

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1156/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/07/2022	<p>The appeal of Mr. Hamza Ali Khan presented today by Mr. Akhtar Ilyas Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Notices be issued to appellant and his counsel for the date fixed. <u>29-7-22</u></p>
	29 th July 2022	<p>Nobody present on behalf of the appellant. Notice be issued to the appellant and his counsel for preliminary hearing on 29.09.2022 before the S.B.</p>

By the order of Chairman


REGISTRAR

(Kalim Arshad Khan)
Chairman

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1158/2022

Hamza Ali Khan

Versus

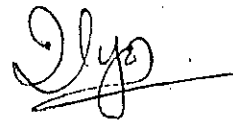
GOVT OF KPK AND OTHERS

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Appellant

Through



AKHTAR ILYAS
Advocate High Court


ABDUL MAJEED YOUSAFZAI
Advocate

①

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

S.A No. 1156/2022

Hamza Ali Khan, Work Superintendents (BPS-10)
Public Health Engineering Division Bannu.

..... Appellant

VERSUS

1. Government of KPK, through Secretary Public Health Engineering Department Peshawar.
2. Secretary Establishment Department Civil Secretariat, Peshawar.
3. Secretary Finance, Finance Department, Civil Secretariat, Peshawar.
4. Chief Engineer (Center) Public Health Engineering Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**APPEAL U/S 4 OF KPK SERVICE
TRIBUNALS ACT, 1974 FOR
INCREASE OF PROMOTION QUOTA.**

Respectfully Sheweth!

1. That appellant is rendering services in the capacity of works Superintendent (BPS-10) as he was promoted to the post in the year 23-07-2012. **(Copy of promotion order and seniority list are attached as annexure-A&A1).**
2. That appellant is diploma holder i-e "**Diploma of Associate Engineering in Civil**", and he is also holding the degree of **B-Tech (H)** in Civil. As such, he has the qualification to be promoted to next cadre. **(Copy of Diploma and Degree are attached as annexure-B and B1)**
3. That vide notification **No. SO(Estt)/PHED/1-9/2016-17** the respondents introduced the promotion quota, the relevant column is reproduced for ready reference.

"A" one percent by promotion, on the basis of seniority-cum-fitness from amongst the works superintendents with five years' service as such, having at least second class diploma of associate engineering in

civil, electrical, electronics, mechanical technology from a recognized board of technical education. (Copy of impugned notification dated 31-10-2017 is attached as annexure-C).

- 4. That the promotion quota badly affected the promotion of appellant, which involves financial benefits and according to superior courts judgments as the rules affecting civil servants financially can be challenged at any time and termed as recurring cause of action.
- 5. That the superior courts have termed the rules as final order as per dicta laid down by the superior courts reported as **1991 SCMR 1041, 1994 SCMR 1330, 2012 PLC (CS) 142 and 2015 PLC (CS) 215**, hence the instant appeal, inter-alia, on the following grounds.

GROUND:

- A. That promotion quota has been kept as one percent for the promotion to next grade which is not only meager but also irrational as in the same notification the promotion quota has been kept five percent for the tracer. Needless to mention here that the qualification of both the categories are one and the same. On this score alone increase in the promotion quota of the appellant is need of the hour.
- B. That the employees working in C&W Department as woks **Superintendents** (one and the same post) having similar qualification; their promotion quota is five percent vide notification dated 25-03-2010. **(Copy of notification dated 25-04-2010 is attached as annexure D)**. The relevant whereof is reproduced for ready reference.

Khyber Pakhtunkhwa Government Gazette, Extraordinary 15th April 2019.

Engineering Service

APPENDIX

S.No	Nomenclature Of Post	Of	Minimum Qualification	Age Limit	Method Of Recruitment
5	Sub engineer		Diploma of Associate Engineering (Civil, Electrical, Mechanical) from a	18-30	B. five percent (5%) by promotion on the basis of seniority-cum-fitness from woks superintendents /work supervisors/surveyors.

		recognized university.		with five years service as such, having three years Diploma Of Associate Engineering in Civil Technology from a recognized board.
--	--	------------------------	--	---

- C. That similarly the employees working in Irrigation Department having the same post and qualification are promoted under the notification dated 20-12-2006 (**Copy of notification dated 20-12-2006 is attached as annexure-E**), their promotion quota is also fifty percent which is higher than the appellant promotion quota.
- D. That the promotion quota of class IV is 33 percent while same is the case of clerical staff.
- E. That the promotion quota of the appellant as compared (having same post and qualification) is not based on intangible differentia which is against the law laid down in case of I.A Shirwani reported as **1991 SCMR 1041**, hence the rules in vogue is not tenable.
- F. That if the promotion quota of the appellant is not increased the prospects of promotion will be finished as he would be unable to see promotion to the next higher grade not on merit but due to technical knockout such a practice is not desirable under the law.
- G. That the promotion quota of the appellant is without any cogent reason, legal justification, hence needed to be increased by this honorable Tribunal.
- H. That the appellant has not been treated in accordance with law, rules and policy on the subject which is hit by Article 4 of the constitution of Pakistan, 1973.
- I. That it cannot be legally denied by the respondents as the appellant has been rendering services against the post of works Superintendents, but his promotion quota is one percent while similarly placed employees were granted five percent quota such a treatment meted out to the appellant is not discriminatory in nature, offending the unambiguous provision Article 25 and 27 of the Constitution of Pakistan, 1973 but it also runs derogatory dicta given by the superior courts.
- J. That the Appellate Authority was under legal obligation to decide the departmental appeal of the appellant either way but the same procedure has not been followed.

K. That the appellant seeks leave of the Tribunal to urge additional grounds at the time of arguments with the prior permission of the Honorable Tribunal.

PRAYER:

In view of the forgoing, it is, therefore, most humbly prayed that on the acceptance of this service Appeal, the respondents may please be directed for the increase of promotion quota from one percent to five percent by amending the impugned notification and the respondents be directed to initiate process of promotion from the date of eligibility of the appellant.

Any other remedy which the appellant is found fit in law, justice and equity may also be granted.

[Signature]
Appellant

Through *[Signature]*
AKHTAR ILYAS
Advocate High Court

[Signature]
ABDUL MAJEED YOUSAFZAI
Advocate

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Deponent

5

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2022

Hamza Ali Khan

Versus

GOVT OF KPK AND OTHERS

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth!

1. That the instant application is being filed along with the accompanying service appeal, the grounds of which may kindly be considered as integral part of the instant application as well.
 2. That the appellant has impugned the promotion quota introduced vide notification dated 31-10-2017. Such a notification has been termed as final order by the superior courts.
 3. That the impugned notification has badly affected the promotion of the appellant which involves financial benefits and according to the dicta laid down by the superior courts the matter involves financial benefits, no limitation runs against the same. Reliance is placed on 2021 SCMR 1151.
 4. That even otherwise promotion is a recurring cause of action and as per section 23 of the limitation act, 1908 no limitation runs against recurring cause of action.
 5. That this honorable tribunal has ample jurisdiction to condone the delay if any in the best interest of justice.
 6. That the appellant seeks leave of the court to urge additional grounds at the time of arguments.
-

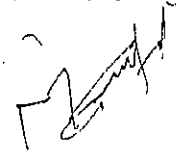
(6)

It is, therefore, prayed that the delay (if any) in filling of the appeal may kindly be condoned in the best interest of justice.


Appellant

Through


AKHTAR ILYAS
Advocate High Court


ABDUL MAJEED YOUSAFZAI
Advocate

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent



OFFICE OF THE SUPERINTENDING ENGINEER,
PUBLIC HEALTH ENGINEERING CIRCLE BANNU

Annex - A (7)

NO. 1373 /E-5/PHE

Dated Bannu the, 23 /07/2012.

OFFICE ORDER

On the recommendation of Departmental/District Selection Committee as per its minutes of meeting held on 16-07-2012 Mr. Hamza Ali Khan S/O Muhammad Ibrahim Resident of Ghori wala Tehsil & District Bannu is hereby appointed as **Work Superintendent @ Rs. 6200/- P.M plus Usual Allowances in BPS-09 (6200-380-17600)** in the Office of Executive Engineer PHE Division Bannu on the following terms and conditions: -

1. He will get pay at the minimum of BPS-09 (6200-380-17600) including usual allowances as admissible under the rule. He will also be entitle annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtun Khwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Funds (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
4. His employment in the PHE Department is purely temporary and his services are liable to be terminated without assigning any reason at fourteen (14) days notice or on the payment of 14 days salary in lieu of the notice. In case he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
5. He shall initially, be on probation for a period of two years extendable upto 03 years.
6. He shall produce a medical certificate of fitness from Medical Superintendent, Khalifa Gul Nawaz Hospital District Bannu before reporting himself for duty to the Executive Engineer PHE Division Bannu as required under the rules.
7. He has to join duty at his own expenses.
8. If he accepts the post under the conditions mentioned, he should report for duty to the Executive Engineer PHE Division Bannu within 14 days of the receipt of this offer and produce original certificates in connection with his qualifications, domicile and age.

SUPERINTENDING ENGINEER

Copy forwarded to the:-

- 1). District Coordination Officer Bannu
- 2). Executive Engineer, PHE Division Bannu.
- 3). District Accounts Officer Bannu.
- 4). Mr. Hamza Ali Khan S/O Muhammad Ibrahim Resident of Ghoriwala District Bannu.

APPROVED TO BE
FOR COPY

SUPERINTENDING ENGINEER

23/7/2012

NOTIFICATION

**OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

In pursuance of Section-8 (5) of the NWFP Civil Servants act 1973, the **Final Seniority List of Work Superintendant (BPS-10), (3 years DAE)** of Public Health Engg: Department. as stood on 31.10.2018, is notified as under:-

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Appointment to Present Post	Date of Arrival to Present Post	Remarks
1	Qaisar Zaman	Zoor Talab Khan	Mardan	DAE (C)	14.03.1968	07.04.2009	07.04.2009	
2	Hamza Ali Khan	Muhammed Ibrahim	Bannu	DAE (C)	09.01.1993	23.07.2012	24.07.2012	
3	Inayat ullah Khan	Aziz Ur Rehman	Karak	DAE (C)	02.03.1990	17.10.2017	18.10.2017	

Chief Engineer (South)

Endstr: No. /E-16/PHIE

Dated Peshawar the ____ / ____ / 2018

Copy of the Seniority List is forwarded for information and intimation of discrepancy if any to the:-

- 1- Chief Engineer (North) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
- 2- Chief Engineer (FATA) Works & Service Department Peshawar
- 3- All Superintending Engineers in Public Health Engg: Department Settled/FATA Khyber Pakhtunkhwa.
- 4- All Executive Engineers in Public Health Engg: Department Settled/FATA Khyber Pakhtunkhwa.
- 5- Section Officer (East) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar

Administrative Officer (South)

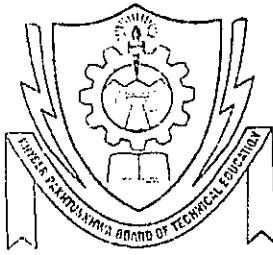
Handwritten signature and stamp of the Chief Engineer (South).

Handwritten signature and stamp of the Administrative Officer (South).

Serial No. 01652

Roll No. 408981 9

Khyber Pakhtunkhwa Board of Technical Education



PESHAWAR (PAKISTAN)

DIPLOMA OF ASSOCIATE ENGINEER

Civil Technology

Session Annual 2011

Certified that Mr./Miss HAMZA ALI KHAN

Son/Daughter of M IBRAHIM

Registration No. GCT/BU/CT/08-6218

of GOVERNMENT COLLEGE OF TECHNOLOGY BANNU

has passed the Diploma of Associate Engineer CIVIL TECHNOLOGY

Examination held by the Khyber Pakhtunkhwa Board of Technical Education, Peshawar in the month
of May 2011

He/She secured 2272 Marks out of 3350 and has been placed in
Grade B


In recognition thereof, this
Diploma of Associate Engineer

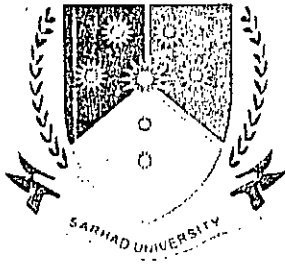
is awarded to him/her at Peshawar on the 2nd day of September 2012


ASSISTANT SECRETARY


SECRETARY

This Diploma is issued without any alteration or eraser


ATTENTION TO BE
PAID TO THE



Sarhad University

OF SCIENCE & INFORMATION TECHNOLOGY PESHAWAR

Annex-B/2(10)

Serial Number SUIT-2019-PRO-0162

Date issued: 21 Feb, 2019

Provisional Certificate

This is to certify that Mr. / Ms. Hamza Ali Khan

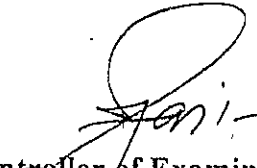
son/ daughter of Mr. Muhammad Ibrahim

Registration number SUIT-13-01-079-0092

is a regular student of the Sarhad University of Science and Information Technology,
Peshawar.

Mr./Ms. Hamza Ali Khan has completed all the requirements for the award of degree
Bachelor of Technology (Honours) in Civil - 4 Years with a CGPA of 2.33 on a scale of
4.00. Transcript has already been issued to him/her and degree will be awarded in due
course of time on the request of student.

Mr./Ms. Hamza Ali Khan bear's good moral character and his/ her conduct during
his/her stay at the University from 09 Sep. 2013 to 30 Nov, 2018 has been good.


Controller of Examinations

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Annex C [REDACTED] (11)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT**

Dated Peshawar, the 31 / 10 / 2017

NOTIFICATION

No.SO(Estt)/PHED/1-9/2016-17: 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 Public Health Engineering Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No.SO (Estt)/PHED/1-9/2010, dated 06-03-2010, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix:-

(1) Under the heading "Engineering Cadre",-

(i) after serial No.2, the following new entries shall be inserted in the respective columns, namely:

1	2	3	4	5
2A	Senior Revenue Officer	-	-	By transfer or deputation, from amongst the Officers of Federal Government, Provincial Government, Corporation, Corporate Body, Autonomous Body, Statutory Body or Authority under the Federation or Province, having Master's Degree in Economics, Statistics, Business Administration (Finance) or Commerce (Finance, Accounts) from a recognized University preferably having basic Degree in Engineering.

(ii) against serial No.5,-

a. in column No.3, after the word and oblique "Electrical,, the word and oblique "Electronics/" shall be inserted;

b. in column No.5, for the existing entries, the following shall be substituted, namely;

(a) one percent by promotion, on the basis of seniority-cum-fitness from amongst the Work Superintendents with five years' service as such, having at least Second Class Diploma of Associate Engineering in Civil, Electrical, Electronics, Mechanical Technology from a recognized Board of Technical Education;

(b) five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with five years' service as such, having at least Second Class Diploma of Associate Engineering in Civil, Electrical, Electronics, Mechanical Technology from a recognized Board of Technical Education;

Provided that if no suitable person is available for promotion under clause (a) and (b) then by initial recruitment;

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[Stamp]

Next Page

Note: For the purpose of promotion the seniority of Work Superintendents and Tracers shall be reckoned from the date of their regular appointment.

(c) three percent by transfer, from amongst the Draftsman with at least seven years' service as such, having at least Second Class Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education;

(d) eighty-five percent by initial recruitment having at least Second Class Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education;

(e) three percent by initial recruitment having at least Second Class Diploma of Associate Engineering in (Electrical, Electronics) Technology from a recognized Board of Technical Education; and

(f) three percent by initial recruitment having at least Second Class Diploma of Associate Engineering in (Mechanical) Technology from a recognized Board of Technical Education."

(2) under the heading "Ministerial Cadre",-

(i) Against serial No.13, in column No.5, for the existing entries, the following shall be substituted, namely;

(a) Thirty-three percent by promotion, on the basis of seniority-cum-fitness from amongst the Daftaris, Record Lifters, Daffadars, Barkandazs, Naib Qasids and Chowkidars, having at least Second Class Secondary School Certificate from a recognized Board with at least two years' service as such; and

(b) sixty-seven percent by initial recruitment.

Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaris, Record Lifters, Daffadars, Barkandazs, Naib Qasids and Chowkidars with reference to the date of their acquiring the Secondary School Certificate.

Provided that:

a. if two or more officials have acquired the Secondary School Certificate in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;

b. where a senior official does not possess the requisite qualification at the time of filling up a vacancy the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official; and

(ii) Against serial No.25, in column No.3, for the existing entry, the following shall be substituted, namely;

"At least Secondary School Certificate from a recognized Board"

ATTESTED TO BE
THE SECRETARY

(3) under the heading "Water Quality (WQ) Laboratory's Technical Staff",-

(i) Against serial No.26,-

- (a) the existing entries in column No.3, shall be deleted; and
- (b) in column No.5, for the existing entry, the following shall be substituted, namely;

"By promotion, on the basis of seniority-cum-fitness, from amongst the Research Officers (Water Quality) and Research Officers (Hydro-geologist) with seven years' service in BS-17 as such.

Note: For the purpose of promotion, a joint seniority list of Research Officers (Water Quality) and Research Officers (Hydro-geologist) shall be maintained."

(ii) Against serial No.27, in column No.3, for the existing entries, the following shall be substituted, namely;

"At least Second Class Master's Degree in Micro-Biology, Chemistry, Bachelor of Science (B.S) Medical Lab Technology (MLT) (four years Program) or equivalent qualification from a recognized University";

(iii) Against serial No.31, in column No.3, for the existing entries, the following shall be substituted, namely;

- "(a) At least Second Class Master's Degree in Hydro-Geology, Water Resources Engineering, Civil Engineering or equivalent qualification from a recognized University; or
- (b) at least Second Class Bachelor's Degree (BSc) in Civil Engineering, Agriculture Engineering or equivalent qualification from a recognized University with two years relevant post qualification experience."

(iv) Against serial No.32, in column No.3, for the existing entries, the following shall be substituted, namely;

- "(a) At least Second Class Master's Degree in Hydro-Geology, Water Resources Engineering, Civil Engineering or equivalent qualification from a recognized University; or
- (b) at least Second Class B.Sc Civil Engineering (four years), Agriculture Engineering (four years) or equivalent qualification from a recognized University"

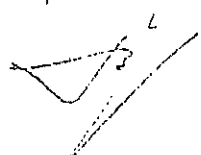
(v) Against serial No.34, in column No.3, for the existing entry, the following shall be substituted, namely; -

"At least Second Class Master's Degree in Social Sciences or equivalent qualification from a recognized University; and"

(vi) Against serial No.35, in column No.3, for the existing entry, the following shall be substituted, namely;

"At least Second Class Master's Degree in Environmental Sciences, Environmental Engineering or equivalent qualification from a recognized University; and"

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Next Page



14

(vi) Against serial No.37,-

a. in column No.3, for the existing entry, the following shall be included, namely;

"At least Second Class Secondary School Certificate from a recognized Board with one year Course Certificate in the relevant field from a recognized Board of Technical Education or Institution;" and

b. in column No.5, for the existing entries, the following shall be substituted, namely;

(a) Fifty percent, by promotion, on the basis of seniority-cum-fitness, from amongst the Pipe Fitters with at least five years' service as such; and

(b) fifty percent by initial recruitment;

SECRETARY
PHE DEPARTMENT

No.SO(Estt)/PHED/1-9/2016-17:

Dated Peshawar, the 31 / 10 / 2017

Copy forwarded to the:-

- 1) All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 2) Secretary to Governor Khyber Pakhtunkhwa.
- 3) Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 4) Accountant General Khyber Pakhtunkhwa.
- 5) Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
- 6) Chief Engineer (North/South) PHE Khyber Pakhtunkhwa Peshawar.
- 7) Secretary Public Service Commission Khyber Pakhtunkhwa Peshawar
- 8) Registrar Peshawar High Court / Services Tribunal Peshawar.
- 9) All Superintending Engineers PHE Circles / XENs PHE Department.
- 10) Manager Government Stationary & Printing Department.
- 11) PS to Chief Secretary Khyber Pakhtunkhwa Province.
- 12) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
- 13) PA to Deputy Secretary (Admin) PHE Department Khyber Pakhtunkhwa Peshawar
- 14) Office Order File.

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29/10/17
CE(S)

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11
9/10/17

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SECTION OFFICER (ESTT)

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TRUE COPY

EXTRAORDINARY

GOVERNMENT



Amra - D (15)
REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 15TH APRIL, 2019.

GOVERNMENT OF NWFP COMMUNICATION & WORKS DEPARTMENT.

NOTIFICATION

Dated: 25th March, 2010.

No. SOE/C&WD/8-12/2009,--- In pursuance of the provisions contained in sub rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the Appendix to this Notification which shall be applicable to posts in column 2 of the said Appendix.

Secretary to Govt of NWFP
Communication & Works Department.

1173

Printed and published by the Manager,
Staty. Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.

ATTESTED
15/4/2019

APPENDIX

1) ENGINEERING SERVICE

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ (Promotion)	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University and have successfully completed Senior Management Course Training.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/ Research Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers, possessing Degree in B.E/B.Sc. Engineering, (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/ Assistant Research Officer	Degree in BE/B. Sc. Engineering (Civil/Mechanical/ Electrical) from a recognized University	21 - 32 Years	<p>(a) Sixty five percent (65%) by initial recruitment.</p> <p>(b) sixteen and half percent (16.50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil, Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;</p> <p>(c) five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree of B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such;</p> <p>(d) three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of BE or B.Sc. Engineering (Civil-Mechanical or Electrical) during service and have passed Departmental Professional Examination with 05 (five) years service as such; and</p> <p>(e) ten percent (10%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) years service as such.</p> <p>Note: The seniority in all cases shall be determined from the date of initial appointment</p>
5.	Sub Engineer	Diploma of Associate Engineering (Civil/ Electrical/Mechanical) from a recognized Board of Technical Education	18 - 30 Years	<p>a. Seventy Five percent (75%) by initial recruitment;</p> <p>(b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board.</p> <p>Note-1: For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior</p> <p>c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board.</p>

Annex-E (17)

GOVERNMENT OF NWFP
IRRIGATION & POWER DEPARTMENT

Dated Peshawar the 20th December, 2006.

NOTIFICATION.

No. SO (E) IRR/23-5/73. In Pursuance of the Provisions contained in Sub-Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Irrigation & Power Department in consultation with the Establishment Department & Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification which shall be applicable to various posts in Irrigation and Power Department as Specified in column 2 of the said Appendix.

Sd/-
Secretary to Govt of NWFP
Irrigation & Power Department.

Endst No & Date as above.

Copy of the above is forwarded to :-

1. The Chief Engineer (O&M) Irrigation Department Peshawar.
2. The Chief Engineer (dev) Irrigation Department, Peshawar.
3. The Director General Small Dam Organization Peshawar.
4. The Secretary, NWFP, Public Service Commission, Peshawar.
5. All Superintending Engineers, Irrigation Department NWFP.
6. All Executive Engineers, Irrigation Department, NWFP.
7. The Manager Govt. Printing Press Peshawar for publication in the Govt. gazette. He is requested to supply 30 copies of printed notification to this Department and 10 copies to Law Department, Peshawar.
8. PS to Secretary, Law department, Peshawar.

Sd/-
Section Officer (Establishment)
Irrigation & Power Department.

Endst: No & Date as above.

1. PS to Secretary, Irrigation & Power department, Peshawar.
2. PA to Secretary Irrigation & Power Department, Peshawar.

Sd/-
Section Officer (Establishment)
Irrigation & Power Department.

OFFICE OF THE SUPERINTENDING ENGINEER NORTHERN
IRRIGATION CIRCLE MARDAN.


No. 173 / 172-E

Dated Mardan the 11 / 01 / 2007.

Copy of the above alongwith a copy of Recruitment Rules is forwarded to the::

1. Executive Engineer Mardan Irrigation Division Mardan.
2. Executive Engineer Malakand Irrigation Division Malakand.
3. Executive Engineer Swabi Irrigation Division Swabi.
4. Superintendent (Local).

ATTESTED
11/01/2007


18


PROFORMA SHOWING PROPOSED METHOD OF RECRUITMENT FOR THE VARIOUS POSTS IN IRRIGATION DEPARTMENT NWFP

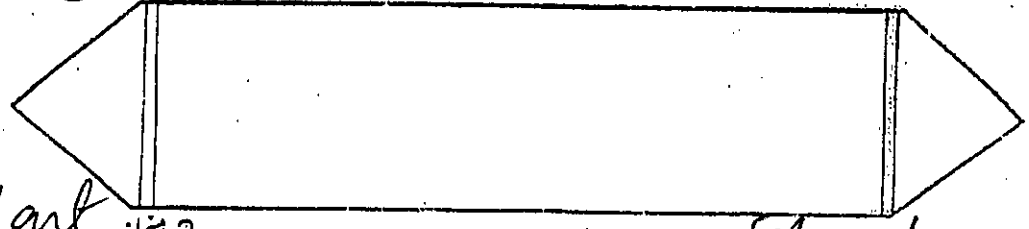
Annex
12

Sl. No.	Name of Post with DS	Minimum qualification for appointment by initial Recruitment or by transfer	Age Limit		Method of recruitment
1	Supervisor Auto Cad Operator DS-13	Graduate with one year diploma in computer from recognized Institute & Certificate of Auto Cad from recognized Institute	18-30 years		1) by promotion on the basis of seniority-cum fitness from amongst the Data Processing Supervisor with qualification as mentioned in column 3 against Sl.No. 2 with 3 year service as such; and 2) If no suitable candidate is available then by initial recruitment.
2	Data Processing Supervisor DS-14	Graduate with one year Diploma in computer from a recognized Institute.	18-30 years		1) 75% by promotion on the basis of seniority-cum fitness from amongst the Data Entry Operators/Key punch operator with qualification as mentioned in column 3 against Sl.No. 3 with three years service as such; and 2) 25% by initial recruitment.
3	Data Entry Operator/ Key punch operator DS-10	P.A./P.Sc with one year Diploma in computer Speed of 10,000 key depression per hour.	18-30 years		By initial recruitment ✓
4	Superintendent (E&M) DS-11	Diploma of Associate Engineering in Electrical/Mechanical Technology as the case may be from a recognized Institute.	18-30 years		1) 50% by initial recruitment. ✓ 2) 50% by promotion on the basis of seniority-cum fitness from amongst the work Superintendent with qualification as mentioned in column 3 against Sl.No. 6.
5	Supervisor (E&M) DS-11	Diploma of Associate Engineering, in Electrical/Mechanical Technology from a recognized Institute.	18-30 years		1) 50% by initial recruitment 2) 50% by promotion on basis of seniority cum fitness with five years service as work superintendent in DS-9.
6	Work Superintendent DS-9				By promotion on basis of seniority-cum fitness from amongst the work Munshi/Canal Inspector with seven years service.
7	Work Munshi DS-5 <i>Canal Inspector</i>	SSC or equivalent Qualification from a recognized Institute/Board.	18-30 years		1) 50% by initial recruitment 2) 50% by promotion on basis of seniority-cum fitness from amongst the Mate having SSC and ten years service in the circle. ✓
8	Mate DS-2				By promotion on basis of seniority cum fitness from amongst the Beltdars having 5 years service in the respective Division.
9	Beldar DS-1	Literate	18-30 years		By initial recruitment.

2011
 18-5-11


 ATTESTED
 18/5/11

بعدالت فیہ دکتوں خواہ سروس ٹری بیفول لیٹا سے



Appellant 2 پنجاب
پڑوسی خان بنام حکومت

سورج 2022
مقدمہ
دعویٰ
پر

باعث تحریر آئیکہ

مقدمہ شدہ رجسٹرڈ انبالانس اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آج کے مقام پر ہے۔ کیلئے عبدالحمید عدالت کی طرف سے
مقرر کردہ اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز
وکیل صاحب کو رضی نامہ کرنے سے قبل تفریق فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور
باہر دہی کرنے کے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اور اپیل گرانٹ اور نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تفریق اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا سہولت
پر اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاخیر پیشگی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا اوقات نامہ لکھ دیا کہ سند ہے۔

المرتوم 25
ماہ جولائی 2022

صند علی خان

Attest: 2
Amin
2022
نہ لکھنؤ ہے۔
بہ مقام