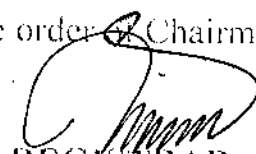


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1129/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2024	<p>The appeal of Mr. Hidayat Shah presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal NO. 1129 /2021  
Hidayat Shah VS GOVT. OF KPK & OTHERS

APPLICATION FOR FIXATION OF THE ABOVE TITLED appeal AT  
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 08/08/24

Through

  
NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

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

SERVICE APPEAL No. 1129 /2024

MR. HIDAYAT SHAH

V/S

THE GOVT. OF KPK & OTHERS

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Dated:     /08/2024

APPELLANT

THROUGH:

**NOOR MUHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

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

SERVICE APPEAL NO. 1129 /2024

Mr. Hidayat Shah, Senior Village Secretary (BPS-11)  
Village Council Balkor, Union Council Pashta  
District Dir Upper.

..... APPELLANT

**VERSUS**

- 1- The Chief Secretary, Govt: of Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Local Government, Election & Rural Development Department Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Finance, Department Khyber Pakhtunkhwa, Peshawar.
- 5- The Director General LG&RD Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 17/04/2024 WHEREBY 30% QUOTA HAS BEEN ALLOCATED FOR THE CADRE OF ASSISTANT IN SENIOR SCALE STENOGRAPHERS FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR (BPS-17) BY ILLEGALLY AND UNLAWFUL DISTURBING THE QUOTA ALLOCATED FOR PROGRESS OFFICERS (BPS-16) AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

Prayer:-

On acceptance of this Service Appeal, the impugned notification dated 17/04/2024 may kindly be set aside to the extent of allocation

of 30% quota for the cadres of Assistant (BPS-16) & Senior Scale Stenographers (BPS-16) and the respondents may further please be directed to kept intact the 40% quota of the appellant's cadre for promotion to the post of Assistant Director (BPS-17). Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:-**

1. That the appellant is the employee of the respondent department and presently serving as Senior Village Secretary (BPS-11) quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order & promotion order are attached as annexure.....**A**
2. That as per service rules of the respondent department notified on 14/04/1998 the channel/career progression of the appellant's cadre was upto the post of Director/Chief Planning Officer (BPS-18). Copy of the notification dated 14/04/1998 is attached as annexure.....**B**
3. That vide notification dated 16/10/2019 the ibid rules was further amended by restricting the appellant's cadre to the post of Assistant Director (BPS-17). That in the ibid amended service rules 40% promotion quota was allocated for the cadre of appellant/progress officer and the rest of 60% quota was further divided into 50% & 10% i.e. 50% were allocated for direct recruitees /initial appointments and the rest of 10% was allocated for the cadre of Senior Scale Stenographers & Assistant. Copy of the notification dated 16/10/2019 is attached as annexure.....**C**
4. That vide notification dated 18/09/2023 further amendments were made in the respondent department whereby 40% quota was kept intact for the cadre of appellant for promotion to the post of Assistant Director (BPS-17) while the rest of 60% quota was divided into 20% & 40% i.e. 20% was allocated for Superintendents, Assistants & Senior Scale Stenographers by selection on merit through KP Public Service Commission (In Service Quota) while the rest of 40% was

purely allocated for initial recruitment. Copy of the notification dated 18/09/2023 is attached as annexure.....D

5. That unfortunately vide impugned notification dated 17/04/2024 the respondent department amended the service rules of the employees working in the respondent department to the extent of allocation of 30% promotion quota for the cadres of Assistant & Senior Scale Stenographers to the post of Assistant Director (BPS-17) by seriously affecting the promotion quota of the appellant's cadre. Copy of the impugned notification is attached as annexure.....E
6. That in the ibid impugned notification the rest of 40% quota was allocated for initial recruitment through KP Public Service Commission. That as the cadre of Assistant & Senior Scale Stenographers are totally two different cadres having no similarity to the appellant's cadre rather in the service rules of the respondent department career progression/path has been given to the cadres of Assistant & Senior Scale Stenographers, therefore, the present impugned notification is based on malafide and arbitrary intention.
7. That it is pertinent to mention here that the post of Village Secretary in Local Government Department of Punjab in BPS-14 while in the respondent department the post of Village Secretary is in BPS-19. Copy of notification is attached as annexure.....F
8. That appellant feeling aggrieved, preferred departmental appeal against the impugned notification on which the appellate authority constituted committee to scrutinize the service rules of the respondent department. That as per minutes of the committee following recommendations were made, which are as under:-
  - i. *That the newly notified amendments in service rules vide dated 01/04/2024 may be withdrawn in respect of 30% promotion quota to the Office Assistant/Senior Scale Stenographers at the earliest.*
  - ii. *That specialized career progression /promotion hierarchy for the ex-cadre, i.e. Office Assistant/Senior Scale Stenographers, Computer Operators, may be created at the earliest.*
  - iii. *That Admin Section in Directorate General, LR&RD may be tasked to come up with course of action for resolving rest of the issues/demands of VC/NC Secretaries.*

iv. That a permanent committee at Directorate level may be constituted for potential amendments in service rules of all cadres of Directorate General, LG&RD and its allied Offices, and subsequent submissions to the SSRC through proper channel.

Copy of the departmental appeal and inquiry report are attached as annexure.....**G&H**

9. That despite of the recommendations of the committee, the respondents are not willing to set aside/cancel the impugned notification dated 17/04/2024.
10. That it is pertinent to mention that the appellant previously filed Service Appeal No 9150/2020 titled Hidayat Shah..Versus..Govt: of KP & others against the previous amendments, but during the pendency of the ibid service appeal, the respondents issued the instant impugned notification dated 17/04/2024, therefore, the appellant withdrawn the ibid service appeal with the permission to file afresh one vide order/judgment dated 13/11/2023. Copies of memo of appeal and order sheet dated 13/11/2023 are attached as annexure.....**I&J**
11. That the ibid departmental appeal of the appellant was not responded within the statutory period of 90 days, Hence the instant service appeal on the following grounds amongst the others:-

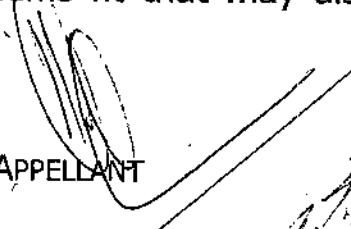
**GROUND:**

- A- That the impugned notification dated 17/04/2024 issued by the respondents is against the law, fact and norms of natural justice and material on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent department in accordance with law on the subject noted above and as such the respondents violated Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the impugned notification dated 17/04/2024 whereby 30% promotion quota has been allocated for the cadre of Assistant & Senior Scale Stenographers to the post of Assistant Director (BPS-17) is seriously affecting the promotion quota of the appellant's cadre i.e. by reducing the quota from 40% to 30%, therefore, not tenable and liable to be set aside.

- D- That the impugned notification dated 17/04/2024 is based on malafide and arbitrary intentions, therefore, not tenable and liable to be set aside to the extent of allocation of 30% promotion quota for the cadres of Assistant & Senior Scale Stenographers
- E- That the respondents are duty bound as per minutes of the committee report to set aside the impugned notification dated 17/04/2024 to the extent of allocation of promotion quota for the ibid cadres i.e. Assistant & Senior Scale Stenographers
- F- That the impugned notification dated 17/04/2024 is violative of Article 38 (e) of the constitution of Islamic Republic of Pakistan, 1973, hence not tenable and is liable to be set aside.
- G- That the impugned notification dated 17/04/2024 is seriously affecting the career progression of the appellant's cadre, therefore, not tenable and liable to be set aside.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.


Dated: \_\_\_/08/2024

  
APPELLANT

THROUGH:


**NOOR MUHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

  
WALEED ADNAN

  
UMAR FAROOQ MOHMAND  
ADVOCATES HIGH COURT

**AFFIDAVIT**

I, Mr. Hidayat Shah, Senior Village Secretary (BPS-11), (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT



-6-

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

CM No. \_\_\_\_\_ /2024

IN

SERVICE APPEAL No. \_\_\_\_\_ /2024

MR. HIDAYAT SHAH

V/S

THE GOVT: OF KPK & OTHERS

**APPLICATION FOR RESTRAINING THE RESPONDENTS FROM PROMOTION TO THE POST OF ASSISTANT DIRECTOR CADRE (BPS-17) ON THE STRENGTH OF IMPUGNED NOTIFICATION DATED 17/04/2024, TILL THE FINAL DECISION OF THE INSTANT SERVICE APPEAL.**

**R/SHEWETH:**

1. That the above mentioned appeal alongwith this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
2. That appellant filed the above mentioned appeal against the impugned notification dated 17/04/2024.
3. That all the facts and grounds of the accompanied appeal may kindly be consider as part and parcel of this application.
4. That all the three ingredients necessary for the stay is in favor of the appellant and if the temporary injunction in the instant case is not granted, the appellant shall suffer irreparable loss.
5. That the impugned action and inaction of the respondent department in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application, the respondents may kindly be restrained from promotion to the post of Assistant Director (BPS-17) till the outcome of service appeal.

Dated: \_\_\_/08/2024

APPELLANT

THROUGH:

**NOOR MUHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

**AFFIDAVIT**

I, Mr. Hidayat Shah, Senior Village Secretary (BPS-11), (the appellant), do hereby solemnly affirm on oath that the contents of the above application are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

DEPONENT



OFFICE OF THE  
ASSISTANT DIRECTOR LG & RDD  
DIR UPPER.

No. 1163-7 AD/RDD/Estt:  
Dated: 14/03/2016.

OFFICE ORDER/ APPOINTMENT LETTER.

Consequent upon the decision and recommendation of the Departmental Selection Committee held on 10-02-2016 under the Chairmanship of Deputy Commissioner, Dir Upper, the following candidates are hereby selected as village/Neighborhood Council Secretary (BPS-7) against the vacant post of Secretary in each Village/Neighborhood Council in the District noted against each with immediate effect.

Sr #	Name / Father Name	Date Of Birth	Age	U/C	Village Council
1	SAYYED BADSHAH S/O ABD UL HAI	12/5/1981	Years-Month-Days 34-8-29	Barikot	Barikot
2	SAID AMIR ALI SHAH S/O FAZAL GANI	15/4/1982	Years-Month-Days 33-9-26	Jabbar	Kattan bala
3	MUHAMMAD ZAHID S/O SHEREEN	2/3/1984	Years-Month-Days 31-11-9	Qulandai	Dobando
4	RIAZ KHAN S/O TAJ MUHAMMAD	9/4/1985	Years-Month-Days 30-10-2	Wari	Malook Banda
5	SHER BAHADAR S/O UMAR KHAN	1/1/1986	Years-Month-Days 30-01-10	Gawaldni	Bar Kalay
6	INAMUN RAHMAN S/O SAIF UR RAHMAN	22/2/1986	Years-Month-Days 29-11-19	Darikand	Gul Bahar
7	SHAKIR ULLAH S/O GUL KHAN	22/3/1986	Years-Month-Days 29-10-19	Sheringal	Ganshal
8	MU SHTAQ MUHAMMAD S/O ANWAR MUHAMMAD	7/5/1986	Years-Month-Days 29-09-17	Darora	Landai Shah
9	HAZRAT RIAZ S/O SHAHNAS KHAN	5/1/1987	Years-Month-Days 29-01-06	Wari	Daskor
10	JEHANGIR KHAN S/O MEMBER KHAN	20/03/1987	Years-Month-Days 28-11-03	Akhagram	Akhagram
11	INAM ULLAH S/O BACHA	10/4/1987	Years-Month-Days 28-10-01	Barikot	Shalban
12	MUHAMMAD AYAZ S/O MUHAMMAD	13/4/1987	Years-Month-Days 28-09-28	Shahikot	Nasrat
13	INAYAT ULLAH S/O MOHAMMAD SAID	20/4/1987	Years-Month-Days 28-09-21	Jan Battai	Noor Khail
14	MUHAMMAD ISHAQ S/O MOHAMMAD GUL	25/7/1987	Years-Month-Days 28-06-16	Chukyattan	Nawpo
15	HIDAYAT SHAH S/O SHER AZAM	1/11/1987	Years-Month-Days 28-03-22	Pashta	Balkor
16	TAJ MUHAMMAD S/O GUL REHMAN	2/2/1988	Years-Month-Days 28-00-11	Palam	Samkoot
17	HAMID JAN S/O UMAR JAN	9/2/1988	Years-Month-Days 28-0-02	Bibyawar	Shamorgar
18	FARI DULLAH S/O FARAZ KHAN	3/3/1988	Years-Month-Days 27-11-08	Shahikot	Shaltaloo

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72	ZAHID HUSSAIN S/O AMIR SHAHZADA	14/03/1993	Years-Month-Days 22-11-09	Akhgram	Battan Karakabanj
73	MULIEB ULLAH S/O GHULAM NADAR	10/3/1993	Years-Month-Days 22-11-01	Bibyawar	Serai
74	SHANZADA SHAHAD S/O MOHAMMAD ZAMIN KHAN	12/3/1993	Years-Month-Days 22-10-29	Sundrawal	Dir Khan
75	AMIR ZADA S/O FATIHA MUHAMMAD KHAN	15/4/1993	Years-Month-Days 22-09-26	Patrak Sharqi	Saisan
76	AMIR AFZAL KHAN S/O AMIR GHAZAN	5/5/1993	Years-Month-Days 22-09-06	Nehag	Karpat
77	AYUB KHAN S/O UMAR GUL	6/6/1993	Years-Month-Days 22-08-05	Gawaldai	Narkoon
78	MUBARAK ZEB S/O SHAHN ULLAH KHAN	4/7/1993	Years-Month-Days 22-07-07	Sundal	Ranbyal
79	WAQAS ILYAS S/O MUHAMMAD ILYAS	12/7/1993	Years-Month-Days 22-06-29	Palam	Palam
80	AMJAD IQBAL S/O AMIR SHAHAD	12/11/1993	Years-Month-Days 22-02-29	Gawaldai	Kandawo
81	NAIZAM ULLAH S/O INYAT ULLAH	2/2/1994	Years-Month-Days 22-00-09	Sawnai	Achar Bala
82	ZAKIR ULLAH S/O DILAWAR KHAN	3/4/1994	Years-Month-Days 21-10-08	Dislawar	Kadi Khail
83	TAHSIN ULLAH S/O MATIR ULLAH	20/4/1994	Years-Month-Days 21-09-21	Kotkay	Serai Sultan Kheil
84	ISLAM ZEB S/O JEHAN ZEB	20/4/1994	Years-Month-Days 21-09-21	Bandai	Bandai
85	JAVED ULLAH S/O SAIDAGUL	20/7/1994	Years-Month-Days 21-06-21	Ganori	Pacha Kalay
86	HABIB ULLAH S/O HABIB SAEED	7/9/1994	Years-Month-Days 21-05-04	Gawaldai	Sundrai
87	SHAH HUSSAIN S/O AHMAD RAHIM	8/9/1994	Years-Month-Days 21-05-03	Bandai	Serai Nehag
88	ABDUL WAHAB S/O ALEEF ZAMAN	20/9/1994	Years-Month-Days 21-04-21	Gawaldai	Bela
89	NIZAR ALI S/O SHAM SHER ALI	15/2/1995	Years-Month-Days 20-11-26	Nehag	Nehag
90	MOHIB ULLAH S/O MUHAMMAD ZAHIR SHAH	01/01/1996	Years-Month-Days 20-01-23	Gawaldai	Shahoor
91	ASMAT ULLAH S/O BACHA REHMAN	8/4/1996	Years-Month-Days 19-10-03	Kotkay	Molvi
92	KALIM ULLAH S/O SAEED JAN	29/9/1996	Years-Month-Days 19-04-12	Dislawar	Dislawar

Terms and Conditions:

1. The selectees will be governed by such rules and regulations issued by the Government or may be issued herein after for category of post to which they belong.
2. Before assumption of charge the selectees will provide Medical Fitness Certificate from the medical Superintendent DHQ Hospital Dir, Police Clearance Certificate from local police station.

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SB

and affidavit on judicial stamp for good conduct, punctuality and will compulsorily perform at least for 02 years or penalties under the rules will be enforced.

3. The selectees will remain on probation period for one year.
4. The selectee will submit one month prior notice in case they wish to resign from service or in lieu thereof one month pay shall be forfeited.
5. Legal action will be initiated in case the documents/particulars if found fake or bogus.

Deputy Commissioner  
Dir Upper

Endst: No. 1163-7 /AD/RDD

Copy forwarded to:

- 1) The Secretary LGRDD, Government of Khyber Pakhtunkhwa, Peshawar
- 2) The Secretary LCB, Government of Khyber Pakhtunkhwa, Peshawar
- 3) The Commissioner Malakand Division, swat
- 4) The Director General LGRDD, Government of Khyber Pakhtunkhwa, Peshawar.
- 5) The Medical Superintendent, DHO Hospital, Dir Upper.
- 6) District Account Office Dir Upper.
- 7) The Nazims, VCs/NCs concerned, District Dir Upper.
- 9) The official concerned.

Assistant Director  
LG & RDD Dir Upper.

ATTESTED



-10-

**OFFICE OF THE  
ASSISTANT DIRECTOR (Sr) LG & RDD  
DIR UPPER.**

Dated: 25/01/2022

**OFFICE ORDER:**

No. AD/LG&RDD/Dir U/Office-Order/ 188-45. Consequent upon the recommendation of the Departmental Promotion Committee meeting was held on 15/11/2021 in the office of LG&RDD Dir Upper, the following Junior Village-/Neighbourhood Council Secretaries (BPS-09) are hereby promoted to the post of Senior Village Council / Neighbourhood Council Secretaries (BPS-11), in District Dir Upper w.e.f 16/03/2021, in the best public interest.

S.No	Name	Father name	Date of Birth	Date of Appointment	Remarks
1	Said Amir All shah	Fazal Ghani	15/04/1982	14/03/2016	Promoted from BPS-09 to BPS-11
2	Sher Bahadar	Umar Khan	01/01/1986	14/03/2016	Promoted from BPS-09 to BPS-11
3	Inam Ur Rahman	Saif Ur Rahman	22/02/1986	14/03/2016	Promoted from BPS-09 to BPS-11
4	Hazrat Rizaz	Shanas Khan	05/01/1987	14/03/2016	Promoted from BPS-09 to BPS-11
5	Jehangir Khan	Membar Khan	20/03/1987	14/03/2016	Promoted from BPS-09 to BPS-11
6	Muhammad Ayaz	Muhammad	13/04/1987	14/03/2016	Promoted from BPS-09 to BPS-11
7	Muhammad Ishaq	Muhammad Gul	25/07/1987	14/03/2016	Promoted from BPS-09 to BPS-11
8	Hidayat Shah	Sher Azam	01/11/1987	14/03/2016	Promoted from BPS-09 to BPS-11
9	Taj Muhammad	Gul Rahman	02/02/1988	14/03/2016	Promoted from BPS-09 to BPS-11
10	Hamid Jan	Umar Jan	09/02/1988	14/03/2016	Promoted from BPS-09 to BPS-11

The officials on promotion will remain on probation for the period of one year, in light of (appointment, Promotion & Transfer Rules 1989), with Rules-15(1) of Khyber Pakhtunkhwa Civil Servants rules.

*Assistant Director (Sr)  
Local Govt. & Rural Dev. Deptt.  
Dir Upper*

25/01/2022

**Even No. & Date.**

**Copy of the above is forwarded to the:**

1. Deputy Commissioner, District Dir Upper.
2. Assistant Director (Admin/Hr), LG&RDD Khyber Pakhtunkhwa.
3. PA to Director General, LG&RDD Khyber Pakhtunkhwa.
4. District Accounts Officer, Distt: Dir Upper.
5. Accountant LG& RDD Dir Upper.
6. Supervisor LG&RDD Dir Upper.
7. Office File.

*Assistant Director (Sr)  
Local Govt. & Rural Dev. Deptt.  
Dir Upper*

25/01/2022

30'

"B" -11-

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.	-	-	-	i) 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	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."

(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.	42/ 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:

3.	5.	6.
"Bachelor Degree in Engineering or equivalent qualification in the relevant field from recognised University.	2/ 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

(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.

\*\*\*\*\*

ATTACHED

04-20



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 Gazette Notification, 40 copies of the Notification may be sent to this Department.



( ARBAB WAHEED ALAM )  
Section Officer-I.

HM/AQ.

16/4/98

AM 2



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

"C"  
-15-

NOTIFICATION

Dated Peshawar, the 16<sup>th</sup> October, 2019

No. SO(E)LG/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./AC)  
circulate among field officers

18/10

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17/10/2019

\*  
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'D'  
-17-

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 18<sup>TH</sup> SEPTEMBER, 2023.

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

**NOTIFICATION**

Dated Peshawar the 12<sup>th</sup> September 2023

**No.SO(E-II)/LG/2-188/SSRC/2019/5990** In exercise of the powers conferred by sub-rule (2) of rule (3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotions and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department, in consultation with the Establishment 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 columns No.3 and 6, for the existing entries, the following shall respectively be substituted, namely:

3.	6.
"At least Second Class Bachelor's Degree from a recognized University."	(i) Forty percent (40%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Progress Officer (BPS-16), with at least three years' service as such; (ii) twenty percent (20%) by selection on merit from amongst the Graduate Superintendents (BPS-17), Assistants (BPS-16) and Senior Scale Stenographers (BPS-16), with at least three years' service as such on the basis of competitive examination to be conducted by the Khyber Pakhtunkhwa Public Service Commission as per syllabus prescribed by the Department; and (iii) forty percent (40%) by initial recruitment through the Khyber Pakhtunkhwa Public Service Commission on the basis of competitive examination to be conducted as per syllabus prescribed by the Department."

ATK/2023

-18-

(b) against serial No.5, in Columns No.3 and 6, for the existing entry, the following shall be substituted, namely:

3.	6.
<p>"At least Second Class Bachelor's Degree in Civil Engineering or equivalent qualification from a recognized University.</p>	<p>(i) Ten percent (10%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Sub-Engineers (BPS-12), possessing Bachelor's Degree in Civil Engineering from a recognized University with at least five years' service as such;</p> <p>(ii) forty percent (40%) by promotion on the basis of Seniority-cum-fitness, from amongst the holders of the posts of Sub-Engineers (BPS-12), possessing Diploma of Associate Engineering in Civil from a recognized Board of Technical Education with at least five years' service as such and have passed the Departmental Grade-B Examination; and</p> <p>(iii) fifty percent (50%) by initial recruitment."</p>

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

Printed and published by the Manager,  
Govt. & P.G. Dept., Khyber Pakhtunkhwa, Peshawar

*ATTESTED*

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

"E"  
-19-

NOTIFICATION

Dated Peshawar, the 17<sup>th</sup> April 2024. /1071

No.SO(E-II)/LG/2-188/SSRC/2019/ In exercise of the powers conferred by sub-rule (2) of rule (3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotions and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department, in consultation with the Establishment 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:

AMENDMENT

In the Appendix, against serial No.2, in columns No. 6, for the existing entries, the following shall respectively be substituted, namely:


2.	6.
Assistant Director (BPS-17)	<p>(i) By promotion, on the basis of seniority-cum-fitness, in the following manner, namely:</p> <p>(a) thirty percent (30%) from amongst holders of the posts of Progress Officer (BPS-16), having graduation, with at least 3 years' services as such and have successfully completed nine (09) weeks mandatory training course as prescribed by the Department;</p> <p>(b) Thirty percent (30%) from amongst the holders of the posts of Assistant (BPS-16) and Senior Scale Stenographer (BPS-16), having graduation, with at least three years' service as such and have successfully completed nine (09) weeks mandatory training course as prescribed by the Department; and</p> <p>(ii) forty (40) percent by initial recruitment through the Khyber Pakhtunkhwa Public Service Commission on the basis of competitive examination to be conducted as per syllabus prescribed by the Department.</p> <p>Note: For the purpose of promotion of candidates against clause (b) above, there shall be maintained a joint seniority list of Graduate Assistant (BPS-16) and Senior Scale Stenographer (BPS-16)."</p>

*[Handwritten signature]*

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

*[Handwritten signature]*  
ATTACHED

1. All the Administrative, Secretaries to Government of Khyber Pakhtunkhwa,
2. All the Divisional Commissioners in Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The PSO to Chief Minister, Khyber Pakhtunkhwa.
5. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. The Director General, LG&RDD, Khyber Pakhtunkhwa Peshawar.
7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. All the Head of Attached Departments in Khyber Pakhtunkhwa.
9. All the Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. All the District and Session Court Judges in Khyber Pakhtunkhwa.
12. All the Assistant Directors, LG&RDD Khyber Pakhtunkhwa.
13. The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 40 copies of the Notification may be sent to this Department.
14. PS to the Secretary LG,E&RDD Khyber Pakhtunkhwa Peshawar.
15. Office Order File.

  
SECTION OFFICER  
(ESTABLISHMENT-II)

ATTACHED



-21-

F-16

GOVERNMENT OF THE PUNJAB  
LOCAL GOVT. & COMMUNITY DEVELOPMENT  
DEPARTMENT

Dated Lahore the 27<sup>th</sup> July, 2018

NOTIFICATION

NO.SO.Admn-I(LG)1-4/15: The Competent Authority is pleased to approve up-gradation of the following posts of Secretary Union Councils appointed under the Punjab LG&R) Service Rules, 1981 and Punjab Government District Service (Town/Tehsil Municipal cadre) Rules 2005 w.e.f 01.07.2018:-

Sr#	Post	Present Scale	Up gradation
1.	Union Secretary (Committee)	BS-07	BS-11 ✓
2.	Union Secretary (CO)	BS-11	BS-14 ✓

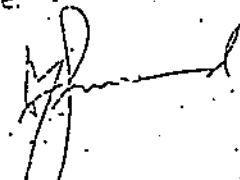
2. The additional financial implication shall be met out of the budget of the respective Union Councils.

SECRETARY  
LOCAL GOVT. & COMMUNITY DEVELOPMENT  
DEPARTMENT

NO & DATE EVEN

A copy is forwarded for information & necessary action to:-

1. The Secretary, Government of the Punjab, Finance Department.
2. The Director General, LG&CD Punjab Lahore with the request to amend the service rules accordingly.
3. All the Directors, LG&CD in the Punjab.
4. All the District Accounts Officers in the Punjab.
5. All the Deputy Directors, LG&CD in the Punjab.
6. All Chairmen of Union Councils, in the Punjab.
7. The Assistant Director (UC), at the PHO, Lahore.
8. Master file.

  
(MAHMOOD AHMAD)  
DEPUTY SECRETARY (ADMN.)

CC:-

Rana Mahmood Hussain, All Punjab Secretaries UCs Association Punjab.

~~TESTED~~

**Government of Punjab**  
**Local Govt: & Community Development**  
**Department.**

**NOTIFICATION**

**No SO. Admn-I (LG)1-4/15:** The competent authority is pleased to approve up-gradation of the following posts of Secretary Union Councils appointed under the Punjab LG&RDD Service Rules, 1981 and Punjab Government District Service (Town/Tehsil Municipal Cadre) Rules, 2005 w.e.f. 01/04/2018.

Sr #	Post	Present Scale	Up Gradation
1.	Union Secretary (Committee)	BS-07	BS-11
2.	Union Secretary (CD)	BS-11	BS-14

2. The additional financial implication shall be met out of the budget of the respective Union Councils.

Secretary  
Local Govt: & Community Development  
Department

ATTESTED



"6" - 22 -

بخدمت جناب سیکرٹری صاحب محکمہ بلدیات و دیہی ترقی خیبر پختونخواہ، پشاور

Distt No: 2505

اپیل

میں پیس سیکرٹری آپ کی توجہ

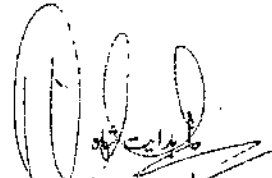
Dated: 29/4/24

نوٹیفکیشن نمبر SO (E-II)/LG/2-188/SSRC/2019 مورخہ 17/04/2024

عنوان: سروس روڈ برائے آفس اسٹینٹس

آپ کو سرکاری امور اور روڈ کے ذریعے قانونی طور پر اپیل کرتا ہوں کہ اس نوٹیفکیشن کو جو بددیہتی بر مبنی ہے جو سروس روڈ کے بلکل خلاف ہے جس میں مندرجہ بالا کیڈر کی حق تلفی ہوئی ہے اس کو فوراً واپس کیا جائے اور اس نوٹیفکیشن سے اندر لینے والی تمام کارروائی روک دیا جائے۔ بصورت دیگر میں قانونی طور پر کوئی قدم اٹھانے کا مجاز ہو گا۔ اس نوٹیفکیشن کے پیچھے جو عناصر شامل ہیں ان کے خلاف قانونی کارروائی عمل میں لائی جائے۔ یہ کہ بذریعہ نوٹس 25/04/2024 ڈی جی بلدیات صاحب کو بھیجی میں نے درخواست دی ہے۔ جس کی کاپی اپیل ہذا کے ساتھ لف ہے۔ مزید یہ کہ جس تیز رفتاری سے 2019 و 2024 تک آفس اسٹینٹس کیلئے صفر سے 30 فیصد کوڈ بغیر کسی محکمہ ٹیسٹ اور امتحان کے عنایت کیا گیا ہے نوٹیفکیشن لف ہے اس پر غور کیا جائے اور اس کو Esta Code کے مطابق کیا جائے جبکہ آفس اسٹینٹس کا کیڈر کلیئرنگ ہو تا ہے جس کو ایڈمن کیڈر نے کوڈ دینا یا ضمن کرنا Esta Code کی خلاف ورزی ہے۔

المرقوم:- 29/04/2024

  
BPS-11 سیکرٹری

ڈپٹی سیکرٹری بلکوریوٹن کونسل پاشتنہ ضلع ویراچ



"H"

23-

**DIRECTORATE GENERAL  
LOCAL GOVERNMENT & RURAL DEVELOPMENT  
DEPARTMENT KHYBER PAKHTUNKHWA**  
No. Dir (A)/LG/4-7/ Establishment /2023-24/6152-53  
Dated Peshawar the, 10.05.2024

To,

Director General  
LG&RDD, Khyber Pakhtunkhwa, Peshawar

**SUBJECT: REPORT OF THE COMMITTEE CONSTITUTED VIDE NOTIFICATION  
DATED 29-04-2024.**

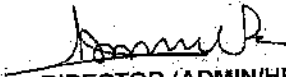
Respected Sir,

Reference to your good office Notification dated 29-04-2024 on the subject cited above and to enclose herewith the report of the committee, along with enclosures, as desired, please.

  
(RIAZ AHMAD)  
DIRECTOR (ADMIN/HR)/CONVENER  
OF THE COMMITTEE

**Endst: No. & date even:**  
Copy forwarded to the:

1. All members of the Committee notified vide mentioned for information.

  
DIRECTOR (ADMIN/HR)  
CONVENER  
OF THE COMMITTEE

ATTACHED

-24-

**REPORT OF THE COMMITTEE CONSTITUTED VIDE NOTIFICATION DATED 29-04-2024 REGARDING COMPLAINTS OF VILLAGE COUNCIL SECRETARIES AND COMPUTER OPERATORS**

**INTRODUCTION:**

Consequent to issuance of Notification No. SO(E-II)/LG/2-188/SSRC/2019 dated 17th April, 2024, whereby it has been notified that the quota of office Assistants / Senior Scale Stenographers for promotion to the post of Assistant Directors is enhanced from 20 to 30% (ANNEX-I). The field staff of LG&RDD i.e. Village Secretaries, Supervisors and Progress Officers started agitation and even resorted to protest. While acknowledging the genuineness of the issue, Director General LG&RDD, Khyber Pakhtunkhwa constituted committee vide notification dated 25-04-2024 (ANNEX-II) of officers of Directorate General LG&RDD, Khyber Pakhtunkhwa to look into the matter. The committee was mandated with following TORs.

1. To summon authorized representatives of employees of aggrieved parties for hearing.
2. To scrutinize and deliberate the issue in light of rules / regulation.
3. To submit recommendations within fourteen (14) days for consideration of the Competent Authority.

**BACKGROUND**

2. The Admin/HR cadre of Directorate General and field offices comprises of Directors, Deputy Directors / Assistant Directors (Senior), Assistant Directors, Progress Officers, Supervisors and Village / Neighborhood Council Secretaries & Naib-Qasideen. There are 124 sanctioned positions of Progress Officers, 90 sanctioned positions of Supervisors, 4212 sanctioned positions of Village Secretaries of VCs/NCs in the province. These posts are mainly associated with service delivery at the field level as per Local Government Act 2013. They are also responsible for planning, execution of schemes and subsequent expenditure of public money. Furthermore, all activities carried out in districts / tehsils are assisted by them. Keeping in view of the job description of the position of Progress Officer, 75% quota was kept for promotion from the post of Progress Officer to Assistant Director LG&RD, whereas 25% was reserved for initial recruitment in the service rules framed in 1978 (ANNEX-III).

3. Till 2018, promotion quota to the Assistant Director post was reserved only for Progress Officer, however, for the first time, another x-cadre, i.e. Office Assistants / Senior Scale Stenographers was allocated promotion quota to the post of Assistant Director (Admin/HR Cadre) to the tune of 10% quota (ANNEX-IV). Instead of defining

ATTESTED

career progression / specialized cadre, the x-cadre were forcibly merged in to the already established Admin/HR heirarchy.

4. In 2023, the quota faced another strike in shape of service rules amendments, wherein the quota was enhanced for the x-cadre, i.e. Office Assistants / Senior Scale Stenographers from 10% to 20% with examination by the Public Service Commission (ANNEX-V). The beneficiary group did not avail promotion on the basis of amendments during the year 2023-24. The situation further aggravated, as the beneficiaries were not satisfied/happy with 20% promotion quota along with examination, hence, **another amendment in the service rules was undertaken, whereby the quota of x-cadre was increased from 20% to 30% (ANNEX-VI)** and also the condition of examination was dropped altogether, for their sweet will.

**PROCEEDINGS**

5. Several meetings of the Committee were held under the chairmanship of Convener and attended by all the members, as well as representatives of the Progress Officers, Supervisors and Village Council Secretaries of Khyber Pakhtunkhwa. Attendance Sheets of meetings enclosed as (ANNEX-VII).

**DEMANDS OF VC/NCs**

6. That the representatives of Progress Officers / Supervisors and VC/NCs Secretaries were invited to attend the meeting of the Committee and present their case / grievance. The representatives presented the following demands before the Committee.

i. The break-up of promotion to the Assistant Director posts is as under:

S	CADRES	PROMOTION QUOTA %AGE
1	i. 124 Progress Officers ii. 90 Supervisors iii. 4212 V/NC Secretaries	30%
2	i. 44 Office Assistants ii. 02 Senior Scale Stenographers	30%

For x-cadre and Admin/HR, promotion quota is 30% each, which is not justifiable in any rationale of justice, hence, the notification regarding enhancement of promotion quota be withdrawn forthwith.

- ii. That time-scale promotion or upgradation of VC/NC Secretaries must be undertaken.
- iii. That Computer Allowance for V/NC Secretaries must be provided.
- iv. That the creation of Supervisor posts at the each tehsil level must be

APR 2024


sanctioned.

- v. That the post of Senior V/NC Secretaries must be sanctioned all over Newly Merged Districts and in District Torghar in order to efficiently provide services to the public.
- vi. That the service rules for missing link of the post of Supervisor towards Progress Officer must be amended at the earliest to open opportunities for the Senior V/NC Secretaries having service tenure more than 25 and 30 years.
- vii. That the tenure of Supervisor promotion to the post of Progress Officer must be amended from 05 years to 03 years.

**RECOMMENDATIONS**

7. That the Committee, after hearing the grievance of the parties and thorough deliberations, hereby recommends the following:

- i. *That the newly notified amendments in service rules vide dated 01.04.2024 may be withdrawn in respect of 30% promotion quota to the Office Assistants / Senior Scale Stenographers at the earliest.*
- ii. *That specialized career progression / promotion heirarchy for the x-cadre, i.e. Office Assistants / Senior Scale Stenographers, Computer Operators and Accountants, may be created at the earliest.*
- iii. *That Admin Section in Directorte General, LG&RD may be tasked to come up with course of action for resolving rest of the issues/demands of VC/NC Secretaries.*
- iv. *That a permanent Committee at Directorate level may be constituted for potential amendments in Service Rules of all cadres of Directorate General, LG&RD and its allied offices, and subsequent submission to the SSRC through proper channel.*

  
**RIAZ AHMED**  
 Director (ADMIN /HR) / Convener  
 of the Committee, LG&RDD, KP

**ATTESTED**

"I"

-27-

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

APPEAL NO. 9150 /2020

Mr. Hidayat Shah, Village Secretary,  
Village Council Balkor, U/C Pashta, District Upper Dir.

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Local Government, Election & Rural Development Department, Civil Secretariat, Peshawar.
- 4- The Secretary (Finance) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5- The Director General Local Govt:, Election & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES OF THE RESPONDENT DEPARTMENT NOTIFIED ON 5.4.2018, 1.8.2018 & 16.10.2019 WHEREBY THE PROSPECTS OF PROMOTION OF THE APPELLANT TO THE NEXT HIGHER SCALES HAS BEEN DONE AWAY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTTORY PERIOD OF NINETY DAYS**

**PRAYER:** That on acceptance of this appeal the impugned service rules Notified on 5.04.2018, 1.8.2018 & 16.10.2019 may kindly be set aside and the old service Rules Notified on 26.11.1978 may be revived/restored and the respondents be directed to consider the appellant for promotion to the next higher scale/scales under the old rules notified on 26.01.1978. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

- 1- had the appellant is the employee of the respondent Department and is presently serving as Village Secretary since from the date of appointment till date quite efficiently

and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure ..... **A.**

2- That according to the service rules Notified on 26.1.1978 the initial scale of the appellant was in BPS-6 which was later on upgraded to BPS-7. That under the said Rules the prospects of promotion was on up to the post of Deputy Director (BPS-18) but later on vide impugned Notifications dated 5.4.2018, 1.8.2018 and 16.10.2019 the channel of promotion has been limited to the post of Developmental Officer (BPS-16) and where after no channel for promotion has been lift for the cadre of Village Secretary rather the channel of promotion has been washed/done away in utter violation of Civil Servant Act, 1973 & APT Rules, 1989. Copies rules and impugned rules are attached as annexure ..... **B, C, D & E.**

3- That according to the old rules of 1978, after appointment the village secretaries has 75% promotion quota to the post of Supervisor (BPS-14) & Assistant Accountant (BPS-14), 25% quota was reserved from supervisor & Assistant Accountant to Development Officer (BPS-16) and where after from the post of Development Officer to the Village Secretary was in a combined share of 50% with amongst the sub-divisional officer and Assistant Director Engineer to the post of Assistant Director/Project Manager/Progress Officer, then, 75% quota was reserved from Assistant Director to the post Deputy Director (BPS-18). All these promotions were based on the basis of seniority cum fitness. Copy of the rules is already attached.

4- The same service structure dated 26.01.1978 was amended vide notification dated 05-04-2018 whereby the post of village secretary was bifurcated into two sub cadres i.e. Senior Secretary Village Neighborhood Council (BPS-11) and Junior Secretary Village Neighborhood Council (BPS-09) and as such prospects of promotion was given from Junior Village Secretary to Senior and then to the post of Supervisor (BPS-14) with 75% quota. Copy of the impugned rules is already attached.

5- That it is pertinent to mention that the post of Village Secretary in Local Government Department of Punjab in BPS-14 while in the respondent Department the post of Village Secretary is in BPS-9. Copy of the Notification is attached as annexure ..... **F.**

6- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Hence the present

appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... G.

**GROUNDS:**

- A- That the impugned service rules dated 5.4.2018, 1.8.2018 and 16.10.2019 framed by the respondents whereby ignoring the appellant from promotion to the next higher scales is against the Law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That, the treatment meted out to the appellant is clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan, 1973.
- D- That according to Article 37 of the Constitution the state is bound to promote social justice and eradication of social evils and accordingly the action and inaction of the respondents squarely falls in violation of the said Article.
- E- That, inspite of all the requisites available with the appellant the respondents acted in a malafide and arbitrary manner by issuing the impugned service rules dated 5.4.2018 & 16.10.2019.
- F- That, the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- G- That, the ignoring the appellant from promotion to the next higher scales is violative of Article-38 (e) of the Constitution of Pakistan, 1973.
- H- That the appellant seek permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10.8.2020

  
APPELLANT  
Hidayat Shah

THROUGH:

  
NOOR MOHAMMAD KHATTAK  
ADVOCATE



-30-

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

C.M. NO. \_\_\_\_\_/2020  
IN  
APPEAL NO. \_\_\_\_\_/2020

**HIDAYAT SHAH**

**VS**

**GOVT: OF KPK & OTHERS**

**APPLICATION FOR RESTRAINING THE RESPONDENTS**  
**NOT TO ACT UPON THE IMPUGNED SERVICE RULES**  
**DATED 5.4.2018, 1.8.2018 & 16.10.2019 TILL THE**  
**DISPOSAL OF THE INSTANT SERVICE APPEAL**

**R.SHEWETH:**

1. That, the appellant has filed the above titled service appeal before this Honorable Tribunal in which no date has so far been fixed.
2. That, appellant filed the above mentioned service appeal against the impugned service rules dated 5.4.2018, 1.8.2018 & 16.10.2019 whereby the 75% promotion quota have been done/washed away.
3. That, all the three ingredients required for grant of stay are in favor of the appellant.
4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to act upon on the impugned service rules dated 5.4.2018, 1.8.2018 & 16.10.2019 till the disposal of the instant service appeal.

APPELLANT

  
**HIDAYAT SHAH**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

ADVOCATE,

High Court Peshawar

A TESTED

9150/2020 Hidayat Shah v/s Govt  
"5" 31-



13<sup>th</sup> Oct, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan,  
Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment on  
the ground that he has not made preparation for arguments. Adjourned.  
To come up for arguments on 13.11.2023 before D.B. P.P given to the  
parties.

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

SCANNED  
K.P.S.T  
PESHAWAR

*I seek the withdrawal of the instant appeal  
with the permission to file a fresh one.*  
13/11/23

13.11.2023 1. Learned counsel for the appellant present. Mr. Asad Ali  
Khan, learned Assistant Advocate General alongwith Aizaz Ul  
Hasan, Assistant Director for the respondents present.

2. Learned counsel for the appellant requested for  
withdrawal of the instant service appeal with the permission to  
file fresh one. As a token of admission of his submission, he  
signed the margin of order sheet. Dismissed as withdrawn with  
permission to file fresh in accordance with law subject to all  
legal objections. Consign.

3. Pronounced in open Court in Peshawar given under our  
hands and seal of the Tribunal on this 13<sup>th</sup> day of November,  
2023.

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

\*Kaleem Ullah

Copy to be filed copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

R. Sid.

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

Appeal No 12029

Hidayat Shah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

L-Gout

(RESPONDENT)  
(DEFENDANT)

I/We Hidayat Shah  
Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/202

  
**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

  
**WALEED ADNAN**

**UMAR FAROOQ MOHMAND**

  
**KHANZAD GUL**

  
**ABID ALI SHAH  
ADVOCATES**

**OFFICE:**  
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(0311-9314232)