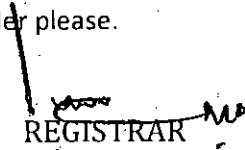



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6703 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/07/2021	<p>The appeal of Syed Mehr Ali Shah resubmitted today by post through Mr. Ahmad Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>23/08/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

23.08.2021

Mr. Khalid Mehmood, Advocate, for the appellant present and submitted fresh Wakalatnama, which is placed on file. Preliminary arguments heard.

Learned counsel for the appellant contends that according to Government of Khyber Pakhtunkhwa Notification No. SO(E)/IRRI/23-05/2010-11 dated 25th June 2012, the criteria for promotion to the post of Sub-Divisional Officer from amongst the holder of the post of Sub-Engineer was on the basis of seniority-cum-fitness, however vide impugned Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July 2020 an amendment was introduced by giving significant effect to the date of acquiring of concerned degree, which amendment would adversely affect the seniority as well as prospects of promotion of the appellant, therefore, the same is having no binding effect upon the rights of the appellant with regard to his seniority and promotion. He next contended that the amendments introduced vide the impugned notification are violative of section-8 as well as section (9) (2) (b) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the same could not be given retrospective effect.

Points raised need consideration, therefore, the appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 07.09.2021 before the D.B.

The appeal is accompanied by an application for suspension of operation of the impugned notification till the disposal of the instant appeal. Notice of the application be issued to the respondents and meanwhile, status-quo be maintained till the date fixed subject to notice.


Appellant Deposited
Security & Process Fee


(SALAH-UD-DIN)
MEMBER (J)

07.09.2021

Appellant alongwith his counsel Mr. Khalid Mehmood, Advocate, present. Mr. Hamad Saleem, Superintendent and Mr. Khair-ul-Wahab, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and sought time for submission of reply. Adjourned. To come up for reply as well as arguments before the D.B on 23.09.2021. Meanwhile, status-quo be maintained till the date fixed.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

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A. No. 6703/2021

S. Meher Ali Shah vs Govt

ORDER

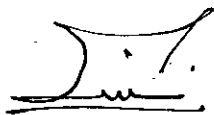
29.09.2021

Appellant alongwith his counsel Mr. Ahmad Ali, Advocate present.
Mr. Faiz-ul-Haq, Superintendent and Mr. Muslim Din, SDO alongwith Mr.
Usman Ghani, District Attorney for the respondents present. Arguments
heard and record perused.

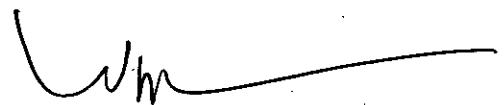
Vide our detailed judgment of today, placed on file of service
appeal bearing No. 6704/2021 "titled Ashraf Khan Versus Government of
Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa,
Peshawar and four others", the instant appeal is accepted. Provisions of
the impugned notification dated 10-07-2020 pertaining to amendments
determining seniority from the date of acquiring prescribed qualification is
declared null and void with direction to the respondents to draw the
seniority list from the dates of regular appointment of the incumbents to
the post of Sub-Engineer. Parties are left to bear their own costs. File be
consigned to record room.

ANNOUNCED

29.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT, D.I. KHAN



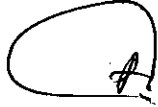
(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT, D.I. KHAN

23.09.2021

Learned counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Fazal Khaliq ADEO for respondents present.

Reply on behalf of respondents submitted. Learned counsel for appellant stated that instant case pertain to the territorial jurisdiction of Camp Court, D.I.Khan, therefore, the same may be fixed at Camp Court D.I.Khan. Request is accorded. To come up for arguments on 28.09.2021 before D.B. at Camp Court D.I.Khan. In the meanwhile, status-quo be maintained till the date fixed.



(Rozina Rehman)
Member (J)




Chairman

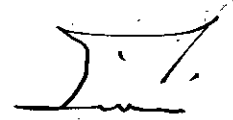
28.09.2021

Appellant alongwith his counsel Mr. Ahmed Ali, Advocate, present. Mr. Faiz-ul-Haq, Superintendent and Mr. Muslim Din, SDO alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Arguments heard. To come up for order before the D.B on 29.09.2021 at Camp Court D.I.Khan.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

The appeal of Syed Meher Ali Shah SDO CRBC Irrigation sub-Division-I D.I.Khan received today i.e. on 31.05.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of posting order of appellant as SDO mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.

② Annexures-D/E & F of the appeal are illegible which may be replaced by legible/better one.

③ Appeal has not been flagged/marked with annexures' marks.

No. 919 /S.T,

Dt. 31/05 /2021

REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ahmd Ali Advocate,
Supreme Court at D.I.Khan.

Sw observations are removed

① copy of post^d order a: SDO on page ②0
Anex ①

② objection no removed,

objection no. 2 & 3 not
removed

17/5/2021

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

Service Appeal No. _____ of 2021

**Syed Meher Ali Shah Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal**

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1.	Service appeal with Civil Misc.	—	1-13
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3.	Copies of the promotion order to the post of Sub-Engineer and posting order as sub-Engineer	B	15-16
4.	Copy of the Departmental Grade-B Exam Result	C	17-19
5.	Copy of the posting order of appellant as S.D.O.	D	20-24
6.	Copy of the D.A.E. degree of appellant	E	25
7.	Copy of the Departmental Grade-A Exam Result of appellant	F	26-28
8.	Copy of the Notification No. SO(E)/IRRI/23-5/2010-11 dated 25 th June, 2012	G	29-30
9.	Copy of the Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10 th July, 2020	H	31
10	Copy of the Departmental Representation/review of appellant	J	32-37
11	Copy of the letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal	J	38


b

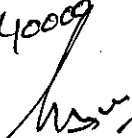
12	Vakalatnama	-	39
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Yours Humble Appellant


(Syed Meher Ali Shah)
Through Counsel

Dt. 31.05.2021


Ahmad Ali
Advocate Supreme Court

0305-3240009

Miss Shumaila Awan
Advocate High Court, D.I.Khan.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 6703 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5832

Dated 31-5-2021

Syed Meher Ali Shah. Sub Divisional Officer (OPS), CRBC Irrigation
sub-Divn-I, D.I.Khan.

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Irrigation Department, Peshawar.
3. Chief Engineer (South), Khyber Pakhtunkhwa Irrigation Department, Peshawar.
4. Superintending Engineer, D.I.Khan Irrigation Circle D.I.Khan.
5. Executive Engineer, Irrigation Department, D.I.Khan.

RESPONDENTS

Filed to-day

Registrar

31/5/2021

SERVICE APPEAL UNDER SECTION 4 OF THE K.P. SERVICE TRIBUNALS ACT, 1974, AGAINST THE LETTER BEARING NO. SO(E) IRR:/23-5/73/VOL-VI DATED 21.04.2021 AS TO DISMISSAL OF THE DEPARTMENTAL REPRESENTATION/REVIEW OF THE APPELLANT (RECEIVED TO THE APPELLANT ON 03.05.2021) AND ALSO AGAINST NOTIFICATION No. SO(E)/IRRI/23-5/73/VOL-VI DATED 10TH JULY, 2020 AS TO CHANGE IN THE SENIORITY CRITERIA FOR THE PURPOSE OF PROMOTION.

Re-submitted

to-day 1/7/2021

PRAYER:

On acceptance of present Service Appeal and by setting aside letter bearing No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal of the Departmental Representation/Review of the appellant and also by cancelling impugned Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 as to the change in Seniority Criteria for the purpose of promotion, the Seniority of the Appellant may please be directed to be reckoned from the date his promotion on the present post (i.e. sub-Engineer).

Note:

The impugned order received/communicated to appellant on 03.05.2021, therefore, this appeal is within time.

Respectfully Sheweth,

1. That appellant was appointed in the irrigation department on 04.01.1995 on contract basis as Work Munshi, whereafter he was regularized on the said post. The appellant was then promoted to the post of sub-Engineer w.e.f. 14.01.2004 on the basis of Departmental Grade-B Exam, and accordingly posted as Sub-Engineer.

Copies of the service record of appellant is enclosed as **Annexure A.**

Copies of the promotion order to the post of Sub-Engineer and posting order as sub-Engineer are enclosed as **Annexure B.**

Copy of the Departmental Grade-B Exam Result is enclosed as **Annexure C.**

2. That due to efficiency, competency and eligibility of appellant, presently he has been posted as Sub-Divisional Officer (OPS), vide office order dated 11.02.2004. Presently the appellant is posted as S.D.O. CRBC Irrigation Sub-Division-I, D.I.Khan.

Copy of the posting order of appellant as S.D.O. is enclosed as **Annexure D.**

3. That the appellant is having D.A.E. also passed Departmental Grade-A Exams.

Copy of the D.A.E. degree of appellant is enclosed as **Annexure E.**

Copy of the Departmental Grade-A Exam is enclosed as **Annexure F.**

4. That the Govt. of Khyber Pakhtunkhwa, vide Notification No.SO(E)/IRRI/ 23-5/2010-11 dated 25th June, 2012 circulated amendments in the service rules governing method of promotion on the post of Sub-divisional Officer from amongst the holders of the posts of sub-engineers. Per Clause (b) (c) of Serial No.4, in Column No.5, of the Appendix, the seniority was to be reckoned on the basis of seniority-cum-fitness. The relevant excerpt runs as under:

AMENDMENTS:

In the Appendix,

- i. Against Serial No.4, in Column No.5, for the existing entries, in Clause (b), (c) and (d), the

following shall be respectively substituted, namely:

- (b) Twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the sub-Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed departmental grade A & B examination with five years' service as such.

Note: For the purpose of Clause (b), a joint seniority list of the sub-Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub-Engineer.

Copy of the Notification No.SO(E)/IRRI/ 23-5/2010-11 dated 25th June, 2012, is enclosed as **Annexure G.**

5. That, the appellant on 26.03.2021 came to know that the method of recruitment/promotion to the post of SDO has been changed vide Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 whereby the seniority of sub-engineers for the purpose of promotion to the post of S.D.O. shall be reckoned from the date of acquiring degree.

Copy of the Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 is enclosed as **Annexure H.**

6. That after getting knowledge of the said Notification dated 10th July, 2020, the appellant preferred a Departmental Representation/ Review seeking cancellation of the said notification and to restore the previous notification of 2012 as to the Seniority-cum-Fitness. However, the said Representation/Review of appellant has been dismissed vide Letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021.

Copy of the Departmental Representation/review of appellant is enclosed as **Annexure I.**

Copy of the letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal of the departmental Representation/ Review is enclosed as **Annexure J.**

7. That aggrieved of the letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal of departmental Representation/ Review of the appellant and also discontented with the Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020, the appellant has been left with no other remedy but to file this appeal for the cancellation of same on, inter alia, the following grounds:

GROUND:

- i. That the impugned letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 and Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 are the outcome of malafide, result of political victimization, without jurisdiction, without lawful authority and having no binding effect upon rights of appellant accrued to him by dint of his seniority.

- ii. That the appellant has been serving on the post of sub-Engineer and as such his seniority has to be reckoned from the date of his appointment/promotion on the present post and any rule/law/policy disadvantageous to his seniority is not applicable to the appellant. The well settled procedure of promotion based on Seniority-cum-Fitness cannot be upset to reckon the seniority from the date of acquiring degree.
- iii. That under the K. P. Civil Servants Act, 1973, the Seniority has to be determinate on the basis of length of service or date of promotion in the present cadre. Section 8 of the K.P. Civil Servants Act, 1973, is reproduced hereunder:

8. Seniority:- (1) For proper administration of a service, cadre or post, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or post as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retain their inter-seniority as in the lower post.

(5) The Seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year preferably in the month of January.

Thus, amendment in the K.P. Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, with regard to the Irrigation Department vide Notification dated 10th July 2020, is violative of the basic law i.e. Civil Servants Act, 1973.

iv. That similarly, Section 9(2)(b) of the Civil Servants Act, 1973, in unequivocal words states that in case of promotion, the post is to be filled on the basis of seniority cum fitness. The Section 9 runs as under:

9. Promotion:- (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rule for departmental promotion in the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

(a) in the case of a selection post, on the basis of selection on merit; and

(b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

On this score too, the impugned Notification/amendment is unwarranted.

v. That in fact the K.P. Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, also provide that the seniority shall be reckoned from the length of service and not otherwise. The Rule

17 of the *ibid* Rules in this regard is reproduced hereunder for ready reference, please.

17. Seniority :- (1) The seniority inter se of civil servants appointed to a service, cadre or post) shall be determined:-

- (a) In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or as the case may be, the Department Selection Committee; provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want

of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

(3) In the event of merger / restructuring of the departments, attached departments or subordinate offices, the inter se seniority of Civil Servants affected by the merger/ restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post

(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.


Provided that if the date of regular appointment of two or more civil servants in the lower post is same, the civil servants older in age, shall be treated senior.

One this score too, the amendment vide impugned Notification as well as dismissal of the departmental Representation/ Review of appellant are not sustainable in the eyes of law.

- vi. That any new policy as to the change in the service structure, disadvantageous to the rights of an in-service Civil Servant, cannot affect the rights of such a civil servant rather such changes can be given prospective effect only for those civil servants who appointed after the said change. On this score too, the present appeal is worth acceptance as prayed for.
- vii. That the appellant has been coming from the cadre and therefore, any change in the policy, adversely affecting seniority, is ineffective upon the rights and seniority of the appellant.
- viii. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned Notification as to the change in criteria for seniority, may kindly be cancelled and as result thereof the seniority of appellant may please be ordered to be reckoned from the date of his promotion in the present cadre.

Yours Humble Appellant


(Syed Meher Ali Shah)
Through Counsel


Ahmad Ali
Advocate Supreme Court


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

Dt. 31.05.2021

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

Service Appeal No. _____ of 2021

Syed Meher Ali Shah Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal

VERIFICATION:

I, the appellant, on this day of May-2021, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.



Appellant

AFFIDAVIT:

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.



Identified by Counsel:
Ahmad Ali ASC.


Deponent



12

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

Civil Misc. Petition No. _____ of 2021

In Service Appeal No. _____ of 2021

Syed Meher Ali Shah Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal

APPLICATION FOR SUSPENSION OF THE OPERATION OF
IMPUGNED NOTIFICATION BEARING NO. SO(E)/IRRI/23-
5/73/VOL-VI DATED 10TH JULY, 2020, TILL FINAL DECISION
OF SERVICE APPEAL AND IN THE MEANWHILE
RESPONDENTS MAY ALSO BE ABSTAINED FROM AWARDED
PROMOTIONS DETRIMENTAL TO THE RIGHTS/SENIORITY OF
APPELLANT.

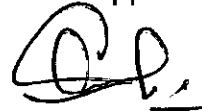
Respectfully Sheweth.

1. That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
2. That the petitioner/appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of Service Appeal; hence, balance of convenience tilts in favour of the appellant.
3. That due to the impugned Notification, seniority of appellant is being affected adversely, and there is every likelihood that the juniors to appellant will be awarded promotion in preference to the

appellant and therefore, in case of non-suspension of impugned Notification, the petitioner/appellant will suffer an irreparable loss.

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of impugned Notification may please be suspended till decision of Service Appeal, and in the meanwhile, status quo may graciously be ordered to be maintained.

Yours Humble Appellant



(Syed Meher Ali Shah)
Through Counsel



Ahmad Ali
Advocate Supreme Court

Dt. 31.05.2021

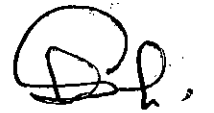


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

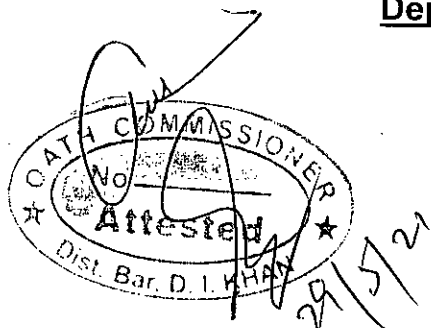
AFFIDAVIT I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Misc. Application** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.



Identified by Counsel:
Ahmad Ali ASC



Deponent



Ann: A 14

OFFICE OF THE EXECUTIVE ENGINEER PROJECT IRR: DIVN: DIKHAN.

OFFICE ORDER

On the recommendation of the Departmental Selection Committee vide order No. 5914/5-E, dated 26/7/94, Syed Meher Ali Shah s/o Syed Rukhsar Shah Mohallah Bera Khel, Tehsil Kulachi, Distt: DIKhan is hereby appointed on annual contract basis against the vacant post of Work Munshi in this Division in BPS No. 5(1400-66-2390) plus usual allowances as admissible under the rules w.e. from the actual date of arrival for duty subject to the terms and conditions specified by the Departmental Selection Committee.

No. 3-04/5-E. Dated DIKhan the 4/1/95.
Copy to the:-

- 1/ Private Secretary to Honourable Minister for Irrigation NWFP, Peshawar.
- 2/ Secretary Irrigation Deptt: NWFP, Peshawar.
- 3/ Chief Engineer, Irrigation Deptt: NWFP, Peshawar.
- 4/ Project Director, CRBQ Ist Lift Irr: Project, DIKhan.
- 5/ All other concerned.

EXECUTIVE ENGINEER,
PROJECT IRR DIVISION, DIKHAN.

[Handwritten Signature]
4/1/95

Attested
[Handwritten Signature]

Ann: ~~11~~
B 15

OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT N.W.F.P
PESHAWAR.

NO 2867 IB.A 3-E (11A)
Dated Peshawar, the 11/2/2004.

OFFICE ORDER.

In pursuance of the approved summary received vide secretary Irrigation & Power Department letter No. SO(E)IRR/5-2,70, dated: 11/2/2004, the following postings / transfers amongst the Sub-Engineers of Irrigation Department are hereby ordered with immediate effect.

SL: NO	NAME	FROM	TO	REMARKS
1	Mr. Surat Khan	Kohat Irrigation Division Kohat	Marwat Canal Division Bannu	Vice No.2
2	Mr. Maqsood Ali	Marwat Canal Division Bannu	Kohat Irrigation Division Kohat	Vice No.1
3	Mr. Mohammad Rafiq	On deputation from Pak PWD	Small Dams Organization Peshawar	Against the vacant post
4	Mr. Mohammad Salim Jan Ayub	Tubewells Irrigation Division Peshawar	Hydrology Irrigation Division Peshawar	Against the leave vacancy of Mr. Rizwanullah Sub Engineer
5	Mr. Mohammad Ashraf	On promotion as Sub Engineer	Paharpur Irrigation Division DIKhan	Against vacant post.
6	Syed Meher Ali Shah	-do-	Paharpur Irrigation Division DIKhan (Tubewell Sub Division DIKhan)	Against vacant post
7	Mr. Ikramullah	-do-	Mardan Irrigation Division Mardan	Vice No.8
8	Mr. Roshulath	Mardan Irrigation Division Mardan	Hydrology Irrigation Division Peshawar	Against vacant post
9	Mr. Javedur Rehman	On-promotion as Sub Engineer	Tubewells Irrigation Division Peshawar	Vice No.4.

NOTE:- No TA / DA is allowed to SL: NO. 1 and 8.

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Sd-
CHIEF ENGINEER

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Attested

16

No. 2807-50 III A (VII)

Dated Peshawar the 11/2/04

Copy forwarded to the :-

1. Secretary to Government of NWFP Irrigation and Power Department with reference to his letter No SO (E) IRR: / 5-2 / 70, dated 11-2-2004, for information.
2. Private Secretary to Minister for Irrigation and Power Department for information.
3. Accountant General NWFP Peshawar,
4. Director General Small Dams Organization Peshawar.
5. Superintending Engineer, Southern Irrigation Circle Banisu
6. Superintending Engineer, Northern Irrigation Circle Mardan,
7. Superintending Engineer, Central Irrigation Circle Peshawar
8. All Executive Engineers in Irrigation Department (concerned)
9. All District Accounts Officers, (concerned)
10. Officials concerned.

XEN
Pak-SPS
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Amir
CHIEF ENGINEER 11/2/04

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OFFICE OF THE CHIEF ENGINEER,
IRRIGATION N.W.F.P. PESHAWAR.

No. 12266-74 /IB/A/33-G.

OFFICE ORDER.

Dated Peshawar the 06/6/2000.

The following Officials have passed Grade B" Sub Engineers Departmental qualifying examination held on 2,3 & 4/5/2000 :-

Sl: Name & designation. No.	Name of Office to which attached.	Remarks.
1. Mr. Qudratullah Sub Engineer.	Banau Canal Divn: Banau.	Passed in all subject (i.e Passed Survey in 1993 & 3 subjects this year).
2. Mr. Naqibur Rehman Sub Engineer.	-do-	Passed in all subject this year.
3. Mr. Ismail Khan Sub Engineer.	-do-	Passed in all subject (i.e Passed 3 subjects in 1998. & one subject this year.
4. Mr. Khalid Nawaz Sub Engineer.	Small Dams Divn: FATA D.C. Peshawar.	Passed in all subjects this year.
5. Mr. Roohullah Sub Engineer.	Hydrology Irr: Divn: Peshawar.	Passed in all subjects this year.
6. Mr. Mohammad Idress Sub Engineer.	-do-	Passed in all subjects (i.e passed one subject in 1995 & 3 subjects this year).
7. Mr. Mehmood Sultan Sub Engineer.	Kohat Irr: Divn: Kohat. Kohat Irr: Divn: Kohat.	Passed in all subjects (i.e passed two subje- ct in 1995 one subject in 1998 & one this year).
8. Mr. Surat Khan Sub Engineer.		Passed in all subjects this year.
9. Mr. Mohammad Javed Sub Engineer.	Warsak Canal Divn: Peshr:	-do-
10. Mr. Sher Akbar Sub Engineer.	Peshr: Canal Divn: Peshr:	-do-
11. Mr. Shafiq Ahmad Sub Engineer.	Malakand Irr: Divn: Malakand.	Passed in all subjects (i.e passed one subject in 1994 & passed three subjects this year.
12. Mr. Mohammad Dawood Sub Engineer.	Mardan Irr: Divn: Mardan.	Passed in all subjects this year).
13. Mr. Mohammad Ashraf Work Munshi.	C.R.B.C. Irr: Divn: DIK,	Passed in all subjects this year.
14. Syed Meher Ali Shah Work Munshi.	-do-	-do-

The following Officials have failed in the above examination :-

1805 / 321 E
22-6-2000

Attested
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N....P..2.

<u>Name & designation</u>	<u>Name of office to which attached.</u>	<u>Subject in which failed.</u>	<u>Marks.</u>	<u>Remarks.</u>
1. Mr. Sajjad Ali Shah Sub Engineer.	Hazara Irr. Div: Abbottabad.	Professional	41	i. Lost 1st chance. ii. Passed Accounts Survey & Practical this year.
2. Mr. Naveed Khan Sub Engineer.	-do-	Professional	57	-do-
3. Mr. Javed Ahmad Sub Engineer.	-do-	Accounts	53	i. Lost 2nd chance. ii. Passed Professional & Practical in 1998 iii. Passed Survey this year.
4. Mr. Iqbal Khan Sub Engineer.	Small Dams Divn: FATA D.C. Bazar.	i. Professional ii. Accounts.	44 50	i. Lost 1st chance ii. Passed Survey & Practical this year.
5. Mr. Abdul Latif Sub Engineer.	DIPHE Swabi Scarp Mardan.	i. Professional ii. Accounts	46 51	i. Lost 1st chance. ii. Passed Survey & Practical this year.
6. Mr. Dost Mohammad Sub Engineer.	-do-	i. Professional ii. Accounts	56 49	-do-
7. Mr. Azad Khan Sub Engineer.	Maintenance Cum. Divn: FATA D.C. Bazar.	i. Professional ii. Accounts.	31 46	i. lost 2nd chance; ii. Passed Survey & Practical this year.
8. Mr. Abdul Wahed Work Muzghi.	CRBO Divn, DL Khan	Professional	46	i. lost 1st chance. ii. Passed Accounts, Survey & Practical this year.
9. Mr. Insafulah	Swabi Irr. Divn: Swabi.	Professional	55	i. lost 1st & 2nd chance. ii. Passed Survey & Practical 1991. iii. Passed Accounts this year.

Attested

CHIEF ENGINEER
Ph: 9212116.

19

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No. 12266-74 /IB/A/33-G,

Copy forwarded to the :-

- 1/ Chief Engineer Dev:Irr:Deptt: Peshawar.
- 2/ All Superintending Engineers in Irrigation Deptt:NWFP.
- 3/ All Executive Engineers in Irrigation Deptt:NWFP.
- 4/ Project Director DIPHE Swabi Scarp Directorate at Mardan.
- 5/ Personal files of the officials,
- 6/ Chairman FATA D.C. Peshawar/ Project Director DIPHE Mardan for information and necessary action.

[Signature]
 CHIEF ENGINEER,
 Ph: 9212116.

M. Riaz/-

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 3/10/6
 15/6
 May file
 22/6
 321-E
 Attested
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GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(Establishment Section)

20
Amey (D)

Dated Peshawar 4th December, 2020

NOTIFICATION

No. SO(E)/IRR/4-10/77/Vol-VI: The Competent Authority is pleased to transfer **Syed Meher Ali Shah**, Sub Engineer, Mechanical Irrigation Sub Division, D.I. Khan and post him as Sub Divisional Officer-I, CRBC Irrigation Division, D.I. Khan against the vacant post in his own pay and scale with immediate effect in the public interest.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department

Endst: No. & Date as above

Copy of the above is forwarded to:-

- 1- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Engineer (North/South), Irrigation Department, Peshawar.
- 3- The Chief Engineer (Merged Areas) Irrigation Department.
- 4- The Superintending Engineer, Irrigation Circle, D.I. Khan.
- 5- The Executive Engineer, CRBC Irrigation Division, D.I. Khan.
- 6- The District Accounts Officer, D.I. Khan.
- 7- The Officer concerned.
- 8- The Section Officer (Dev) Irrigation Department.
- 9- PS to Minister for Irrigation, Khyber Pakhtunkhwa, Peshawar.
- 10- PS to Secretary Irrigation Department.
- 11- PA to Additional Secretary, Irrigation Department.
- 12- PA to Deputy Secretary Admn, Irrigation Department.
- 13- Personal File of the officer.

969 / 1-E
11-12-2020

No 2179/1-E - dt. 11-12-2020
forwarded to the SDO-1/
DAO/E.c. for information &
further necessary action

(Abdul Rauf)
Section Officer (Estt.)

o/c
11/12

Sl. No.	Date of Birth with Birth Certificate	Date of 1st entry in Govt. Service	Date of acquiring degree	Regular appointment to the		Promotion to present Grade/Cadre	Present Place of posting	Remarks
				Present post	Method of recruitment			
6	1-1-1967 Ameer Mahmood B.Tech (Hons) from Ferozon University Karachi, Passed Grade B Exam on 12-6-2004 and Grade A on 27-5-2009	14-12-1991 As Canal Inspector	30-5-2012	14-12-201	05	16	Small Dams P&C Peshawar	Working as SDO (OPS)
7	2-2-1978 Mr. Aftab Ali B.Tech Hec from New Peshawar, Passed Grade B Examination on 16-8-2018 and Grade A on 15-10-2020	16-9-2013	30-3-2007	16-9-2013	12	12	PHD Division Dikhan	Working as Sub Engineer
8	5-3-1996 Mr. N. Qasim Rehman B.Tech (Hons) from Sahel University Peshawar, Passed Grade B Examination on 6-6-1990 and Grade A on 12-6-2004	4-3-1996	10-12-2013	4-3-1996	11	12	do	Working as SDO (OPS)
9	34-1-1990 Mr. Ahmad Zeeshan/Ahmed B.Tech (Hons) from UET Peshawar Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	16-9-2013	13-1-2014	16-9-2013	11	12	Tr and Hydel Power Division Dikhan	Working as SDO (OPS)
10	15-5-1988 Mr. Farhan Khan B.Tech (Hons) from Sahel University Peshawar, Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	16-9-2013	30-5-2014	16-9-2013	11	12	Small Division	Working as Sub Engineer
11	1-10-1975 Mr. Sumi Khan B.Tech (Hons) from Sahel University Peshawar, Passed Grade B on 6-6-1990 and Grade A on 31-1-2006	4-3-1996	10-1-2015	4-3-1996	11	16	Hyd. Sub Divn. Bannu	Working as SDO (OPS)
12	5-3-1991 Mr. Ahmad Zeeshan/Ahmed B.Tech (Hons) from UET Peshawar	16-9-2013	13-1-2015	16-9-2013	11	12	Tr and Hydel Power Division Dikhan	Working as SDO (OPS)

Attested

16-9-2013

Sl. No.	Name	Date of Birth	Date of entry into Service	Date of acquiring Domestic degree	Regular appointment to the post		Promotion		Present Place of posting	Remarks
					Date	Present post	Grade/Cadre	Date		
13	Mr. S. Anbaraj B.Tech. (Hons) from South India University, Peshawar. Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	06-2-1990	16-9-2013	8-11-2015	16-9-2013	11	By recruitment	12	16-9-2013	Swat Irrigation Division Working as SDO (OPPS)
14	Mr. Khalid B.Tech. (Hons) from Sahid B. Khan (Hons) Peshawar. Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	2-7-1991	16-9-2013	1-12-2015	16-9-2013	11	do	12	16-9-2013	Chitral Irrigation Division Working as SDO (OPPS)
15	Mr. S. Adil Gul B.Tech. (Hons) from UET, Mohnand Agency	15-5-1980	16-9-2013	10-2-2016	16-9-2013	11	do	12	16-9-2013	Chars, Adra Irrigation Division Working as Sub Engineer
16	Mr. N. veed Khan B.Tech. (Hons) from Sahid B. Khan (Hons) Peshawar. Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	12-4-1969	19-3-1992	15-10-2016	10-3-1992	11	do	16	10-3-1992	Hazara Irrigation Division A/Adra Working as Sub Engineer
17	Mr. S. Jam Nisar B.Tech. (Hons) from Sahid B. Khan (Hons) Peshawar. Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	29-1-1991	10-11-2011	15-10-2016	19-11-2011	11	do	12	16-11-2011	Hazara Irrigation Division A/Adra Working as Sub Engineer
18	Mr. Ahmad Jinnal B.Tech. (Hons) from Sahid B. Khan (Hons) Peshawar. Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	23-6-1989	16-9-2013	15-10-2016	16-9-2013	11	do	12	16-9-2013	Swat Irrigation Division Working as Sub Engineer
19	Mr. A. J. Ali B.Tech. (Hons) from Sahid B. Khan (Hons) Peshawar. Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	23-11-1991	16-9-2013	31-12-2016	16-9-2013	12	do	12	16-9-2013	Waziristan Division Working as Sub Engineer

AK/20/21

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Sl. No.	Name	Date of Birth	Date of entry in to Govt. Service	Date of acquiring degree	Date of Present Post	BPS	Method of recruitment	Grade/6. grade of BPS	Date of Promotion	Present Place of posting	Remarks
21	Muhammad Fayez Raza (Hons) from LET Khyber	14-7-1992	18-9-2017	10-2-2016	18-9-2017	12	do	12	18-9-2017	Kohat Irrigation Division	Working as Sub Engineer
22	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
23	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
24	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
25	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
26	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
27	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
28	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
29	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI
30	Muhammad Fayez Raza (Hons) from LET Khyber	15-5-1980	28-10-2008	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PIEP Irrigation Division (Ops)	Working as SDI

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Sl. No.	Date of Birth with Domicile	Date of entry in to Govt Service	Date of acquiring degree	Regular appointment to the Present post		BPS	Method of recruitment	Promotion present Grade/Cadre	Date	BPS	Method of promotion	Present Grade/Cadre	Date	Present Place of posting	Remarks
				Date	BPS										
1	30-4-97 Nowshera	20-7-2018	18-11-2017	20-7-2018	12	By initial recruitment	12	20-7-2018	12	By promotion	16	14-1-2014	Small Dams (P&C) Peshawar	Working as Sub Engineer	
2	2-4-1991 Mohmand Agency	20-07-2018	15-3-2013	20-7-2018	12	-do-	12	20-7-2018	12	-do-	16	20-7-2018	Swat Jir. Divn: Swat	Working as Sub Engineer	
3	15-4-1993 NW Azaisultan	20-7-2018	13-1-2017	20-7-2018	12	-do-	12	20-7-2018	12	-do-	16	20-7-2018	Swat Jir. Divn: Swat	Working as SDO (ORS)	
4	1-12-1965 Dikhan	15-1-1992	21-7-2020	14-1-2004	12	By promotion	16	14-1-2004	16	By promotion	16	14-1-2004	Rod Kohi Sub Divn. Dikhan	Working as SDO (ORS)	

CHIEF ENGINEER

CC: IBNA-3-16, Dated Peshawar the 24/1/2020
 No. 1. Secretary to Government of Khyber Pakhtunkhwa Irrigation Department with reference to his letter No. SO(E)IRR-2-12006/
 Vol. VIII, dated 19-1-2021.
 2. Chief Engineers (North) Merged Area Irrigation Department
 3. Director General Small Dams Directorate Irrigation Department
 4. All Superintending Engineers in Irrigation Department
 5. All Executive Engineers in Irrigation Department
 For information and further necessary action. They are requested to note the seniority list from all concern.

CHIEF ENGINEER

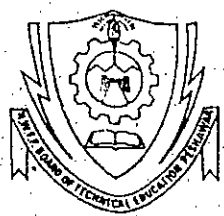
[Handwritten signatures and initials]

25

S. No. 009630

Roll No. 8839

N.W.F.P. Board of Technical Education



PESHAWAR-PAKISTAN

DIPLOMA OF ASSOCIATE ENGINEER

SESSION 1992

(ANNUAL / ~~SUPPLEMENTARY~~)

This is to certify that

~~XXXX~~ / MR. SYED MEHAR ALI SHAH

~~DAUGHTER~~ / SON OF MR. SYED GUL RUKHSAR SHAH

REGISTERED NO. GPI/DIK/87-13292

OF THE GOVT: POLYTECHNIC INSTITUTE D.I. KHAN

HAS PASSED THE DIPLOMA OF ASSOCIATE ENGINEER EXAMINATION IN CIVIL TECHNOLOGY, CONDUCTED BY THE N.W.F.P. BOARD OF TECHNICAL EDUCATION PESHAWAR IN THE MONTH OF MAY 1994

SHE/HE SECURED 1774/3400 MARKS AND WAS PLACED IN " C. " GRADE.

In recognition thereof this
DIPLOMA OF ASSOCIATE ENGINEER
is awarded to her/him at Peshawar
on the 29TH day of OCTOBER 19 96

Attested
Muhammad Asad Khan
S.E.I. 8839-47
G.H.S. No. 2, Kuliachi (D.I. Khan)

Peshawar 29-10-1996

Asad Khan
ASSISTANT SECRETARY

Attested
SECRETARY

Attested

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OFFICE OF THE CHIEF ENGINEER (SOUTH) WING
IRRIGATION DEPARTMENT KHYBER
PAKHTUNKHWA PESHAWAR

Phone No. 091-9212116 Fax No. 091-9212652

Dated Peshawar the 28/05/2012

OFFICE ORDER

The following candidates of Irrigation Department Khyber Pakhtunkhwa have passed the Departmental Grade-A examination held on 20/21 and 22/11/2011.

S.No.	Name and Designation	Office to which attached
1	Mahmood Khan	S.W. Agency
	Mohammad Hayat	Swat Irr. Divn: Swat
	M. Ashraf Khan	Gomal Zam. Irr. Divn
	Abdul Jabbar	Paharpur Irrigation Divn: Dikhan
	Khurshid Aslam	Kurram Agency

The following officials have failed in the above examination.

Sl. No.	Name	Office to which attached	Paper (Grade-A)					Total	Remarks
			Professional (100)	Accounting and Office Procedure (100)	Survey Civil (100)	Practical (100)	Oral Viva (50)		
1	Muhammad Shohb	Small Dams Peshawar	62	45.50	84	22	35	248.5	Failed in accounts and office procedure and practical.
2	Inam-ul-Haq Lohi	Hazara Irr. Divn	Passed in 2004	35	63	Passed in 2009		101	Failed accounts and office procedure
3	Habib-ur-Rashid	Swabi Irr. Divn No. 1	45	A	A	A		45	Failed in all subject
4	Fazil Qayyum	Swabi Irr. Divn No. 1	42	A	A	15		57	Failed
5	Azhar Qayyum	CRD	75	40	66	Passed in 2009		181	Failed accounts and office procedure
6	Muhammad Dawood	CRD	60	34	74	20	35	189	Failed accounts and office procedure and practical
7	Bakht Wali	Khyber Agency	39	24	55	20		138	Failed in all subject
8	Fida Muhammad	Malkand Irr. Divn	60	32.50	50	17		159.5	Failed in civil survey, accounts and office procedure and practical
9	Khaliq Nawaz	N.W. Agency	52	37	A	15		104	Failed in all subject
10	Javed-ur-Rehman	Swabi Irr. Divn	32	A	Passed in 2009	Passed in 2009		39	Failed in Professional and accounts and office procedure

Advised
[Signature]

11	Muhammad Bashir	Mahmand Agency	51	28	Passed in 1994	Passed in 1994	79	Failed in Professional and Accounts and Office Procedure	
12	Muhammad Arif	Chitral Irr. Divn. Chitral	65	32.50	65	21	35	79.5	Failed in Accounts and office procedure and practical
13	Muhammad Waheed	Pajapur Irr. Divn. Dikhan	59	43.50	51	40	39	70.5	Failed in all subject
14	Abdur Rehman	Kohat Irr. Divn. Kohat	44	Passed in 2005	Passed in 2006	Passed in 2009		44	Failed in professional
15	Nizam-ul-Haq	Malakand Irr. Divn.	60	Passed in 2009	55	Passed in 2009		15	Failed in civil survey
16	Khurshid Ahmed	Chitral Irr. Divn. Chitral	64	Passed in 2004	62	17	41.50	84.5	Failed in practical

Grade-A Sub Engineers (E&M) Results

S.No.	Name	Office to which attached	Paper (Grade-A)			Total (350)	Remarks
			Professional (100)	Accounting and Office Procedure (100)	Practical/Viva Electrical & Mechanical (150)		
1	Noor Muhammad Khan	Marwat Canal Divn. Mardan	41	61.50	52	154.5	Failed in Professional and Electrical & Mechanical
2	Sultan Ali Shah	Marwat Canal Divn. Mardan	38	49	73	160	Failed in all subject
3	Anwar Hayat	General Zame Dam Project	22	18	61	101	Failed in all subject
4	Noor Rehman	Woli Divn.	Passed in 2005	41.50	Passed in 2009	41.50	Failed in Accounts and Office Procedure
5	Sukat Hussain	General Zame Dam Project	59	60	Passed in 2009	119	Failed in professional

CHIEF ENGINEER

- 1) Secretary to Government Secretariat FATA Peshawar.
- 2) Chief Engineer (North) Irrigation Deptt. Peshawar.
- 3) Director General Small Dams Irrigation Deptt. Peshawar.
- 4) Project Director Bazair Irr. Project Mardan.
- 5) All Superintending Engineers Irrigation Deptt.
- 6) All Executive Engineer Irrigation Deptt.

CHIEF ENGINEER

Constitutes order for recruitment engineers

Attested

TRUE COPY

Amir (F) 26

**OFFICE OF THE CHIEF ENGINEER (SOUTH) WING
IRRIGATION DEPARTMENT KHYBER
PAKHTUNKHWA**

Phone No.091-9212116 Fax No.091-9212652

No.7019-30/IB/A/33-G,

Dated Peshawar the 28/5/2012

OFFICE ORDER

The following candidates of Irrigation Department Khyber Pakhtunkhwa has passed the Departmental Grade-A examination held on 20, 21 & 22/11/2011

Sr.No.	Name & Designation	Office to which attached
1	Mahmood Khan	S.W Agency
2	Mohammad Hayat	Swat Irr: Divn: Swat
3	M.Ashraf Khan	Gomal Zam Irr: Divn:
4	Abdul Jabbar	Paharpur Irrigation Divn: DIKhan
5	Khurshid Aslam	Kurram Agency

The following officials have failed in the above examination

Sr. No.	Name	Office to which attached	Paper (Grade-A)					Total (450)	Remarks
			Professional (100)	Accounting and Office procedure (100)	Survey Civil (100)	Practical (100)	Oral Viva (50)		
1	Muhammad Shoib	Small Dams Peshawar	62	45.50	84	22	35	248.5	Failed in accounts and office procedure and practical
2	Inam-ul-Haq Ladhi	Hazara Irr: Divn:	Passed in 2004	35	63	Passed in 2009		101	Failed in accounts and office procedure
3	Haroon-ur-Rashid	Swabi Irr: Divn No.1	45	A	A	A		45	Fail in all Subjects
4	Fazll Qayyum	Swabi Irr: Divn No.1	42	A	A	15		57	Fail in all Subjects
5	Azhar Qayyum	CRBC	75	40	66	Passed in 2009		181	Failed accounts and office procedure
6	Muhammad Dawood	CRBC	60	34	74	28	35	231	Failed in accounts and office procedure and practical
7	Bakht Wali	Khyber Agency	39	24	55	20		138	Fail in all Subjects
8	Fida Muhammad	Malakand Irr: Divn:	60	32.50	58	17		167.50	Failed in Civil Survey, accounts and office procedure and practical
9	Khalid Nawaz	N.W.Agency	52	37	A	15		104	Fail in all Subjects
10	Javed-ur-	Swabi Irr:	32	A	Passed	Passed in		32	Failed in

27

	Rehman	Divn:			in 2009	2009			Professional and accounts and office procedure
11	Muhammad Bashir	Mohmand Agency	51	28	Passed in 1994	Passed in 1994		79	Failed in Professional and accounts and office procedure
12	Muhammad Arif	Chitral Irr: Divn: Chitral	66	32.5	65	21	35	219.5	Failed in accounts and office procedure
13	Malik Abdul Waheed	Paharpur Irr: Divn: DIKhan	56	43.50	51	40	39	229.5	Fail in all Subjects
14	Abdur Rehman	Kohat Irr: Divn: Kohat	44	Passed in 2006	Passed in 2006	Passed in 2009		44	Failed in professional
15	Nizam-ul-Haq	Malakand Irr: Divn:	60	Passed in 2006	55	Passed in 2009		115	Failed in Civil Survey
16	Khurshid Ahmad	Chitral Irr: Divn: Chitral	64	Passed in 2004	62	17	41.50	184.5	Failed in Practical

Grade-A Sub Engineers (E&M) Results

Sr. No.	Name	Office to which attached	Paper (Grade-A)			Total (350)	Remarks
			Professional (100)	Accounting and Office procedure (100)	Practical/Viva Electrical & Mechanical (150)		
1	Noor Muhammad Khan	Marwat Canal Divn: Bannu	41	61.50	52	152	Failed in Professional and Electrical & Mechanical
2	Sultan Ali Shah	Marwat Canal Divn: Bannu	30	49	73	152	Failed in all subjects
3	Anwar Hayat	Gomal Zam Dam Project	42	18	61	121	Failed in all subjects
4	Noor Rehman	T/Well Divn:	Passed in 2006	41.50	Passed in 2009	41.50	Failed in accounts and office procedure
5	Saulat Hussain	Flood Divn: DIKhan	50	60	Passed in 2009	110	Failed in professional

Sd/-
CHIEF ENGINEER

- 1) Secretary to Government Secretariat FATA Peshawar.
- 2) Chief Engineer (North) Irrigation Department Peshawar.
- 3) Director General Small Dams Irrigation Deptt. Peshawar.
- 4) Project Director Bazai Irr: Project Mardan.
- 5) All Superintending Engineers Irrigation Deptt:
- 6) All Executive Engineer Irrigation Deptt:

Sd/-
CHIEF ENGINEER

14-19-14	Pass	848-588	23-2-85	14	By [unclear] / [unclear]	Sub Engineer	
	AGONY	01-01-1995	1984-2-5	16		Supt Engineer	
	MURKIN	08-01-1996		16			
		1-01-1988		16			
	KILL	12-01-1997		16			
		01-01-1989		16			
		11-01-1986		16			
	MUDA	27-01-1985	14-01-1984	16		By [unclear] / [unclear]	
		2-01-1995	1-01-1994	16		Supt Engineer	Sub Engineer
	MIAH SHAH			16		Supt Engineer	

Addressed

14/19/14

Mr. Abdul Rashid
 Passed grade B exam on 08.06.2004
 Passed grade A exam on 27.05.2009
 Mr. Syed Nisar Ali Shah
 Passed grade B exam on 09.06.2004
 Passed grade A exam on 27.05.2009
 Mr. Javed ur Rehman SSC
 Passed grade B exam on 27.05.2002 and grade A
 on 27.05.2018
 Mr. Inam Ullah
 DAI (Mech) from Govt. Instt. D.I. Khan
 Passed grade B exam on 17.06.2004
 Mr. Muhammad Asif
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan
 Mr. Syed Nisar Ali
 DAI (Mech) Govt. Instt. D.I. Khan

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	Mr. Ayed Mahr Ali Shah DAE (Civil) from Govt. P/Inst. DI Khan Passed Grade B exam on 06-06-2000 Passed Grade A exam on 27-05-2009	03-01-1970	DI Khan	22-01-1995	11-01-2004	16	By Promotion	Sub Engineer	Working at SDO (OPS)
	Mr. Iaved ur Rehman SSC Passed Grade B exam on 27-05-2002 and Grade A on 27-7-2018	10-04-1962	Mardan	27-01-1985	14-01-2004	16	By Promotion	-do-	
6	Mr. Inam Ullah DAE (Mech.) from Govt. P/Inst. DI Khan Passed Grade B exam on 12/06/2004	04-03-1964	DI Khan	15-03-1986	08-03-2005	16	-do-	-do-	
47	Mr. Mohammad Arif DAE (Civil) Govt. P/Inst. DI Khan Passed Deptt. B-Grade Exam on 12-6-04 and Grade A on 15-10-2020	05-03-1965	DI Khan	03-01-1989	08-03-2005	16	-do-	-do-	
48	Mr. Abdur Rehman DAE (Civil) Govt. P/Inst. Peshawar Passed Deptt. B-Grade Exam on 12-6-2004 Passed Deptt. A-Grade Exam on 23-7-2016 and Professional in 2019	15-04-1968	Darra Adam Kbel	15-08-1992	08-03-2005	16	By Promotion	Sub Engineer	working at SDO (OPS)
49	Mr. Naveed Ahmad DAE (Civil) Govt. P/Inst. Peshawar Passed Deptt. B-Grade Exam on 12-6-2004 Passed Grade-A Exam on 31-01-2006	10-04-1971	Peshawar	05-01-1995	08-03-2005	16	-do-	-do-	
50	Mr. Azhar Qayum DAE (Civil) Govt. P/Inst. Peshawar Passed Deptt. B-Grade Exam on 12-6-2004 and Grade A on 15-10-2020	30-09-1973	DI Khan	08-01-1995	08-03-2005	16	-do-	-do-	
51	Mr. Fuda Mohammad DAE (Civil) Govt. P/Inst. Peshawar Passed Deptt. B-Grade Exam on 12-6-2004 and Grade A on 15-10-2020	16-04-1973	Malakand Agency	01-02-1995	08-03-2005	16	By Promotion	Sub Engineer	
52	Mr. Haroon Rashid DAE (Civil) from Govt. Polytechnic Instt. Peshawar Passed Grade B Examination on 12-6-2004 Passed Grade A Examination on 28-7-2014	1-4-1974	Mardan	27-3-1995	29-3-2-5	16	By promotion	Sub Engineer	

1	Mr. Saeedur Rehman DAE Civil from PBI Lahore	7-1-1992	NW Agency	17-07-2019	17-07-2019	12	By initial recruitment	Sub Engineer
2	Mr. Amir Anwar DAE Civil from BEE Feshawar	17-03-1991	Manshra	17-7-2019	17-07-2019	12	By initial recruitment	Sub Engineer
3	Mr. Kawar Ali Khan DAE Civil	10-10-1993	Karak	9-8-2019	9-8-2019	12	By initial recruitment	Sub Engineer
4	Syed Salman Arad DAE Civil	5-11-1991	Mardan	9-8-2019	9-8-2019	12	By initial recruitment	Sub Engineer

Mr. Saeed Rehman DAE Civil from PBI Lahore 20-6-2019

CHIEF ENGINEER

CC

1. Chief Engineer (North) Irrigation Department Peshawar.
2. Chief Engineer (Merged Area) Irrigation Department.
3. Project Director Remodeling Project Peshawar.
4. Project Director Rehabilitation.
5. Project Director PHLC Project Peshawar.
6. All Superintending Engineers in Irrigation Department.
7. All Executive Engineers in Irrigation Department.

The are requested to note the seniority list from all concerned and appeal if any against the seniority list may be submitted within on month for consideration

SB

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[Signature]
CHIEF ENGINEER



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Am. G 29

To be restored

Dated Peshawar the 25th June, 2012

NOTIFICATION

No. SO(E)/IRRI/23-5/2010-11: In pursuance of the provisions contained in sub-rule (2) of Rule-3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Irrigation Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(E)IRR:/23-5/73 dated 17-02-2011, the following amendments shall be made namely:-

AMENDMENTS

In the Appendix,

i. Against Serial No. 4, in column No. 5, for the existing entries, in clause (b), (c) and (d), the following shall be respectively substituted, namely:

(b) Twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five years service as such.

Note: For the purpose of Clause (b), a joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer.

(c) Eight percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having Degree in B. Tech (Hons) and have passed departmental Grade B and A examination with five years service as such; and

Note: For the purpose of clause (c), a seniority list of Sub Engineers having Degree in B. Tech (Hons) shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer.

(d) Fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, who hold a Diploma of Associate Engineer in Civil, Mechanical, Electrical or Auto Technology and have passed departmental Grade B and A examination, with five years service as such.

Note: For the purpose of clause (d), a seniority list of Sub Engineers having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as sub Engineer.

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Attested

1213 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY,
25TH JUNE, 2012

Note: The quota of clause (b), (c) and (d), above respectively shall be filled in by initial recruitment, if no suitable Sub Engineer is available for promotion:

- ii. Against serial No. 5, in column No. 5, for the existing entries in clause (b), the following shall be substituted, namely:
 - (b). Fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors, having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Board of Technical Education, having passed the departmental Grade-B and Grade-A examination, with at-least seven years service as such; and
 - (c). Five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Work Munshi, Surveyors, and Work Superintendent, having passed the departmental Grade-B examination with at-least ten years service as such;
- iii. Against serial No. 7, in column No. 5, for the words "three years" the words "one year" shall be substituted;
- iv. Against serial No. 9, in column No. 3, for the existing entry the following shall be substituted, namely:
 - a. Bachelor Degree or equivalent qualification form a recognized University; and
 - b. A speed of 80 words per minute in short hand in English and 40 words per minute n English typing; and
- v. Against serial No. 13, in column No. 5, in clause (b), the words and figures "and are under 45 years of age" shall be deleted.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department

Attestd


Ann. H 31



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Dated Peshawar the 10th July, 2020

NOTIFICATION

No. SO(E)/IRRI/23-5/73/Vol-VI: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Irrigation Department in consultation with the Establishment Department and Finance Department, hereby notifies that in this Department's Notifications No. SO(E)IRR/23-5/73 dated 17.02.2011 amended vide Notification No. SO(E)IRR/23-5/2010-11 dated 25.06.2012, the following further amendments shall be made namely:-

AMENDMENTS

In the Appendix:-

- (i) Against Sr. No. 04, in Column No. 5, in the Note, in clauses (b), and (c), after the words "as Sub Engineer", the words "or from the date of acquiring degree whichever is later" shall be inserted.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department


Endst: No and date even

Copy of the above is forwarded:-

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Secretary to Governor, Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Additional Accountant General (PR, Sub Office), Peshawar.
6. All the Commissioners in Khyber Pakhtunkhwa.
7. The Chief Engineers (North)/South & NMAs) Irrigation Department, Khyber Pakhtunkhwa.
8. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
9. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Irrigation Department, Peshawar.
12. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested, to supply 200 copies of the printed gazette, for further distribution.
13. PA to Additional Secretary, Irrigation Department, Peshawar
14. Master File.

may be withdrawn


(ABDUL RAUF)
Section Officer (Estt)

Attached


To: The Worthy Secretary,
Govt. of Khyber Pakhtunkhwa,
Irrigation Department Peshawar.

Through Proper Channel

Subject: REPRESENTATION/REVIEW TO PLEASE CANCEL THE
NOTIFICATION No. SO(E)/ IRRI/23-5/73/Vol-VI DATED 10TH
JULY, 2020 AND TO PLEASE RESTORE EARLIER NOTIFICATION
No.SO(E)/ IRRI/ 23-5/2010-11 DATED 25TH JUNE, 2012

Most Respected Sir,

1. That petitioner has been serving as Sub-Engineer BPS-16 in the Irrigation Department, D.I.Khan, and presently posted as Sub-Divisional Officer (OPS), sub-Division-I, CRBC Irrigation D.I.Khan.
2. That the petitioner has passed Departmental exams necessary for the promotion to the post of S.D.O. Copies enclosed as Flag A.
3. That the Govt. of Khyber Pakhtunkhwa, vide Notification No.SO(E)/ IRRI/ 23-5/2010-11 dated 25th June, 2012 circulated amendments in the service rules governing method of promotion on the post of Sub-divisional Officer from amongst the holders of the posts of sub-engineers. Per Clause (b) (c) of Serial No.4, in Column No.5, of the Appendix, the seniority was to be reckoned on the basis of seniority-cum-fitness. Copy of the Notification No.SO(E)/ IRRI/ 23-5/2010-11 dated 25th June, 2012, is enclosed as Flag B.
4. That the applicant on 26.03.2021 came to know that the method of recruitment/promotion to the post of SDO has been changed vide Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 whereby the seniority of sub-engineers for the purpose of

Attested
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promotion to the post of S.D.O. shall be reckoned from the date of acquiring degree.

Copy of the Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 is enclosed as **Flag C.**

5. That the applicant has been serving on the post of sub-Engineer and as such his seniority has to be reckoned from the date of his period on the present post and any rule/law/policy disadvantageous to his seniority is not applicable to the case of applicant. Thus, the well settled procedure of promotion based on Seniority-cum-Fitness cannot be upset to reckon the seniority from the date of acquiring degree.
6. That under the K. P. Civil Servants Act, 1973, the Seniority has to be determinate on the basis of length of service or date of promotion in the present cadre. Section 8 of the K.P. Civil Servants Act, 1973, is reproduced hereunder:

8. Seniority:- (1) For proper administration of a service, cadre or post, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or post as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or 5[cadre] whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retain their inter-se-seniority as in the lower post.

Attested
[Signature]

(5) The Seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year preferably in the month of January.

Thus, amendment in the K.P. Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, with regard to the Irrigation Department vide Notification dated 10th July 2020, is violative of the basic law i.e. Civil Servants Act, 1973.

7. That similarly, Section 9(2)(b) of the Civil Servants Act, 1973, in unequivocal words states that in case of promotion, the post is to be filled on the basis of seniority cum fitness. The Section 9 runs as under:

9. Promotion:- (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rule for departmental promotion in the service or cadre to which he belongs.

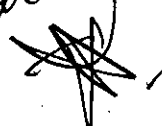
(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

On this score too, the impugned amendment is unwarranted.

8. That in fact the K.P. Civil Servants (A.P.T.) Rules, 1989, also provide that the seniority shall be reckoned from the length of service and not otherwise. The Rule 17 of the *ibid* Rules in this regard is reproduced hereunder for ready reference, please.

17. Seniority :- (1) The seniority inter se of civil servants appointed to a service, cadre or post) shall be determined:-

Attested


- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or as the case may be, the Department Selection Committee; provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

- (2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.
- (3) In the event of merger / restructuring of the departments, attached departments or subordinate offices, the inter se seniority of Civil Servants affected by the merger / restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post
- (4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the

Attested

date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is same, the civil servants older in age, shall be treated senior.


It is, therefore, most respectfully prayed that the Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020, by violative of the legal rights of applicant in view of the K.P. Civil Servants Act, 1973, and K.P. Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 may please be declared cancelled and thereby the directions may please be issued to reckon the seniority of applicant from the length of his service in the present cadre.

Yours most Obedient Servant



(Syed Meher Ali Shah)
Sub Divisional Officer (OPS)
CRBC Irrigation sub-Divn-I,
D.I.Khan.

Dt. 05/07/2021

Attended


Ann. J
38



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

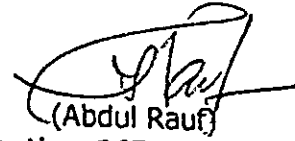
No. SO(E)/Irr:/23-5/73/Vol-VI
Dated Peshawar the 21st April, 2021

To

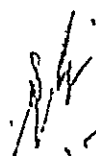
Syed Meher Ali Shah,
Sub Divisional Officer (OPS),
CRBC Irrigation Sub Division-I,
D.I. Khan.


Subject: REPRESENTATION/REVIEW TO PLEASE CANCEL THE NOTIFICATION NO. SO(E)/IRR/23-5/73/VOL-VI DATED 10TH JULY, 2020 AND TO PLEASE RESTORE EARLIER NOTIFICATION NO. SO(E)IRRI/23-5/2010-11 DATED 25TH JUNE, 2012

I am directed to refer to your representation dated 02.04.2021 on the subject noted above and to state that amendment in the Service Rules was made on the recommendation of SSRC and approval of the Competent Authority, therefore your application is filed, please.


(Abdul Rauf)

Section Officer (Estt:)


21-4-21

Attested




SUPREME COURT
BAR ASSOCIATION
PAKISTAN

Ahmad Ali
Advocate



Life Member

President

M. Aslam
Secretary

39

وکالت نامہ

کورٹ
فیس

جناب قیصر گٹو کو آہ سرورس ٹریڈنگ کمپنی اور

پنجاب ایسٹریٹ

بنام گورنمنٹ آف پاکستان

سید علی شاہ

دعویٰ یا جرم

سرورس ٹریڈنگ کمپنی

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ میں سید علی شاہ نے اپنی طرف واسطے بیرونی وجوہات پیش کی تھیں یا تصدیق مقدمہ میں
احمد علی شاہ کو سید علی شاہ کی طرف سے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ذرا بذریعہ زبرد عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سماعت نہ دیا جانے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کل ساختہ پر واخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری
نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر عاقبت یا رضامندی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مقرر بیرونی از کچہری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا مستوفی ڈگری ایک طرفہ یا درخواست حکم امتناعی یا فرقی
یا گمرانی قس از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہونے کی شرط سے منظور قبول ہو گا اور تمام ساختہ پر واخت صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مقررہ یا اس کے کسی جز کی کارروائی یا بصورت درخواست نظر ثانی
اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا پیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ مسترد ہے

مورخہ _____ ماہ _____
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted By

سید علی شاہ - اسٹیٹ

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Handwritten signature

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No.6703/2021

Meher Ali Shah SDO (OPS)

Petitioner

Versus

1. Govt. of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa. **Respondents**
2. Secretary to Government of
Khyber Pakhtunkhwa Irrigation Deptt: Peshawar.
3. Chief Engineer (South)
Khyber Pakhtunkhwa Irrigation Department Peshawar.
4. Superintending Engineer DIKhan Irrigation Circle DIKhan.
5. Executive Engineer Irrigation Division DIKhan.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal.No.6703/2021

Syed Meher Ali Shah Sub Divisional Officer (OPS)
CRBC Irrigation Division DIKhan

Appellant

Versus

1 Govt: of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa
Peshawar.

Respondents

2. Secretary to Government of
Khyber Pakhtunkhwa Irrigation Deptt: Peshawar.

3. Chief Engineer (South)
Khyber Pakhtunkhwa Irrigation Department Peshawar.

4. Superintending Engineer DIKhan Irrigation Circle DIKhan.

5. Executive Engineer Irrigation Division DIKhan.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 5

Respectfully sheweth

Preliminary Objections

1. That the appellant has no cause of action.
2. That the appellant has not come to the Tribunal with clean hand.
3. That the appeal is bad for mis joinder and non joinder of necessary parties.
4. That the appellant has no locus standi.
5. That the appeal is time barred.

Objections on Facts

1. Para No.I pertains to record , needs no comments.
2. It is correct, to the extent that the appellant has been posted as Sub Divisional Officer (OPS) as stop gap arrangement till availability of regular Sub Divisional Officers .
3. Correct, to the extent that the appellant is Diploma Holders in Civil Technology and has passed Departmental Grade B&A Examinations.
4. Not correct, the appellant is diploma holder and is governed under Sl:No.4 (d) of the notification No.SO(E)IRR:/23-5/2010-11, dated 25-6-2012 which is still intact.
5. Not correct, the appellant is a diploma holder in Civil Technology having no Degree of B.Tech: (Hons).
6. Not correct .No amendments have been made in the service rules pertaining to the share quota of diploma holders for promotion as Sub Divisional Officer BS-17 and as such right of the appellant has not been affected.
7. Since the appellant has not been affected therefore his appeal is not worth consideration on the following grounds:-

GROUNDS

- i. Incorrect, right of the appellánt has not been affected.
- ii. Incorrect, the appellant having Diploma of Associate Engineering and his seniority fixed/determined on the basis of date of promotion as Sub Engineer i.e.14-1-2004 (Annexure-I)
- iii. Incorrect, the seniority of the appellant has already been reckoned in the department according to rules in vogue.
- iv&v. Incorrect, Promotion of Diploma holders Sub Engineers to the rank of SDO BS-17 is being considered according to existing rules.
- vi. The amendments made vide Notification No.SO(E)IRR:/23- 5/73/Vol:VI,dated 10-7-2020 is in the best interest of Government Civil Servant to safeguard the right of seniority/promotion of the existing degree holders which has not affected the appellant being diploma holders.
- vii. Incorrect and frameless hence denied, No Amendments have been made in the 15% share quota of Promotion of Sub Engineers provided in the service rules to which the appellant belongs.
- viii. The Respondents also seek permission to present additional grounds/documents during the course of arguments.

It is very humbly prayed to dismiss the appeal with cost and vacate the stay in the instant appeal.

Chief Secretary
Government of KPK
(Respondent No.1)

Secretary to Government of KPK
Irrigation Department
(Respondent No.2)

Chief Engineer (South)
Irrigation Department
(Respondent No.3)

Superintending Engineer
DIKhan Irrigation Circle DIKhan
(Respondent No.4)

Executive Engineer
Irrigation Division DIKhan
(Respondent No.5)

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal.No.6703/2021

Syed Meher Ali Shah Sub Divisional Officer (OPS)
CRBC Irrigation Division DIKhan

Appellant

Versus

1. Govt: of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa
Peshawar.
2. Secretary to Government of
Khyber Pakhtunkhwa Irrigation Deptt:
3. Chief Engineer (South)
Khyber Pakhtunkhwa Irrigation Department Peshawar.
4. Superintending Engineer DIKhan Irrigation Circle DIKhan.
5. Executive Engineer Irrigation Division DIKhan

Respondents

COUNTER AFFIDAVIT

We do hereby solemnly affirm and declare that contents of the parawise comments in Service Appeal No.6703/2021 filed by Mr. Meher Ali Sub Divisional Officer (OPS) are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.

Chief Secretary
Government of KPK
(Respondent No.1)

Secretary to Government of KPK
Irrigation Department
(Respondent No.2)

Chief Engineer (South)
Irrigation Department
(Respondent No.3)

Superintending Engineer
DIKhan Irrigation Circle DIKhan
(Respondent No.4)

Executive Engineer
Irrigation Division DIKhan
(Respondent No.5)

محمد اشرف
1857-PF-

OFFICE OF THE CHIEF ENGINEER
IRRIGATION N.W.F.P., PESHAWAR.

No. 1066 /IB/A/3-E(vii)
Dated Peshawar the 14/1/2004.

OFFICE ORDER.

Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 10-1-2004, the following Work Munshis/Canal Inspectors who have passed the departmental "B" Grade Examination are hereby promoted as Sub Engineers BS-11 against the share quota of 15% and 5% reserved for diploma holders and non diploma holders respectively notified vide Secretary to Govt of NWFP Irrigation and Power Department Notification No. SO(E)IRR/23/5/73, dated 15-8-2004.

- i. Mr.Mohammad Ashraf Work Munshi (diploma holder) attached to C.R.B.C. Irrigation Divn; D.I.Khan.
- ii. Syed Meher Ali Shah Work Munshi (diploma holder) attached to C.R.B.C. Irr:Divn: D.I.Khan.
- iii. Mr.Javedur Rehman, Canal Inspector (Non-diploma holder) attached to Mardan Irr:Divn:Mardan.
- iv. Mr.Ikramullah, Work Munshi (Non - diploma holder) attached to Mardan Irr:Divn: Mardan.

Note:- The promotees at S.No. i,iii and iv shall remain on probation for a period of two years whereas the Work Munshi at S No.(ii) is promoted on provisional basis. His probation period of 2 years would start on completion of 10 years service (i.e. from 21-1-2005).

A. M. M. 14/1/04
CHIEF ENGINEER

No. 1067-75 /IB/A/3-E(vii)

Copy forwarded to :-

- 1/ Secretary to Govt. of NWRP Irrigation and Power Peshawar.
- 2/ Chief Engineer Dev: Irrigation Deptt: NWFP. Peshawar.
- 3/ Superintending Engineer, Northern Irr:Circle Mardan.
- 4/ Superintending Engineer, Southern Irr:Circle Bannu.
- 5/ Executive Engineer, CRBC Irr:Divn: D.I.Khan.
- 6/ Executive Engineer, Swabi Irr;Divn: Swabi.
- 7/ Executive Engineer, Mardan Irr;Divn: Mardan.
- 8/ District Accounts Office D.I.Khan/Swabi and Mardan.
- 9/ Officials concerned.

A. M. M. 14/1/04
CHIEF ENGINEER