

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

**Service Appeal No.314/2024**

**Shakil Akbar s/o Badeel Ul Zaman r/o Shishikoh, Tehsil Drosh, District Lower Chitral..... Appellant.**

**VERSUS**

1. Director General, Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
2. Assistant Director, Local Government & Rural Development Department, Khyber Pakhtunkhwa, Chitral Lower.....**Respondents.**

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Respondents

Through

  
Assistant Director (Sr.HQ)  
LG&RDD, Chitral Lower

22-5-24

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2. Assistant Director, Local Government & Rural Development Department, Khyber Pakhtunkhwa, Chitral Lower.....**Respondents.**

**PARA WISE JOINT COMMENTS/REPLY ON BEHALF OF RESPONDENTS.**

**Respectfully Sheweth:**

**Preliminary Objections:**

**Khyber Pakhtunkhwa Service Tribunal**

Diary No. 12875

Dated 17-05-2024

- i. That the appellant has got no cause of action/locus standi to file their present appeal.
- ii. That the appellant has concealed material from form this Honorable Service Tribunal.
- iii. That the appellant has not approached to this Honorable Court with clean hands
- iv. That the appeal is not maintainable and not covered by the relevant rules
- v. That the appellant has filed instant appeal with malafide intention.
- vi. That instant appeal is liable to be dismissed.

**ON FACTS:**

1. No Comments.
2. Recruitment to the post of Secretary Village Councils in 2015 was made on erstwhile Union Council/Village Council basis. Seniority of Village Council Secretaries was determined on the basis of age after guidance sought from Section Officer (Establishment) LG&RDD by the respondent No.1 (**Annex-A**).
3. The Director General, being the Appellant Authority while hearing several appeals regarding the seniority list of Village Council Secretaries in different Districts of Khyber Pakhtunkhwa, notified a circular Notification No. Director(LG)3-

(2)

1/Establishment/2022/2343-49 dated 24th October 2022, where all the Assistant Directors in Khyber Pakhtunkhwa were directed to formulate the seniority list on the basis of merit **(Annex-B)**.

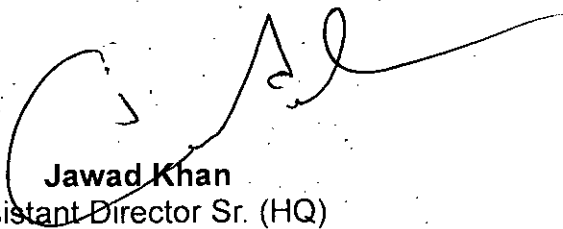
4. The initial seniority list was made on the basis of age which has been revised in compliance to Notification No. Director(LG)3-1/Establishment/2022/2343-49 dated 24th October 2022.
5. The appeal of the Appellant is not maintainable and against the Rules.
6. The appellant has got no cause of action to file instant appeal.

**ON GROUNDS:**

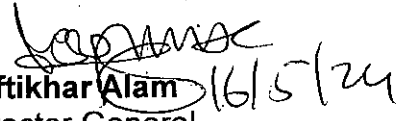
- A. Incorrect. The department has notified the circular Notification No. Director(LG)3-1/Establishment/2022/2343-49 dated 24th October 2022 regarding revised seniority of Village Council Secretaries under the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer ) Rules, 1989. **(Annex-C)**.
- B. In compliance to the said Notification, the seniority of VC Secretaries as to be formulated and maintained on the basis of merit position awarded during the recruitment process. According to the appointment order, the appellant's position stands 30th in the seniority list. **(Annex-D)**.
- C. Incorrect. As replied above.
- D. Incorrect. The seniority list was issued as per Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
- E. Ambiguity regarding formulation of Seniority list has been erased by the Circular issued vide Notification No. Director (LG)3-1/Establishment/2022/2343-49 dated 24th October 2022.
- F. Incorrect. It is based on rules and regulations.
- G. Incorrect. As replied above.
- H. In correct. As above.
- I. The respondents seek leave to raise additional grounds at the time of arguments.

**PRAYER:**

Keeping in view the above facts and circumstances, it is humbly prayed that the instant Appeal of the appellant being non maintainable may kindly be dismissed with cost, please.



**Jawad Khan**  
Assistant Director Sr. (HQ)  
LG&RDD Lower Chitral  
**(Respondent No. 2)**



**Iftikhar Alam** 16/5/24  
Director General,  
LG&RDD Khyber Pakhtunkhwa  
**(Respondent No.1)**

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

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**AFFIDAVIT**

I, **JAWAD KHAN**, Assistant Director BPS-18 (Senior) Local Government & Rural Development, Chitral Lower solemnly affirm and declare on oath that Joint Para wise reply in **Appeal. No. 314/2024 Shakil Akbar VS Government of Khyber Pakhtunkhwa etc** are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Tribunal. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off/*cost*.

*[Handwritten Signature]*  
Deponent

Name: **Jawad Khan**

CNIC #: **15306-8401995-3**

Cell #: **0348-5879658**

**ATTESTED**

*[Handwritten Signature]*  
17-05-2024  
Azmat ul  
Notary Public  
Municipal Complex

**MOST IMMEDIATE**



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

No. SO(E)LG/2-320/DG D&M/2020-1515  
Dated Peshawar the 15<sup>th</sup> October, 2020

To

The Director General,  
LG&RDD, Khyber Pakhtunkhwa,  
Hayatabad Peshawar.

D. No. 22595  
DATED 20/10/2020  
DG LOCAL GOVERNMENT

**SUBJECT:- REQUEST FOR GUIDANCE**

Memo;

I am directed to refer to Director General, LG&RDD KP Peshawar letter No. Director (LG)3-1/Establishment/2020/17046, dated 12<sup>th</sup> October, 2020 on the subject cited above and to invite your attention to Section-17 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 which says that "the inter-se-seniority of Civil Servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment / promotion of the Civil Servants in the lower post; provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior".

2. I, am therefor directed to request to take further necessary action as per above law / rules please.

SECTION OFFICER (ESTAB)  
Phone # 091-9213224

Endst. Even No. & Date

Copy is forwarded to:-

1. The Assistant Director, LG&RDD Chitral.
2. The PS to Secretary LG.E & RD Department Peshawar.

Dir Admn (HR)

SECTION OFFICER (ESTAB)

Assistant Director  
LG & RDD Lower Chitral

PS to Secretary LG.E & RD Department Peshawar  
P.S on the relevant file



(6) (B)

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

**CIRCULAR**

Dated Peshawar, the 24<sup>th</sup> October, 2022

No. Director(LG)3-1/Establishment/2022/2343-49 While hearing appeals referred against seniority lists issued by the Assistant Directors, it was observed that in some districts, seniority lists have been issued on the basis of either date of appointment or date of birth.

In this connection, attention is invited to the Appointment, Promotion and Transfer Rules, 1989 Part-VI Seniority wherein Rule-17(1)(a) explicitly provides that, *"in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission for as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection;"*

Foregoing in view, it is circulated for information and compliance of all concerned that seniority list be formulated on the basis of merit irrespective of variation in the issuance of appointment orders.

The Comptent Authority has directed that the Appointment, Promotion and Transfer Rules, 1989 shall strictly be adhered to while formulating seniority lists and a compliance report as per the rules and instructions mentioned above be submitted to this office within a month period.


-sd/-

**DIRECTOR GENERAL  
LG & RDD**

**Endst of even No. & date:**

Copy of the above is forwarded to:

1. All Directors in Directorate General LG&RDD for information please.
2. All Officers in Directorate General, LG&RDD for information please.
3. All Assistant Directors LG&RDD Khyber Pakhtunkhwa for information and compliance please.
4. All officers / officials posted in field formations.
5. PA to Director General LG & RD Department.
6. Office file.

  
Assistant Director  
LG & RDD Lower Chitral

  
(VIKASH)  
ASSISTANT DIRECTOR (ADMIN/HR)  
LG&RDD

PART-VI

SENIORITY

17. **Seniority :-** (1) the seniority inter se of civil servants <sup>47</sup>(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>48</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I:-** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II:-** If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

**Explanation-III:-** A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

<sup>49</sup>(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

<sup>50</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the

<sup>47</sup> Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

<sup>48</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

<sup>49</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>50</sup> Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11- 2009.

  
Assistant Director  
IG & RDD Lower



lower post is the same, the civil servant older in age, shall be treated senior.

**18. General Rules:** - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

**19. Repeal:-** The <sup>51</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

(Authority; No. SORI(S&GAD)4-1/80, dated 13<sup>th</sup> May, 1989)



Assistant Director  
LG & RDD Lower Chitral

<sup>51</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.



OFFICE OF THE ASSISTANT DIRECTOR SENIOR-HQ,  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT, LOWER CHITRAL

No: 371-420 /AD/LC  
DATED: 29 / 2 / 2024

To,  
All Junior Secretaries VCs/NCs,  
District Lower Chitral

Subject: **FINAL SENIORITY LIST OF JUNIOR SECRETARIES VCs/NCs DISTRICT  
LOWER CHITRAL**

Refer to the subject cited above, the final Seniority list of Junior Secretaries VCs/NCs,  
District Lower Chitral is attached herewith for your information.

Assistant Director (Sr-HQ)  
Local Govt. & Rural Dev. Deptt:  
Lower Chitral

**Endst: Even No. & date as above:**

Copy forwarded for information & necessary action to the:

1. Assistant Director (Admin/HR), LG&RDD, Khyber Pakhtunkhwa, Peshawar.
2. PA to Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Sr-HQ)  
Local Govt. & Rural Dev. Deptt:  
Lower Chitral

Assistant Director  
LG & RDD Lower Chitral

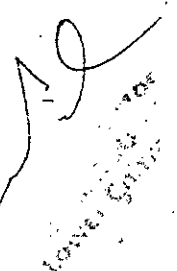
M1 adchitral@gmail.com Local Government and RD Department Chitral @ad\_govt 0943-412847

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CS CamScanner

Final Seniority list of Junior Secretaries Village/Neighborhood Councils (BPS-09), District Lower Chitral as stood on 29-02-2024						
S.No	Name	Father Name	Merit marks	Date of birth	Date of appointment	Qualification
1	Asad Ur Rahman	Hamid Ur Rahman	86	1/2/1990	29/09/2015	BS(Hons)
2	Sohail Ali Khan	Sher Ali Khan	85	8/9/1988	29/09/2015	MBA
3	Wasi Ur Rahman	Abdur Rauf Khan	85	6/2/1989	29/09/2015	MA
4	Anees Ahmed	Riaz Ahmad	85	1/3/1991	29/09/2015	BBA(Hons)
5	Fazel Arif	Fazal Dayan	84	2/3/1988	29/09/2015	MSc
6	Shakeel Ahmad	Shah Zareen	84	25/03/1990	29/09/2015	MA
7	Shah Nawaz Khan	Sardar Nawaz Khan	84	18/04/1990	29/09/2015	BBA(Hons)
8	Ismail Shah	Sher Jahan	84	13/6/1990	29/09/2015	M.Com
9	Saif Ud Din	Sartaj Uddin	83	31/12/ 1988	29/09/2015	MA
10	Yaqoob Zareen	Ayub Zareen	83	10/2/1990	29/09/2015	MA
11	Zia Ul Haq	Hidayat Ullah	83	15/12/1991	29/09/2015	M.Com
12	Yahya Khan	Ghayaz Uddin	83	5/2/1992	29/09/2015	B.Com
13	Sayed Imtiaz Ur Rahman	Sayed Zia Uddin	83	10/2/1993	29/09/2015	M.Sc
14	Muhammad Taj Alam	Maqsood Alam Khan	83	3/4/1994	29/09/2015	BS(Hons)
15	Ayaz Ali	Faqeer Khan	83	12/4/1994	29/09/2015	B.Com
16	Muhammad Hanif	Muhammad Ayub	83	15/12/1995	29/09/2015	BA
17	Shuja Ur Rahman	Hafiz Ur Rahman	82	15/10/1992	29/09/2015	MA
18	Muhammad Ilyas	Dinar Wali Khan	80	2/1/1993	29/09/2015	MA
19	Hamd Ul Bari	Abdul Bari	78	7/4/1988	29/09/2015	M.Sc
20	Amar Zaib Jigar	Jahangir Jigar	78	1/3/1992	29/09/2015	BS(Hons)
21	Nazir Ud Din	Mir Sawat	77	26/03/1989	29/09/2015	M.Com
22	Sultan Ghani	Sultan Muhammad	76	1/3/1995	29/09/2015	BA

  
Assistant Director  
IG & RDD Lower Chitral

  
Lower Chitral

M

23	Shamsul Haq	Abdul Hai	75	16/08/1988	29/09/2015	M.Sc
24	Hamid Ud Din	Husam Uddin	75	17/10/1988	29/09/2015	M.Sc
25	Asgar Faqeer	Ghulam Faqeer	75	12/10/1994	29/09/2015	BA
26	Shaiq Ul Islam	Sardar Wali	75	1/1/1996	29/09/2015	BA
27	Riaz Ahmad	Alidad Khan	74	9/9/1990	29/09/2015	B.Sc
28	Karam Ali Shah	Mastana Shah	73	6/2/1991	29/09/2015	B.Sc
29	Hayat Ud Din	Muhammad Hayat	73	1/2/1992	29/09/2015	MA
30	Shakil Akbar	Badeel Ul Zaman	72	15/02/1988	29/09/2015	MA
31	Rehmat Elahi	Muhammad Fazal Elahi	69	1/3/1994	29/09/2015	MA
32	Asif Raza	Pacha Mir Khan	66	1/4/1989	29/09/2015	B.Com
33	Abdul Akber	Gul Akber	65	1/4/1988	29/09/2015	MA
34	Riaz Ahmad	Taj Muhammad	65	20/12/1992	29/09/2015	M.Sc
35	Ibrahim Khan	Nadir Khan	57	5/1/1990	25/08/2016	BA
36	Nawaz Sharif	Unat Baig	53	13/11/1992	1/12/2016	BA
37	Akmal Khan	Ziarat Gul Shah	On Promotion	12/4/1987	30/09/2006	BA
38	Zia Ud Din	Muhamad Yusuf Khan	On Promotion	1/12/1976	18/8/2011	FA
39	Shams Ul Arfeen	Aziz Ud Din	On Promotion	1/4/1992	1/12/2016	FA
40	Muhammad Anwar Shah	Mia Gul Shah	On Promotion	1/5/1971	21/11/2013	FA
41	Sharif Ur Rahman	Qazi Afzal	On Promotion	2/3/1976	21/11/2013	BA
42	Muhammad Anwar Ud Din	Muhammad Siraj Ud Din	On Promotion	10/3/1979	1/9/2015	MA
43	Zia Ur Rahman	Sharif Ur Rhaman	On Promotion	1/5/1995	1/9/2015	FA
44	Adina Baig	Rahim Baig	76	2/2/1990	15/4/2019	M.Sc
45	Atta Ur Rahman	Saif Ur Rahaman	67	2/6/1995	6/2/2019	MA
46	Jamshid Khan	Qadim Khan	On Promotion	21/3/1994	11/4/2013	FA
47	Muhammad Hasnain Jaffar	Muhammad Jaffar Shah	Son Quota	7/3/2004	6/3/2022	FA

*(Handwritten signature)*

Assistant Director  
IG & RDD Lower Circuit

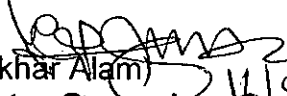
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**DIRECTORATE GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA**

**AUTHORITY LETTER**

**Mr. Jawad Khan**, Assistant Director (Sr.HQ) Local Government & Rural Development, Department, Chitral Lower is hereby authorized to submit Joint Parawise Comments/reply in **Appeal No. 314/2024 Shakil Akbar VS Director General LG&RDD, Khyber Pakhtunkhwa** in the Khyber Pakhtunkhwa Service Tribunal, Peshawar on behalf of respondent No.1.

  
(Iftikhar Alam)  
**Director General**  
LG&RDD, Khyber Pakhtunkhwa  
(Respondent No.1)

16/5/24  
