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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal. No. 1620 /2024

Mr. Bakht Zaman, Village Secretary (BPS-09) Village Council Kayal, District Kohistan Lower

.....APPELLANT

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
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1620 /2024

Diary No. 17444

Dated 31-10-24

Mr. Bakht Zaman, Village Secretary (BPS-09) Village Council Kayal, District Kohistan Lower

.....APPELLANT

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

.....RESPONDENTS

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

Complaints (ANNEXURE -A) against the applicant and those of

the applicant against the respondent and those of the respondent

against the applicant and those of the respondent against the

applicant

1) Name of the

CHARGE

2) Details of the charge and the facts of the case

3) Date of the charge

4) Name of the person who has lodged the charge

5) Name of the person who has received the charge

6) Name of the person who has received the charge

7) Name of the person who has received the charge

(Registered Power)

8) Name of the person who has received the charge

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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.

- 4) 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.
- 5) Correct to the extent that the order was issued however Respondent 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.
- 6) Correct to the extent that the order was issued however the reason 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.
- 7) 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)

(УИИЕХ (УИИЕ-В))

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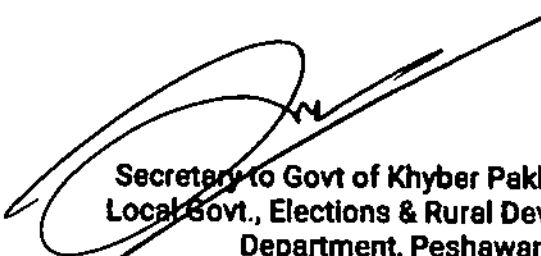
REPLY OF GROUNDS

- 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 Govt., Elections & Rural Development
Department, Peshawar
(Respondent No. 01)

(Dawood Khan)


Director General
LGE&RDD Peshawar
(Respondent No.02)

(Junaid Khan)


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

(Saad Shaukat)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal. No. 1620/2024

Mr. Bakht Zaman, Village Secretary (BPS-09) Village Council Kayal, District Kohistan Lower

.....APPELLANT

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

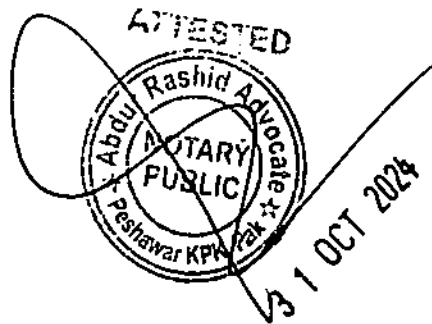
AFFIDAVIT!

I, SAAD SHAUKAT, ASSIATANT DIRECTOR Sr. 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 oath that the answering respondents have neither been placed ex parte nor their defence has been struck off, also no cost is imposed.

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DEPONENT



Approved
12/11 - 12/11

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13403.5456031.9
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13403.483995.24
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13403.6206184.5
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13403.3024103.7
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وتمت الموافقة

Date: 29-04-2024

بموجب هذا القرار يتم الموافقة على

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وتمت الموافقة على

المنطقة المذكورة أعلاه

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وتمت الموافقة على

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ASSISTANT DIRECTOR
LEGARD Kohistan Lower

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Attache

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13403-0289241-1
13403-4482287
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SECRETARY
Govt of Khyber Pakhtunkhwa
Local Govt. Elections & Rural Dev.
Department

Maji Mirza Khan
Chairman VC Koyal
District Kohistan Lower

(29/11)

for ② = Mirdad will secy. Swarsteel, Koyal be authorized to hold the additional charge of Advovent VC. Koyal.

① Bakht zaman sec: village Koyal be posted of office of AD local Government Lower Kohistan

for proposal.

میرداد کی بجائے سوارسٹیل کو کوال کے اضافی چارج دیا جائے گا۔

بکھت زمان کو کوال کے گاؤں کے دفتر میں پوسٹ کیا جائے گا۔

①. Examine & dispose of as per request.

②. ...

③. ...

④. ...

⑤. ...

Director General
Local Govt. Rural Development
Khyber Pakhtunkhwa

Administrative Ground Transport.

میرداد کی بجائے سوارسٹیل کو کوال کے اضافی چارج دیا جائے گا۔



Annex (B)

(10)

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

Dated Peshawar, the 27th September, 2024

OFFICE ORDER

No. Director(LG)3-4/Posting/Transfer/2024/17180; 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)
LG&RDD**

Attested

walwal - 12/11 -

**ASSISTANT DIRECTOR
LG&RDD Kohistan Lower**



(11)

(Annex - C)

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

No. Director (LG) 3-1/Establishment-III/2023-24/6706
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 subject cited 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.

[Signature]
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

Endst: No. & date even:

Copy forwarded to the:

1. All Directors, Directorate General LG & RDD, 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.

[Signature]
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RDD

Attested
werniel -1211-
ASSISTANT DIRECTOR
LG&RDD Kohistan Lower

12

MOST IMMEDIATE



**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

1. The Director General, LG&RD, Khyber Pakhtunkhwa.
2. 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.

Attested
warisul - 1211
ASSISTANT DIRECTOR
LG&RDD Kohistan Lower

[Signature]
SECTION OFFICER (GENERAL)

Copy forwarded to:

1. Section Officers (E-I, -II & -III), LGE&RD Department.
2. PS to Secretary, LGE&RD Department.

[Signature]
SECTION OFFICER (GENERAL)

Directorate General LG & RDD
Diary No. 5027 Dated 16/05/24
DG [Signature]
Director Admin
DD Admin [Signature]
AD AKP 17/5



**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**