#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

#### Service Appeal. No. 1620 /2024

Mr. Bakht Zaman, Villag	ge Secretary (BPS-09) Village Council Kayal, District
Kohistan Lower	•
	APPELLENT
	VERSUS

1. The Secretary LG, E&RD Khyber Pakhtunkhwa Peshawar and others.

.....RESPONDENTS

#### **COMMENTS BY THE RESPONDENTS**

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(Respondent)

Assistant Director Sr. LG&RDD, Kohistan Lower

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

<u>Service</u>	Appeal.	No	1620	/2024
				/ <b>L</b> VLT

Khyber Pakhrokhwa Service Tribunal
Diary No. 17444
Daved 31-10-24

				***********	*****************	APPEL	LENT	
Kohistan Lo	ower							
Mr. Bakht Z	Zaman, \	Village	Secretary	(BPS-09)	Village	Council	Kayal,	District

#### **VERSUS**

- 2. The Secretary LG, E&RD Khyber Pakhtunkhwa Peshawar.
- 3. The Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar
- 4. The Assistant Director Sr. LG&RDD, District Kohistan Lower
- 5. Mr. Saddam Hussain, Village Secretary Harigah Kayal, District Kohistan lower
- 6. Mr. Tariq Aziz, Village Secretary, District Kohistan lower

RI	ESPONDENTS
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#### SERVICE APPEAL

COMMENTS OF BEHALF OF RESPONDENT No. 03 (Assistant Director Sr. LG&RDD, Kohistan Lower)

Respectfully sheweth!

#### **PRELIMINARY OBJECTIONS:**

- 1. That the applicant has got no cause of action
- 2. That the appeal is not maintainable in present form.
- 3. That the appeal is barred by law.
- 4. That the appellant has not come to this honorable tribunal with clean hands.

#### **ON FACTS:**

- 1) Needs no reply.
- 2) Correct.
- 3) Incorrect. The appellant was not performing his duties satisfactorily. The competent Authority i.e. the respondent No. 03 received several Complaints (ANNEXTURE -A) against the appellant from locals as

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## SERVICE APPEAL

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- well as the chairman of his village council from time to time. The appellant was time and again directed to perform his duties efficiently and not to indulge in political affairs of the area. Furthermore the inefficiency of the appellant is apparent from the bank statement of his Village Council which reflect that the appellant didn't incurred a single rupee expenditure from his village council, because he was at odds with the chairman of his Village Council. Under these circumstances and to ensure smooth service delivery the appellant was transferred from the said village council vide office order dated 25-07-2024.
- Correct to the extent that the order was issued, however the circumstances leading to the order are necessary to bring into the kind attention of tribunal. The appellant refused to hand over the charge of his Village Council to the official who was posted in his place vide order dated 25-07-2024 and held on to the post defying the orders of the competent authority. The second order was issued to address the issue and give a chance to appellant to resume his duties without taking extreme action against him.
- No.05 was appointed in Tehsil Kolai Palas of District Kohistan Lower in 2016 before bifurcation of the district. After the bifurcation Tehsil Kolai Palas became a District and the Respondent No. 05 remained there. As Secretary Village Council is a District cadre post the Respondent No. 05 submitted an application with Respondent No. 02 for his transfer to his Domiciled District i.e. Kohistan Lower as soon a post on Secretary Village Council fell vacant. Respondent No.02 accepted the application and placed the services of Respondent No. 05 at the disposal of Respondent no. 03 for further posting in District Kohistan Lower.
- for issuing the impugned order are necessary to bring into the kind attention of Honorable Tribunal. The appellant upon receiving the order sent a whatsApp message to the Respondent No. 03 wherein he protested against the order. The Respondent no. 04 also approached the Respondent No. 03 and requested to transfer him anywhere in the district but to the Village council Kayal Village as the said post is a highly disputed post and his life will be in danger if he takes over the charge of the post. The Respondent no. 03 then inquired about the situation and decided to reverse the order and keep the Appellant in office for time being and until further posting.
- Needs no reply
- 8) Incorrect, the appellant has been given the charge of Supervisor, Tehsil Pattan, Kohistan lower but he didn't assume the charge yet. (ANNEXTURE-B)

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- The Incurrent, the appellant tas been given the marge of superiors form Pattan, Komman rower or the didn't assume the charge cet (ANNEX FURE-B)

#### **REPLY OF GROUNDS**

- A) Incorrect, the orders were issued within laws and rules, no rules were violated.
- B) Incorrect, the appellant has been treated according to the law.
- C) Incorrect, The Ban is not applicable on transfers made on administrative grounds. (ANNEXTURE-C)
- D) Incorrect, all the orders were issued in accordance with law.
- E) Incorrect, The appellant's own behavior and unwillingness to perform his duties with the chairman of his village council led to his transfer.
- F) Incorrect, As replied above.
- G) Incorrect, as replied in facts and grounds above.
- H) The respondents seek leave to raise additional grounds at the time of arguments

PRAYER: In wake of the above, the appeal being devoid of merit, substance and contrary to relevant laws, rules and regulation may kindly be dismissed.

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

(Respondents)

Secretary to Govt of Khyber Pakhtunkhwa Local Sovt., Elections & Rural Development Department, Peshawar (Respondent No. 01)

bawood Khan)

Director General

LGE&ROD Peshawar (Respondent No.02)

(Juraid Khan)

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Assistant Director Sr. LG&RDD Kohlstan Lower (Respondent No.03)

(Saad Shaukat)

#### PLPLY OF GROUNDS

- A) Loome it the orders were issued within laws and mass, an inter-ware violated.
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- Or intrinct. The Bain is not applicable on transfers each up a bulbius armognumers (ANNEXTURE-C)
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#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

#### Service Appeal. No. 1620/2024

		**************************************	·• •••••	APPELI	LENT	
Kohistan Lower						
Mr. Bakht Zaman,	Village Secretary	(BPS-09) \	/illage	Council	Kayal,	<b>District</b>

#### **VERSUS**

- 1. The Secretary LG, E&RD Khyber Pakhtunkhwa Peshawar.
- 2. The Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar
- 3. The Assistant Director Sr. LG&RDD, District Kohistan Lower
- 4. Mr. Saddam Hussain, Village Secretary Harigah Kayal, District Kohistan lower
- 5. Mr. Tariq Aziz, Village Secretary, District Kohistan lower

.....RESPONDENTS

ATTESTED

#### <u>AFFIDAVIT!</u>

I, SAAD SHAUKAT, ASSIATANT DIRECTOR St. LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT KOHISTAN LOWER, DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF THE PARA WISE COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

It is further stated on eath that the answering respondent have neither been placed exparte nor their defence has been struck off, also no cost is infessed.

DEPONENT

Med Les Robistan Löwer
Les Rob Kohistan Löwer

Cell: 0343-2870638

Chairman Village Council Kayal

A Hat Malak Mirza Khau

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(Ainnex: A)

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Date-14/04/2021 UMPAPAPION ju 13403316617 ( مونان للخاص ( مقدر 13703-7570306-7 13403-6443511-1 184035456031-9 13403-3645531 (5×103-8546755) (13401-1510627-3 13407-7608727-1 13403-2950



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

Dated Peshawar, the 27th September, 2024

Annex (B

OFFICEORDER

No.Director(LG)3-4/Posting/Transfer/2024/ 1718D Mr. Bakht Zaman, Junior Village Secretary (BPS-09), District Kohistan Lower is hereby authorized to hold the look after charge of Supervisor (BPS-14) in the O/O Assistant Director (Senior) LG & RDD Tehsil Headquarter Pattan District Kohistan Lower (in his own pay & scale) in the best public interest, with immediate effect.

However, this is a stop gap arrangement and will not entitle him to claim any seniority or right of promotion/ absorption against the said post in future.

-sd-DIRECTOR GENERAL LG&RDD

Copy of the above is forwarded to:

- 1. Director (Admin/HR), Directorate General LG & RDD Khyber Pakhtunkhwa.
- 2. District Accounts Officer, District concerned.
- 3. Assistant Director LG& RDD, District concerned.
- 4. PA to Director General LG&RDD, Khyber Pakhtunkhwa, Peshawar.
- 5. Official concerned,

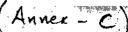
6. Office file.

DEPUTY DIRECTOR (ADMIN/HR)

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Moting - 1511

ASSISTANT DIRECTOR
LG&RDD Kohistan Lower





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

No. Director (LG) 3-1/Establishment-III/2023-24/6701
Dated Peshawar the, 24th May, 2024

To,

All Assistant Directors.

Local Government & Rural Development Department,

Khyber Pakhtunkhwa.

Subject:

BAN ON POSTINGS AND TRANSFERS.

I am directed to refer to the publications above and to enclose wherewith Section Officer (General) LG, E&RDD letter No. SOG/LG/7-1/Miscellaneous/2024/1358 dated 16.05.2024 for information and compliance, please.

ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

#### Endst: No. & date even:

Copy forwarded to the:

1. All Directors, Directorate General LG & SDD, Khyber Pakhtunkhwa.

2. Section Officer (General), LG, E &RDD Khyber Pakhtunkhwa w.r.t his letter quoted above.

3. PA to Director General, LG & RDD, Khyber Pakhtunkhwa:

ASSISTANT DIRECTOR (ADMIN/HR)

ASSISTANT DIRECTOR
LG&RDD Kohistan Lower





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

No. SOG/LG/7-1/Miscellaneous/2024/1358, Dated Peshawar the 16th May, 2024

To

The Director General, LG&RD, Khyber Pakhtunkhwa.

- . The Director General, Peshawar Development Authority, Peshawar.
- 3. The Secretary, Local Council Board, Khyber Pakhtunkhwa.
- 4. All the Directors, UADAs in Khyber Pakhtunkhwa.
- 5. All Chief Executive Officers, WSSCs in Khyber Pakhtunkhwa.

Subject: BAN ON POSTINGS AND TRANSFERS

I am directed to refer to the subject noted above and to state that the Competent Authority (i.e. Secretary, LGE&RDD in consultation with Minister for LGE&RD) has been pleased to impose complete ban on all kind of postings/transfers in Local Government Department and its field formations with immediate effect, till further orders, with the exception of the following:

- i. Posting / transfer under directions of Honourable Courts,
- ii. Posting / transfer on Administrative grounds,
- iii. For adjustment of any new recruitment and in case of promotion etc.
- iv. Posting/transfer/adjustment against vacant posts.

02. The above directions/instructions of the competent authority shall be followed in

letter and spirit.

ASSISTANT DIRECTOR
LGSRDD Kohistan Lower

SECTION OFFICER (GENERAL)

Copy forwarded to:

1. Section Officers (E-1, -II & -III), LGE&RD Department.

2. PS to Secretary, LGE&RD Department.

SECTION OFFICER (GENERAL)

Director	rate_Gene	ral LG & RDD
Diary Ca	_S.027	Dated 16/05/24
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#### DIRECTORATE GENERAL LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA

#### **AUTHORITY LETTER**

Mr. Saad Shaukat, Assistant Director (Sr.) Local Government & Rural Development Department, Kohistan Lower is hereby authorized to submit Joint Parawise Comments in Service Appeal No. 1620/2024 Bakht Zaman VS Government of Khyber Pakhtunkhwa etc. in the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Deputy Director (Litigation)

LG&RDD, Khyber Pakhtunkhwa

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