


FORM OF ORDER SHEET

Court of _____

Appeal No. 1099/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2024	<p>The appeal of Mr. Riaz Ullah presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 08/08.2024. 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

Service Appeal No 1099 /2024

Riaz UllahAppellant

V E R S U S

Director & others.....Respondents

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Dated:-01-08-2024


Appellant

Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan,

&
Ibad Ur Rehman Khalil

&
Baseer Shah
Advocates High Court

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar
Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1099 /2024.

Riaz Ullah, Village Secretary, Village Council, Essa Khel-3, Tribal,
District Mohmand.Appellant

VERSUS

1. Director Local Government & Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Local Govt. Elections and Rural Development Department, Civil Secretariat Peshawar.
3. Assistant Director, Local Government & Rural Development, Bajaur, Mohmand.Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE ANTE-DATION OF ORDER DATED 07-08-2023, WHEREBY THE APPELLANT HAS BEEN APPOINTED WITH IMMEDIATE EFFECT INSTEAD FROM 10-12-2021 AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal, the Office Order dated 07-08-2023, may kindly, given effect from 10-12-2021, thereby placing the name of the appellant at his due place in the order of merit with all back benefits.

Respectfully Submitted:-

1. That the appellant is highly qualified and after 25th Constitutional amendment and subsequent merger of FATA into Khyber Pakhtunkhwa and in order to promote the Local Government System in the merged Districts, number of Village Councils and Neighborhood Councils were created.
2. That for the said purpose, recruitment process of the required officials/staff of Village Secretaries (BPS-09), for the newly created Village Council. and

Neighborhood Councils was initiated in all Newly Merged Districts vide Advertisement in daily Newspapers of wide circulation inviting online applications through ETEA website. **(Copy of Advertisement is enclosed as Annexure A).**

3. That in the advertisement, the reserved quota for female, minorities and disabled persons was duly mentioned according to rules but with no specification, the appellant being perfectly fit, eligible and coming up to the criteria, also applied for appointment to the said post, the appellant qualified written test conducted through ETEA and was placed at the top of Final merit list of his respective Village/Neighborhood Council.
4. That the appellant was awaiting his appointment, however appointment orders were issued of his colleagues vide Order dated 10-12-2021 while upon query, the appellant was told that subsequent to draw, the post of Village Secretary in the respective Village/ Neighborhood Council have been reserved for females, minorities and disabled persons. **(Copies of Appointment Orders are enclosed as Annexure B).**
5. That against reserving posts through draw, the appellant along with others approached the honorable Peshawar High Court, Peshawar by filing Writ Petition No 5154-P/2021 titled as riaz ullah & others VS Govt. & others which was allowed with directions to respondents to issue the appointment order of the appellant and his colleagues vide Judgment dated 10-11-2022. **(Copy of Writ Petition & Judgment dated 10-11-2022 is enclosed as Annexure C).**
6. That finally after filing Contempt of Court petition, the appointment order of the appellant and his colleagues was issued vide Order dated 07-08-2023 and the appellant accordingly reported arrival on 08-08-2023. **(Copy of Appointment Order dated 07-08-2023 & Arrival Report is enclosed as Annexure D).**
7. That the appellant filed departmental appeal dated 19-04-2024 for ante-dation of his appointment Order which has not been responded so far, despite the lapse of more than the statutory period of ninety

days. (Copy of Departmental Appeal & Receipt is enclosed as Annexure E).

- 8. That the impugned Office Order dated 07-08-2023 is liable to be modified thereby giving it effect from 10-12-2021 instead of 07-08-2023 and the denial of respondents, is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND:


- A. That the omission and commissions of the respondents of not giving effect to appointment Order of the appellant is illegal, unconstitutional, and unlawful, without lawful authority and of no legal effect.
- B. That the appellant is denied treatment in accordance with law and rules which being her fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That the ground on which appointment was denied to the appellant has been declared illegal by the honorable Peshawar High Court, Peshawar vide its Judgment dated 21-12-2022, and hence the appellant is entitled to appointment with his colleagues.
- D. That due to the omissions and commissions of respondents, the appellant has badly suffered in terms of finances and seniority, as the appellant has been placed at low position than those appointed on 10-12-2021.
- E. That even such petitions have been allowed by the honorable Peshawar High Court, Peshawar as well as by this honorable Tribunal, hence the appellant too deserve the same treatment and should not be discriminated.
- F. That there is no omission or commission on part of the appellant thus he could not be punished for the fault of others even if any.

G. That the appellants seek the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

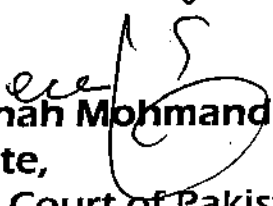
It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-01-08-2024


Appellant

Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan,

&
Ibad Ur Rehman Khalil 

&
Baseer Shah 
Advocates High Court

LIST OF BOOKS:

1. Constitution 1973.
2. other books as per need

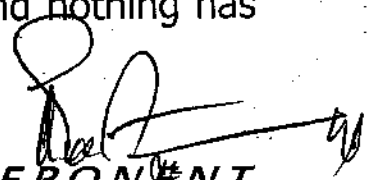
CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

AFFIDAVIT

I, Riaz Ullah, Village Secretary, Village Council, Essa Khel-3, Tribal, District Mohmand, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

(5)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Riaz UllahAppellant

V E R S U S

Director & others.....Respondents

Application for the condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the appellant approached respondents for ante-dation of his appointment Order and he was time and again assured that his grievances will soon be redressed but to no avail even departmental appeal of the applicant is still pending before the respondents.
4. That the as the appellant is continuously suffering in terms of finances and seniority, thus being recurring cause of action for which no limitation runs while denying such right to the appellant and the loss is caused to the appellant every month.
3. That even otherwise law as well as the superior Courts dictas favors decision of cases on merit instead of technicalities.

It is therefore prayed, that on acceptance of this application, the delay if any in filing of instant appeal may kindly be condoned.

Dated:-01-08-2024


Appellant

Through


Fazal Shah Mohmand
Advocate
Supreme Court of Pakistan

AFFIDAVIT

6

I, Riaz Ullah, Village Secretary, Village Council, Essa Khel-3, Tribal, District Mohmand, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

8 B

**OFFICE OF THE ASSISTANT DIRECTOR, LOCAL GOVERNMENT AND RURAL DEVELOPMENT
DEPARTMENT TRIBAL DISTRICT MOHMAND.**

No. 1055-62 /ADRD/VCS/NCs/M Dated Ghallana the 16 /11/2021

APPOINTMENT ORDER.

Consequent upon the recommendation of the Departmental Selection Committee Mr. Jaz Ahmad son of Muhammad Ali Khan of Village Council Burhan Khel VC-4 District Mohmand has been appointed as Secretary village /neighbourhood Council BPS-09 (11770-730-33630) plus usual allowances as admissible under the Rules purely on temporary basis in Local Govt. & Rural Development Department Tribal District Mohmand against the vacant post Village Council Burhan Khel VC-4. The terms and conditions of his appointment, in addition to other prevalent Rules and Regulations shall be as under:-

- 1- His appointment is subject to the condition that the certificates / degrees must be verified from the concerned institutes/Boards and in case he found producing bogus Documents/testimonials will be reported to the law enforcing agencies for further action.
- 2- He will be governed by the Provision of Khyber Pakhtunkhwa civil servant Act 1973 and in matters not specially mentioned in this order shall be governed such Rules and regulation relating to leave, Medical attendance, seniority etc as have been or may be prescribed from time to time by the Government for the category/status of Government servant to which he belong.
- 3- He will be governed by services conduct Rules, 1987, the Government Khyber Pakhtunkhwa servants (Efficiency and Discipline) Rule, 2011 and any other instructions as may be issued by the Government of Khyber Pakhtunkhwa from time to time.
- 4- He will initially be on probation for a period of one year. His services will be liable to termination at any time without assigning any reasons before expiry of the period of probation /extended period of probation if his work and conduct during this period is not found satisfactory. In such an event, he will be given a month's notice of termination of services. In case of his resignation without notice their one month pay /allowances shall be forfeited to the Government.
- 5- His employment will not in any case confer upon then any claim or right to permanent employment in the Department. He will however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (included the extended period of probation) if and when a regular substantive vacancy in the post is available to him.
- 6- He will join duty on his own expenses.
- 7- He will produce a Medical certificate of fitness (Health and age certificate) from Medical Superintendent DHQ Hospital Mohmand and Police Clearance Certificate from District Police Officer Mohmand before reporting for duty in this Department as required under the rules.

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- 8- He can be posted any where in the district for performance of the duty and he is bound to serve any official work assigned to him as the case may be.
- 9- If the above terms and conditions of appointment are accepted to him, he should immediately communicate his acceptance in writing to the Department of LG&RDD Mohmand within fifteen (15) days and report for duty to the office of Assistant Director, LG&RDD Mohmand for further posting and necessary process.
- 10- Pay will not be drawn until and unless a certificate to this effect by Office the Assistant Director, LG&RDD, Mohmand is issued that his certificates/degree are verified. District Accounts Officer (DAO) Mohmand should release salaries on the production of duty certificate duly signed/countersigned by Assistant Director, LG&RDD, Tribal District Mohmand.
- 11- If any meritorious candidate is deprived from appointment by this order and the competent authorities accepted his appeal, this appointment order will be withdrawn accordingly.

Assistant Director LG&RDD,
Tribal District Mohmand

Endst. No. and date even.

Copy forwarded for information:-

- 1- The Director General, Local Govt. & Rural Development, Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Deputy Commissioner, Tribal District Mohmand.
- 3- The Director, Local Govt. & Rural Development, Department, Merged Areas, Khyber Pakhtunkhwa Peshawar.
- 4- The Medical Superintendent DHQ Mohmand.
- 5- The District Police Officer, Mohmand.
- 6- The District Accounts Officer, Tribal District Mohmand.
- 7- Master file.
- 8- The official concerned.

Assistant Director LG&RDD,
Tribal District Mohmand

"C"

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ریاض اللہ

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. _____ / 2021



1. Mr. Riazullah s/o Sami-ul Haq
R/O Qaziyan Danishkol Pardes Korona,
PO Yaka Ghund, Tehsil Pandyal, District Mohmand
2. Mr. Zawar Hussain s/o Syed Hussain,
R/O Mian Gan, P.O Ghalani Zaman,
Tehsil Halimzai, District Mohmand.
3. Mr. Mustafa s/o Khan Zali,
R/O Baro Khel, PO Mian Mandi, Sabz Ali,
Tehsil HalimZai, District Mohmand.

..... **PETITIONERS**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Local Government and Rural Development
Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Assistant Director Local Government & Rural Development
Merged District Mohmand.

..... **RESPONDENTS**

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 AS AMENDED UP TO DATE**

R/SHEWETH:

ON FACTS:

- 1- That petitioners are the peaceful & bonafide citizens of Pakistan
and living with their families within the territorial jurisdiction of
this Honourable Court. Copies of the CNIC's are attached as
annexure **A.**
- 2- That the respondents advertised the posts of Village Secretaries
(BPS-9) for Tehsils Upper Mohmand, lower Mohmand and Baizai in
the respondent Department through news paper. That the
petitioners having the requisite qualifications applied for the ibid
post from village Councils Darba Khel VC-2, Issa Khel VC-3 and
Kamalai Halamzai VC-1 respectively. Copies of the advertisement
and educational testimonials are attached as annexure
..... **B, C, D and E.**

**ATTESTED
EXAMINER
Peshawar High Court**

- 3- That petitioners after participated in the written test and interview were declared successful and accordingly they were enlisted at serial No.1 of the merit lists of their respective Village Councils. That being at the top of the merit lists of their respective village councils the petitioners were quite hope full for their appointment against the posts of village secretary (BPS-9) but the respondents instead of issuing the appointment orders of the petitioners filled the ibid posts through minority, Female and disable quota through impugned minutes dated 19.7.2021 & 23.7.2021. Copies of the merit lists and impugned minutes are attached as annexure **F and G.**
- 4- That petitioners feeling aggrieved and having no other remedy filed the instant writ petition on the following grounds amongst the others.

GROUND:

- A- That the impugned minutes of the Departmental selection Committee dated 19.7.2021 and 23.7.2021 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of Law and needs interference of this Honourable Court.
- B- That petitioners have not been treated in accordance with law and rules by the respondent Department 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 respondents have malafidly ignored the petitioners from appointment to the post Village Secretary (BS-9) just to accommodate their blue eyed chap persons.
- D- That the respondents acted in arbitrary and malafide manner by illegally and unlawfully depriving the petitioners from appointment against the post of village secretary (BPS-9).
- E- That the as per recent judgment of this august Court passed in W.P No.521-D/2021 dated 10.11.2021 similar nature writ petition has been allowed by this august Court. Copy of the judgment is attached as annexure **H.**
- F- That the respondents discriminated the petitioners by not considering them for appointment against the post of Village Secretary (BPS-9).

**ATTESTED
EXAMINER**
Peshawar High Court

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- G- That the respondents discriminated the petitioner on the subject noted above and as such the respondents violated the principle of natural justice.
- H- That the act of the respondents is against Article 38 (e) of the Constitution of Islamic Republic of Pakistan.
- I- That, any other ground would be taken at the time of argument with prior permission of this Honourable Court

It is therefore, most humbly prayed that on acceptance of this writ petition the action and inaction of the respondents by issuing the impugned minutes of the Departmental Selection committee dated 19.7.2021 & 23.7.2021 and not considering the petitioners for appointment against the post of Village Secretary (BPS-9) may kindly be declared as illegal, unconstitutional and in effective upon the rights of the petitioners. That the respondents may kindly be directed to consider the petitioners for appointment on the post of Village Secretary (BPS-9) with all back benefits including seniority. Any other remedy which this august Court deems fit that may also be awarded in favor of the petitioner.

INTERIM RELIEF:

By way of interim relief, the impugned minutes of the Departmental selection committee dated 19.7.2021 & 23.7.2021 may kindly be suspended till the final disposal of the instant writ petition.

Dated: 7-12-2021

PETITIONERS

Riazullah
& OTHERS

THROUGH:

NOOR MOHAMMAD KHATTAK

**MUHAMMAD MAAZ MADNI
ADVOCATES**

VERIFICATION:

**ATTESTED
EXAMINER
Peshawar High Court**


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It is verified that no other earlier writ petition was filed between the parties.


DEPONENT

LIST OF BOOKS:

1. Constitution of Pakistan.
2. Services Laws Books.
3. Any other Case law as per need.


CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Section 10
of the Qanun-e-Shahadat Act 1984
01 AUG 2024

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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. _____/2021

Riaz Ullah **Petitioner**

VERSUS

The Government of Khyber Pakhtunkhwa & others

..... **Respondents**

AFFIDAVIT

I, Riaz Ullah S/o Sami ul Haq R/o Qaziyan Danishkol Pardes Kor P.O Yaka Ghund, Tehsil Pandyali District Mohmand, do hereby solemnly affirm and declare on oath that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by

Noor Muhammad Khattak
Advocate, High court
Peshawar

DEPONENT

Riaz Ullah
CNIC:21403-0925817-3
Cell No. 0345-0059498

47130

I hereby declare that the above was verified on solemnly
 sworn before me on this 02
Dec 21 Riaz Ullah
Sami ul Haq Mohmand
Noor Muhammad Khattak

[Signature]
 Nadra verified 02/12/2021

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Qasoo-e-Shariat Act 1988
01 AUG 2024

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PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
10.11.2022	<p><u>W.P No. 5154-P/2021 with IR</u></p> <p>Present: Mr. Noor Muhammad Khattak, Advocate for petitioners.</p> <p>Ms. Shakeela Bibi, AAG for respondents.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J:</u></p> <p>The petitioners have averred that the respondents advertised the posts of Village Secretaries for Tehsils of Districts Upper and lower Mohmand and Baizai and the petitioners having the requisite qualifications, applied and qualified the written test and were placed at serial No.1 of the merit lists of their respective village councils. They further averred that the respondents instead of issuing their appointment orders, filled the posts through minority, female and disable quota vide order dated 19.07.2021 and 23.07.2021 hence, through this petition under Article 199 of the Constitution of Islamic Republic</p>

ATTESTED
EXAMINER
Peshawar High Court

of Pakistan, 1973, the petitioners have set their prayers:

"It is therefore, most humbly prayed that on acceptance of this writ petition the action and inaction of the respondents by issuing the impugned minutes of the Departmental Selection Committee dated 19.07.2021 and 23.07.2021 and not considering the petitioners for appointment against the post of Village Secretary (BPS-9) may kindly be declared as illegal, unconstitutional and ineffective upon the rights of the petitioners. That the respondents may kindly be directed to consider the petitioners for appointment on the posts of Village Secretaries (BPS-9) with all back benefits including seniority. Any other remedy which this august court deems fit that may also be awarded in favor of petitioners."

2. At the very outset, learned counsel for petitioners produced judgment of this court dated 23.06.2022 passed in W.P No. 951-P/2022 and prayed for

~~ATTESTED~~
~~EXAMINER~~
Peshawar High Court

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decision of this petition alike. The relevant is:

"In view thereof, the instant petition is allowed with direction to the respondents to consider the petitioners according to their eligibility and merit position for appointment against the subject posts under the law without any discrimination."

3. As the case of petitioners is identical to the above mentioned already decided case therefore, the request of learned counsel for petitioner is accorded. The petitioners, being similarly placed with the petitioners of the W.P No.951-P/2022 titled *Nizam Ullah vs Government of Khyber Pakhtunkhwa through Local Government & Rural Development Department, Peshawar & others*, this writ petition is allowed in the like manner.

Announced
10.11.2022

[Signature]

JUDGE

[Signature]

JUDGE

Muhammad Fiaz *D.B* Hon'ble Mr. Justice Mohammad Ibrahim Khan, J
Hon'ble Mr. Justice Shakeel Ahmad, J

4593

Date of Presentation of Application: 01-08-2024
No of Page: 8-P
Copying fee: 32-00
Date of Preparation of Copy: 01-08-2024
Date of Fidelity of Copy: 01-08-2024
[Signature]

CERTIFIED TO BE TRUE COPY
EXAMINED
Peshawar High Court, Peshawar
under Section 7 of
the Judicature (Amendment) Act 1984
01 AUG 2024



OFFICE OF THE ASSISTANT DIRECTOR LG&RDD TRIBAL DISTRICT
MOHMAND

Ph # 0924-290069

No. 405-413 /LG&RDD(M)VC/NC
Dated 08/08 /2023

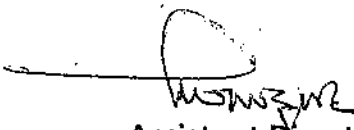
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OFFICE ORDER

Consequent upon the Judgement of Peshawar High Court, Peshawar W.P.No. 5154/2021 title Riaz Ullah & Others VS Government of Khyber Pakhtunkhwa and subsequent directions of PHC in COC No. 9/2023 W.P.No. 5154/2021 title Riaz Ullah & Others VS Government of Khyber Pakhtunkhwa, Mr. Riaz Ullah S/O Sami Ul Haq, bearing CNIC No: 21403-0925817-3, resident of Qazian Danishkol, Pardes Karoona, Tehsil Pandyal, Tribal District Mohmand is hereby appointed as Village Secretary (BPS-09) against the vacant post in Village Council Issa Khel-03 on the terms & conditions mentioned below.

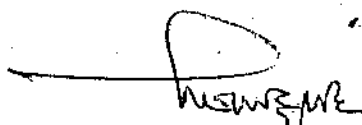
Terms & Conditions:

1. The Village Council Issa Khel-03 was selected for recruitment of Village Secretaries under reserved quotas of (Female, Minority & Disable) in light of the directions/orders of the Supreme Court of Pakistan.
2. The appointment will be subject to the condition that the candidate is a permanent domiciled of District Mohmand.
3. Medical Certificate should be produced from Medical Superintendent District Headquarters Hospital before assuming the charge.
4. He will be on probation for a period of one (01) year and this period can be extended as per rules/policy.
5. His services can be terminated during the probation period without assigning any reason.
6. His services will be purely on temporary basis and are liable to be terminated on one month notice from either side. In case of resignation without notice, his one month salary/allowances shall be forfeited to the Government.
7. He should not assumed the charge if his age exceeds 30 years or below 18 years except if he is granted age relaxation by the Establishment Department as well as by the appointing authority.
8. He should join his post within fifteen days of the issuance of this order. In case of failure, his appointment order will stand invalid automatically and no subsequent appearance etc shall be entertained.
9. He will be governed by all such rules/regulations issued by the Provincial Government from time to time.
10. The appointment is made subject to verification of all the testimonials of the candidate.


Assistant Director
LG&RDD, Tribal District Mohmand

Copy forwarded for information to:-

1. The Director General LG&RDD Khyber Pakhtunkhwa Peshawar.
2. The Director LG&RDD NMDs Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Tribal District Mohmand.
4. The District Accounts Officer Tribal District Mohmand.
5. The Section Officer (Litigation) LG,E&RDD, Khyber Pakhtunkhwa.
6. The Section Officer Establishment LG,E&RDD Khyber Pakhtunkhwa.
7. PS to Secretary LG,E&RDD Khyber Pakhtunkhwa.
8. Official Concerned.
9. Office Order file.


Assistant Director
LG&RDD, Tribal District Mohmand

To

The Assistant Director,
Local Govt: & Rural Development
Department Tribal District Mohmand.

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Subject: ARRIVAL REPORT.
R/Sir,

In compliance with the Assistant Director LGRDD Tribal District Mohmand Office Order No.405-413/LG&RDD(M)VC/NC dated 08-08-2023, I Riaz Ullah S/o Samiul Haq Secretary Village Council Essa khel VC-3, Tehsil Pandjali submit my arrival for duty today on 08-08-2023(F.N)

Your Obedient



(Riaz Ullah)

Secretary Village
Council Essa khel VC-3,

Sl	Roll No	Name	Father Name	GNIC#	D.O.B	Test Marks/100	Qualification Marks/70	Add Higher Qualification in marks/12	Total Marks/182	Experience Marks/10	Interview Marks/08	Total Marks/200	REMARKS	Position	REMARKS
1	1877	RIAZ ULLAH	SAMI UL HAQ	2140309258173	02-Feb-1992	41	61	12	114		5	119	Issa Khel VC-3		
2	10147	HAMID ALI	NASEEB KHAN	1610284372941	18-Feb-1991	38	62	6	106		5	111	Issa Khel VC-3		
3	7948	MUHAMMAD TAHIR	MUSLIM JAN	2140370413635	13-Sep-1999	36	61	6	103		5	108	Issa Khel VC-3		
4	8644	SAMI ULLAH	SIRAJ UL HAQ	2140348610895	07-Feb-2001	34	62	6	102		6	108	Issa Khel VC-3		
5	1829	SHAHID RAHEEM	MUHAMMAD RAHEEM	2140399705875	06-Jan-1992	33	61	6	100		7	107	Issa Khel VC-3		
6	738	BAKHTAWAR GUL	MIHRAB GUL	2140740022783	05-Jan-1989	40	53	8	101		5	106	Issa-Khel VC-3		
7	1096	NOOR AMAL	FAQIR JAN	2140380775323	25-Feb-1990	36	53	8	97		5	102	Issa Khel VC-3		

Jadu
 Assistant Engineer LG & RDD
 Tribal District Mardan

Mans
 Assistant Director
 LG & RDD
 Tribal District Mardan

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Before the Director Local Government & Rural Development
Department, Khyber Pakhtunkhwa, Peshawar

"E"

Subject:- Appeal for Ante-dated Appointment

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Respectfully Submitted:-

That the appellant is the permanent resident of Newly Merged District Mohmand and after the merger of FATA in Khyber Pakhtunkhwa, the posts of Village Councils and Neighborhood Councils were created for which recruitment process of the required officials/staff of Village Secretaries was initiated vide Advertisement in all the Newly Merged Districts through ETEA. The appellant being fit and eligible applied for the post of Village Secretary and after qualifying the test also qualified the interview and was placed in the Final Merit List. Colleagues of the appellant were appointed vide Order dated 16-11-2021 while instead of appointment of the appellant, the Departmental Selection Committee in its meeting dated 19-07-2021 and 23-07-2021, decided through draw to allocate the post of Village Councils/Neighborhood of the appellant for females, minorities and disabled candidates which was impugned in the Peshawar High Court vide Writ Petition No 5154-P/2021 titled as Riaz Ullah & others VS Govt. & others which was allowed vide Judgment dated 10-11-2022 with directions to issue the appointment order of the appellant however the same was issued after filing of Contempt of Court petition and the appellant was finally appointed vide Order dated 08-08-2023.

The appellant was thus deprived of his due right of appointment with his colleagues on 16-11-2021 for no fault on his part. The appointment of the appellant was delayed by the department through illegal acts which were declared illegal by the Peshawar High Court hence no omission or commission could be attributed to the appellant. The appellant is entitled to appointment as Village Secretary with his colleagues thereby giving effect to his appointment order from 16-11-2021 instead of 08-08-2023. The appellant is entitled to be given seniority and financial benefits w.e.f. 16-11-2021.

It is therefore requested that on acceptance of this appeal, the appointment order of the appellant dated 08-08-2023 may kindly be given effect from 16-11-2021 with all back benefits.

Dated:-07-04-2024


Riaz Ullah
Secretary Village Council Essa Khel-3
Tribal District Mohmand
Cell # 03450059498

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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Riaz Ullah

.....Petitioner/Appellant

VERSUS

Directors & others.

.....Respondents/Defendants

I, Riaz Ullah, do hereby appoint and constitute,

Fazal Shah Mohmand, Ibad Ur Rehman Khalil & Baseer Shah Advocates

To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the advocate or his substitute responsible for the result of the said matter in consequence of his absence from the court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 1-2-2014

Riaz Ullah
Client (s)

ACCEPTED BY: [Signature]
Fazal Shah Mohmand ASC,

[Signature] Ibad Ur Rehman Khalil
&
Baseer Shah [Signature]
Advocates, High Court.

Riaz Ullah