/ Project Manager /Progress Officer	a) 2 nd Class Master Degree from a recognized University in Economics, statistics, social works sociology, Animal Husbandry, Agril: Political Science, Public Administration, Geography or Social Psychology, Physics, Chemistry, Mathematics		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Development Officers and Sub-Divisional (Assistant Director Engineer)
3	Accounts Officer	2 nd class Master's Degree in Commence / Business Administration, or G.A.S qualified persons of Pakistan Audit Deptt: or Provincial Local Audit Department.		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Superintendent the Deptt: with a least three years service such.
4	Development Officer	2 nd Class Master Degree from a recognized University in Economics, statistics, social works/ sociology, Animal Husbandry, Agriculture, Public Admn: Political Science Geography or Social Psychology		Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post supervisor, RD in the deptt: with at least. Note: Service in defunct vill: Deptt and the purpose of service under this
5	Sub Divisional Officer /Assistant Director Engineer	Degree in Engineering or equivalent qualification from a recognized University		Not less than 21 years and not more than 30 years	i) 75% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post the overseers
6	Superintendent				By the selection on merit with due regards to seniority from amongst holders of the Assitts:/Accountants/ Senior Stenographer /Senior Auditors with least five years experience as such.
7	Assistant / Accountant	Degree from recognized University		Not less than 21 years and not more than 30 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Village Secy: in the Deptt:with at least years experience as such.
8	Stenographer (Senior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 100 words per minutes in shorthand in English and 40 words per minute in typing		Not less than 18 years and not more than 25 years	i) 25% by initial recruitment and ii) 75% by selection on merit with due regards seniority from amongst holders of the post Stenographer (Junior Clerk).
9	Overseer	Diploma from recognized Institute		Not less than 21 years and not more than 25 years	By Initial Recruitment
10	Supervisor	Degree from recognized University		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 regards seniority from amongst holders of the post Village Secy: in Deptt with least years experience as such.

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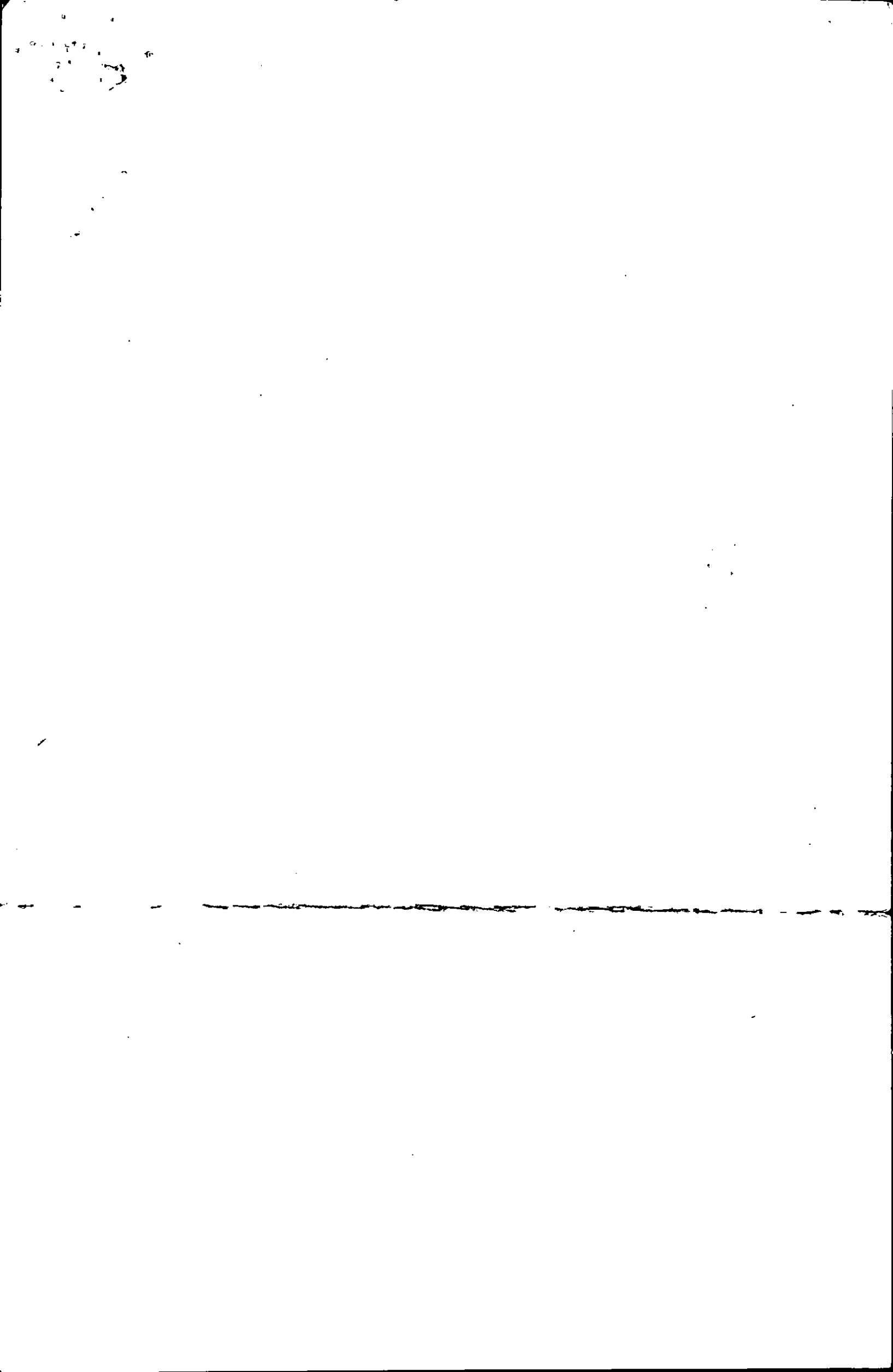
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KHYBER PAKHTUNKWHA GOVERNMENT GAZETTE, EXTRAORDINARY, 12th JUNE, 2019 1431

11	Senior Auditor	Degree from recognized University Note: Preference will be given to persons holding Degree with Commerce as one of the subjects or equivalent qualification in Accounts		Not less than 18 years and not more than 25 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Junior Clerk in the Deptt: with a least three years service such, who have minimum qualification prescribed for initial recruitment
12	Stenographer (Junior Scale)	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 words per minute in typing		Not less than 18 years and not more than 25 years	By Initial Recruitment
13	Steno Typist	a) Matriculation or equivalent qualification from recognized board and b) Speed 80 words per minutes in shorthand in English and 35 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 holders of the post Junior Clerk /Senior Clerk in the Deptt: with a least three years service such.
14	Junior Auditor	Matriculation or equivalent qualification from recognized board		Not less than 18 years and not more than 25 years	By Initial Recruitment
15	Senior Clerk	-		-	by selection on merit with due regards seniority from amongst holders of the post Junior Clerk in the Deptt: with a least three years service such, who have minimum qualification prescribed for initial recruitment
16	Village Secretary	Intermediate from recognized Board		Not less than 18 years and not more than 25 years	By Initial Recruitment
17	Junior Clerk	Matriculation or equivalent qualification from recognized board		Not less than 18 years and not more than 25 years	iii) Not less than 80% by initial recruitment and iv) Not more than 20% by selection on merit from amongst holders of the post Daftaries and Poen in the Deptt: with a least three years service such. Qualification prescribed for initial recruitment


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



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(17)

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT
DEPARTMENT.

NOTIFICATION

Peshawar, dated the 14th April, 1998.

No. SO(LG-I)2-188/93-Vol-II: In exercise of the powers conferred by sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government and Rural Development Department, in consultation with the Services and General Administration Department and the Finance Department, hereby directs that in this Department Notification No. DG(RWP)7(2)/73, dated 26.1.1978, the following further amendments shall be made namely:

AMENDMENTS.

In the Appendix, -

(a) for the existing entries at serial No. 1, the following shall respectively be substituted, namely.

1.	2.	3.	4.	5.	6.
"1.	Director/ Chief Planning Officer.	-	-	-	1) Seventy five percent by promotion, on the basis of seniority-cum-fitness from amongst Assistant Directors/Planning Officers with five years service as such; and ii) twenty five per cent by transfer."

(b) for the existing entries at serial No. 2, the following shall respectively be substituted, namely:

1	2	3.	4.	5.	6.
"2.	Assistant Director/ Planning Officer.	Master degree or equivalent qualification from a recognised University.	-	21 to 30 years.	1) Fifty percent by initial recruitment; and ii) fifty percent by promotion, on the basis of seniority-cum-fitness from amongst

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the Progress Officers with three years service as such."

(c) for the existing entries in column 6 against serial No. 6, the following shall be substituted, namely:

" By promotion, on the basis of seniority-cum-fitness, from amongst Assistants/Accountants and Senior Scale Stenographers with five years services as such."

Note.- A joint seniority list of Assistants/Accountants and Senior Scale Stenographers shall be maintained, on the basis of their regular continuous appointments to the respective posts, for the purpose of promotion; provided that if the date of regular appointments is the same, the Assistant/Accounts shall rank senior to Senior Scale Stenographers."

d) for the existing entries in columns 3, 5 and 6 against serial No. 7, the following shall respectively be substituted, namely:

3.	5.	6.
"Bachelor Degree or equivalent qualification from recognised University.	21 to 25 years	i) Seventy Five per cent by promotion, on the basis of seniority-cum fitness, from amongst the Senior Auditors and Senior Clerks with three years service as such; and ii) twenty five per cent by initial recruitment.

Note.- A joint seniority list of Senior auditors and Senior Clerks shall be maintained, on the basis of their regular continuous appointment to the respective posts, for the purpose of promotion; provided that if the date of regular appointment is the same the Senior Auditors shall rank senior to Senior Clerk."

(e) for the existing entries in columns 3, 5 and 6 against serial No. 9, the following shall respectively be substituted, namely:

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3.	5.	6.
"Bachelor Degree in Engineering or equivalent qualification in the relevant field from recognised University.	22 to 30 years	i) Seventy per cent by initial recruitment; ii) ten per cent by promotion on the basis of seniority cum-fitness, from amongst Sub-Engineer who possess Bachelor Degree in Engineering or equivalent qualification from a recognised University; and iii) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers having ten years service as such and have passed the prescribed departmental examination."; and

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(f) for the existing entries in columns 3, 5 and 6 against serial No. 10, the following shall respectively be substituted, namely:

3.	4.	5.	6.
"Bachelor Degree from recognised University	-	21 to 25 years	(i) Seventy five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Village Secretaries with five year service as such; and (ii) twenty-five per cent by initial recruitment."; and

(g) for the existing entries in columns 6 against serial No. 11, the following shall respectively be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks with two years service as such."

Secretary to Government of North-West Frontier Province, Local Government, Elections and Rural Development Department.

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Endst: No. SO(LG-I)2-188/89 Dated. the 14th April 1998.

Copy of the above is forwarded to:

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in NWFP.
3. Secretary to Governor, NWFP, Peshawar.
4. Secretary, NWFP, Public Service Commission, Peshawar.
5. Director General, LG&RDD, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP.
7. Secretary Local Council Board, NWFP, Peshawar.
8. Secretary Provincial Election Authority, Peshawar.
9. All Divisional Directors, LG&RDD in NWFP.
10. All Deputy Commissioners in NWFP.
11. All District & Session Judges in NWFP.
12. Registrar, Peshawar High Court Peshawar.
13. All Assistant Directors, LG&RDD in Peshawar.
14. Section Officer (Legis.), Govt: of NWFP, Law Deptt:
15. Section Officer (Urdu Cell) Govt: of NWFP, S&GAD with reference to his letter No. SOUC(S&GAD)6-22/90/Vol-III, dated 24-2-1998.
16. Manager Govt: Printing Press, Peshawar for publication in the next Government Gazettee Notification, 40 copies of the Notification may be sent to this Department.



(ARBAB WAHEED ALAM)
Section Officer-I.

HM/AQ.

16/4/98

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12TH JUNE, 2019.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT.

NOTIFICATION

Peshawar, dated the 1st August 2018.

No. SO (LG-I)2-188/SSRC/2018.-In exercise of the powers conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department, in consultation with the Establishment and Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG-(RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

(a) for Serial No. 1 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"1.	Director General.	-	-	-	By transfer from amongst PAS, PCS and PMS officer in BPS-20."

(b) for Serial No. 1A, the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"1A.	Director.	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors and Assistant Directors (Senior) with at least seven (07) years service as such or twelve (12) years service as Assistant Director and above. Note: For the purpose of promotion to the post of Director, there shall be maintained a joint seniority list of Deputy Directors and Assistant Directors (Senior).";

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- (c) after Serial No. 1A, as so substituted, the following new entries shall be inserted, in the respective columns, namely:

1B.	Director (Technical).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors (Technical) with at least seven (07) years service as such or twelve (12) years service, as Assistant Engineer and Assistant Director (Technical) and above.
1C.	Deputy Director/Assistant Director (Senior).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors with at least five (05) years service as such.
1D.	Deputy Director (Finance and Accounts).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Accounts Officers with at least five years service as such.
1E.	Deputy Director (Technical).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers and Assistant Directors (Technical) with five (05) years service as such and having a Bachelor's Degree in Civil Engineering.”; Note: For the purpose of promotion to the post of Deputy Director (Technical), there shall be maintained a joint seniority list of Assistant Engineers and Assistant Directors (Technical).”;

- (d) against Serial No. 2, in column No. 2, the slash and words “/Planning Officer” shall be deleted.
- (e) against Serial No. 3, in columns 3 and 6, the following shall respectively be substituted, namely:

3.	6.
“At least Second Class Master's Degree in Commerce / Business Administration/BS (Honours) Finance and Accounting or its equivalent qualification from a recognized University.	(i) Fifty (50) per cent by promotion, on the basis on the basis of seniority-cum-fitness, from amongst the Accountants with at least five (05) years service as such: Provided that if no suitable officer is available for promotion then by transfer.; and (ii) fifty (50) per cent by initial recruitment.”;

ATTESTED

- (f) against Serial No. 5, in column No. 2, for the words "Sub Divisional Officer", the words and brackets "Assistant Director (Technical)" shall be substituted.
- (g) against Serial No. 7, in column Nos. 2 and 6, for the existing entries, the following shall respectively be substituted, namely:

2.	6.
"Assistant.	(i) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least three years' service as such; and (ii) twenty-five percent initial recruitment.";

- (h) against Serial No. 9, in column No. 6, in clause (iii), the full-stop, appearing at the end, shall be replaced by colon and thereafter the following proviso shall be added, namely:

"Provided that if no suitable officer is available for promotion then by transfer.";

- (i) after Serial No. 9, as so amended, the following new entries shall be inserted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"9B.	Auto CAD Operator.	(a) At least Second Class Bachelor's Degree from a recognized University; (b) six months Diploma in Civil AutoCAD from a recognized Technical Institute; and (c) at least two years experience in relevant field.	-	18 to 30 years.	By initial recruitment.";

- (j) for Serial No. 11 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"11.	Accountant.	At least Second Class Bachelor's Degree in Business Administration or its equivalent qualification, from a recognized University.	-	21 to 30 years.	By initial recruitment: Provided that till the appointment of a suitable person on initial recruitment the post shall be filled by transfer.";

- (k) for Serial No. 14, the following shall be substituted, in the respective columns, namely:

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1.	2.	3.	4.	5.	6.
"14.	Computer Operator.	(a) At least Second Class Bachelor's Degree in Computer Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent qualification from a recognized University; or (b) At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	--	21 to 32 years.	By initial recruitment.";

(j) after Serial No. 19, the following new entries shall be inserted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"19A.	Driver.	Preferably literate and holding a valid Driving License.	-	18 to 40 years.	By initial recruitment."; and

(l) for Serial No. 20, in column No. 2, after the word and slash "Chowkidar/", the word "Sweeper" shall be added.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL
GOVERNMENT ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT.

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

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NOTIFICATION

Dated Peshawar, the 16th October, 2019

No. SO(ELG/2-188/SSRC/2019.- In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:
- "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service.";
 - Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and
 - Ten percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such.";

Note: For purpose of promotion to the post of Assistant Director against ten percent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistants.";

- b) against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely:
- "Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and
 - Fifty (50) per cent by initial recruitment.";

- c) against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted, namely:

- "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;
- Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least five years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and
- Seventy per cent by initial recruitment.";

Director (H.R./A&P)
circulate among field officers
18/10

Div (Admin)
17/10/2019

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- d) against Serial No. 6, in column No.6, for the words, colon and slash "Assistants/Accountants/Senior Scale Stenographer", the word "Accountants" shall be substituted;
- e) against Serial No. 15A, in column No.6, for the word, figure and brackets "ten (10)", the word, figure and brackets "five (05)" shall be substituted; and
- f) against Serial No. 16, in column No.6 for the existing entry, the following shall be substituted, namely:
- Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village Council / Neighborhood Council with seniority at Tehsil level, having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such: and
 - Eighty (80) per cent by initial recruitment:

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such candidate is not available in the same Village Council / Neighborhood Council then the candidate from adjacent Village Council / Neighborhood Council;

Provided further that in case of non-availability of candidate from adjacent Village Council / Neighborhood Council then from any other Village Council / Neighborhood Council in that Tehsil."

**SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG,E&RD DEPARTMENT**

No. SO(ELG/2-188/SSRC/2019.-

Dated Peshawar, the 16th October, 2019

Copy forwarded to:-

- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
- The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- The Director General, LG,E&RDD, Khyber Pakhtunkhwa Peshawar.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- All Head of Attached Departments in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- The Registrar, Peshawar High Court, Peshawar.
- All District and Session Judges in Khyber Pakhtunkhwa.
- All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
- The Manager Government printing press, Peshawar for publication in the next Government Gazettee Notification. 100 copies of the Notification may be sent to this Department.
- The PS to Senior Minister for LG,E&RD Khyber Pakhtunkhwa.
- The PS to Secretary LG,E&RDD Peshawar.
- The Office Order file.


(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Phone # 091-9213224


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S.NO	Nomenclature of post	Qualification for initial recruitment	Qualification For Promotion	Age limit for initial recruitment	Method for appointment	Remarks
1	2	3	4	5	6	
2	Assistant Director/Project Manager/Progress Officer	a) 2nd class Master Degree from recognized university in Economics, Statistics, social works sociology, Animal husbandry, Agril: Political science, Public Admnistration, Geography or Social Psychology, Physics, Chemistry, Mathematics.	-	Not less than 21 years and not more than 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the post Development Officer and Sub-Divisional (Assistant Director Engineer)	As per service rules of the department dated: 26th January, 1978
2	Assistant Director/Planning Officer	Master degree or equivalent qualification from a recognized University	-	21 to 30 years	i) fifty percent by initial recruitment and ii) fifty percent by promotion, on the basis of seniority-cum-fitness from amongst the progress officers with three years service as such.	As per ammendments in service rules vide Notification No. SO (LG-I)2-188/93-Vol-II Dated: 14th April, 1998.
2	Assistant Director	Master degree or equivalent qualification from a recognized University	-	22 to 30 years	i) fifty percent by initial recruitment and ii) fifty percent by promotion, on the basis of seniority-cum-fitness from amongst the progress officers with three years service as such.	As per ammendments in service rules vide Notification No. SO (LG-I)2-188/SSRC/2018 Dated: 01st August, 2018.
2	Assistant Director	Master degree or equivalent qualification from a recognized University	-	23 to 30 years	i) "Fifty percent by initial recruitment through Khyber Pakhtunkhwa Public Service Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Services." ii) Forty percent by promotion, on the basis of seniority-cum-fitness from amongst the progress officers with three years service as such; and iii) Ten percent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Scale Stenographers and Assistants with at least three years service as such."	As per ammendments in service rules vide Notification No. SO (E) LG/2-188/SSRC/2019 Dated: 16th October, 2019.
3	Accounts Officer	2nd class Masters Degree in Commerce/Business Administration, or G.A.S qualified person of Pakistan Audit Department or Provincial Local Audit Deptt.	-	Not less then 21 years and not more then 30 years	i) 50% by initial recruitment and ii) 50% by selection on merit with due regards seniority from amongst holders of the posts Superintendents of the Deptt: with at least three years service as such.	As per service rules of the department dated: 26th January, 1978
3	Accounts Officer	"At least second class Master's degree in commerce/Business Administration/BS (Honours) Finance and Accounting or its equivalent qualification from a recognized university.	-	Not less then 21 years and not more then 30 years	i) Fifty (50) per cent by promotion on the basis of seniority-cum-fitness from amongst the Accountants with at least five (5) years service as such: Provided that if no suitable officer is available for promotion then by transfer; and ii) Fifty (50) per cent % by initial recruitment:	As per ammendments in service rules vide Notification No. SO (LG-I)2-188/SSRC/2018 Dated: 12th June, 2018.

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3	Accounts Officer	"At least second class Master's degree in commerce/Business Administration/BS(Honours)Finance and Accounting or its equivalent qualification from a recognized university.	-	Not less than 21 years and not more than 30 years	i) Fifty (50) per cent by promotion on the basis of seniority-cum-fitness from amongst the Superintendents with at least three years service as such; and ii) Fifty (50) per cent % by initial recruitment:	As per amendments in service rules vide Notification No.SO(E)LG/2-188/SSRC/2019 Dated:16th October,2019.
6	Superintendent	-	-	-	by the selection on merit with due regards to seniority from amongst holder of the Assists:/Accountants/Senior Scale Stenographers/Senior Auditors with least five years experience as such.	As per service rules of the department dated:26th January,1978
6	Superintendent	-	-	-	By promotion on the basis of seniority-cum-fitness from amongst Assistants/Accountants and Senior Scale Stenographers with least five years services as such.	As per amendments in service rules vide Notification No.SO (LG-I)2-188/93-Vol-II Dated:14th April,1998.
6	Superintendent	-	-	-	By promotion on the basis of seniority-cum-fitness from amongst Accountants with least five years services as such.	As per amendments in service rules vide Notification No.SO(E)LG/2-188/SSRC/2019 Dated:16th October,2019.
7	Assistant / Accountant	Degree from Recognized university	-	Not less than 21 years and not more than 30 years	i) 25%by initial recruitment and ii) 75% by selection on merit with due regards seniority amongst holders of the post Village Secy: in the Deptt:with at least five years experience as such.	As per service rules of the department dated:26th January,1978
7	Assistant / Accountant	Bachelor Degree or equivalent qualification from recognized university	-	21 to 25 years	i) Seventy Five percent by promotion , on the basis of seniority-cum fitness , from amongsts the Senior Auditor and Senior Clerk with three years service as such: and ii) twenty five per cent by initial recruitment .	As per amendments in service rules vide Notification No.SO (LG-I)2-188/93-Vol-II Dated:14th April,1998.
7	Assistant	Bachelor Degree or equivalent qualification from recognized university	-	22 to 25 years	i) Seventy Five percent by promotion , on the basis of seniority-cum fitness , from amongsts the Senior Clerks with three years service as such: and ii) twenty five per cent by initial recruitment .	As per amendments in service rules vide Notification No.SO (LG-I)2-188/SSRC/2018 Dated:12th June,2018.
11	Accountant	At least Second Class Bachelor's Degree in Business Administration or Its equivalent qualification from a recognized university	-	21 to 30 years	By initial recruitment: Provided that till the appointment of a suitable person on initial recruitment the post shall be filled by transfer.	As per amendments in service rules vide Notification No.SO (LG-I)2-188/SSRC/2018 Dated:12th June,2018.

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ATTACHED

To,

29 C

The Director General
Local Government and Rural Development Department
Khyber Pakhtunkhwa Peshawar.

Subject: APPLICATION / DEPARTMENTAL APPEAL FOR ADJUSTMENT AS ACCOUNTANT (BPS 16) OFFICE OF THE DIRECTORATE GENERAL LOCAL GOVERNMENT AND RURAL DEVELOPEMMENT DEPARTMENT KHYBER PAKHTUNKHWA.

Respected Sir,

It is respectfully stated that the undersigned was appointed as Assitant/Accountant on 15/11/2012 in the office of the Directorate General of Local Government and Rural Development Department Khyber Pakhtunkhwa.

It is further stated that the undersigned is performing his duties as Accountant from last five years, the responsibilities includes:

- Preparation and submission of contingency bills.
- Preparation and submission of salaries related issues.
- Reconciliation/compialation of accounts with office of Accountant General.
- Maintanace of stocks.
- Maintanace of log books, cash book, stock register etc.
- Preparation of budget and final grant.
- Preparation of saving surrender statement.
- Preparation replies to Audit Para's.
- Any other task

Further more in the last five years the undersigned has developed skills in the field of accounts and worked with full satisfaction of the highups.

It is important to mention that before notification of the new service rules the nomenclature of the post of assistant was "ASSISTANT / ACCOUNTANT" now as the post of Assistant and Accountant have been segregated. It would have been in the fairness of justice if the option would have been taken from the undersigned whether that the undersigned opt for accountant or assistant.

In view of the foregoing facts it is humbly prayed that as the undersigned is working as accountant and both the post are of the same BPS the undersigned may be adjusted in the Accountant cadre instead of Assistant cadre.

Thanking you Sir.

OA, P. Upl
4/9

DIRECTORATE GENERAL, LG&RD KHYBER PAKHTUNKHWA PESHAWAR	
DIARY NO.	9919
DATED	04/09/18
Director (Admin/HR, Finance & Litigation)	Ar
Director (Police & Operation)	
Director (Technical/ Develo	
Deputy Director (GC)	

Yours Obediently,

Ansar Nisar
Accountant
Director General LG RD
04/09/18.

ATTESTED



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

Dated the Peshawar 18th September, 2018

30

OFFICE ORDER

No. Director(LG)/3-12/016-17/.

In pursuance to the application received from Mr. Ansar Nisar Office Assistant (BPS-16) presently posted in the Directorate General LG&RDD Khyber Pakhtunkhwa regarding adjustment against the post of Accountant (BPS-16) in the department. It is hereby stated that the officer is performing the duty of Accountant for the last five year as per following detail:-

- i) Preparation and submission of contingency bills.
- ii) Preparation and submission of salaries related issues.
- iii) Reconciliation/compilation of accounts with the office of Accountant General.
- iv) Maintenance of stocks.
- v) Maintenance of log books, cash books, stock register etc.
- vi) Preparation of budget and final grant.
- v) Preparation of saving surrender statement.
- vi) Preparation of replied to Audit Paras.
- vii) Any other task assigned by the competent authority.

2. Whereas the officer is dealing in above mentioned activity for the last five years and has developed skills in the field of accounts and worked to the entire satisfaction of higher authorities.

3. Whereas before the amendments notified on 1st August 2018 in the services rules of the department, the nomenclature of the relevant post was "Assistant/Accountant" which has been segregated now.

Whereas the officer has requested for his adjustment against one of the vacant posts of Accountant (BPS-16) in line with job/activities explained in Para-1 above and performed by him during last five year.

Consequent upon above, Mr. Ansar Nisar Office Assistant (BPS-16) is hereby adjusted/absorbed as Accountant (BPS-16) post in the Directorate General LG&RD Khyber Pakhtunkhwa against vacant post. His seniority will be considered/maintained as Accountant from the day of his appointment.

Sd/xx
Director General
LG&RDD

Endst of Even No & Date

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director (Admn/HR) Directorate General LG&RDD Khyber Pakhtunkhwa, Peshawar.
3. Officer concerned.
4. PA to Director General, LG&RDD Peshawar.


ATTESTED


ASSISTANT DIRECTOR (ADMN/HR)
LG&RDD

31

ASSUMPTION OF CHARGE.

In compliance to Government of Directorate General LG&RDD, Khyber Pakhtunkhwa Office Order No. Director (LG&RDD)/3-12/2016-17 dated 18.09.2018. I Ansar Nisar is hereby assume the charge of the post of Accountant in the Directorate General LG&RDD, Khyber Pakhtunkhwa Peshawar today on 18.09.2018 F.N.

A. S. Nisar
18/09/18
Ansar Nisar
Accountant
Dte. LG&RDD

Copy of the above is forwarded to:

- ✓ 1. Director (Admin/HR) LG&RDD, Khyber Pakhtunkhwa.
2. PA to Director General LG&RDD, Khyber Pakhtunkhwa.
3. Office File.

A. S. Nisar
18/09/18
Ansar Nisar
Accountant
Dte. LG&RDD

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OA
in second pt.

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31

ASSUMPTION OF CHARGE.

In compliance to Government of Directorate General LG&RDD, Khyber Pakhtunkhwa Office Order No. Director (LG&RDD)/3-12/2016-17 dated 18.09.2018. I Ansar Nisar is hereby assume the charge of the post of Accountant in the Directorate General LG&RDD, Khyber Pakhtunkhwa Peshawar today on 18.09.2018 F.N.

A. Ansar Nisar
18/09/18.
Ansar Nisar
Accountant
Dte. LG&RDD

Copy of the above is forwarded to:

1. Director (Admin/HR) LG&RDD, Khyber Pakhtunkhwa.
2. PA to Director General LG&RDD, Khyber Pakhtunkhwa.
3. Office File.

DIRECTORATE GENERAL, LG&RD KHYBER PAKHTUNKHWA PESHAWAR	
DIARY NO. 10304	
DATE: 5/9/18	
Director (Admin/HR, Finance & Litigation)	<i>AN</i>
Director (Police & Operation)	
Director (Technical/ Development)	
Deputy Director (LGC)	
Personal Assistant	

A. Ansar Nisar
18/09/18.
Ansar Nisar
Accountant
Dte. LG&RDD

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ATTESTED



DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

33

ORDER

Dated Peshawar, the 7th January 2019

No. Director (LG) 3-1/Establishment/2013/- The Competent Authority has been pleased to circulate the Final Seniority List of Accountant (BPS-16) of Local Government and Rural Development Department posted in Khyber Pakhtunkhwa/ FATA as stood on 31.12.2018 as per the following list for information of all concerned.

S#	Name of Accountant	Date of Birth	Date of initial appointment	Date of promotion	Place of present Posting	Remarks
1	Ansar Nisar	08.12.1983	15.11.2012	-	DG Office	-do-

-sd/-

DIRECTOR GENERAL
LG & RDD

Endst: No. & date even:

Copy forwarded to the:

1. Director (Admin/HR) LG&RDD , Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Establishment) LG,E&RDD Khyber Pakhtunkhwa for information.
3. PS to Secretary LGE& RDD Khyber Pakhtunkhwa.
4. PA to Director General LG&RDD, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Record file.

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

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MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 12-12-2019 AT 1100 HOURS

A meeting of Departmental Promotion Committee of LG,E&RDD was held on 12-12-2019 at 1500 hours under the Chairmanship of Secretary to Government of Khyber Pakhtunkhwa, Local Government, Elections and Rural Development Department. The following attended:-

1. Mr. Shakeel Ahmad; --- Chairman
Secretary, LG,E&RDD
2. Mr. Abid Ullah, --- Member
Director General, LG&RDD
3. Mr. Muhammad Qasim, --- Member
Section Officer (Reg-IV), E&A Deptt
4. Mr. Tariq Mehmood, --- Member
Section Officer (FR), Finance Deptt

(List of participants is attached)

2. The Chairman welcomed the participants. Meeting was started with recitation from the Holy Quran. Agenda of the meeting containing the following items was placed before the forum:-

Item No. 1 Promotion of Senior Scale Stenographer (BPS-16)/Office Assistant (BPS-16) to the posts of Assistant Director(B-17), LG&RDD;

Item No. 2 Promotion of Accountant (BPS-16) to the posts of Superintendent (BPS-17), LG&RDD;

3. The above items were considered threadbare and decisions taken thereon are elaborated as under:-

Item No. 1: Promotion of Senior Scale Stenographers (BPS-16)/Office Assistant (BPS-16) to the post of Assistant Director (BPS-17) in LG&RDD

The Committee after going through the working paper, synopsis of ACRs, length of service of the incumbents and certificates to the effect that the incumbents included in the panel for promotion to the post of Assistant Director (BPS-17) lying vacant under promotion quota in LG&RDD are not required to NAB/Ittesab Commission and no departmental or judicial enquiry is pending against them, made the following recommendations:

S#	Name of Official/ Designation	Recommendations of the Committee
1.	Ahmad Sultan, Senior Scale Stenographer(BP-16)	Recommended for promotion to the post of Assistant Director (BPS-17) in LG&RDD lying vacant under promotion quota with immediate effect. However, he will be on probation for a

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S#	Name of Official/ Designation	Recommendations of the Committee
2.	Kalim Ullah Khan, Senior Scale Stenographer (BPS-16)	<p>period of one year as required under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.</p> <p>Recommended for promotion to the post of Assistant Director (BPS-17) in LG&RDD lying vacant under promotion quota with immediate effect. However, he will be on probation for a period of one year as required under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.</p>
3.	Sahibzada Mujeeb-ur-Rehman, Office Assistant (BPS-16)	<p>Recommended for promotion to the post of Assistant Director (BPS-17) in LG&RDD lying vacant under promotion quota with immediate effect. However, he will be on probation for a period of one year as required under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.</p>
4.	Shehryar Khan, Office Assistant (BPS-16)	<p>It was brought into the notice of participants that a complaint has been received from NAB about illegal appointment as well as mis-placement recruitment / service record of Mr. Sheryar Khan, Office Assistant as well as others appointed during 2012 which is being investigated. Therefore, it was considered appropriate to defer his promotion case till availability of his complete service record as well as outcome of the enquiry/investigation to avoid any legal complication in future.</p>



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Item No. 2: Promotion of Accountant (BPS-16) to the post of Superintendent (BPS-17) in LG&RDD


The promotion case of Mr. Ansar Nisar, Accountant (BPS-16) to the post of Superintendent (BPS-17) LG&RDD lying vacant under promotion quota was discussed in detail. However, It was brought into the notice of participants that a complaint has been received from NAB about illegal appointment as well as mis-placement of recruitment / service record of Mr. Ansar Nisar, Accountant as well as others appointed during 2012, which is being investigated, Therefore, it was considered appropriate to defer his promotion case till availability of his complete service record as well as outcome of the enquiry / investigation to avoid any legal complication in future.

4. Meeting ended with a vote of thanks from and to the Chair.


(Abid Ullah)
DG, LG&RDD


(Muhammad Qasim)
Section Officer (Reg:IV) Estab:Deptt


(Tariq Mehmood)
Section Officer (FR-I), Finance Deptt


(Shakeel Ahmad)
Secretary, I.G,E&RDD


ATTESTED



Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

39

D. No. 22412
DATED 26/06
LOCAL GOVERNMENT

ORDER

Dated Peshawar the 24th June, 2020

No.SO(E)LG/3-182/NAB/202019:-

The Competent Authority in Local Government, Elections & Rural Development Department is pleased to appoint Mr. Said Rehman, Additional Secretary Local Council Board, Khyber Pakhtunkhwa, Hayatabad Peshawar as Enquiry Officer to conduct fact finding inquiry into the illegal appointments of 24 Office Assistants, one Supervisor and 22 Key Punch Operators in Directorate General, LG&RDD Khyber Pakhtunkhwa Peshawar as reported by NAB vide letter No. 10/9/3866-19/CC/NABKP/5996, dated 06th December, 2019 (copy attached).

3. The Enquiry Officer shall conduct enquiry, fix responsibility and submit report within one month.

**SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG, E&RD DEPARTMENT**

Endst. No. & Date Even.

Copy is forwarded to:-

1. The Deputy Director (Coord), Complaint Verification Cell, Govt. of Pakistan National Accountability Bureau, Block-III, PDA Complex, Phase-V Hayatabad Peshawar.
2. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
3. The Secretary, Local Council Board, Khyber Pakhtunkhwa Peshawar.
4. The Director (Admin/HR), Directorate General, LG&RDD Khyber Pakhtunkhwa Hayatabad Peshawar. He is requested to provide relevant record to the Enquiry Officer and assist him in conducting the subject inquiry.
5. Mr. Said Rehman, Additional Secretary, Local Council Board, Khyber Pakhtunkhwa Hayatabad Peshawar. A copy of complaint is attached.
6. The PS to Secretary LG&RDD, Peshawar.
7. The PS to Special Secretary LG&RDD, Peshawar.
8. The PS to Additional Secretary (E&A), LG&RDD, Peshawar.


SECTION OFFICER (ESTAB)
Phone # 091-9213224


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INQUIRY REPORT

The Provincial Government of Khyber Pakhtunkhwa, Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa vide Order No SO (E) LG/3-18/NAB/2019 dated June 24, 2020 has appointed the undersigned to conduct a fact-finding inquiry into the illegal appointments of 24 Office Assistants, one Supervisor and 22 Key Punch Operators in the Directorate General LG&RDD Khyber Pakhtunkhwa as reported by NAB vide No 10/9/3866-19/CC/NABKP/5996 dated 06th December 2019 and fix responsibility and submit the report within one month. Copy of the Order alongwith annexures at **Annexure-I**. A reminder to this effect vide Letter No SO (E) LG/3-18/NAB/2019 dated 27th July 2020 was also received and copy alongwith annexure placed at **Annexure-II**.

Proceedings of the Inquiry:

In order to initiate the inquiry proceedings, office of the Director General LGE&RDD was visited on July 29, 2020 for ascertaining documents and record relevant to the subject inquiry. The incumbent Director General LGE&RDD, his senior officers and support staff currently posted in the Directorate General LGE&RDD were also personally contacted for the purpose. In view of the fact that most of the appointment orders of the appointed staff were issued by Madam Tahira Yasmeen Ex-Director Local Government (Retired), therefore she was also contacted on 06/08/2020 and her statement recorded and available on record at **Annexure-III**.

As a result of the above efforts, office of the Director General LGER&DD was able to provide the following information/ documents related to the subject inquiry;

1. List of 24 Office Assistants BP14 with district of domicile (**Annexure-IV**)
2. List of 22 Key Punch Operators/Computer Operators BPS-12 with district of domicile (**Annexure-V**)
3. List of one number Supervisor BPS-9 with district of domicile (**Annexure-VI**);
4. Copy of the vacancies advertisements in daily Mashriq dated July 26, 2012 and 2nd advertisement daily AAJ dated December 10, 2012 (**Annexure-VII**);
5. Copies of offer of appointments, posting orders, arrival reports and Medical Certificates in respect of officials appointed as a result of above mentioned exercise. (**Annexure-VIII**)
6. Copies of Service Rules of the employees of DG LG&RDD dated January 26, 1978 (**Annexure-IX**).
7. Copies of Revised Service Rules of the employees of DG LG&RDD dated 1st August 2018, (**Annexure-X**).
8. Copy of the letter dated 17th February 2014 signed by Director Local Government informing the NAB authorities that all record relevant to


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The subject case was with the then Director General LG&RDD who was also serving as PSO to the then Senior Minister LG & RDD in addition to holding the post of Director General LG&RD (Annexure-XI).

9. List/Names of Director General LG&RDD with tenure of posting (Annexure-XII).

10. Minutes of the meeting held under the chairmanship of Additional Secretary (E&A) LGE&RDD, KP dated 03-1-2019 (Annexure-XIII).

However, the following important documents relevant to the subject case could not be provided to the undersigned during the course of fact-finding inquiry by the incumbent staff of the DG LG&RDD Khyber Pakhtunkhwa as they reported that the same were not available with them and this fact was also testified by the statement of the Ex-Director LG&RDD (Annexure-III).

1. Copy of the Order of Departmental Selection Committee (DSC) as mentioned in the advertisements in the daily newspapers for filling the subject posts.
2. The long list and short list of the candidates.
3. Final merit list of the candidates.
4. Minutes/report of the DSC meeting with recommendations;
5. Merit/Zonal quota /allocations for different vacancies;
6. Age relaxation certificates in respect of those overage candidates;
7. The despatch register of DG LG&RDD office to determine the actual dates of issuance of offer of appointments and posting orders in respect of selected candidates;
8. Diary register to determine the actual dates of arrival reports by the selected candidates.

Findings & observations:

After examining the limited documents made available to the undersigned and in view of the non-availability of most crucial record relevant to the case, it was found/observed that;

1. It cannot be determined with finality that whether the 47 number officials (24 Office Assistants, 22 KPOs and one Supervisor) recruited by the then Director General LG&RDD in October 2012 (and one in June 2013) were recruited on merit or otherwise;
2. Due to non-entry/non-maintaining the Dairy-Despatch registers by the then Directorate General LG&RDD at that point of time for official correspondence, the actual dates of issuance of offer of appointments, order of posting and dates of arrival reports etc in respect of the selected/recruited candidates cannot be determined through cross-check or verification. For proving any back dating in official letters/ documents, the reference/fact is generally checked & verified from the

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observed/followed.

3. It is also not clear as what were the "unavoidable circumstances that lead to the cancellation of the tests/interviews conducted on October 14, 2012 by the then Directorate General LG&RDD for the subject vacancies/posts as a result of 1st advertisement as clearly mentioned in the text of the 2nd newspapers advertisement dated daily Ajj December 10, 2012 where through a public notice, the general public were informed that the previous tests/interviews were cancelled and fresh applications were sought from the candidates for the same vacancies to reach by December 20, 2012 to the Directorate General LG&RDD with a revised schedule of shortlisting, test/Interview and final merit list etc. This action on the part of the then Directorate General LG made the whole of the recruitment process doubtful ultimately leading to numerous complaints and investigations which are continued till this date;
4. The issue of nepotism or favouritism in respect of certain selected candidates as a result of above exercise can only be determined when the long list, shortlisting and final merit lists of all the candidates are made available and scrutinised objectively. This aspect of the case shall need further probe of each selected candidate by the administrative department/competent authority vis a vis the final merit list as and when made available.
5. The issuance of the appointment order by the then Deputy Secretary (Admn) LG&RDD in respect of the lone Supervisor BPS-9 vide order dated June 11, 2013 and all the others 46 orders issued by the Director Local Government dated 15/11/2012 also make the whole exercise of appointment questionable in the eyes of law and general public.
6. The Service Rules of January 26, 1978, governing the subject recruitments, do provide for definite quota reserved for promotion from the eligible employees already working in the department. However, all the posts of KPOs and Office Assistants were filled through fresh candidates, thus leading to heart burning and sense of deprivation amongst the long serving senior clerical staff in different parts of the province and genuinely expecting promotion against the quota reserved for promotion.
7. It was also observed in both the newspapers advertisements meant for filling the subject vacancies in daily Mashriq dated July 26, 2012 and 2nd advertisement daily AAJ dated December 10, 2012 (**Annexure-VII**), as against the general practice, the number of vacancies to be filled were not mentioned, which made the advertisement and filling of vacancies exercise unique in nature.
8. It is yet to be determined by the administrative department in consultation with Law Department / Establishment Department whether the recruitment cases of 47 number officials, serving in

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since October 2012 (one since June 2013) and drawing their salaries can be re-opened after a lapse of almost 8 years. Also important is the fact that most of the officers reportedly associated with recruitment process have retired from service and they have no access to the official record at this point of time to prove their innocence or otherwise.

Conclusions:

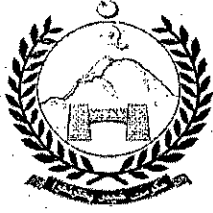
1. In view of the limited time made available to the inquiry officer, and due to non-availability/non-production of most crucial record/evidence in the case, the allegations of violation of merit in the recruitment process as mentioned in the above cited complaint cannot be proved or disproved. However, the Administrative Department may like to consult with the Establishment Department to use modern forensic audit technology to determine the authenticity of the appointment orders and allegations of any backdating in recruitment process due to non-availability/non-maintaining of diary & despatch record for that period of time;
2. For determining whether the charge of nepotism in selection of candidates is correct or otherwise, the administrative department may carryout case to case review of all selected candidates as they belong to different districts and family background.
3. The Administrative Department may seek specific views/opinion of Law Department and Establishment Department, whether test/interviews conducted by the DG LG for the mentioned vacancies on 14-11-2012, and once notified as "cancelled due to unavoidable circumstances" through a newspaper advertisement dated December 10, 2012, can be considered as valid ground for making recruitment or otherwise.

Inquiry report prepared and signed
under my signature today August 7, 2020;


(Inquiry Officer)

Dated August 7, 2020


ATTESTED



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**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT, KHYBER PAKHTUNKHWA**

WORKING PAPER

Subject:- PROMOTION OF ACCOUNTANT (BPS-16) TO THE POST OF SUPERINTENDENT (BPS-17) IN LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA.

There are two sanctioned posts of the Superintendent (BPS-17) in the Directorate General, Local Government & Rural Development Department / Merged Areas Directorate Khyber Pakhtunkhwa.

2. According to Service Rules of the Department, the post of Superintendent (BPS-16) is required to be filled in by way of selection on merit with regards to seniority from amongst holders of the post of Accountants (BPS-16) with at least five years experience as such (Annexure-A).

3. The Final Seniority List of the Accountants (BPS-16) has already been issued by Directorate General LG&RDD Khyber Pakhtunkhwa Peshawar vide Annexure-B. Since 02 posts of the Superintendent (BPS-17) are presently lying vacant under the promotion quota and presently there is only one incumbent namely Mr. Ansar Nisar is available, hence this Directorate General, LG&RDD place his case before the Departmental Promotion Committee for consideration of his promotion to the post of Superintendent (BPS-17) on the basis of seniority.

4. Service particulars of the above named officer according to service record maintained in Directorate General, LG&RDD are as under:-

i) **Mr. Ansar Nisar Accountant (BPS-16)**

Date of Birth	1 st Entry into Service	Date of promotion/ appointment to present post	Length of service as Senior Scale Stenographer
08.12.1983	15.11.2012	15.11.2012	06 years 11 months

5. Mr. Ansar Nisar was appointed as Accountant / Office Assistant (BPS-16) on 15.11.2012. As such, he has completed 06 years and 11 months of service and as per provision in the Service Rules of the Department; he is eligible for promotion to the post of Superintendent (BPS-17) on regular basis. There is no adverse entry in the PERs of the officer as is evident from original PERs for the period from 1st January 2013 to 31st December 2018 and Synopsis thereof are placed at Annexure-C.


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6.

It is certified that the official is:-

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- a) Holding the lower post on regular basis and are not holding the post on ad-hoc basis;
- b) No departmental/ professional examination has been prescribed for the purpose of promotion;
- c) The said official is not required to NAB / Ehtesab Commission and no departmental/ judicial enquiry is pending against him as per record of Directorate General, LG&RDD.
- d) The seniority list is un-disputed and final.

7. The Departmental Promotion Committee is requested to determine the suitability of Mr. Ansar Nisar, Accountant (BPS-16), Directorate General, LG&RDD for promotion to the post of Superintendent (BPS-17) lying vacant under promotion quota in Directorate General, LG&RDD on regular with immediate effect.

M. H. H. H.

Director General,
LG&RDD Khyber Pakhtunkhwa

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS &
RURAL DEVELOPMENT DEPARTMENT

46

Dated: the Peshawar 04th November, 2021

NOTIFICATION

No. SOE/LG/2-336/Promotions/2021-14816 The Competent Authority on recommendations of the Departmental Promotion Committee in its meeting held on 13/10/2021 is pleased to promote Mr. Ansar Nisar, Accountant (BPS-16) to the post of Superintendent (BPS-17) on regular basis with immediate effect.

2. The above named Superintendent on his promotion shall remain in probation for a period of one year in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule 15(2) of the Rules ibid.

3. Consequent upon his promotion, the above named Superintendent is directed to report back to his parent department i.e Directorate General of LG&RD Department Khyber Pakhtunkhwa for actualization of his promotion against the substantive post Superintendent, Directorate General of LG&RD Department.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
LOCAL GOVT: ELECTIONS & RURAL DEV:
DEPARTMENT**

Endst: of Even No. & Date.

Copy forwarded to the:

1. Director General, LG&RD Department.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. Secretary, Local Council Board.
4. Deputy Director (IT), LG,E&RD Department for uploading the same on official website.
5. Officer concerned.
6. PS to Secretary, Establishment Department.
7. PS to Secretary, LG,E&RD Department.

Deoan
SECTION OFFICER (ESTT:)

Dir (A/HR)

9/11/2021

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9/11/2021

AD (A/HR)

9-11-2021

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Dated Peshawar, the 8th November, 2021

Subject: ARRIVAL REPORT

In compliance with the Government of Khyber Pakhtunkhwa Local Government, Election and Rural Development Department order No. SOE/LG/2-336/Promotion/2021 dated 04.11.2021 I, Ansar Nisar hereby assume the charge of Superintendent (BPS-17) in Directorate General LG&RD, Peshawar today on 8th November, 2021 F.N.

A. E. Nisar
8/11/21

(ANSAR NISAR)
SUPERINTENDENT (BPS-17)
LG&RD

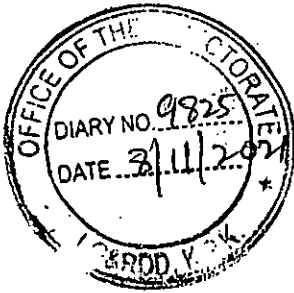
Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director General LG & RD, Khyber Pakhtunkhwa, Peshawar
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. Secretary Local Council Board, Khyber Pakhtunkhwa.
5. Section Officer (Establishment), LG,E & RDD w.r.t his order quoted above.
6. PS to Secretary, Establishment Department, Government of Khyber Pakhtunkhwa.
7. PS to Secretary, LG,E & RDD, Khyber Pakhtunkhwa, Peshawar.

11/8/2021

A. E. Nisar
8/11/21

(ANSAR NISAR)
SUPERINTENDENT (BPS-17)
LG&RD



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**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
KHYBER PAKHTUNKHWA**

Dated Peshawar, the 15th December, 2021

ORDER

No. Director(LG)3-4/Posting/Transfer/2021-18740

Notification No. SOE/LG/2-336/Promotions/2021/4816 dated 04.11.2021 and consequent upon his arrival in Directorate General LG & RD, Khyber Pakhtunkhwa, the Competent Authority has been pleased to post Mr. Ansar Nisar, Superintendent (BPS-17) in Directorate Merged Area, LG & RD, with effect from his date of arrival in the best public interest.

-sd/-

**DIRECTOR GENERAL
LG & RDD**

Endst. Of even No. & Date.

Copy of the above is forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. All the Officers in Directorate General LG&RD, Khyber Pakhtunkhwa.
3. Section Officer (Establishment), LG,E & RDD, Khyber Pakhtunkhwa.
4. Officer concerned.
5. PS to Secretary, LG,E & RDD, Khyber Pakhtunkhwa.
6. The PA to Director General LG & RD Khyber Pakhtunkhwa.
7. Office File.

[Handwritten signature]
15/12

DA
16/12/2021

AD(A/HR)
16.12.2021

[Handwritten signature]
(VIKASH)
ASSISTANT DIRECTOR (AMDIN/HR)
LG&RDD

ATTESTED



(49)

**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

Dated Peshawar, the 15th September, 2022

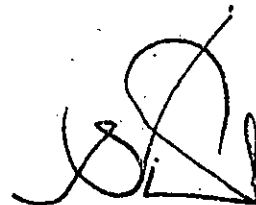
NOTIFICATION

No. Director(LG)3-4/Posting/Transfer /2022/ 721-25
The Competent Authority i.e. Director-General LG & RDD, Khyber Pakhtunkhwa has been pleased to order posting/ transfer of Mr. Ansar Nisar, Superintendent BPS-17 from O/O of Director Newly Merged Areas, Khyber Pakhtunkhwa to Operations & Policy Section in Directorate General LG&RDD, Khyber Pakhtunkhwa with immediate effect in the best public interest.

-sd-
**DIRECTOR GENERAL
LG&RDD**

Copy of the above is forwarded to:

1. All Directors in Directorate General LG & RDD, Khyber Pakhtunkhwa.
2. All Officers/ Officials in Directorate General LG & RDD, Khyber Pakhtunkhwa.
3. The PA to Director General LG&RDD, Khyber Pakhtunkhwa, Peshawar.
4. Office File.

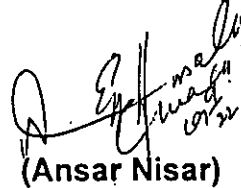

(VIKASH) 15/9/2022
**ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD**


ATTESTED

50

CHARGE RELINQUISH REPORT

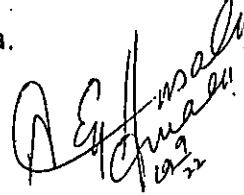
In compliance of Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Notification No. Director (LG) 3-4/Posting/Transfer/2022/721-25 dated 15/09/2022, I, hereby relinquish the charge of the post of Superintendent in Office of Director Newly Merged Areas of Directorate General, LG&RDD, Khyber Pakhtunkhwa today on 19.09.2022 (F.N)


(Ansar Nisar)

SUPERINTENDENT
Newly Merged Districts
Directorate General, LG&RDD.

Copy of the above is forwarded to:

1. All the Officers/Officials of Directorate General, LG&RDD, Khyber Pakhtunkhwa.
2. All the Assistant Directors, LG&RDD, Khyber Pakhtunkhwa.
3. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.
4. Office file.


(Ansar Nisar)

SUPERINTENDENT
Newly Merged Districts
Directorate General, LG&RDD.



ATTESTED

CHARGE ASSUMPTION REPORT

51

In compliance of Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Notification No. Director (LG) 3-4/Posting/Transfer/2022/721-25 dated 15/09/2022, I, hereby assume the charge of the post of Superintendent in Operations/Policy Section of Directorate General, LG&RDD, Khyber Pakhtunkhwa today on 19.09.2022 (F.N)

(Handwritten signature of Ansar Nisar)

(Ansar Nisar)
SUPERINTENDENT
OPERATION/POLICY
Directorate General, LG&RDD.

Copy of the above is forwarded to:

1. All the Officers/Officials of Directorate General, LG&RDD, Khyber Pakhtunkhwa.
2. All the Assistant Directors, LG&RDD, Khyber Pakhtunkhwa.
3. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.
4. Office file.

(Handwritten signature of Ansar Nisar)

(Ansar Nisar)
SUPERINTENDENT
OPERATION/POLICY
Directorate General, LG&RDD

(Handwritten signature)
ATTESTED

To

The Secretary to Government of Khyber Pakhtunkhwa,
Local Government, Elections & Rural Development, Peshawar.

Through: **PROPER CHANNEL.**

Subject: **DEPARTMENTAL APPEAL FOR PROMOTION AS PER AGENDA ITEM OF THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE HELD ON 12TH DECEMBER 2019 ALONGWITH BACK BENEFIT.**

Respected Sir, -

With profound honor it is stated that the petitioner has been promoted to the post of Superintendent vide notification No. SOE/LG2-336/Promotion/2021 Dated 04/11/2021 (copy enclosed) and is performing duties till date.

It is further stated that the promotion case of the petitioner was previously placed on the agenda of the meeting of Departmental Promotion Committee held on 12/12/2019 under the chairmanship of Honorable Secretary LGE&RD Department as per following breakup:

- i) Promotion of Mr. Ansar Nisar Accountant BPS-16 to the post of Superintendent BPS-17 LG&RDD

Promotion of the petitioner was deferred by the departmental promotion committee on the point that

"A complaint has been received from NAB about illegal appointment as well as mis-placement of recruitment/service record as well as others appointed during 2012 which is being investigated. Therefore it was considered appropriate to defer his promotion case till availability of his complete service record as well as the outcome of the inquiry/investigation to avoid any legal compaction in future"

As the ground for deferment of the petitioner from his legal and long awaited promotion was beyond his control and responsibility, the petitioner presented departmental appeal through proper channel to the worthy Secretary Local Government Rural Development Department on 03/03/2020 followed by reminder dated 25/11/2020 but no action/redressal was taken (copies enclosed).

The promotion case which was deferred on the above mentioned ground was again placed on the agenda of the meeting of Departmental Promotion Committee on 13/10/2021 and the petitioner was regularly promoted to the post of Superintendent BPS-17 vide notification No. SOE/LG2-336/Promotion/2021 Dated 04/11/2021 (copy enclosed).

In the view of the position explained above, it is humbly requested that the petitioner may kindly be promoted from the date from which the petitioner was first deferred without any cogent reason i.e. (12/12/2019) alongwith back benefit.

Directorate General LG & RDD

Diary No. 5760 Dated 16/11/22

DG

Director

DD

DD

DD

DD

DD

[Handwritten signature]

Sincerely Yours

[Handwritten signature]

(ANSAR NISAR)

Superintendent (BPS-17)
Directorate General LG & RDD,
Khyber Pakhtunkhwa

[Handwritten notes: "for", "16/11/2022", "17/11/22"]

ATTESTED

53

To

The Secretary to Government of Khyber Pakhtunkhwa,
Local Government, Elections & Rural Development, Peshawar.

Through: Proper Channel.

Subject: DEPARTMENTAL APPEAL FOR PROMOTION AS PER AGENDA ITEM
OF MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE
HELD ON 12TH DECEMBER 2019

Respected Sir,

With profound honour it is stated that promotion case of the petitioner placed on the agenda of the meeting of Departmental Promotion Committee (DPC) held on 12th December 2020 under the chairmanship of Honourable Secretary LGE&RD Department Khyber Pakhtunkhwa as per following breakup:-

i) Promotion of Mr. Ansar Nisar Accountant (BPS-16) to the post of Superintendent (BPS-17) LG&RDD

2. Promotion of the petitioner was deferred by the Committee only on the point that

"a complaint has been received from NAB about illegal appointment as well as mis-placement of recruitment/service record as well as others appointed during 2012 which is being investigated. Therefore, it was considered appropriate to defer his promotion case till availability of his complete service record as well as outcome of the enquiry/investigation to avoid any legal complication in future"

3. That the petitioner has joined service on 15.11.2012 after having selected/appointed by the Directorate General, Local Government & Rural Development Department Khyber Pakhtunkhwa Peshawar.

4. That the petitioner is regularly performing duties right from joining service till this day to the entire satisfaction of his seniors as per Performance Evaluation Reports (PERs) and synopsis provided for the approval of the meeting of Departmental Promotion Committee held on 12th December 2019.

A
ATTESTED

54

That the seniority list of the petitioner is being maintained by the Directorate General LG&RDD Khyber Pakhtunkhwa which is sufficient proof for authenticity/verification of service record. Furthermore no departmental inquiry/NAB/Anticorruption inquiry or proceedings are pending against the petitioner as per certificate already provided by the department for aforementioned meeting of the DPC.

6. However copy of the advertisement published by the Directorate General LG&RDD against which the petitioner had applied is attached for ready reference. The petitioner was selected after appearing in the test/interview conducted by the department. Furthermore copies of the appointment orders and service book of the petitioner are annexed to the petition which testifies service record of the petitioners.

7. As far as record pertaining to the recruitment of the petitioner is concerned, that is the sole responsibility of the Directorate General LG&RDD Khyber Pakhtunkhwa. Stoppage/deferment of promotion case of the petitioner for that reason is mere discrimination to the petitioner.

8. In view of the position explained above it is humbly requested that the petitioner may kindly be promoted to the next higher post in light of the service record available and all requisite documents already provided by the department for the DPC meeting held on 12th December 2019 please.

The petitioner shall be highly thankful Sir,

Yours Obediently,

Mr. Ansar Nisar, Accountant, Directorate General
LG&RDD Khyber Pakhtunkhwa, Peshawar.

Ansar Nisar
03/03/2020

ATTESTED

Removal

(55)

THE SECRETARY,
LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT
PILANAR.

THROUGH: PROPER CHANNEL

SUBJECT: Removal To Departmental Appeal For
Promotion To Post Of Superintendent BAI-17
As Per Agenda Item Of Meeting Of
DPC Held On 12th December 2019

Respected Sir,
In reference to above noted subject it is stated that departmental appeal for promotion as per agenda item of meeting of DPC held on 12th December 2019 was submitted by the undersigned on 03rd March 2020 (copy attached) but till date no action has been taken in this regard.

It is once again requested that the undersigned may kindly be promoted to the post of superintendent BAI-17 as all relevant documents already provided by department in DPC meeting held on 12th December 2019 please.
All relevant record regarding my promotion is already provided with said departmental appeal.

Yours Obedient
ANSAR VIJAY
Accountant BGL

OFFICE OF
DIARY NO. 8725
DATE 25/11/2020

[Handwritten Signature]
25/11/2020

A
ATTESTED

BETTER COPY: 55

REMINDER

To,
THE SECRETARY,
LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT
PESHAWAR.

THROUGH & PROPER CHANNEL.

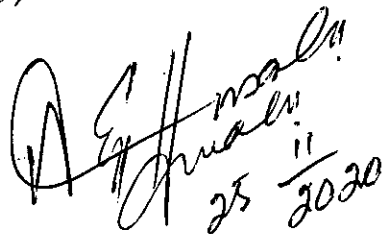
SUBJECT: REMINDER TO DEPARTMENTAL APPEAL FOR
PROMOTION TO POST OF SUPERINTENDENT BPS-17
AS PER AGENDA ITEM OF MEETING OF
DPC HELD ON 12TH DECEMBER 2019.

Respected Sir,

In reference to above noted subject it is stated that departmental appeal for promotion as per agenda item of meeting of DPC held on 12TH December 2019 was submitted by the under signed on 03RD March 2020 (copy attached) but till date no action has been taken in this regard.

It is once again requested that the under signed may kindly be promoted to the post of superintendent BPS-17 as all relevant documents already provided by department for DPC meeting held on 12TH December 2019 please. All relevant record regarding my promotion is already provided in said departmental appeal.

Your's obediently,
ANSAR NISAR
Accountant DG LG.


25/11/2020


ATTESTED

56

**A
BILL**

*to provide for prevention and control of infectious diseases
in the Province of the Khyber Pakhtunkhwa and to provide
relief to the people in emergency situation.*

WHEREAS it is expedient to provide for prevention and control of infectious diseases in the Province of the Khyber Pakhtunkhwa, to implement and enforce mechanism to control the spread of such diseases and to provide relief to the people in an emergency situation arising due to spreading of such infectious diseases and for matters connected therewith and ancillary thereto;

AND WHEREAS it is necessary to amend certain laws relating to public health and disaster management in order to bring them at par in combating the epidemic and other infectious diseases;

It is hereby enacted as follows: -

**PART-I
PRELIMINARY**

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020.

- (2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.
- (3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires,-

- (a) "declaration" means the declaration of a serious and imminent infection threat, made under section 3 of this Act and may also include declaration of any emergency relating to outbreak of any disease under any law relating to public health and disaster management;
- (b) "designated officer" means the Officer or Officers mentioned in Schedule-I to this Act to exercise any or all such powers and functions that are assigned under this Act;
- (c) "educational institution" means any pre-school, elementary or secondary school, college, university, higher educational institute, *madaris* or any vocational, professional or technical training institute whether in public or private sector providing formal or non-formal education;
- (d) "emergency period" means the period for taking measures for prevention, protection and control of infectious disease, as notified by Health Department of Government under this Act, from time to time and may also include period of such other emergency, declared under any other law relating to public health and disaster management concerning outbreak of any disease;
- (e) "employee" means a person not falling within the definition of employer who is employed in an establishment for hire or reward either directly or through a contractor whether the terms of employment are express or implied and includes a worker for wages;
- (f) "employer" means the owner of an establishment and also includes any person or body of persons, whether incorporated or not, who or which hires employees in the establishment under a contract of employment and includes-

ATTESTED

Provided that while giving such directions the Courts or Tribunals, as the case may be, must consider all the circumstances of the case and may rescind such directions where it appears to the Court or the Tribunal that it is not in the interest of justice to do so.

Provided further that any proceedings so undertaken through video link shall be considered judicial proceedings and shall form part of the record. Upon pronouncement of a decision upon such proceedings, it shall not be called in question on the ground that presence of persons concerned was not procured physically.

(2) The powers of the Court or Tribunal under this section are in addition to and not in derogation of any other powers already available to such Courts or Tribunals, in this respect.

(3) High Court, if so deems appropriate, may issue guidelines for regulating the proceedings before Courts or Tribunals through video-link, which guidelines, if so issued, shall be notified in the official Gazette and shall be binding on all concerned.

30. **Period of limitation under various laws.**--- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period.

31. **Extension of transition period of local governments elections.**--- The transition period of six months for establishment of new local government system provided under section 120A of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013) shall be read as two years:

Provided the election or any proceeding incidental thereto or ancillary therewith of any local governments or a vacancy arising therein shall not be conducted during the currency of declaration under section 3 of this Act.

32. **Extension of period to perform duties, etc.**--- Where, by any law, rule, regulation, order, contract or otherwise, any act or proceeding is directed or required to be done or undertaken in any court or office or any legal, regulatory, contractual or other obligation, by any person in the Province, that act, proceeding or obligation shall be considered as done or undertaken in due time if it is done or undertaken within thirty working days after the prescribed period, and the period to do or undertake such act, proceeding or obligation shall be deemed to be extended by such period.

33. **Exemption from procurement laws.**--- During the emergency period, where Government considers necessary, the procurement of certain goods, works or services, the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012) and the rules made thereunder shall not be applicable to any such procurements made by the procuring entities.

34. **Amendment of Schedule.**--- Chief Minister may, by notification in the official Gazette, amend any of the Schedules by amending or modifying any entry therein or omitting any entry therefrom.

35. **Authorization.**--- Government may, by notification in the official Gazette, authorize any of the Departments, attached departments, or any officer or authority to perform such functions and exercise such powers under this Act, as it deems necessary.

36. **Bar to action.**--- No order made under this Act shall be called in question in any court and no civil or criminal proceedings shall be instituted against any person for anything done in good faith against any person for any loss or damage caused to, or in respect of any property whereof possession has been taken under this Act.

37. **Confidentiality.**--- (1) Any information, collected or held by a public servant or by any other person, that identifies a person with an infectious disease, or have been positively tested for an infectious disease, his address or contacts, shall not be released or made public except under this section.


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT (58)

No. SOE-III/LG/2-320/DGLG/2022/KC
Dated: the Peshawar 08.03.2023

1338

To

The Director General,
Local Government & RD Department,
Peshawar.

Subject: DEPARTMENTAL APPEAL FOR PROMOTION AS PER AGENDA ITEM
OF MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE
HELD ON 12-12-2019 ALONGWITH BACK BENEFIT

I am directed to refer to your letter No. Director (LG)3-1/ Establishment /
2022-23 dated 19-01-2023 on the subject noted above and regret the appeal in respect
of Mr. Ansar Nisar, Superintendent (BPS-17), Directorate General, Local Government &
RDD with the clarification that it is not covered under the promotion policy, specifically
Para-VI and Para-IX of the policy.

[Signature]
SECTION OFFICER
(ESTABLISHMENT-II)

Endst: No & Date even.

Copy forwarded to PS to Secretary, LG,E&RD Department.

[Signature]
SECTION OFFICER
(ESTABLISHMENT-II)

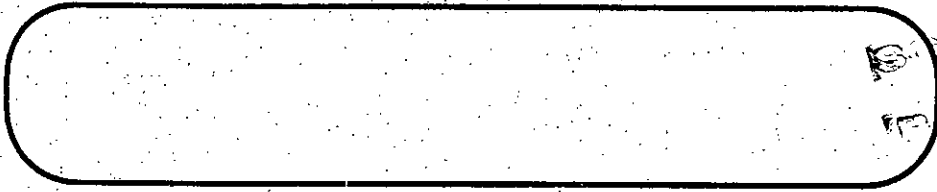
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8296 09/03/23

[Signature]
10.3.2023

Provide a
copy to office
concerned
13/3/2023

بعدالت جناب خیبر پختونخواہ سروس ٹریڈیونل، پشاور



منجانب

مورخہ

Govt. of KPK etc.

بنام Ansar Nisar

مقدمہ

دعویٰ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لیے بلال احمد کے زنی ایڈووکیٹ سپریم کورٹ آف پاکستان مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے 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 ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا یا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

لیجے منظور ہوا۔

Handwritten signature of Ansar Nisar.

المقوم

بمقام

Attested & Accepted

bilalahmad78@gmail.com

Bar Council No. bc-11-1062

Mobile No: 0300-9020098

Hasnain Abbas
Advocate

Ansar Nisar
Advocate

①

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO.683 OF 2023

Ansar Nisar Superintendent Directorate General Local Government & Rural Development
Department Peshawar.....(Appellant)

VERSUS

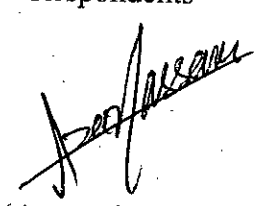
1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary Local Government, Elections & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
3. Director General Local Government & Development Department Khyber Pakhtunkhwa, Peshawar.....(Respondents)

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S No.	Description of Documents	Annexure	Page No.
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2	Affidavit	-	5
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4	Authority letter	-	9

Respondents

Through


(Azaz-ul-Hassan)

Assistant Director (Litigation)
LG&RDD, Khyber Pakhtunkhwa

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

SCANNED
KPT
Peshawar
15/6/23

APPEAL NO.683 OF 2023.

Ansar Nisar Superintendent Directorate General Local Government & Rural Development
Department Peshawar.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary Local Government, Elections & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
3. Director General Local Government & Development Department Khyber Pakhtunkhwa, Peshawar.....(Respondents)

JOINT PARA WISE REPLY ON BEHALF OF RESPONDENTS NO. 1 TO 3.

Respectfully Sheweth!

PRELIMINARY OBJECTIONS:

- i. The appellant has got no cause of action to institute the instant appeal.
- ii. The appellant has not come to the Service Tribunal with clean hands.
- iii. That the appeal is suffering from the doctrine of estoppel.
- iv. The appeal is not maintainable in its present form.
- v. The appellant has concealed the material facts from this Honorable Tribunal.
- vi. That appeal is bad for mis-joinder and non-joinder of necessary parties.
- vii. That the appeal is barred by law and limitation.

ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. Correct.
4. Correct, as per prescribed procedure, each candidate in the panel for promotion was supposed to have a clean record, whereas in the case of appellant and his other colleagues, National Accountability Bureau (NAB) was conducting inquiry to ascertain factual position regarding their appointment, hence the case was deferred.
5. Correct.
6. Correct, after satisfaction, the appellant was given his due right of promotion as per policy in vogue.

[Signature]
18/5/23

7. As stated, the Departmental Promotion Committee (DPC) recommended appellant for promotion after examining thoroughly his case on merit, hence any appeal as mentioned in the para was deemed baseless and regretted in light of the policy for promotion. (Minutes of the meeting of DPC attached as **Annexure-A**). (3)
8. Correct, as explained above.

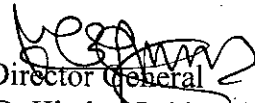
ON GROUNDS:

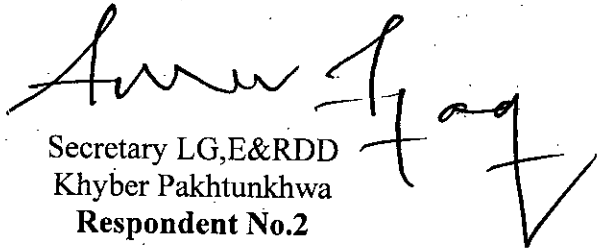
- A. Incorrect, as explained above, the appellant was recommended for promotion by the Departmental Promotion Committee (DPC) after examining the case in detail and observing all codal formalities as required under the law /rules in vogue, hence denied.
- B. Denied, all proceedings were done strictly in accordance to merit and promotion policy prescribed for the purpose.
- C. As explained, Departmental Promotion Committee (DPC) consists of Senior Officers and headed by Administrative Secretary of the department. Each candidate / case is examined strictly according to merit and based on available documents and only eligible nominees are recommended for promotion.
- D. Incorrect, any complaint lodged against any Government functionary is to be examined, so that only efficient, honest and meritorious officials are posted on managerial positions.
- E. Explained above. *WOP*
28/5/22
- F. As explained above, case of appellant was examined by a high rank committee and decided on merit in the larger public interest.
- G. Pertains to record.
- H. Already explained above.
- I. Incorrect.
- J. Incorrect.
- K. Incorrect.
- L. Incorrect. No fundamental rights have been violated.
- M. Pertains to record.
- N. Pertains to record.
- O. That the respondents also seek permission to raise further points at the time of arguments.

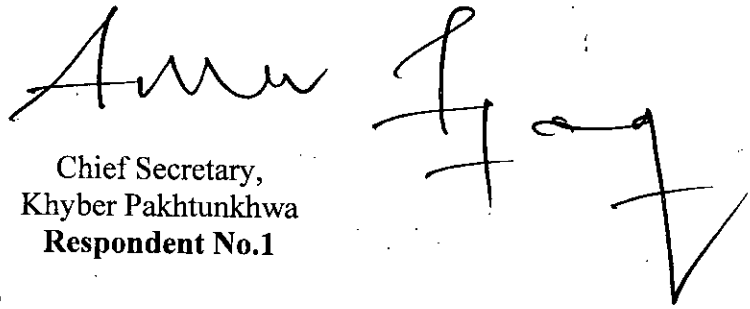
PRAYER:

(4)

It is, therefore, humbly prayed that the instant Service Appeal being devoid of merits may be dismissed with cost, please.


Director General
LG&RDD, Khyber Pakhtunkhwa
Respondent No.3


Secretary LG, E&RDD
Khyber Pakhtunkhwa
Respondent No.2


Chief Secretary,
Khyber Pakhtunkhwa
Respondent No.1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

(5)

APPEAL NO.683 OF 2023.

Ansar Nisar Superintendent Directorate General Local Government & Rural Development
Department Peshawar.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary Local Government, Elections & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
3. Director General Local Government & Development Department Khyber Pakhtunkhwa, Peshawar.....(Respondents)

AFFIDAVIT

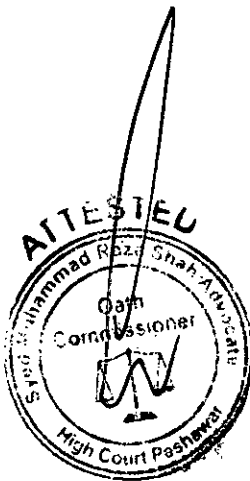
I, **Mr. Azaz-ul-Hassan** Assistant Director Litigation (BPS-17) in Directorate General Local Government & Rural Development, Peshawar do hereby solemnly affirm and declare on oath that Joint Parawise Reply in **Appeal No.683 of 2023 Ansar Nisar versus Government of Khyber Pakhtunkhwa** are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.


Deponent

CNIC #. 17301-2416976-9
Cell #. 0336-9170959

Identified By

Advocate General
Khyber Pakhtunkhwa



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MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 12-12-2019 AT 1100 HOURS

A meeting of Departmental Promotion Committee of I.G.E&RDD was held on 12-12-2019 at 1500 hours under the Chairmanship of Secretary to Government of Khyber Pakhtunkhwa, Local Government, Elections and Rural Development Department. The following attended:-

1. Mr. Shakeel Ahmad, Secretary, I.G.E&RDD --- Chairman
2. Mr. Abid Ullah, Director General, I.G&RDD --- Member
3. Mr. Muhammad Qasim, Section Officer (Reg-IV), E&A Dept --- Member
4. Mr. Tariq Mahmood, Section Officer (FR), Finance Dept --- Member

(List of participants is attached)

2. The Chairman welcomed the participants. Meeting was started with recitation from the Holy Quran. Agenda of the meeting containing the following items was placed before the forum:-

- Item No. 1 Promotion of Senior Scale Stenographer (BPS-16)/Office Assistant (BPS-16) to the posts of Assistant Director (B-17), I.G&RDD;
- Item No. 2 Promotion of Accountant (BPS-16) to the posts of Superintendent (BPS-17), I.G&RDD;

3. The above items were considered threadbare and decisions taken thereon are elaborated as under:-

Item No. 1: Promotion of Senior Scale Stenographers (BPS-16)/Office Assistant (BPS-16) to the post of Assistant Director (BPS-17) in I.G&RDD

The Committee after going through the working paper, synopsis of ACRs, length of service of the incumbents and certificates to the effect that the incumbents included in the panel for promotion to the post of Assistant Director (BPS-17) lying vacant under promotion quota in I.G&RDD are not required to NAB/htesab Commission and no departmental or judicial enquiry is pending against them, made the following recommendations:

S#	Name of Official/ Designation	Recommendations of the Committee
1.	Ahmad Sultan, Senior Scale Stenographer (BP-16)	Recommended for promotion to the post of Assistant Director (BPS-17) in I.G&RDD lying vacant under promotion quota with immediate effect. However, to be on probation for a

Attested

Sl#	Name of Official/ Designation	Recommendations of the Committee
2.	Kalim Ullah Khan, Senior Scale Stenographer (BPS-16)	<p>period of one year as required under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.</p> <p>Recommended for promotion to the post of Assistant Director (BPS-17) in LG&RDD lying vacant under promotion quota with immediate effect. However, he will be on probation for a period of one year as required under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.</p>
3.	Sahibzada, Mujeeb-ur-Rehman, Office Assistant (BPS-16)	<p>Recommended for promotion to the post of Assistant Director (BPS-17) in LG&RDD lying vacant under promotion quota with immediate effect. However, he will be on probation for a period of one year as required under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.</p>
4.	Sheryar Khan, Office Assistant (BPS-16)	<p>It was brought into the notice of participants that a complaint has been received from NAB about illegal appointment as well as mis-placement recruitment / service record of Mr. Sheryar Khan, Office Assistant as well as others appointed during 2012 which is being investigated. Therefore, it was considered appropriate to defer his promotion case till availability of his complete service record as well as outcome of the enquiry/investigation to avoid any legal complication in future.</p>

Attested

Item No. 2: Promotion of Accountant (BPS-16) to the post of Superintendent (BPS-17) in LG&RDD

The promotion case of Mr. Ansar Nisar, Accountant (BPS-16) to the post of Superintendent (BPS-17) LG&RDD lying vacant under promotion quota was discussed in detail. However, it was brought into the notice of participants that a complaint has been received from NAB about illegal appointment as well as mis-placement of recruitment / service record of Mr. Ansar Nisar, Accountant as well as others appointed during 2012, which is being investigated, Therefore, it was considered appropriate to defer his promotion case till availability of his complete service record as well as outcome of the enquiry / investigation to avoid any legal complication in future.

4. Meeting ended with a vote of thanks from and to the Chair.

M. Abid
(Abid Ullah)
DG, LG&RDD

M. Qasim
(Muhammad Qasim)
Section Officer (Reg: IV) Estab: Dept

Tariq
(Tariq Mehmood)
Section Officer (FR-I), Finance Dept

Sani
(Shakeel Ahmad)
Secretary, LG&RDD

Attested



**DIRECTORATE GENERAL
LOCAL GOVERNMENT AND RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

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AUTHORITY LETTER

Mr. Azaz-Ul-Hassan, Assistant Director Litigation (BPS-17) in Directorate General Local Government & Rural Development, Department, Khyber Pakhtunkhwa is hereby authorized to submit the Joint Parawise Comment / Reply in **Appeal No.683/2023 Ansar Nisar VS Government of Khyber Pakhtunkhwa & others** on behalf of respondent No.1,2 & 3.

Deputy Director (Litigation)
LG&RDD, Khyber Pakhtunkhwa

Deputy Director (Litigation)
Directorate General Local Govt: &RDD
Khyber Pakhtunkhwa