

05.01.2022

Counsel for the appellant present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Request accorded. To come up for preliminary hearing on on 02.03.2022 before S.B.



(Rozina Rehman)
Member (J)

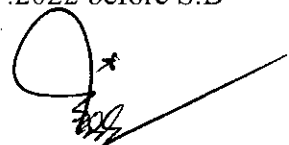
2-3-2022

Due to retirement of the Honable Chairman the case is adjourned to come up for the same as before on 31-5-2022


Reader

31.05.2022

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 26.07.2022 before S.B





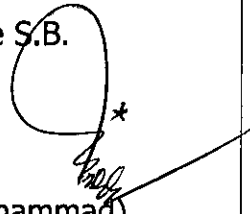
(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7390 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2021	<p>The appeal of Mr. Zahid Jamal presented today by Syed Noman Ali Bukhari 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 for preliminary hearing to be put up there on <u>01/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	01.11.2021	<p>Appellant in person present.</p> <p>Appellant requested for adjournment on the ground that his counsel is not available today. Granted. To come up for preliminary hearing on 05.01.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Zahid Jamil vs Govt of Pakistan

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Syed Noman Ali Shah</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?		
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Syed Noman Ali Shah

Signature:

[Signature]

Dated:

10/9/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 7390 /2021

Mr. Zahid jamal

VS

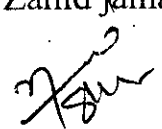
Govt: OF KP

INDEX

S.No	Documents	Annexure	P No.
1.	Memo of Appeal	-----	1-09
2.	Copy of stay application	-----	10-11
3.	Copy of PSC recommendation	- A -	12-14
4.	Copy of appointment order	- B -	15
5.	Copy of Degree	- C -	16-17
6.	Copy of 2012 rules	D	18
7.	Copy of Seniority list	E	19-20
8.	Copy of amended rules 2020	F	21-23
9.	Copy of tentative seniority list	G	22-27
10.	Copy of the departmental appeal	H	28-33
11.	Copy of order	I	34-35
12.	Wakalat Nama	-----	36


APPELLANT
Mr. Zahid Jamal

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. _____ of 2021

Zahid jamal S/o Malik Minhaj ud Din. Assistant Director (OPS),
Sin Right Bank canal, Abottabad.

..... APPELLANT

VERSUS

- 1- Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2- Secretary to Government 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

**APPEAL UNDER SECTION 4 OF THE KP SERVICE
TRIBUNAL ACT 1974, 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 AND AGAINST NOT
DECIDING DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN STATUTORY PERIOD OF 90
DAYS.**

PRAYER:

**ON THE ACCEPTANCE OF THIS APPEAL, THE
IMPUGNED 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, THE SENIORITY OF THE
APPELLANT MAY PLEASE BE RECKONED FROM
THE DATE OD REGULAR APPOINTMENT TO THE
PRESENT POST (I.E SUB-ENGINEER). ANY OTHER
REMEDY WITH THIS AUGUST TRIBUNAL DEEMS
FIT AND PROPER MAY ALSO BE AWARDED THE
FAVOR OF THE APPELLANT.**

.....

RESPECTFULLY SHEWETH:

The Appellant rights to submits as under:-

1. That the appellant was appointed through public service commission and appointed vide order dated 04.03.1996 as Sub Engineer. The Appellant has left no stone unturned in the smooth functioning of the Department. **Copy of PSC recommendation and appointment order is attached as annexure-A & B.**
2. That, the Appellant acquired the higher qualification i.e B-Tech and (Honors) in the year 2012 and 2020 respectively. **Copy of the degree is attached as annexure-C.**
3. That as per law and rules dated 25.06.2012, which was in vogue at the time of acquiring of degree of B-Tech, seniority of Sub engineers for the purposes of promotion of the next Higher scale of Assistant Director irrigation Seniority of Sub-Engineers was determined from the date of their first appointment. **Copy of the rules 2012 and seniority is attached as annexure-D & E.**
4. That the appellant for the purpose of promotion got admission in B.Tech Honors in 2018 now the appellant comes to know the astonishing fact that, Govt of Kpk has amended the rules dated 2012 vide amendment notification dated 10.07.2020, whereby the seniority of Sub Engineers for the purposes of promotion to the next higher scale, from the date of acquiring the qualification of B-Tech which is not applicable in the case of the Appellant: Therefore, seniority of Appellant is to be fixed from the date of his first appointment and not on the date of acquiring higher qualification. **Copy of amended rules is attached as annexure-F.**
5. That it is accepted principle of law that promotion is granted of the principle of seniority cum fitness. Therefore, on this principle, name of the Appellant is to be placed at serial No. 2 whereas, now, after the promulgation of amendment in the year 2020 name of

Appellant is placed at serial No. 31 in the tentative seniority list which has been determined on the basic of higher qualification which is against the law, perverse. **Copy of the seniority list is attached as annexure-G.**

6. That the appellant being feeling aggrieved from the impugned rules dated 10.07.2020 filed departmental appeal on 01.06.2021 which was not responded within statutory period of 90 days. Hence the present appeal on the following grounds amongst others. **Copy of departmental appeal is attached as annexure-H.**

Grounds:

- A. That the superior court has settled now that a law/notification/rules which adversely affects the rights of civil servants i.e always made applicable prospectively and retrospective affect of the said amendments cannot be made from retrospective affect.
- B. That It is further submitted that such amendments having adverse affect are applicable appointees who are appointment on or after the date of amendments.
- C. That at the time of appointment, terms and conditions in appointment order of Appellant is not mentioned that seniority of the Appellant shall be determined from the date of acquiring higher qualification.
- D. That it is accepted principle of law that promotion is granted of the principle of seniority cum fitness. Therefore, on this principle, name of the Appellant is to be placed at serial No. 2 whereas, now, after the promulgation of amendment in the year 2020 name of Appellant is placed at serial No. 32 which has been determined on the basic of higher qualification which is against the law, perverse because amendment in the rules promulgated in the year 2020 is not applicable in the case of the Appellant.

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- E. That the rules which are applicable at the time of appointment are to be made applicable in the case of Appellant.
- F. 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 for all from the date acquiring degree.
- G. That in the amendment the seniority from the date of ist appointment was not over ride but after word as Sub-Engineer "or from the date of the acquiring degree whichever later" has been added. But department make wrong interpretation of the same.
- H. That under the KP Civil Servant Act, 1973 the seniority has to be determined on the basis of length of service or date or pr o in the present cadre. Section 8 of the K.P Civil Servant Act, 1973 is reproduced hereunder.

Seniority:- (1) For proper administration of a service, cadre or post, the appointing authority shall cause a seniority list of the member 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 Servant belonging to the same service or cadre whether servant 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 Servant 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 list 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 Servant (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.

H. That similarly, section 9 (2) (b) of the Civil Servant 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 qualification as may be prescribed shall be eligible for promotion to higher post for the time being reserved under for the rule for Departmental promotion in the service or cadre to which he belongs.

(2) A post referred 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.

I. That the in fact K.P Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, also provide that the seniority shall be reckoned from the length of service and 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 Servant appointment 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 person selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a letter selection:-

(b) in the case 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 higher post in one that shall, on their promotion to the higher post, retain their inter 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 senior in fixation of his seniority in the higher post.

Explanation No. ii:- If a junior person in a lower post is promoted to a higher post by superseding a senior person subsequently that senior person is also promoted the person

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promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person in the case of the senior person is differed for the time being for want of certain information or for incompleteness of record or for any reason not attributing to his fault or demerit.

Explanation No. 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 reference to the senior person.

- (1) seniority in the various cadres of Civil Servant 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 or the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.
- (2) In the event of merger/restructuring of Departments, attached Department or subordinate offices, the inter se seniority of Civil Servant affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.
- (3) The inter-se-seniority of Civil Servant in a certain cadre, to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the

(2)

date of regular appointment/ promotion of the Civil Servant in the lower post.

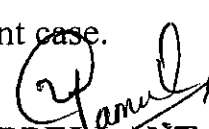
Provided that if the date of regular appointment or more Civil Servants in the lower post is same, the Civil Servants older in age, shall be treated senior.

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.


- J. That any new policy as to the change in the service structure, disadvantageous to the rights of an in-service civil service cannot affect the right 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.
- K. 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.
- L. That the 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 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 1st appointment. in the present case.

Dated 06/09/2021


APPELLANT
Zahid Jamal

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, PESHAWAR HIGH COURT

9

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

J
DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

(16)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Civil Misc No. _____ of 2021
In

Service Appeal No _____ of 2021

Zahid jamal

VS

Govt of KP etc.

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
RESTRAINED FROM AWARDING PROMOTIONS TO
JUNIOR DETRIMENTAL TO THE RIGHTS/SENIORITY
OF APPELLANT.

Respectively Sheweth:-

1. That Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this application.
2. That the 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 tills in favor of the Appellant.
3. That due to the impugned Notification, seniority, 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 Appellant will suffer and irreparable loss.
4. That the impugned rules on the basis of which the respondent department gave promotion to juniors is already challenge in this Hon'able Tribunal in Service Appeal Syed Mehar Ali Shah vs Govt of kP and stay was granted in appeal. **Copy of order sheet is attached as annexure I.**

It is, therefore, humbly prayed that on acceptance of the civil Misc, the operation impugned notification may please suspended till

decision of Service Appeal, and in the meanwhile, status quo may graciously be ordered to be maintained.


APPELLANT

Mr. Zahid Jamal

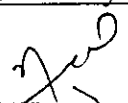
THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

Affidavit

I, the Appellant; do hereby solemnly affirm and declare on oath that all the contents of appeal and application are true and correct to the best of my knowledge and belief and that, nothing has been deliberately concealed from this Hon' able Tribunal.

Identified by Counsel


Syed Noman Ali Bukhari
Advocate High Court


Dependent

Telephone No 279579

1059

(CONFIDENTIAL)



From: Secretary,
Public Service Commission,
Peshawar Cantt.

To :

The Secretary to Govt of NWFP,
Irrigation Department.

No. 1845

Dated 1 / 2 / 1996

Subject : RECRUITMENT OF SUB-ENGINEER(CIVIL) IN IRRIGATION DEPTT.

Sir,

I am directed to refer to our letter No.25784 dated 26.11.85 on the subject cited above and to state that the Commission recommends the following for appointment:-

<u>Vacancy No.</u>	<u>Alloca- tion</u>	<u>Merit order</u>	<u>Name with father's name</u>	<u>Distt/ Agency</u>	<u>Adjust- ment</u>
<u>Ist Block</u>					
7th	Zone-2	2	Muhammad Saleem Jan Ayub S/O Muhammad Khan Ayub	Peshawar/2	Own quota
8th	Zone-3	1	Muhammad Hamayun S/O Naik Naeem	Mkd Agency/3	Own quota
9th	Zone-4	7	Tariq Usman S/O Sahibzada	Karak/4	Own quota
10th	Zone-5	10	Khurram Shah S/O Shamroze Shah	Haripur/5	Own quota
11th	Zone-1	20	Irshad Khan S/O Muhammad Umar	Mohd Agency/1	Own quota
12th	Zone-2	5	Syed Shah Hussain S/O Syed Sardar Hussain	Mardan/2	Own quota
13th	Zone-3	3	Fazle Halim S/O Fateh Azam	Dir/3	Own quota
14th	Zone-4	11	Yahya Hameed S/O Abdul Hameed	D.I.Khan/4	Own quota
15th	Zone-5	22	Inamul Haq Lodhi S/O Zahoorul Haq Lodhi	Abbottabad/5	Own quota
16th	Zone-1	35	Roze Muhammad Sherani S/O Khawaja Muhammad	FR DI Khan/1	Own quota
17th	Zone-2	9	Abdul Latif S/O Haji Ghani Gul	Mardan/2	Own quota
18th	Zone-3	4	Amjad Ali Khan S/O Muhammad Islam	Mkd Agency/3	Own quota
<u>2nd Block</u>					
1st	Zone-1	20			

(19)


3rd	Zone-3	6	Sher Dali Nazir Ahmed S/O Faqir Muhammad	Swat/3	quota
4th	Zone-4	(12)	Muhammad Arif Khan S/O Saudad Khan	Bannu/4	Own quota
5th	Zone-5	30	Zahid Jamal S/O Malik Minhajuddin	Abbottabad/5	Own quota
6th	Zone-1	40	Surat Khan S/O Abbas Khan	FR Bannu/1	Own quota
7th	Zone-2	15	Ahmad Raza S/O Muhammad Raza Khan	Peshawar/2	Own quota
8th	Zone-3	8	Tanveer Hussain Khan S/O Fazle Qadir Khan	Mkd Agency/3	Own quota
9th	Zone-4	13	Asmatullah Shah S/O Gul Raz Ali Shah	Bannu/4	Own quota
10th	Zone-5	31	Muhammad Shuaib S/O Abdul Hameed	Haripur/5	Own quota
11th	Zone-1	46	Maqsood Ahmad S/O Muhammad Ajmal	Mohd Agency/1	Own quota
12th	Zone-2	17	Dawood Khan S/O Noor Muhammad	Charsadda/2	Own quota
13th	Zone-3	19	Ahmad Shah S/O Sharif Khan	Swat/3	Own quota
14th	Zone-4	16	Najeebullah S/O Habibullah Khan	D.I.Khan/4	Own quota
15th	Zone-5	50	Khurshid Ahmad S/O Malik Ghulam Hussain	Mansehra/5	Own quota
16th	Zone-1	53	Saeedur Rehman S/O Muhammad Amir Khan	N.W.Agency/1	Own quota

2- Zonal state after the above adjustment will be as under:-

	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share	8	7	7	6	6	34
Adjustment	8	7	7	6	6	34
Balance	-	-	-	-	-	-

3- The recommendation in favour of the recommendees may be provisional subject to their medical fitness.

4- Original application (with enclosures) of the recommendees are sent herewith for your record. Please acknowledge receipt.


 (ABDUS SALIM)
 DIRECTOR RECRUITMENT

REGISTERED.

CHIEF ENGINEER

OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT NWFP
PESHAWAR

131
2

NO. 4546 /IB/A/3-E(II) 6

Dated Peshawar the 4/3/1996

15

To

Mt. Zahid Jamal, S/O Malik Minhaj ud Din,
Shafi Sons Gunmani Street,
Abbottabad.

Subject:-

APPOINTMENT OF TEMPORARY SUB ENGINEERS.

Consequent upon the recommendations of the NWFI, Public Service Commission, Peshawar you are hereby offered the post of an officiating temporary Civil/Mechanical Sub Engineer at Rs. 1725/-FM in the grade BFS-11 (Rs. 1725-116-3465) plus usual allowances as admissible under the Rules subject to the following conditions:-

- 1/ Your service shall be governed by the NWFI, Civil Servants Act, 1973, the West Pakistan Irrigation Department subordinate Engineering Service Rules, 1968 and all such Rules operative under the aforesaid Act.
- 2/ You have to join duty at your own expenses.
- 3/ If you are willing to accept this offer of appointment on the above mentioned conditions of appointment you should report to the ----- 23-3-1996 ----- positively. The offer of appointment shall stand cancelled if you fail to report by the stipulated date.
- 4/ You will have to submit on your joining the Deptt: the following original certificates :-
 - a) Matriculation.
 - b) Degree/Diploma
 - c) Domicile.
 - d) Medical fitness certificate.
 - e) that you are not a dismissed Govt: Servant.
 - f) Character & Antecedent verification
 - g) Declaration of Assets form.
 - h) Written undertaking for appointment as per annexed declaration.

Sd/-
SUPERINTENDING ENGINEER
(HEADQUARTERS)

NO. 4547-52 /IB/A/3-E(II),

1/ Copy of the above is forwarded to the:-
Secretary to Govt: NWFP: Deptt: Irrigation with reference to his letter No. 30(NWFP): Irr-1/90 dated 28-2-1996

- 2/ Secretary, NWFP Public Service Commission, Peshawar with reference to above for information.
 - 3/ Chief Engineer, Irr: Department, NWFP.
 - 4/ All Superintending Engineers, in Irr: Department in NWFP.
 - 5/ Project Coordinator, Pehur High Level Canal, NWFP.
 - 6/ Project Director, CRBC Ist Lift Irrigation Department.
 - 7/ Project Director, Swabi Scarp Directorate, NWFP, Mardan.
 - 8/ Project Director Small Dams Directorate, NWFP, Peshawar.
 - 9/ Accountant General, NWFP, Peshawar.
 - 10/ All Executive Engineers, in Irrigation Deptt: in NWFP.
 - 11/ All DAOs / Agency Accounts Officers in NWFP.
- The Superintending Engineers are requested to furnish the following particulars & documents in respect of the candidates to his office in due course:-
- (i) Date of Birth.
 - (ii) Date of arrival.
 - (iii) Home District.
 - (iv) Original educational & Technical Qualification Certificates, detail marks certificates and experience certificate. (Character & Antecedents verification certificates (in the latest revised form).

Sd/-
SUPERINTENDING ENGINEER (H.)

to PPs of the S/Es:

Justitia University

21
51

Arabic Department

Shaykh al-Ghannayhi

Zahid Ahmad

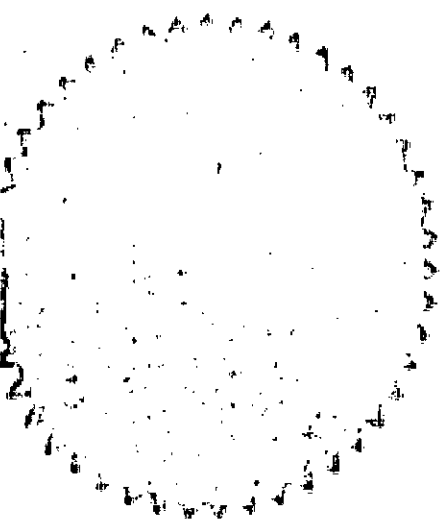
has satisfactorily and completely fulfilled all requirements for the prescribed studies and the
recommendations of the University, and has therefore, been admitted to the Degree of

Master of Technology (M.Tech)
in Civil Technology

and this degree has been awarded under authorized signatures
and official seal of the University, on this twentieth day of June 2012.

M. H. H.

Chairman



M. H. H.
Chairman

(7)

MINISTRY OF HIGHER EDUCATION
SOUTH AFRICAN UNIVERSITY OF SCIENCE & INFORMATION TECHNOLOGY, BESHAMBA



This is to certify that **Zahed Jawad**

son/brother of **Muhammad Khalid Khan**

has completed the requisite examinations and has been awarded the degree of

Bachelor of Technology (Honours) in Civil - 2 Years

with all the rights and privileges appertaining thereto.

Given at Beshamba (Dist. Jhansi) on the **Sixteenth day of September Two Thousand Twenty**

Registrar

President



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25TH JUNE, 2012.

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
IRRIGATION DEPARTMENT.**

NOTIFICATION

Dated: 25th June, 2012.

No. SOE/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,

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 year service of 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.

1212

A. H. S. S. S.
Munir Jafar

ADMINISTRATIVE OFFICER SOUTH
IRRIGATION DEPARTMENT
KHYBER PAKHTUNKHWA
PESHAWAR

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411 ①

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT.



NOTIFICATION

OFFICE OF THE CHIEF ENGINEER(SOUTH) IRRIGATION DEPARTMENT PESHAWAR.

3917
 NO. 2065/IB/A3-E (iii) In pursuance of the Section-8 of the Kyber Pakhtunkhwa Civil Servant Act 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Final Seniority list of Sub Engineers Irrigation Department having Degree in B.Tech (Hons) as stood on 31-12-2018 hereby notified/circulated for general information.

S.No.	Name of Sub Engineer with education qualification	Date of birth with domicile	Date of entry into Govt. service	First regular appointment to the service/cadre. Date			Promotion to present Grade/Cadre		Present place of posting	Remarks
				BPS	Method of recruitment	Date	BPS	Date		
1	2	3	4	5	6	7	8	9	10	11
1	Mr. Naveed Khan Passed Grade B Exame on 5/2002 passed Grade -A- Exame on 5/2009 B.Tech (Hon) from Sarhad University Peshawar	12-04-1969 Abbotabad	19-3-1992	19-3-1992	11	By initial recruitment	16	19-3-1992		Working as Sub Engineer
2	Mohammad Shoaib B.Tech (Hon) from Preston University Kohat. Passed Grade B Exame on 05/2009, Grade-A Exame on 7/2016	01-01-1973 Haripur	4-3-1996	4-3-1996	11	-do-	16	4-3-1996	Small Directorate Peshawar	Working as SDO (OPS)
3	Mr. Naqib ur Rehman B.Tech (Hons) from Sarhad University Peshawar Passed Grade B Exame on 6/2000 Passed Grade A Exame on 6/2004	05-03-1966 N.W Agency	4-3-1996	4-3-1996	11	-do-	16	4-3-1996	Bannu Canal Division Bannu	Working as SDC (OPS)
4	Mr. Surat Khan Passed Grade B Exame 06-6-2000. Passed Grade A Exame on 31-1-2006	01-10-1972 FR Bannu	4-3-1996	4-3-1996	11	-do-	16	4-3-1996	Hydrology Irr. S/Divn. Bannu	Working as Sub Engineer
5	Mr. Khurshid Ahmad B.Tech (Hon) from ULT Peshawar. Passed Grade B exame on 5/2002 Passed Grade-A exame on	10-04-1973 Mansehra	4-3-1996	4-3-1996	11	-do-	16	4-3-1996	Kohat Irr. Divn: Kot at	Working as SDO (OPS)
6	Mr. Aamer Mehmood B.Tech (Hon) from Preston University Karachi. Passed Grade B exame on 6/2004 Passed Grade A exame on 05/2009	01-01-1967 DIKhan	As Canal Inspector 14-12-1991	As Canal Inspector 14-12-1991	5	By promotion	16	As Sub Engineer 08-03-2005	Small Dams P&C Peshawar	Working as Sub Engineer
7	Mr. Nizamul Haq B.Tech (Hon) from Preston University Kohat. Passed Grade B exame on 2004	09-05-1965 Malakand Agency	As Tracer 5-8-1992	As Tracer 5-8-1992	5	-do-	16	As Sub Engineer 08-03-2005	Malakand Division	Working as Sub Engineer
8	Muhammad Ismail B.Tech(Hons) UET Peshawar	05-05-1987 Bajor Agency	19-11-2011	19-11-2011	11	By initial recruitment	12	19-11-2011	Dir Irrigation Division Dir	Working as Sub Engineer

[Handwritten signature]

	2	3	4	5	6	7	8	9	10	11
9	Muhammad Munir B.Tech(Hons) UET Peshawar . Passed Grade B Exam on 07/2016. Passed Grade A Exam on 07/2018	12-08-1988 Hangu	19-11-2011	19-11-2011	11	By initial recruitment	12	19-11-2011	Kohat Irr: Divn: Kohat	Working as Sub Engineer
10	Mr. Saddam B.Tech (Hon) from Sarhad University Peshawar. Passed Grade B exam on 6-8-2018	29-2-1991 Haripur	19/11/2011	19/11/2011	12	-do-	12	19-11-2011	Hazara Irr: Divn: Abbottabad.	Working as Sub Engineer
11	Asad Ali B-Tech (Hon) Sarhad University Peshawar. Passed Grade B exam on 16-8-2018.	23-11-1991 Peshawar	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Warsak Canal Division Pesh	Working as Sub Engineer
12	Muhammad Zeeshan Zahir. B.Tech(Hons) UET Peshawar Passed Grade B Exam on 16-8-2018	24-4-1990 Peshawar	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Peshawar Canal Division	Working as Sub Engineer
13	Asgbar Ali B.Tech of Communication and Electronic New Port Institution. Passed Grade B exam on 16-08-2018.	07-02-1978 S.W Agency	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Mechanical Irr: Divn: Peshawar	Working as Sub Engineer
14	Azimullah. B.Tech (Hons) Sarhad University Peshawar. Passed Grade B exam on 16-08-2018.	02-07-1991 Dir Upper	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Swat Irr: Divn: Swat	Working as Sub Engineer
15	Asad Zia B.Tech UET Peshawar. Passed Grade B exam on 16-08-2018.	05-03-1991 Mardan	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Mechanical Irr: Divn: Peshawar	Working as Sub Engineer
16	Imran Khan B.Tech(Hons) Sarhad University Peshawar. Passed Grade B exam on 16-08-2018.	15-5-1988 Swat	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Swat Irr: Divn: Swat	Working as Sub Engineer
17	Sardar Gul B.Tech(Hons) UET Peshawar.	31/3/1989 Mohmand Agency	16/9/2013	16/9/2013	11	-do-	12	16-9-2013	Charsadda Irr: Division	Working as Sub Engineer
18	Mr.Safdar Naz B.Tech:(Hons) from college of Science and Technology Peshawar Passed Grade B on 6-8-2018,& Grade-A exam on 23-7-2016 and Professional examination on 3-3-2017.	15/05/1980 DIKhan	28/10/2008	28/10/2008 As W/Munshi	5	By promotion	12	28/10/2008	Paharpur Irr:Divn:DIKhan	Working as Sub Engineer
19	Muhammad Taseeb B.Tech:(Hons) from UET Peshawar	14-3-1992 DIKhan	18-9-2017	17-9-2017	12	By initial recruitment	12	18-5-2017	Small Dams P&C Kohat	Working as Sub Engineer
20	Mr.Noor Faraz B.Tech (Hons) B.Tech:(Hons) from CECOS University Peshawar	15-4-1993 NW Agency	20-7-2018	20-7-2018	12	By initial recruitment	12	20-7-2018	Marwat Canal Division	Working as Sub Engineer

Ms. 3917 18/11/13 E da 30-7-019

Copy to the above is forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
2. Chief Engineer (North) Irrigation Department Peshawar.
3. Director General Small Dams Organization Peshawar.
4. All Superintending Engineers in Irrigation Department.
5. All Executive Engineers in Irrigation Department Peshawar.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

SUPERINTENDING ENGINEER
(HEAD QUARTER)



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

F (21)

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

Ends: 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.

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OFFICE OF THE SECRETARY
IRRIGATION DEPARTMENT
PESHAWAR
12427/18/17
12/17
17/7
14/7

(ABDUL RAUF)
Section Officer (Estt)
10/7

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT
OFFICE OF THE CHIEF ENGINEER SOUTH IRRIGATION DEPARTMENT

No. 2057 /IB/A/3-E, In pursuance of section 8 of the Khyber Pakhtunkhwa Civil servant act 1973 read with rule 17 of the Khyber Pakhtunkhwa Civil servant (Appointment Promotion and Transfer) Rules 1989 and in pursuance of Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Notification No.SO(E)IRR:/23-5/73/Vol:VI, dated 10-7-2020, the tentative Seniority list B.Tech: (Hons) Sub Engineers as stood on 31-12-2020 is hereby notified /circulated for information of all concerned.

NOTIFICATION

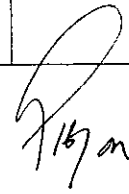
Sl:#	Name	Date of Birth with Domicile	Date of Ist entry in to Govt: Service	Date of acquiring degree	Regular appointment to the Present post			Promotion to present Grade/Cadre		Present Place of posting	Remarks
					Date	BPS	Method of recruitment	BPS	Date		
1	Mr.Khurshid Ahmad B.Tech: (Hons) from UET Peshawar, Passed Grade B Exmn: on 27-5-2002 Grade A on 6-8-2014 and Professional in 2017.	10-4-1973 Mansehra	4-3-1996	5-12-2005	4-3-1996	16	By initial recruitment	16	4-3-1996	Small Dams (P&C) Division A/Abad	Working as SDO (OPS)
2	Mohammad Shoab B.Tech: (Hons) from Preston University Kohat Passed Grade B Exmn: on 27-5-2009 and Grade A on 28-7-2016	1-1-1973 Haripur	4-3-1996	16-8-2010	4-3-1996	16	-do-	16	4-3-1996	Small Dams P&C A/Abad	Working as SDO (OPS)
3	Muhammad Ismail B.Tech: (Hons) from UET Peshawar, Passed Grade B Examination on 28-7-2016	5-5-1987 Bajur	19-11-2011	3-2-2012	19-11-2011	12	-do-	12	19-11-2011	Dir Irrigation Division Dir	Proceeded on leave
4.	Muhammad Munir B.Tech:(Hons) from UET Peshawar, Passed Grade B Exmn: on 28-7-2016 & Grade A on 27-7-2018	12-8-1988 Hangu	19-11-2011	03-2-2012	19-11-2011	12	-do-	12	19-11-2011	Small Dams (P&C) Kohat	Working as SDO (OPS)
5.	Mr.Nizamul Haq B.Tech: (Hons) from Preston University Kohat, Passed Grade Exmn: on 12-6-2004 and Grade A on 01-01-2014	09-05-1965 Malakand	5-8-1992	16-4-2012	5-8-92	05	By promotion	16	08-3-2005	PHLC E Project Swabi	Working as SDO (OPS)

For 10/1/21

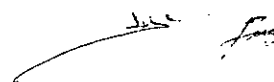
Sl:#	Name	Date of Birth with Domicile	Date of Ist entry in to Govt: Service	Date of acquiring degree	Regular appointment to the Present post			Promotion to present Grade/Cadre		Present Place of posting	Remarks
					Date	BPS	Method of recruitment	BPS	Date		
6.	Amir Mehmood B.Tech:(Hons) from preston University Karachi, Passed Grade B Exmn: on 12-6-2004 and Grade A on 27-5-2009	1-1-1967 DIKhan	14-12-1991 As Canal Inspector	30-5-2012	14-12-91	05	By promotion	16	8-3-2005	Small Dams P&C Peshawar	Working as SDO (OPS)
7.	Mr. Asghar Ali B.Tech: Hons from New part Institute, Passed Grade B Examination on 16-8-2018 and Grade A on 15-10-2020	7-2-1978 South Waziristan	16-9-2013	30-3-2007	16-9-2013	12	By initial Recruitment	12	16-9-2013	PHP Division DIKhan	Working as Sub Engineer
8	Mr. Naqibur Rehman B.Tech: (Hons) from Sarhad University Peshawar, Passed Grade B Examination on 6-6-2000 and Grade A on 12-6-2004	5-3-1996 North Waziristan	4-3-1996	10-12-2013	4-3-1996	11	-do-	12	4-3-1996	-do-	Working as SDO (OPS)
9.	Muhammad Zeeshan Zaheer B.Tech: (Hons) from UET Peshawar, Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	24-4-1990 Peshawar	16-9-2013	13-1-2014	16-9-2013	11	-do-	12	16-9-2013	Irr: and Hydel Power Division Orakzai	Working as SDO (OPS)
10.	Mr. Imran Khan B.Tech:(Hons) from Sarhad University Peshawar, Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	15-5-1988 Swat	16-9-2013	20-5-2014	16-9-2013	11	-do-	12	16-9-2013	Swat Division	Working as Sub Engineer
11.	Mr. Surat Khan B.Tech:(Hons) from Sarhad University Peshawar, Passed Grade B on 6-6-2000 and Grade A on 31-1-2006	1-10-1975 Bannu	4-3-1996	10-1-2015	4-3-1996	11	-do-	16	4-3-1996	Hyd:Sub Divn: Bannu	Working as SDO (OPS)
12.	Mr. Asad Zia B.Tech:(Hons) from UET Pesh.	5-3-1991 Mardan	16-9-2013	12-1-2015	16-9-2013	11	-do-	12	16-9-2013	Mech: Irrigation Divn: Peshawar	Proceeded on leave

10/02/21

Sl:#	Name	Date of Birth with Domicile	Date of Ist entry in to Govt: Service	Date of acquiring degree	Regular appointment to the Present post			Promotion to present Grade/Cadre		Present Place of posting	Remarks
					Date	BPS	Method of recruitment	BPS	Date		
13.	Mr.Noor Mohammad B.Tehc: (Hons) from Sarhad	6-2-1990 Malakand	16-9-2013	8-11-2015	16-9-2013	11	By initial recruitment	12	16-9-2013	Swat Irrigation Division	Working as SDO (OPS)
	University Peshawar - Passed Grade B on 16-8-2018 and Grade A on 15-10-2020										
14	Mr.Azimumullah B.Tech: (Hons) from Sarhad University Peshawar, Passed Grade B Exmn: on 16-8-2018 and Grade A on 15-10-2020	2-7-1991 Dir Upper	16-9-2013	1-12-2015	16-9-2013	11	-do-	12	16-9-2013	Chitral Irrigation Divn: Chitral	Working as SDO (OPS)
15	Mr.Sardar Gul B.Tech: (Hons) from UET Peshawar	15-5-1980 Mohmand Agency	16-9-2013	10-2-2016	16-9-2013	11	-do-	12	16-9-2013	Charsadda Irrigation Division	Working as Sub Engineer
16	Mr.Naveed Khan B.Tech: (Hons) from Sarhad University Peshawar, Grade B on 5/2002 and A on 5/2009	12-4-1969 Abbottabad	19-3-1992	15-10-2016	19-3-1992	11	-do-	16	19-3-1992	Hazara Irrigation Division A/Abad	Working as Sub Engineer
17	Mr.Sadam Khan B.Tech: (Hons) from Sarhad University Peshawar ,Passed Grade B on 16-8-2018 and Grade A on 15-10-2020	29-2-1991 Haripur	19-11-2011	15-10-2016	19-11-2011	11	-do-	12	19-11-2011	Hazara Irrigation Divn:A/Abad	Working as SDO (OPS).Proceeded on 730 days leave
18.	Mr.Ahmad Jamil B.Tech: (Hons) from Sarhad University Peshawar ,Passed Grade B exmn: on 16-8-2020	22-6-1989 Swat	16-9-2013	15-10-2016	16-9-2013	11	-do-	12	16-9-2013	Swat Irrigation Division	Working as Sub Engineer
19	Mr.Asad Ali B.Tech: (Hons) from Sarhad University Peshawar ,Passed Grade B on 16-8-2020 and Grade A on 15-10-2020	23-11-1991 Peshawar	16-9-2013	31-12-2016	16-9-2013	12	-do-	12	16-9-2013	Warsak Canal Division Peshawar	Working as Sub Engineer


 16/9/2013

Sl:#	Name	Date of Birth with Domicile	Date of Ist entry in to Govt: Service	Date of acquiring degree	Regular appointment to the Present post			Promotion to present Grade/Cadre		Present Place of posting	Remarks
					Date	BPS	Method of recruitment	BPS	Date		
20.	Mr.Rizwan Khan B.Tech: (Hons) from UET Peshawar, Passed Grade B examination on 16-8-2018 and Grade A on 15-10-2020	15-4-1994 Charsadda	18-9-2017	8-3-2015	18-9-2017	12	By initial recruitment	12	18-9-2017	Swat Irrigation Divn: Swat	Working as Sub Engineer
21	Muhammad Tayeb B.Tech: (Hons) from UET Peshawar,	14-3-1992 Khyber	18-9-2017	10-2-2016	18-9-2017	12	-do-	12	18-9-2017	Kohat Irrigation Division	Working as Sub Engineer
22.	Mr.Safdar Naz B.Tech: (Hons) from College of Science and Technology Peshawar, passed Grade B on 23-7-2016, Grade A on 16-8-2018 & Professional on 3-3-2017	15-5-1980 DIKhan	28-10-2008 As Work Munshi	15-11-2017	17-2-2017	12	By promotion	12	17-2-2017	PHP Irrigation Division DIKhan	Working as SDO (OPS)
23	Mr.Adil Khan B.Tech: (Hons) preston University Kohat Passed Grade B Examination 16-8-2018 and Grade A on 15-10-2020	4-7-1989 Swabi	29-4-2011	15-1-2013	09/03/2017	12	By absorption	12	9-3-2017	Tubewell Divn: Peshawar	Working as Sub Engineer
24	Mohammad Manan B.Tech: (Hons) from UET Peshawar Passed Grade B Examination on 16-8-2018 and Grade A on 15-10-2020	10-9-1994 Charsadda	18-9-2017	8-3-2018	18-9-2017	12	By initial recruitment	12	18-9-2017	Charsadda Irrigation Division Charsadda	Working as Sub Engineer
25	Muhammad Zahir Shah B.Tech: (Hons) Abaseen University Peshwar, Passed Grad B Examination on 15-10-2020	1-8-1990 Dir Lowewr	20-7-2018	14-10-2016	20-7-2018	12	By initial recruitment	12	20-7-2018	Swat Irr: Divn: Swat	Working as Sub Engineer
26	Muhammad Awais, B.Tech: (Hons) from Abaseen University Peshawar	20-7-1990 Malakand	20-7-2018	14-10-2016	20-7-2018	12	-do-	12	20-7-2018	Malakand Division	Working as Sub Engineer



 16/01/21

Sl:#	Name	Date of Birth with Domicile	Date of Ist entry in to Govt: Service	Date of acquiring degree	Regular appointment to the Present post			Promotion to present Grade/Cadre		Present Place of posting	Remarks
					Date	BPS	Method of recruitment	BPS	Date		
27	Mr. Zeeshan B. Tech: (Hons) from Cecos University Peshawar, Passed Grade B on 15-10-2020	30-4-97 Nowshera	20-7-2018	18-11-2017	20-7-2018	12	By initial recruitment	12	20-7-2018	Small Dams (P&C) Peshawar	Working as Sub Engineer
28	Mr. Bakht Munir B. Tech: (Hons) from preston University Peshawar	2-4-1991 Mohmand Agency	20-07-2018	15-3-2013	20-7-2018	12	-do-	12	20-7-2018	Swat Irr: Divn: Swat	Working as Sub Engineer
29.	Mr. Noor Faraz B. Tech: (Hons) Cecos University Peshawar and Grade B examination on 15-10-2020	15-4-1993 NW aziristan	20-7-2018	13-1-2017	20-7-2018	12	-do-	12	20-7-2018	Irr: and Hydel Divn: South Waziristan	Working as SDO (OPS)
30	Mr. Ashraf Khan DAE Civil From Govt: Poly Tech: Institute DIKhan, Passed Grade Exmn: on 12-6-2004 and Grade Examination on 28-5-2012	1-12-1968 DIKhan	15-11-1992	21-7-2020	14-1-2004	12	By promotion	16	14-1-2004	Rod Kohi Sub Divn: DIKhan	Working as SDO (OPS)

CHIEF ENGINEER

CC
No: 3057 IB/A/3-E, Dated Peshawar the 21/4/2020

1. Secretary to Government of Khyber Pakhtunkhwa Irrigation Department with reference to his letter No. SO(E)IRR:/2-1/2006/ Vol: VIII, dated 19-3-2021.
 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



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

Ph: 091-9212116

Fax No: 091-9212652

E-Mail: chief@ice@vlibo.com

No. 276/IB/A/3A

Dated Peshawar 12/05/2021

CORRIGENDUM

The name of Mr. Zahid Jamal Sub Engineer who joined the Irrigation Department through Public Service Commission vide this office letter No. 4546/IB/A/3-E(ii), dated 4-3-1996 and acquired B.Tech. (Hons) degree on 16-9-2020 is hereby included at Sl. No. 31 of the final Seniority List of B.Tech. (Hons) Sub Engineers as stood on 31-12-2020 issued/ circulated vide this office Notification No. 2057/IB/A/3-E, dated 20-4-2021.

CHIEF ENGINEER

CC

1. Chief Engineer (North) Irrigation Department Peshawar.
 2. Chief Engineer (Merged Area) Irrigation Department Peshawar
 3. All Superintending Engineers in Irrigation Department.
 4. Section Officer (Estt.) Government of Khyber Pakhtunkhwa Irrigation Department for information.
 5. All Executive Engineers in Irrigation Department.
- They are requested to brought the above corrigendum in to the notice of all B.Tech. (Hons) Sub Engineers.
6. Official concerned.

CHIEF ENGINEER



**OFFICE OF THE PROJECT DIRECTOR
SIRAN RIGHT BANK CANAL PROJECT**

MANSEHRA ROAD JHANGI IRRIGATION COLONY ABBOTTABAD
Tel: # 0992-403767 Fax # 0992-340097 Email: pdsrbc@gmail.com

No 200 /PD/SIRAN/21/1-E,

Dated Atd: the 01/06/2021

To,

The Section Officer (Establishment),
O/O the Secretary to Government of Khyber Pakhtunkhwa,
Irrigation Department Peshawar.

Subject:-

**DEPARTMENTAL APPEAL REGARDING FIXATION OF
SENIORITY OF APPELLANT FROM THE DATE OF HIS
APPOINTMENT AND NOT FROM THE DATE OF ACQUIRING
THE B-TECH HONOURDEGREE.**

I am directed to enclose herewith a self-explanatory Departmental Appeal in respect of Mr. Zahid Jamal, Assistant Director (OPS), of this Directorate for favour of further necessary action please.

Encl:- As above

DEPUTY DIRECTOR

Copy of the above is forwarded for information to the:-

1. Project Director, Siran Right Bank Canal Project District Abbottabad
2. Mr. Zahid Jamal, Assistant Director, Siran Right Bank Canal Project Abbottabad.

DEPUTY DIRECTOR

To,

The Worthy Secretary,
Irrigation, Peshawar.

Subject: **DEPARTMENTAL APPEAL REGARDING**
FIXATION OF SENIORITY OF APPELLANT
FROM THE DATE OF HIS APPOINTMENT
AND NOT FROM THE DATE OF
ACQUIRING THE B-TECH HONOUR
DEGREE.

Sir,

That appellant writes to submits as under:

1. That the appellant got appointment as Sub Engineer in March 1996. The appellant has left no stone unturned in the smooth functionary of the department.
2. That, the appellant acquired the higher qualification i.e B-Tech and B-Tech (Honors) in the year 2012 & 2020 respectively.
3. That as per law, which was in vogue at the time of acquiring of degree of B-Tech, seniority of Sub Engineers for the purposes of promotion of the next higher scale of Assistant Director

Irrigation, Seniority of Sub-Engineers was determined from the date of their first appointment.

4. That now, it is astonishing fact that, now, Govt of KPK has amended the seniority of Sub Engineers for the purposes of promotions to the next higher scale, from the date of acquiring the qualification of B-Tech which is not applicable in the case of the appellant; Therefore, seniority of appellant is to be fixed from the date of his first appointment and not from the date of acquiring higher qualification.

5. That at the time of appointment, terms and conditions in appointment order of appellant is not mentioned that seniority of the appellant shall be determined from the date of acquiring higher qualification.

6. That it is accepted principle of law that promotion is granted on the principle of seniority cum fitness. Therefore, on this principal, name of the appellant is to be placed at serial No.2 whereas, now, after the promulgation, of amendment in the year 2020 name of appellant is

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placed at serial No. 31 which has been determined on the basis of higher qualification which is against the law, perverse because amendment in the rules promulgated in the year 2020 is not applicable in the case of the appellant on the following grounds:-

GROUND:

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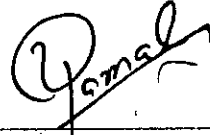
- a. That the superior courts have settled now that a law / notification / rules which adversely affects the rights of civil servant i.e always made applicable prospectively and retrospective affect of the said amendments can not be made from retrospective affect.
- b. It is further submitted that such amendments having adverse affects are applicable to those appointees who are appointed on or after the date of amendment.
- c. That the rules which are applicable at the time of appointment are to be made applicable in the case of the appellant.

*That amendments are based on
discrimination & favoritism
and is against the fundamental
statutory provisions.*

(23)

It is prayed that seniority of the appellant may graciously be ordered to be issued from the date of initial appointment of the appellant, and revised seniority list of Sub Engineers for the purposes of promotion to the next higher scale may be issued and obliged.

Your's Sincerely



Zahid Jamal
S/o Malik Minhaj ud Din
Assistant Director (OPS)
Sim Right Bank Canal
Abbottabad.
Office #: 0992-403767

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ of 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

**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.**

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 introduce 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)

VAKALATNAMA

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NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Zahid Gana

Appellant
Petitioner
Plaintiff

VERSUS

Govt of KP

Respondent (s)
Defendants (s)

I/WE

Zahid Gana

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20

Zahid Gana

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

CELL NO: 0306-5109438