

Answer
"A"

(7)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.SO(FRD)/S.25/2016 (Local Govt/3179)
Dated Peshawar, the 01-02-2016

To
The Secretary to Govt. of Khyber Pakhtunkhwa
Local Government Department

Subject: SERVICE STRUCTURE FOR THE POSTS OF SUPERVISOR AND VILLAGE NEIGHBOURHOOD COUNCIL SECRETARIES.

Dear Sir,
I am directed to refer to your Department letter No. SO(LG)42/175-2016 dated 06-11-2018 on the subject stated above and to say that the Competent Authority has been pleased to upgrade 300 posts of VILLAGE NEIGHBOURHOOD COUNCIL SECRETARIES and 40 posts of Supervisor of Local Government Department in the following manner:

Grade	Number of posts	Number of posts upgraded from (10500-10501)
Section Officer (S.O.)	40	40
Section Officer (S.O.)	260	260
Total	300	300

The Administrative Department may prepare service rules of the aforesaid posts and submit them for the approval of all concerned authorities. All documents should be prepared and sent to this department for authentication.

[Handwritten signature]

Yours faithfully

[Handwritten signature]

SECTION OFFICER (FR)

Copy to be forwarded to:-

Principal Officer (P.O.) Finance Department for information and necessary action.

SECTION OFFICER (FR)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)
NO SO (FR) FD/8-25/2014/Local Govt/3379
Dated Peshawar the 01-02-2018

To,

The secretary to Govt of Khyber Pakhtunkhwa,
Local government department.

Subject: SERVICE STRUCTURE FOR THE POST OF SUPERVISOR AND VILLAGE/NEIGHBORHOOD COUNCIL SECRETARIES

Dear sir,

I m directed to refer to your department letter No. SO (LG-1)2-176/2016 dated 16-01-2018 on the subject noted above and to say that the competent authority has been pleased to upgrade 3501 of VILLAGE/NEIGHBOURHOOD COUNCIL SECRETARIES and 89 posts of supervisors in local government in the following manner.

Total sanctioned strength of village/neighborhood council secretaries (BPS-07)	Number of village and neighborhood council secretaries upgraded from BPS-07 to BPS-09 having less than 10 years of service	No of posts upgrade form BPS-7 to BPS-11 and re-designed as senior secretaries village/neighborhood council having at least 10 years or more service
3501	2651	850

Total sanctioned strength of supervisor (BPS-09)	No of posts upgraded to BPS-14 with same nomenclature of post
89	89

2. The administrative department may prepare service rules of the aforesaid posts and notify after fulfillment of all codal formalities.

3. Audit copy may be prepared and sent to this department for authentication.

Your's faithfully

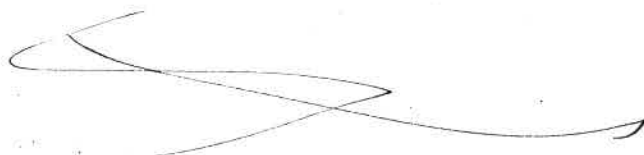
SECTION OFFICER (FR)

Copy is forwarded to:-

Budget officer (pfc-111), finance department for ifnromation and necessary action.

SECTION OFFICER

C.F.C



To

The Secretary Government of Khyber Pakhtunkhwa
Finance Department Peshawar

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Subject **UPGRADATION OF THE POST OF SECRETARIES VILLAGE / NEIGHBOURHOOD COUNCILS FROM BPS- 07 TO BPS-11 AND SUPERVISORS FROM BPS-9 TO BPS -14 KHYBER PAKHTUNKHWA UNDER LG & RDD**

Dear Sir,

I am directed to refer to your letter no so fd /so (fr) 8-25/2014-3379 dated 11-04-2017 and subject cited above and to forward herewith the following information for consideration of upgradation committee in next meeting.

- I. There are 3501 posts of secretary union council in the province.
- II. Tentative financial implication to be involved in upgradation of post of supervisor from BPS-09 to BPS -14 and post of secretary village /neighborhood councils from BPS-07 to BPS 11 are at Annex pl, ii.
- III. Proposed service rules have not been finalized and pending in the law department for favor of setting, however copy of existing service rules applicable to the subject post as at Annex -iii.
- IV. Position in another sister province is at Annex-iv.
- V. Justification of the case has been elaborated in the working paper vide Annex -v.
- VI. Proposed three tiers service structure and tentative financial implications for secretary village / neighborhood council are at Annex-vi-vii.
- VII. It is also confirmed that secretary village councils /neighborhood councils have not been benefited from upgradation policy 2014 of provincial government.

I am further directed to request you to kindly convince meeting of upgradation committee at the earliest so as to consider upgradation case of secretary union councils and supervisors which is genuine outstanding demand of the community.

Enclose: as above

Your faithfully

Section officer (ESTAB)
Phone no -091-9213224

Endst. Even No & Date

Copy is forwarded to:

1. The Director General LG & RDD Khyber Pakhtunkhwa Peshawar for necessary action.
2. The PS to Secretary LG, E & RDD, Khyber Pakhtunkhwa Peshawar.

SECTION OFFICER (ESTAB)

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BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH, DAR-UL-QAZA SWAT

Writ Petition No. 263 -M of 2018

1. Fayaz-ul-Haq Secretary Village Council Shankoo,
Tehsil Bahrain.
2. Ibrahim Khan Secretary Village Council Kalam,
Tehsil Bahrain.
3. Hazrat Bilal Secretary Village Council Ushu and
Matiltan, Tehsil Bahrain.
4. Iqbal Hussain Secretary Village Council, Tehsil
Bahrain.
5. Amir Wali Secretary Village Council Balakot,
Tehsil Bahrain.
6. Shah Nawaz Secretary Village Council Ayeen,
Tehsil Bahrain.
7. Fida-ur-Rahman Secretary Village Council Mankid
and Bashigram, Tehsil Bahrain.
8. Ishtiaq Ahmad Secretary Village Council Bahrain,
Tehsil Bahrain.
9. Waqar Ahmad Secretary Village Council Satal,
Tehsil Bahrain.
10. Sajjad Ali Khan Secretary Village Council Paklai,
Tehsil Bahrain.
11. Amjad Ali Shah Secretary Village Council Tehsil
Bahrain.
12. Arshad Ahmad Secretary Village Council Tirat
North, Tehsil Bahrain.
13. Ikram-ul-Haq Secretary Village Council Tirat
South, Tehsil Bahrain.
14. Himayat Ullah Secretary Village Council Madyan
I, Tehsil Bahrain.

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83. Abdullah Secretary Village Council Chupriyal I,
Tehsil Matta.

84. Khan Said Secretary Village Council Utror and
Gabral, Tehsil Bahrain.

...Petitioners

VERSUS

1. The Government of Khyber Pakhtunkhwa through
Secretary Finance Department, Peshawar.
2. The Government of Khyber Pakhtunkhwa through
Secretary Local Government, Elections and Rural
Development Department, Peshawar.
3. The Chairman Local Council Board Khyber
Pakhtunkhwa, Peshawar.
4. The Deputy Commissioner Swat at Gulkada.

...Respondents

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth:

Facts:

- i. That the petitioners are the citizens of Pakistan
and have the equal protection of the constitution
and similarly the laws emanating from the
commands thereof.
- ii. That the petitioners are presently working as
Secretaries Village Council performing their
duties to the best of their abilities and capabilities
to the satisfaction of the authorities and the
public.

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Additional Registrar

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- iii. That vide Notification No. KC/FD/SO(FR)/12-22-2017-18 dated Peshawar 26-12-2017 issued by the Finance Department (Regulation Wing) the posts of the Secretaries Village Council LGRDD, along with others, were upgraded from the existing BPS-07 to BPS-14. Copy of the Notification dated 26-12-2017 is enclosed as Annexure "A".
- iv. That till date the same notification is not being implemented and the same is differed on one pretext or another. Feeling aggrieved from the laxity of the authorities and having no other quick and efficacious remedy available to the petitioners this petition is filed on the following grounds.

Grounds:

- a. That under the law the pots once notified to be upgraded the same shall be implemented in letter and spirit without any fail or delay, but in case of the petitioners the same is not being done bald of any reasons and to the utter detriment of the petitioners, thus the petitioners are not being treated in accordance with law and rules.
- b. That once the notification regarding upgradation is issued by the authority concerned the same cannot be defeated by delay and inaction. Moreover in other provinces the village secretaries are working in BPS 14, but in case of the petitioners the similar status

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is denied by way of delay in the implementation of the notification, thus the petitioners are being discriminated as well.

- c. That the with the issuance of the notification regarding upgradation vested right has accrued to the petitioners by way of legitimate expectation and the same cannot be taken away in such an arbitrary and flimsy manner to their detriment, especially under the law laws emanating from the commands of the constitution.
- d. That this is a classic case of misuse of the authority by way of not exercising the powers vested in the respondents bald of any valid reasons, which the law never approves of.

It is, therefore, very respectfully prayed that on acceptance of this writ petition the respondent department may very kindly be directed to implement the notification regarding the upgradation of the petitioners by way of upgrading the petitioners as notified.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Re-Filed Today

02 MAR 2018

[Signature]
Additional Registrar

[Signature]
Petitioners
[Signature]
Through Attorney
Through Counsels,
[Signature]
Aziz-ur-Rahman
[Signature]
Amdad Ullah
Advocates Swat




[Signature]

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT**FORM OF ORDER SHEET**

Court of

Case No. of

(13)

	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
	18-12-2018	<p><u>W.P No. 263-M/2018</u> <u>With C.M 1337/2018 & C.M 1373/2018</u></p> <p><i>Present: Mr. Aziz-ur-Rahman, Advocate for the petitioners.</i></p> <p>*****</p> <p><u>ISHTIAQ IBRAHIM, J.-</u> At the very outset, learned counsel for the petitioners requests of withdrawal of the instant writ petition with permission to file a fresh one.</p> <p>In this view of the matter, the instant writ petition is hereby dismissed as withdrawn. However, the petitioners are at liberty to file a fresh writ petition, if so advised.</p> <p><u>Announced</u> <u>Dt: 18.12.2018</u></p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"></p>

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