

5<sup>th</sup> July, 2022

Learned counsel for the appellant present.

learned counsel for the appellant submits that respondents No.3 and 5 were made party as an abandoned precaution whereas there was no need to implead them as respondents. He requested for deletion of their name from the panel of respondents. Respondents No. 3 and 5 are deleted from the panel of respondents.

Instead of preferring appeal before this Tribunal against order dated 13.04.2021, the appellant preferred writ petition No. 2659-P/2021 before the Hon'ble Peshawar High Court and the Hon'ble Peshawar High Court was pleased to convert the petition into appeal transmitting the same to this Tribunal and allowing the petitioner to file application for amendment of appeal in accordance with law and subject to the limitation. The appellant had accordingly, on permission by the Tribunal, filed amended memo and grounds of appeal. The learned counsel submits that the impugned order was not in accordance with law and was result of wrong interpretation of the promotion policy. Therefore, let this appeal be admitted to full hearing subject to all just and legal objections by the other side. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 06.09.2022 before S.B. The appellant is directed to deposit security fee within 10 days.

Rs-100/-  
Appellant Deposited  
Security & Process Fee

*Kalim Arshad Khan*  
7/7/22



(Kalim Arshad Khan)  
Chairman

14.04.2022

Appellant present through counsel.

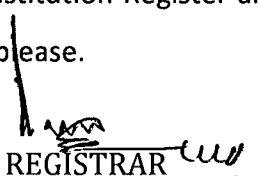



Case was fixed for preliminary hearing but at the very outset an application seeking amendment in the memorandum of appeal was filed. Appeal is in its initial stage, therefore, application stands accepted. Amended memorandum of appeal be filed within 10 days and file to come up for preliminary hearing on 04.07.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 7634/2021

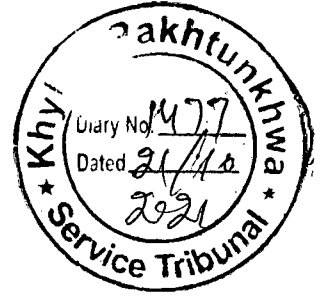
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21/10/2021	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 12.10.2021 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further 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>09/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	09.12.2021	<p>Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Request is acceded to. To come up for preliminary hearing on 04.02.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>
	04.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.04.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>



④

**The  
PESHAWAR HIGH COURT  
Peshawar**

Ph: No. 091-9210149-58



No. 42040 (1)/356/2021/WP-MN

Dated. 20-October-2021

**From**

**Deputy Registrar (J),  
Peshawar High Court,  
Peshawar.**

**To**

The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**Subject:**

**Writ Petitions W.P 2659/2021 Title: Eng: Abdul Sattar VS Govt of KP etc**

**Memo,**

I am directed to send herewith the titled case in original alongwith all annexures and copy of order of this Honble Court dated 12.10.2021 for compliance.

①  
20-10-21  
**Deputy Registrar (J)**

**Encl: As above.**

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## PESHAWAR HIGH COURT, PESHAWAR.

## FORM OF ORDER SHEET

Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
12.10.2021.	<p><b><u>W.P No. 2659-P of 2021.</u></b></p> <p><u>Present: -</u> Mr. Muhammad Arif Firdose, advocate for the petitioner.</p> <p>Mr. Arshad Ahmad, AAG for respondents.</p> <p>***</p> <p><b><u>ROOH-UL-AMIN KHAN, J.-</u></b> The petitioner, through the instant writ petition filed under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks issuance of an appropriate writ setting aside the impugned order/ letter dated 13.04.2021 and directing the respondents to consider him for promotion as Chief Engineer BS-20 from the date of availability of vacancy alongwith all back benefits.</p> <p>2. In essence, the grievance of petitioner is that he was not considered for promotion on the ground of retirement from service on the basis of superannuation whereas, he is entitled for proforma promotion. Learned counsel for petitioner, when confronted with the proposition as to whether proforma promotion do not fall within the definition of promotion which is beyond the jurisdiction of this Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he referred to Section 4 (b) of Service Tribunal Act, 1973 which reads:</p> <p style="text-align: center;"><i>"no appeal shall lie to a Tribunal</i></p>



*against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade”*

The law has been settled on the point in a recent judgment of august Supreme Court of Pakistan dated 01.07.2021 titled “*Chief Secretary Govt. of Punjab, Lahore etc. VS Ms. Shamim Usman*” rendered in Civil Petition No. 1097-L of 2020 wherein it has been held that proforma promotion is a kind of promotion, the jurisdiction of which is vested in Service Tribunal.

3. In view of above, this writ petition is not maintainable, however, instead of dismissing it, we deem it appropriate to convert it into appeal and transmit the same to the Service Tribunal in light of judgment in the case of “*Mian Asghar Ali VS Govt. of Punjab through Secretary (Colonies) BOR Lahore and others*” (2017 SCMR 118) where the petitioner may file an application for amendment of the appeal in accordance with law and subject to limitation.

4. In view of above, this writ petition stands disposed of.

**Announced  
12.10.2021.**

  
**SENIOR PUISNE JUDGE**  
  
**JUDGE**

**BEFORE THE HONORABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

*Amendment*

SA No.7634/2021

Eng. Abdul Sattar.....Appellant

Versus


Government of Pakistan through  
Chief Secretary KP and others .....Respondents

**INDEX**


S. #	Description of documents.	Annexure	Pages
1.	Service appeal		1-5
2.	Copy of appointment order & promotion order	A	6-13
3.	Copy of promotion order dated 01.09.2016	B	14
4.	Copy of retirement order dated 31.03.2021	C	15
5.	Copy covering letter of seniority list and working paper	D	16-21
6.	Copy of application	E	22
7.	Copy of letter dated 13.04.2021	F	23
8.	Copy of grounds of writ petition and order dated 12.10.2021	G	24-30

Appellant

Through

  
**Gohar Rehman Khattak**  
**Advocate High Court**

&

  
**Muhammad Arif (Firdous)**  
**Advocate High Court**

①

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

*Amendment*

S.A No 7634/2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbab Road Gulshan Abad,  
Peshawar

..... Appellant

**VERSUS**

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa,  
Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Respondents

**APPEAL UNDER SECTION 4 OF SERVICE**

**TRIBUNAL ACT, 1974**

***PRAYER IN APPEAL:***

On acceptance of this Appeal the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the Appellant for proforma/ante-dated promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along with all back benefits according to rules and law.

Any other relief which the Appellant is found fit in law, justice and equity.



RESPECTFULLY SHEWETH:

1. That the Appellant is the resident of Arbb Road Gulshan Abad, Peshawar.
2. That the Appellant was initially appointed as Assistant Engineer BS-17 in the C&W Department on 26-05-1988. (Copy of appointed order is attached as annexure A)
3. That the Appellant was promoted time to time on different posts and with different duties and lastly as Superintendent Engineer BS-19 on 01-09-2016. (Copy attached as annexure B)
4. That despite of written request for promotion to the next higher grade BPS-20 pretty a long time before retirement of Appellant, no action was taken in this very important service matter and Appellant was retired 31-03-2021 as Superintendent Engineer (Southern) C&W Cicle Tribal District at Bannu with effect from 06-03-2021. (Copy attached as annexure C)
5. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of Appellant to Establishment Department through letter dated 23-02-2021 and as per seniority list attached with working paper, Appellant was placed on S.No.2. (Copy attached as annexure D)
6. That the Appellant submitted an application through proper channel to the Honorable Chief Mister Khyber Pakhtunkhwa on 25-03-2021 for Special PSB for promotion of the Appellant to BS-20. (Copy attached as annexure E)
7. That the respondent No. 4 through Section Officer (Regulation wing) regretted the plea of the Appellant vide order/letter dated 13-04-2021. (Copy attached as annexure F)
8. That Appellant aggrieved from the said act by not promoting the Appellant from back date and order/letter dated. 13-04-2021

3

of the respondents, (S 4 (b) ) Service Tribunal Act, 1973 barred the Appellant by approached Peshawar High Court Peshawar in Writ Petition No.2659/2021 which was disposed of with direction to convert/consider the Petition into appeal. Hence this amended appeal (permission granted by this Honorable Tribunal vide order dated 14-04-2022) (Copy of order is attached as annexure G)

#### GROUNDS:

- A. That the action/impugned order dated 13-04-2021 is illegal, unlawful and against the law.
- B. That the act of the respondents are in violation of article 4,8,25,27,30, of the Constitution of Islamic republic of Pakistan 1973.
- C. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of Appellant to Establishment Department through letter dated 23-02-2021 and per seniority list, Appellant was placed on S.No.2. It is further to mention here that Appellant was retired from service on 31-03-2021 after creation of posts and was eligible to be promoted on the next higher post.
- D. That as usual, the Appellant's case for promotion fell prey to the red-tappism and it was delayed till his retirement from service vide notification dated 31-03-2021.
- E. That the Appellant had served the department for almost 34 years on the lower posts and was entitled for the post of Chief Engineer BS-20 as the posts were vacant before retirement of the Appellant.
- F. That the Appellant was moved written request for the promotion to the next higher grade, but it seems that it was

4

- buried and no order, whatsoever, either of the grant or refusal of promotion was conveyed to the Appellant before retirement.
- G. That the Appellant had not been dealt with in accordance with law, rather has been discriminated and deprived from legal right bestowed on him by the law and rules of the subject.
  - H. That there is no reason for denial of the grant of promotion to the Appellant to the subject post, when he fulfills all the prescribed criteria and when the posts are required to be filled on promotion.
  - I. That the case of the Appellant was delayed upto his retirement for no reason, other than malafide and malice on the part of the respondents.
  - J. That the Appellant had been deprived from his legal right and was ignored with malafide intention which is illegal, unlawful, against the law and natural justice.
  - K. That the Appellant has the right to agitate any other additional grounds/fact at the time of arguments after the stance of the respondents with permission of this Honourable court.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the Appellant for Performa/Ante-Dated promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along-with all back benefits according to rules and law.

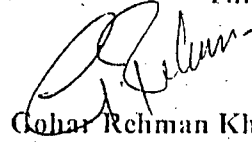
Any other relief which the Appellant is found fit in law, justice and equity.

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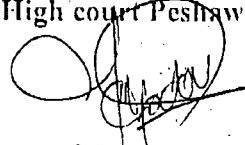
Dated: 20-04-2022

Appellant

Through



Gohar Rehman Khattak  
Advocate, High court Peshawar



&  
Muhammad Arif (Firdous)  
Advocate, High Court

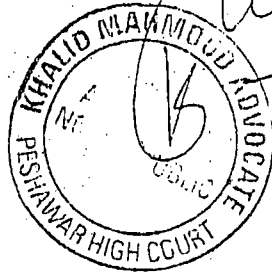
Office: 1.A Nasir Mansion  
Shoba Bazar, Railway Road II,  
Peshawar, Cantt

Cell# 0333-9107724

0334-9215356

Email: khattak\_law\_chamber@yahoo.com

No such like appeal has earlier been filed by the appellant and contents of the appeal are true and correct to the best of my knowledge.



ADVOCATE

Dated Peshawar the 26th May, 1988.

NOTIFICATION

NO. SO(E)C&W/4-14/79-II. On their selection by the N.W.F.P. Public Service Commission, Peshawar the Provincial Government are pleased to appoint the following as Temporary Assistant Engineers in the Communication and Works Department, NWFP to BPS-17 plus other allowances as admissible under the rules with immediate effect :-

1. Mr. Muhammad Uzair
2. Mr. Fazli Qaddus
3. Mr. Muhammad Tariq
4. Mr. Muhammad Shahab Khattak
5. Mr. Ziaur Rehman
6. Mr. Shahid Hussain
7. Mr. Mumir Khan Nayyar
8. Mr. Syed Muhammad Ilyas Shah
9. Mr. Biaz Arshad
10. Mr. Muhammad Ayub
11. Mr. Abdul Sattar
12. Mr. Arshad Khan
13. Mr. Noor-us-Saeed Shah
14. Mr. Amer Nadeem Durrani
15. Mr. Rafi-ud-Din
16. Mr. Shakir Habib
17. Mr. Ahmad Nabi Sultan
18. Mr. Hamid Ajmal Khan
19. Mr. Aurangzeb
20. Mr. Habibur Rahim
21. Mr. Muhammad Nawaz
22. Mr. Bakht Nawaz
23. Mr. Mumir Hussain
24. Mr. Muhammad Tariq Khan
25. Mr. Sajjad Afzal Afridi (Leave reserve)
26. Mr. Abdul Ghafar
27. Mr. Bahadar Said
28. Mr. Rahmat Hakim
29. Mr. Kirayatullah
30. Mr. Muhammad Nazar

2. Their seniority will be determined in accordance with the merit assigned by the NWFP Public Service Commission.

3. On their appointment the services of the following 23 Temporary Assistant Engineers are hereby placed at the disposal of Chief Engineer(Dav)/Executive Engineers noted against each for undergoing 4 months practical training against the existing vacancies. They have also to pass the prescribed test on completion of 4 months training :-

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S. NO.	N A M E	SERVICES PLACED AT THE DISPOSAL OF
1)	Mr. Fazli Qaddus	Executive Engineer (Dev) C&W Divn, Ghallanay.
2)	Mr. Muhammad Shahab Khattak.	Executive Engineer (Dev) C&W Divn, Ghallanay.
3)	Mr. Ziaur Rehman	Chief Engineer (Dev) C&W Deptt. Pesh.
4)	Mr. Shahid Hussain	Executive Engineer, Bldg. Maintenance Division, Peshawar.
5)	Mr. Munir Khan Nayyar	Executive Engineer, C&W Divn, Mansohra.
6)	Mr. Syed Muhammad Ilyas Shah.	Executive Engineer, C&W Divn, Malakand.
7)	Mr. Riaz Arshad	Executive Engineer (Dev), C&W Divn, Jamrud.
8)	Mr. Abdul Sattar	Executive Engineer (Dev) C&W Division, Quakzai at Hargu.
9)	Mr. Arshad Khan	Executive Engineer, Building Project No. 3, Peshawar.
10)	Mr. Noor-Us-Saeed Shah	Executive Engineer, C&W Divn, Babou.
11)	Mr. Amer Nadeem Durrani.	Executive Engineer, Building Divn, Pesh.
12)	Mr. Shakir Habib	Executive Engineer, Bldg. Project No. 1 Peshawar.
13)	Mr. Hamid Ajmal Khan	Executive Engineer, Building Project No. 2 Peshawar.
14)	Mr. Aurangzeb	Executive Engineer, Highway Divn Pesh.
15)	Mr. Habibur Rahim	Executive Engineer (Dev) C & W Divn, Parachinar.
16)	Mr. Muhammad Nawaz	Executive Engineer, Building Divn, Babou.
17)	Mr. Bakht Razaan	Executive Engineer, C&W Division Dir at Timargara.
18)	Mr. Munir Hussain	Executive Engineer, C&W Divn, Mansohra.
19)	Mr. Muhammad Tariq Khan.	Executive Engineer, (Dev) C&W Divn, Jamrud.
20)	Mr. Bahadar Said (Leave reserve)	Executive Engineer, C&W Divn, Karak.
21)	Mr. Rahmat Hakim (Leave reserve)	Executive Engineer, Bldg Divn, A. Abad.
22)	Mr. Kifayatullah (Leave reserve)	Executive Engineer, C&W Division, Mardan.
23)	Mr. Muhammad Nazar (Leave reserve)	Executive Engineer, Highway Divn, Swat.

4. On their appointment, the services of the following 7 temporary Assistant Engineers, who have completed probation,

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training, are hereby placed at the disposal of Superintending Engineers/Executive Engineers for further posting against the existing vacant posts :-

S.NO.	N A M E	SERVICES PLACED AT THE DISPOSAL OF
1)	Mr. Muhammad Uzair	Executive Engineer, C&W Division Malakand.
2)	Mr. Muhammad Farid	Executive Engineer, C&W Division Malakand.
3)	Mr. Muhammad Ayub	Superintending Engineer, C&W Circle Kohat.
4)	Mr. Razi-ud-Din	Superintending Engineer, C&W Circle Abbottabad.
5)	Mr. Ahmad Nabil Sultan	Superintending Engineer, C&W Circle Swat.
6)	Mr. Sajjad Afzal Afridi (Leave reserve)	Superintending Engineer, Rtg. Circle Peshawar.
7)	Mr. Abdul Ghafoor (Leave reserve)	Superintending Engineer, Highway Circle Peshawar.

(FACIR AHMAD PARACHA)  
SECRETARY TO GOVERNMENT OF NWFP  
COMMUNICATION & WORKS DEPARTMENT

ENDST. NO. SO(E).C&W/4-14/70-III, Dated Peshawar the 26th May, 1988.

A copy is forwarded to :-

- 1) The Accountant General, N.W.F.P., Peshawar.
- 2) All District Accounts Officers/Agency Accounts Officers, NWFP.
- 3) Secretary to Chief Minister, N.W.F.P.
- 4) Private Secretary to Minister for C&W N.W.F.P.
- 5) Private Secretary to Chief Secretary, NWFP.
- 6) The Secretary, Services & General Admin. Department, NWFP.
- 7) The Secretary, Finance Department, NWFP.
- 8) The Secretary Planning and Development Deptt. NWFP.
- 9) All Chief Engineers/Superintending Engineers in the C & W Department, NWFP.

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- 10) All Executive Engineers in the C&W Department.
- 11) Deputy Secretary C&W Secretariat.
- 12) Administrative Officer Provincial Urban Development Board, NWFP Peshawar with reference to his letter No. UICBS/407/10537, dated 30.3.1980.
- 13) Deputy Director (Admin.) E-1, Chief Engineer (Admin.) Water, WAPDA Lahore, with reference to his Memo. No. W-CR-4-483/8./E-1/1340 dated 10.2.1980.
- 14) The Section Officer (Establishment), Irrigation & Public Health Engineering Department with reference to his letter No. SO(E)I&PHE/1-4/87, dated 15.3.1980.
- 15) Superintending Engineer, Malakand Irrigation Circle Gulkada, Saidu Sharif Swat with reference to his Memo No. 2503-44/6-E dated 8.3.1980.
- 16) Officers concerned.
- 17) The Manager Government Printing & Stationery Department for publication in the next Government Gazette.
- 18) Private Secretary to Secretary D & W.
- 19) O/o file 4-7/77/Seniority File/4-1/78 etc.

*Mirza Hashir Ahmad*  
(MIRZA HASHIR AHMAD)  
SECTION OFFICER (E)

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(10)

GOVERNMENT OF NWFP  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Jan 23, 2010

**NOTIFICATION:**

No. SOE/C&W/4-5/72/2010: In consultation with the Provincial Selection Board (PSB), the competent authority has been pleased to promote the following Assistant Engineers/Sub Divisional Officers (BS-17) of C&W Department to the rank of Executive Engineers (BS-18) on regular basis, with immediate effect:

- |                        |                         |                      |
|------------------------|-------------------------|----------------------|
| 1) Shafiq Ahmad        | 2) Muhammad Uzair       | 3) Muhammad Tariq-I  |
| 4) Ejaz Hussain Ansari | 5) M. Shahab Khattak    | 6) Zia-ur-Rehman     |
| 7) Shahid Hussain      | 8) Syed M. Ilyas Shah   | 9) Riaz Arshad       |
| 10) Muhammad Ayub      | 11) Abdul Sattar        | 12) Arshad Khan      |
| 13) Noor-us-Sayed Shah | 14) Amer Nadeem Durrani | 15) Rafi-ud-Din      |
| 16) Shakir Habib       | 17) Ahmad Nabi Sultan   | 18) Hamid Ajmal Khan |
| 19) Aurangzeb          | 20) Habib-ur-Rahim      | 21) Fazli Wahab      |
| 22) Muhammad Nawaz-I   | 23) Bakht Rawan         | 24) Munir Hussain    |
| 25) Muhammad Tariq-II  | 26) Abdul Ghafoor       | 27) Bahadar Said     |
| 28) Rehmat Hakim       | 29) Kifayatullah        | 30) Jamil Ahmad      |
| 31) Mohd Tassaduq      | 32) Javaid Akbar        | 33) Muhammad Adil    |
| 34) Muhammad Ayaz Khan |                         |                      |

2. All the officers will be on probation for a period of one year, however, their promotion will be subject to the final order of NWFP Services Tribunal and Supreme Court of Pakistan on the main petition.

3. Consequent upon their promotion, the competent authority is further pleased to order the transfer/posting of the following officers of C&W Department, with immediate effect, in the public interest:

Sl. No.	Name of Officers	From	To	Remarks
	Shafiq Ahmad (BS-18)	Deputy Director Abaseen Construction Peshawar (OPS)	Services placed at the disposal of FATA sectt.	---
2)	Muhammad Uzair (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (Technical) O/O CE (Centre) C&W Peshawar. For actualization of promotion and then reposted as Deputy Director F.H.A.	---
3)	Muhammad Tariq-II (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Building) O/O CE (CDO) C&W Peshawar. For actualization of promotion and then reposted as Deputy Director PERRA.	---
4)	Ejaz Hussain Ansari (BS-18)	Deputy Director PERRA (OPS)	XEN (Electrical Mechanical) O/O CE (Centre) C&W Peshawar. For actualization of promotion and then reposted as Deputy Director PERRA.	---

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(11)

Sl. No.	Name of Officers	From	To	Remarks
5)	M. Shahab Khattak (BS-18)	Executive Engineer Building Division Jamrud, Khyber Agency (OPS)	Executive Engineer Building Division Jarlud, Khyber Agency	---
6)	Zia-ur-Rehman (BS-18)	Executive Engineer C&W Division Swat (OPS)	Executive Engineer C&W Division Swat	---
7)	Shahid Hussain (BS-18)	Executive Engineer Building & Works Division-1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-I, Peshawar	---
8)	Syed Ilyas Shah (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (R&B) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
9)	Riaz Arshad (BS-18)	Executive Engineer Building & Works Division-11 Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-II, Peshawar.	---
10)	Muhammad Ayub (BS-18)	Deputy Director resettlement (FAP) C&W Department, Peshawar (OPS)	Design Engineer (Technical) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director (resettlement), FAP Peshawar.	---
11)	Abdul Sattar (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt.	---
12)	Arshad Khan (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	XEN (Electrical/Mechanical) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
13)	Noor-us-Saeed Shah (BS-18)	Design Engineer (Building) O/O CE FATA C&W, Peshawar (OPS)	Services placed at the disposal of FATA Sectt.	---
14)	Amer Nadeem Durrani (BS-18)	Executive Engineer C&W Division Malakand (OPS)	Executive Engineer C&W Division Malakand	---
15)	Rafiq ud Din (BS-18)	Executive Engineer Highway Division Mardan (OPS)	Executive Engineer Highway Division Mardan	---
16)	Shakir Habib (BS-18)	Design Engineer O/O CE (Centre) C&W, Peshawar (OPS)	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar, For actualization of promotion and then reposted as Deputy Secretary Technical, Pesh.	---
17)	Ahmad Nabl Sultan (BS-18)	Executive Engineer C&W Division DIKhan (OPS)	Executive Engineer C&W Division DIKhan	---
18)	Hamid Ajmal Khan (BS-18)	Section Officer (Building) C&W Sectt Peshawar	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar	---
19)	Aurangzeb (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Survey & RMU) O/O CE (CDO) C&W Peshawar For actualization of promotion and then reposted as Deputy Director PERRA.	---

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ATTESTED

Sl. No.	Name of Officers	From	To	Remarks
20)	Habib-ur-Rahim (BS-18)	Design Engineer O/O CE FATA C&W Peshawar (OPS)	Services placed at the disposal of FATA Sectt.	---
21)	Fazli Wahab (BS-18)	Waiting for posting	Design Engineer (R&B) O/O CE (North) C&W Peshawar	---
22)	Muhammad Nawaz-I (BS-18)	Deputy Director Physical Housing Authority Peshawar (OPS)	Repatrolled to C&W Department and posted as Research Officer Regional Roads Research & Material Testing Laboratory at Peshawar for actualization of promotion and then reposted as Deputy Director PHA Peshawar	---
23)	Bakht Rawan (BS-18)	Executive Engineer C&W Division Shangla (OPS)	Executive Engineer C&W Division Shangla	---
24)	Munir Hussain (BS-18)	Executive Engineer C&W Division Battagram (OPS)	Executive Engineer C&W Division Battagram	---
25)	Muhammad Tariq-II (BS-18)	Deputy Director-I FAP C&W Peshawar (OPS)	Senior Design Engineer (R&B) O/O CE (CDO) C&W Peshawar, for actualization of promotion and then reposted as Deputy Director-I (FAP) C&W Peshawar	---
26)	Abdul Ghafoor (BS-18)	Deputy Director-II FAP C&W Peshawar (OPS)	Executive Engineer Highway Division Dikhan, for actualization of promotion and then reposted as Deputy Director-II FAP C&W Peshawar	---
27)	Bahadar Said (BS-18)	Executive Engineer C&W Division Buner (OPS)	Executive Engineer C&W Division Buner	---
28)	Rehmat Hakim (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt.	---
29)	Kifayatullah (BS-18)	Executive Engineer C&W Division Kohat (OPS)	Executive Engineer C&W Division Kohat	---
30)	Jamil Ahmad (BS-18)	Executive Engineer C&W Division Dir Lower (OPS)	Executive Engineer C&W Division Dir Lower	---
31)	Mohd Tassaduq (BS-18)	SDO (Road) Highway Division, Parachinar, Kurram	Services placed at the disposal of FATA Sectt.	---
32)	Javald Akbar (BS-18)	Executive Engineer C&W Division Dir Upper (OPS)	Executive Engineer C&W Division Dir Upper	---
33)	Muhammad Adil (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt.	---
34)	Muhammad Ayaz Khan (BS-18)	Executive Engineer (Building) Division Bajaur Agency (OPS)	Executive Engineer (Building) Division Bajaur Agency	---
35)	Inayatullah (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt.	---
36)	Luqman Shafi Khattak (BS-17)	Assistant Director (Technical) O/O Director PBMC, Peshawar	Design Engineer (Technical) O/O CE (Centre) C&W Peshawar (OPS) being senior most Assistant Engineer	Due to abolition of Post of AD (Tech)

ATTESTED

ATTESTED

Endst of even number and date

Copy is forwarded to the:-

1. Additional Chief Secretary FATA Sectt, Warsak Road, Peshawar
2. Principal Secretary to Chief Minister NWFP Peshawar
3. Accountant General NWFP Peshawar
4. Accountant General (PR) Sub Officer, Peshawar
5. DG-cum-Secretary PERRA NWFP, Abbottabad
6. All Chief Engineers C&W Peshawar.
7. Chief Engineer PERRA, Mansehra
8. Managing Director Frontier Highways Authority Peshawar
9. Managing Director Abaseen Construction Corporation Peshawar
10. Project Director (FAP) C&W Peshawar
11. All Superintending Engineers C&W Circles,
12. All Executive Engineers C&W Divisions
13. Political Secretary to Chief Minister NWFP, Peshawar
14. District/Agency Accounts Officers concerned
15. PS to Chief Secretary NWFP, Peshawar
16. Incharge Computer Cell, C&W Department, Peshawar.
17. PS to Secretary, C&W Peshawar.
18. Officers concerned, NWFP Peshawar
19. Manager Govt Printing Press, Peshawar for publication in the next issue of Govt Gazette
20. Office order file/Personal File

*(Signature)*  
 (RAHIM BADSHAH)  
 SECTION OFFICER (EST)

*(Signature)*  
 ACCEPTED

*(Signature)*  
 ACCEPTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Sept 01, 2016

(14)  
B

**NOTIFICATION:**

No. SOE/C&W/4-53/2016: On the recommendations of Provincial Selection Board (PSB), the Competent Authority has been pleased to promote the following Executive Engineers (BS-18) of C&W Department to the rank of Superintending Engineers (BS-19) on regular basis, with immediate effect:

- i. Engr. Abdul Sattar
- ii. Engr. Rafi-ud-Din
- iii. Engr. Ahmad Nabi Sullan
- iv. Engr. Hamid Ajmal Khan
- v. Engr. Fazli Wahab

2. The above officers shall remain on probation for a period of one year in terms of Rule-15 of (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon their promotion, the Competent Authority is further pleased to order the transfer/posting of the following officers of C&W Department, with immediate effect, in the public interest:

Sl. No.	Name of Officer & Designation	From	To
1	Engr. Abdul Sattar (BS-19)	Design Engineer O/O CE FATA W&S Peshawar	Services placed at the disposal of FATA Sectt: for further posting in FATA
2	Engr. Rafi-ud-Din (BS-19)	Superintending Engineer (OPS) C&W Circle Ballagram	Superintending Engineer C&W Circle Ballagram
3	Engr. Ahmad Nabi Sullan (BS-19)	Director (OPS) Construction PKHA Peshawar	Principal Design Engineer (R&B) O/O CE (CDO) C&W Peshawar. After actualization of his promotion reposted as Director (Construction) PKHA Peshawar
4	Engr. Hamid Ajmal Khan (BS-19)	Superintending Engineer (OPS) HQ O/O CE (North) C&W Peshawar	Superintending Engineer (HQ) O/O CE (North) C&W Peshawar
5	Engr. Fazli Wahab (BS-19)	Superintending Engineer (OPS) C&W Circle Bannu	Superintending Engineer C&W Circle Bannu

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar
2. Accountant General Khyber Pakhtunkhwa Peshawar
3. Additional Accountant General PR (sub office) Peshawar
4. Secretary Admn. Infrastructure and Coord Deptt, FATA Sectt: Warsak Road, Peshawar
5. All Chief Engineer (Centre/North/CDO) C&W Peshawar
6. Chief Engineer FATA W&S Peshawar
7. Managing Director Pakhtunkhwa Highways Authority, Peshawar
8. All Superintending Engineers C&W Circles
9. District Accounts Officer Bannu/Ballagram
10. Incharge Computer Cell, C&W Department Peshawar.
11. PA to Secretary C&W Department Peshawar
12. PA to Deputy Secretary (Admn), C&W Department Peshawar
13. C&W Department
14. Manager Govt Printing Press, Pesh: for publication in the next issue of Govt Gazette
15. Office order File/Personal File

ACCEPTED

*[Signature]*  
SECRETARY (Sb)

ACCEPTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 31, 2021

**NOTIFICATION:**

No.SOE/C&WD/1-6/87: In pursuance of sub-section (2) of section 13A of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act, No. XVIII of 1973), read with sub-section (3) thereof, Engr. Abdul Sattar Superintending Engineer (BS-19) C&WD, while posted as Superintending Engineer (Southern) C&W Circle Tribal Districts at Bannu retired from Government Service with effect from 06.03.2021 on attaining sixtieth (60<sup>th</sup>) year of age, as his date of birth is 07.03.1961.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (Merged Areas) C&W Peshawar
3. Superintending Engineer (Southern) C&W Circle Tribal Districts at Bannu
4. District Accounts Officer Bannu
5. PS to Secretary, C&W Department Peshawar
6. PA to Additional Secretary, C&W Department Peshawar
7. PA to Deputy Secretary (Admn), C&W Department Peshawar
8. Officer concerned
9. Office order File/Personal File

*Zahoor*  
31.03.2021

(ZAHOOR SHAH)  
SECTION OFFICER (Estb)

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/2020  
Dated Peshawar, the Feb 23, 2021

(46)  
D

To

The Section Officer (PSB)  
Establishment & Admn Department  
Peshawar

Subject: PROMOTION OF SUPERINTENDING ENGINEERS (BS-19) TO  
THE RANK OF CHIEF ENGINEERS (BS-20) C&W DEPARTMENT  
ON REGULAR BASIS

I am directed to refer to the subject noted above and to forward herewith working paper (07 sets) along-with related documents duly completed in all respect for promotion of SuperIntending Engineers (BS-19) to the rank of Chief Engineers (BS-20) on regular basis for placing before Provincial Selection Board (PSB) for consideration, please.

(ZAHOOR SHAH)  
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. PS to Secretary C&W Department, Peshawar
2. PA to Additional Secretary C&W Department, Peshawar
3. PA to Deputy Secretary (Admin) C&W Department, Peshawar

ATTESTED

*Zahoor*  
23.02.2021  
SECTION OFFICER (Estb)

ATTESTED

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department: Communication & Works Department

1. Nomenclature of the post/Basic Scale Chief Engineer (BPS-20)

2. Service/Group/Cadre Engineering (C&W)

3. Sanctioned strength of the Cadre Total regular posts 10 Nos  
Annex-I

	Direct	Promotion	Transfer
i. Percentage of share		100%	
ii. No. of posts allocated to each category	-	10	-
iii. Present occupancy position			
1) Regular	-	05	-
2) Acting charge	-	00	-
iv. No. of vacancies in each category:			
a. Regular	-	05	-
b. Acting charge	-	00	-

v. How did the vacancy(ies) under promotion quota accrue and since when

Position of 05 Nos Regular Post

a. Due to New creation (Annex-II) --- 05 Nos

-----

Total: --- 05 Nos

vi. Recruitment Rules

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 (Annex-III).

vii. Required length of service

At least 17 (seventeen) years of service in BPS-17 and above

viii. Whether to be promoted on regular basis or appointed on acting charge basis?

Regular = 05 posts

ix. Mandatory training, if any S.M.C

x. Minimum required score on EI. 70

ATTESTED

*[Signature]*  
SECRETARY  
C&W

Dated 23 /02/2021

Secretary to  
Govt. of Khyber Pakhtunkhwa  
C&W Department

ATTESTED



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PANEL OF OFFICERS FOR CONSIDERATION

Sl. No.	Serial No.	Name of Officer with qualification	Date of Birth	Date of 1 <sup>st</sup> entry into Govt Service	Date of Appointment/promotion to BS-13	Date of regular Appointment/promotion to the present scale	Whether fulfill the prescribed length of service	Quaranteed score	Missing PERs (if any)	Disciplinary proceedings (if any)	Case (if any) in any court of Law, including NAB/ Plea bargaining with NAB	Mandatory Training for promotion	Research papers	Present posting	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	1	Muhammad Ayub B.Sc/MS (Civil)	03.02.1961 Kohat	25.09.1987	09.12.2014	09.12.2014	Yes	66.53	—	—	—	—	—	CE (CDO) C&W Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years
2	2	Abdul Sattar B.Sc/MS (Civil)	07.03.1961 Orakzai	26.05.1988	01.09.2016	01.09.2016	Yes	67.14	—	—	—	—	—	SE (Southern) C&W Circle Tobaik Districts at Bannu	Exempted from SMC training as he has attained the age of 58 years
3	3	Arshad Khan B.Sc (Civil)	02.10.1931 Swabi	26.05.1988	21.11.2019	21.11.2019	Yes	58.13	—	—	—	—	—	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years
4	4	Noor-us-Saeed Shah B.Sc (Civil)	02.03.1962 Mardan	26.05.1988	05.06.2015	05.06.2015	Yes	64.85	—	—	—	Yes Annex-IV	—	Principal Design Engineer O/O CE (CDO) C&W Peshawar	—
5	5	Amer Nadeem Durrani B.Sc (Civil)	29.04.1962 Peshawar	26.05.1988	05.06.2015	05.06.2015	Yes	66.48	—	—	Yes	Nil	—	MD PKHA Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.5,10,011/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V).

ATTACHED

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5	6	Rafi-ud-Din B.Sc (Civil)	01.05.1962 Abbottabad	26.09.1987	01.09.2016	01.09.2016	Yes	67.40	---	---	---	Nil	---	SE C&W Circle Mardan	Exempted from SMC training as he has attained the age of 58 years
7	7	Shakir Habib B.Sc (Civil)	30.03.1964 Kohat	26.05.1988	05.06.2015	05.06.2015	Yes	68.00	---	---	---	Nil	---	SE C&W Circle Peshawar	---
8	8	Ahmad Nabi Sultan B.Sc (Civil)	30.01.1964 Swat	26.09.1987	01.09.2016	01.09.2016	Yes	55.87	01.01.2016 to 31.12.2019	---	---	Nil	---	CE (DPS) C&W Abbottabad	---
9	9	Hamid Ajmal Khan B.Sc (Civil)	01.06.1962 Abbottabad	26.05.1988	01.09.2016	01.09.2016	Yes	63.05	---	---	Yes	Nil	---	SE (HO) O/O CE C&W Abbottabad	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.1,00,431/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)
10	10	Fazli Wahab B.Sc (Civil)	01.09.1961 Swat	26.05.1988	01.09.2016	01.09.2016	Yes	54.31	01.01.2016 to 31.12.2019	---	---	Nil	---	SE PBMC C&W Peshawar	Exempted from SMC training as he has attained the age of 58 years
11	11	Muhammad Nawaz B.Sc (Civil)	15.02.1962 Mohmand	26.05.1988	21.11.2019 (conditionally)	21.11.2019 (conditional ly)	Yes	55.51	01.01.2019 to 31.12.2019	---	Yes	Nil	---	SE (HO) O/O CE (North) Peshawar	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.1,51,515/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)

11/11/2019

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11/11/2019

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2	12	Bakht Rawan B.Sc (Civil)	05.03.1962 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	51.09	01.01.2018 to 31.12.2019	—	—	Nil	—	Principal Design Engineer O/O CE (CDO) C&W Peshawar	Exempted from SMC training as he has attained the age of 50 years
3	13	Munir Hussain B.Sc/M.Sc (Civil)	10.04.1962 Maosehra	26.05.1988	05.01.2018	05.01.2018	Yes	66.14	—	—	—	Nil	—	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years
4	14	Muhammad Tariq B.Sc (Civil)	12.01.1964 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	59.03	01.01.2018 to 31.12.2019	Yes	—	Nil	—	PD PRIP C&W Peshawar	Formal inquiry under E&O Rules, 2011 against him has been initiated, as he is involved in inquiry case Establishment of Girls Degree College at Dargal District Charsadda (ADP No. 425/80029 (2014-15) (Annex-VI)
5	15	Jamil Ahmad B.Sc (Civil)	20.11.1962 Malakand	16.09.1967	22.01.2019	22.01.2019	Yes	58.01	01.01.2018 to 31.12.2019	—	—	Nil	—	SE C&W Circle Swat	Exempted from SMC training as he has attained the age of 58 years

1. Certified that the officers included in the panel are eligible for promotion to the post of BS-20 on regular basis in all respects except Sr.No.14.
2. Certified that the officers included in the panel are not involved in any NAB case nor entered into plea bargain or VR with National Accountability Bureau (NAB) except Sr.No.5, 09 & 11.

Signature: \_\_\_\_\_

Date: 23-02/02/2021

Secretary to  
Govt. of Khyber Pakhtunkhwa  
C&W Department

**APPROVED**

**APPROVED**

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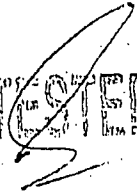
CERTIFICATE


It is certified that:-

1. The officers included in the panel are eligible in terms of length of service required for promotion.
2. No disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officer included in the panel except Sr.No.14.
3. The seniority list of the officers, included in the panel issued on 01.06.2020 is final (Annex-VII).
4. As per record, the officers included in the panel are neither involved in any NAB case nor entered into plea bargaining/VR agreement with NAB authorities except Sr.No.5, 09 & 11.

  
SECRETARY  
C&W

Dated 23 /02/2021

  
ATTESTED

  
ATTESTED

To,

The Honorable Chief Minister  
Khyber Pakhtunkhwa  
(Competent Authority)

Through: PROPER CHANNEL

Subject: PROMOTION TO BS-20

Respected Sir,

I, Engr. Abdul Sattar Superintending Engineer (BS-19) presently holding the post of Superintending Engineer (Southern) C&W Circle Bannu Merged Areas submit the following few lines for your kind perusal and favorable consideration:-

1. Due to restructuring of C&W Department 05-No. new posts of Chief Engineer (BS-20) have been created vide Finance Department No. BO. I/FD/1-61/2020-21 dated 17/02/2021 (Annex-I).
2. As per seniority list of Superintending Engineers (BS-19) C&W Department as stood on 01/06/2020, the name of the undersigned is appearing at Sl. No.03 (Annex-II).
3. The officer at Sl. No.1 of the Seniority list has since been retired from Govt Service; hence the position of the undersigned right now is at Sl. No.2.
4. Administrative Department has already forwarded working papers to Establishment Department for placing before the Provincial Selection Board (PSB) on 23/02/2021 for consideration.
5. The undersigned has attained the age of superannuation i.e. 60-years on 06/03/2021. However, the PSB has not yet considered my promotion case. Now, the age limit of employees re-fixed as 60 years as decided by Provincial Cabinet on 16/03/2021.
6. It is pertinent to mention here, that the Supreme Court of Pakistan has set aside the decision of Peshawar High Court Peshawar dated 19-02-2019 through Order dated 07-01-2021, meaning thereby the retirement age limit of Govt. Employees re-fixed i.e. 63-Years, while at that the undersigned was properly working as Superintending Engineer (Southern) C&W Circle Bannu Merged Areas. Hence, my plea taken in the aforesaid lines is justified and entitle for promotion on the basis that the Finance Department created 05-No post of Chief Engineers (BS-20) in C&W Department on 17-02-2021

Keeping in view the above, it is requested that a special PSB may please be convened for my promotion to BS-20 being still Govt. Servant or approve my promotion to BPS-20 through circular by PSB, please.

DA/ As above

*bdue*  
(Engr. Abdul Sattar)  
Superintending Engineer  
(Southern) C&W Circle Bannu  
Merged Areas

Copy to the:-

1. Chief Secretary Govt of Khyber Pakhtunkhwa (Chairman Provincial Selection Board) with similar request as above please.
2. Secretary to Govt of Khyber Pakhtunkhwa C&W Department with the request to forward my application to the competent authority for favourable consideration please.

ATTESTED

Superintending Engineer  
(Southern) C&W Circle Bannu  
Merged Areas

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)

No.SOR-V(E&AD)/1-1/C&W/2019/Vol-V  
Dated 13<sup>th</sup> April, 2021

(23)

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Communication & Works Department.

Subject

PROMOTION TO BS-20.

Dear Sir,

I am directed to refer to your letter No.SOE/C&WD/4-2/20 dated 29.3.2021 and to state that in light of the Provincial Government Promotion Policy proforma promotion is allowed in cases where seniority is disputed in Court of Law and restored back on Court decision after retirement of the employee.

Since, both the officers retired on superannuation on 03.2.2021 and 07.3.2021 respectively and proforma promotion in the instant case is not covered under Provincial Government Promotion Policy, therefore, may be regretted, please.

Yours faithfully,

Endst: of even No. & Date.

SECTION OFFICER (REG-V)

Copy forwarded to PA to Deputy Secretary (R-III) Establishment Department.

ATTESTED

ATTESTED

SECTION OFFICER (REG-V)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/20  
Dated Peshawar, the March 29, 2021

g3-a

To

The Secretary to  
Govt of Khyber Pakhtunkhwa  
Establishment Department  
Peshawar

Subject: PROMOTION TO BS-20

Dear Sir,

I am directed to refer to the subject noted above and to state that Engr. Muhammad Ayub and Engr. Abdul Sattar Superintending Engineers (BS-19) C&W Department have submitted applications with the request that a special PSB may be convened for their promotion to the rank Chief Engineer (BS-20) C&W Department (copy enclosed).

2. I am further directed to say that restructuring of C&W Department approved by the Competent Authority, whereby various positions, including 05 Nos posts of Chief Engineer (BS-20) have been created by the Finance Department on 17.02.2021. The referred posts are filled by way of promotion amongst Superintending Engineers (BS-19) C&W Department. Therefore, this department has submitted a working paper to Establishment Department through letter dated 23.02.2021 for placing before PSB for consideration. In the panel of working paper, the name of the aforesaid officers are at Sr.No. 1 & 2. Now the retirement age of Government employees has reverted back to 60 years; rather both the officers have attained the age of superannuation i.e. 60 years w.e.f. 03.02.2021 and 07.03.2021 respectively.

3. In view of above, this department is requested that the proforma promotion of Engr. Muhammad Ayub and Engr. Abdul Sattar Superintending Engineers (BS-19) C&W Department to the rank of Chief Engineer (BS-20) C&W Department may be considered with effect from their retirement dates i.e. 03.02.2021 and 07.03.2021 respectively, if promotion policy permits, please.

Yours' faithfully

(ZAHOOR SHAH)  
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar.

*Zahoor Shah*

29.03.2021

SECTION OFFICER (Estb)

24

2



**BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR**

W.P.No. \_\_\_\_\_ /2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,  
Peshawar

..... Petitioner

**VERSUS**

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Respondents

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

***PRAYER IN PETITION:***

On acceptance of this writ petition the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along-with all back benefits according to rules and law.

Any other relief which the petitioner is found fit in law, justice and equity.

**RESPECTFULLY SHEWETH:**

**ATTESTED**  
EXAMINER  
Peshawar High Court

1. That the petitioner is the resident of Arbb Road Gulshan Abad, Peshawar.



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2. That the petitioner was initially appointed as Assistant Engineer BS-17 in the C&W Department on 26-05-1988. (Copy of appointed order is attached as annexure A)
3. That the petitioner was promoted time to time on different posts and with different duties and lastly as Superintendent Engineer BS-19 on 01-09-2016. (Copy attached as annexure B)
4. That despite of written request for promotion to the next higher grade BPS-20 pretty a long time before retirement of petitioner, no action was taken in this very important service matter and petitioner was retired 31-03-2021 as Superintendent Engineer (Southern) C&W Circle Tribal District at Bannu with effect from 06-03-2021. (Copy attached as annexure C)
5. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of petitioner to Establishment Department through letter dated 23-02-2021 and as per seniority list attached with working paper, petitioner was placed on S.No.2. (Copy attached as annexure D)
6. That the petitioner submitted an application through proper channel to the Honorable Chief Minister Khyber Pakhtunkhwa on 25-03-2021 for Special PSB for promotion of the petitioner to BS-20. (Copy attached as annexure E)
7. That the respondent No. 4 through Section Officer (Regulation wing) regretted the plea of the petitioner vide order/letter dated 13-04-2021. (Copy attached as annexure F)
8. That petitioner aggrieved from the said act by not promoting the petitioner from back date and order/letter dated 13-04-2021 of the respondents, (S 4.(b) ) Service Tribunal Act. 1973 barred the petitioner by approaching Tribunal, having no other adequate and efficacious remedy is available to petitioner

**ATTESTED**  
EXAMINER  
Peshawar High Court

28

4

except filing this constitutional petition on the following rounds.

**GROUND:**

- A. That the action/inipugned order dated 13-04-2021 is illegal, unlawful and against the law.
- B. That the act of the respondents are in violation of article 4,8,25,27,30, of the Constitution of Islamic republic of Pakistan 1973.
- C. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of petitioner to Establishment Department through letter dated 23-02-2021 and per seniority list, petitioner was placed on S.No.2. It is further to mention here that petitioner was retired from service on 31-03-2021 after creation of posts and was eligible to be promoted on the next higher post.
- D. That as usual, the petitioner's case for promotion fell prey to the red-tappism and it was delayed till his retirement from service vide notification dated 31-03-2021.
- E. That the petitioner had served the department for almost 34 years on the lower posts and was entitled for the post of Chief Engineer BS-20 as the posts were vacant before retirement of the petitioner.
- F. That the petitioner was moved written request for the promotion to the next higher grade, but it seems that it was buried and no order, whatsoever, either of the grant or refusal of promotion was conveyed to the petitioner before retirement.
- G. That the petitioner had not been dealt with in accordance with law, rather has been discriminated and deprived from legal right bestowed on him by the law and rules of the subject.

**ATTESTED**  
EXAMINER  
Peshawar High Court

27

(5)

- H. That there is no reason for denial of the grant of promotion to the petitioner to the subject post, when he fulfills all the prescribed criteria and when the posts are required to be filled on promotion.
- I. That the case of the petitioner was delayed upto his retirement for no reason, other than malafide and malice on the part of the respondents.
- J. That the petitioner had been deprived from his legal right and was ignored with malafide intention which is illegal, unlawful, against the law and natural justice.
- K. That the petitioner has the right to agitate any other additional grounds/fact at the time of arguments after the stance of the respondents with permission of this Honourable court.

It is, therefore, humbly prayed that on acceptance of this writ petition the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along with all back benefits according to rules and law.

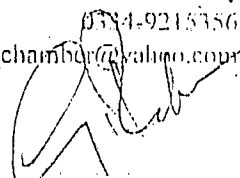
Any other relief which the petitioner is found fit in law, justice and equity.

Dated: 23-06-2021

**CERTIFIED TO BE TRUE COPY**  
 EXAMINER  
 Peshawar High Court, Peshawar  
 Authorized Under Article 177 of  
 the Constitution of Pakistan 1973  
 27 APR 2022

Petitioner  
 Through  
 Gohar Rehman Khattak  
 Advocate, High court Peshawar  
 &  
 Muhammad Kif (Firdous)  
 Advocate, High Court  
 Office: 1.A Nasir Mansion  
 Shoba Bazar, Railway Road II,  
 Peshawar, Cantt  
 Cell# 0333-9107724  
 0334-9215356  
 Email:khattak\_law\_chamber@yahoo.com

- Books:
- 1. Constitution of Islamic Republic of Pakistan 1973
  - 2. Any other book related to case

  
 ADVOCATE

28

6

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. \_\_\_\_\_/2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad.  
Peshawar

..... Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa, Peshawar and others

**AFFIDAVIT**

I Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad.  
Peshawar, do hereby solemnly declare on oath that contents of the Writ  
Petition are true and correct to the best of my knowledge and belief and  
nothing has been concealed from this Honorable Court.

Identified by :

Gohar Rehman Khattak  
Advocate, High Court Peshawar

  
Deponent

ABDUL SATTAR

CNIC: 17301-3195022-1 ✓  
83339259553

No: 29129
Certified that the above was verified on solemnly affirmation before me on this 24 day of June 2021 at Eng. Ab. Sattar sic. Khial Muhammad Peshawar who is Gohar Rehman Khattak Who is

  
24/06/2021

Notary verified

**CERTIFIED TO BE TRUE COPY**  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized under Article 07 of  
The Oath and Affidavit Ordinance, 1984

27 APR 2022

29

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET



Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
12.10.2021.	<p><u>W.P No. 2659-P of 2021.</u></p> <p><u>Present:</u> - Mr. Muhammad Arif Firdose, advocate for the petitioner.</p> <p>Mr. Arshad Ahmad, AAG for respondents.</p> <p>***</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> The petitioner, through the instant writ petition filed under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks issuance of an appropriate writ setting aside the impugned order/ letter dated 13.04.2021 and directing the respondents to consider him for promotion as Chief Engineer BS-20 from the date of availability of vacancy alongwith all back benefits.</p> <p>2. In essence, the grievance of petitioner is that he was not considered for promotion on the ground of retirement from service on the basis of superannuation whereas, he is entitled for proforma promotion. Learned counsel for petitioner, when confronted with the proposition as to whether proforma promotion do not fall within the definition of promotion which is beyond the jurisdiction of this Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he referred to Section 4 (b) of Service Tribunal Act, 1973 which reads:</p> <p style="text-align: center;"><i>"no appeal shall lie to a Tribunal</i></p>

ATTESTED  
EXAMINER  
Peshawar High Court

*Rooh-ul-Amin Khan*

30

against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade”

The law has been settled on the point in a recent judgment of august Supreme Court of Pakistan dated 01.07.2021 titled “Chief Secretary Govt. of Punjab, Lahore etc. VS Ms. Shamim Usman” rendered in Civil Petition No. 1097-L of 2020 wherein it has been held that proforma promotion is a kind of promotion, the jurisdiction of which is vested in Service Tribunal.

3. In view of above, this writ petition is not maintainable, however, instead of dismissing it, we deem it appropriate to convert it into appeal and transmit the same to the Service Tribunal in light of judgment in the case of “Mian Asghar Ali VS Govt. of Punjab through Secretary (Colonies) BOR Lahore and others” (2017 SCMR 118) where the petitioner may file an application for amendment of the appeal in accordance with law and subject to limitation.

4. In view of above, this writ petition stands disposed of.

Announced  
12.10.2021.

*Roo-ul-Amin*  
SENIOR PUISNE JUDGE  
JUDGE

~~CERTIFIED TO BE TRUE COPY~~

MEMBER  
Peshawar Bench Court, Peshawar  
Authority: Article 87 of  
the Constitution Order 1904

27 APR 2022

Zia/

D.B\*

Hon'ble Mr. Justice Roo-ul-Amin Khan, Senior Puisne Judge  
Hon'ble Mr. Justice Ijaz Anwar, J.

31

BEFORE THE HONOURABLE PESHAWAR HIGH COURT



W.P.No. 2659-P/2021  
Service Appeal no. 7634/2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,  
Peshawar.

..... Petitioner

VERSUS

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Respondents

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

PRAYER IN PETITION:

On acceptance of this writ petition the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along-with all back benefits according to rules and law.

Any other relief which the petitioner is found fit in law, justice and equity.

FILED TODAY  
Deputy Registrar  
25 JUN 2021

RESPECTFULLY SHEWETH:

FILED TODAY  
Deputy Registrar

Certified to be true copy that the petitioner is the resident of Arbb Road Gulshan Abad,  
Peshawar.

Deputy Registrar  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

..... having

Appeal No. 7634/2021  
Engr. Abdul Sattar

(32)



14.04.2022

Appellant present through counsel.

Case was fixed for preliminary hearing but at the very outset an application seeking amendment in the memorandum of appeal was filed. Appeal is in its initial stage, therefore, application stands accepted. Amended memorandum of appeal be filed within 10 days and file to come up for preliminary hearing on 04.07.2022 before S.B.

(Rozina Rehman)  
Member (J)

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 25/4/22  
Number of Words 800  
Copying Fee 10/-  
Urgent -  
Total 10/-  
Name of Copyist -  
Date of Completion of Copy 09/05/22  
Date of Delivery of Copy 09/05/22



بعدالت عالیہ سندھ

2021 - No 104

انجمنہ عبدالستار بینام 2 منجانب حکومت سندھ حکومت سندھ

موزخہ
مقدمہ
دعویٰ
پریم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آئین مقام لکھنؤ مد کیلئے گورنمنٹ طرف سے جج عارف (فرزین) ایم ڈی ایس بار کراچی

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرانے و تقرر ثالثہ فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کرنے اجراء اور وصولی چیک اور وپیاء عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرانے اپیل گمرانی و 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 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہاقت سے براخیہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنا التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی نہ کر کریں۔ لہذا وکالت نامہ لکھنا یا کہ سند ہے۔

FILED TODAY

Deputy Registrar

20

25 JUN 2021

Accepted & received by

Advocates

[Signature]

[Signature] No. 18-1133

المترجم
[Signature]
Abdul Qattar

Before The Honorable Service Tribunal, Peshawar

Eng Abdul Sattar 115 Govt of KP & others

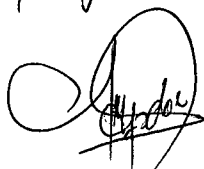
Application for Amendment of Petition/Appeal

Respectfully Sheweth.

- ① That the above title case is fixed for hearing.
- ② That the instant case was initially filed before Peshawar High Court Peshawar which was converted from writ petition to Appeal vide order dated 12-10-2021  
" we deem it appropriate to convert it into appeal and transmit the same to the Service Tribunal in light of judgment in the case of "Miran Asghor Ali v/s Govt of Punjab (2017 SCMR) where the petitioner may file an application for amendment of appeal in accordance with law and subject to limitation."

- ③ That the appellant wants to amend the appeal in the light of judgment of Peshawar High Court it is therefore requested that appellant may please to allow to amend the appeal.

contents of the application are true and correct to the best of my knowledge.



Appellant  
Muhammad Aijaz Firdous  
Advocate, High Court

14-4-2022.

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

S.A. 7634/2022

APPEAL No. .... of 20

Mr. ...

Appellant/Petitioner

Versus

...

RESPONDENT(S)

**Notice to Appellant/Petitioner**

...

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 06/09/2022 at .....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply  
Copy of Appeal is Attached

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

A. S. ...  
11/01/2022

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,

PESHAWAR.

No.

S.A 7634/2021  
W.P. 2054

21 SB

APPEAL No..... of 20 .

Eng Abdul Sattar

Apellant/Petitioner

Versus

through chief secy Peshawar

RESPONDENT(S)

Response it (2)

secy communication and

Notice to Appellant/Petitioner

works k.Pk Peshawar

BM 11-8-2022

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 08/09/2022 at .....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply  
Copy of Appeal  
is Attached

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

SA 7634/2021

SD

APPEAL No. W.P. No. 7634/2021 of 20

Eng Abdul Satta

Appellant/Petitioner

Versus

Chief Secy  
Threat

RESPONDENT(S)

Notice to Appellant/Petitioner

serg establishment  
Admin depart Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 08/09/2022 at 11:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

Copy of Appeal is Attached

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

11-8-22  
[Stamp]