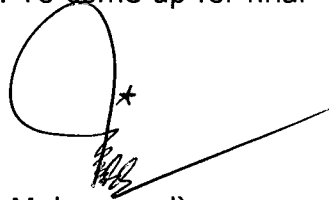


31.08.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Zahid Ullah, Section Officer, (Litigation) for the respondents present.

Respondent department submitted copy of the correspondence dated 10.08.2022 whereby ACRs (in Original) alongwith Synopsis of 18 Sub-Engineer (DAE holders) have been forwarded to the Head Office i.e. C&W Department. Copy of the same is placed on file as well as provided to the petitioner. Learned Additional Advocate General requested for adjournment on the ground that implementation of the Service Tribunal judgement is under process in the department and final implementation report will be submitted on the next date. Adjourned. To come up for final implementation report on 08.10.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

27<sup>th</sup> May, 2022

Clerk of counsel for the appellant present. Mr. Kabir Ullah Khattak, AAG for respondents present.

Due to general strike of the bar. Case is adjourned. To come up for the same on 07.07.2022 before S.B.

Q

(Kalim Arshad Khan)  
Chairman

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

Clerk of counsel for the petitioner present. Mr. Muhammad Adil Butt, Addl. for the respondents present.

Representative of the respondents seeks one month's time to implement the judgment. Last chance is given to the respondents to implement the judgment and submit implementation report on 09.08.2022 before S.B.

(Kalim Arshad Khan)  
Chairman

9.8.2022 Due to the Public Holiday the case is adjourned to 31-8-2022

Q

Reader.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. SOG/C&WD/11-137/2012  
Dated Peshawar, the July 20, 2022

To

The Chief Engineer (Centre)  
C&W Peshawar

Subject:

Grant of Senior Scale/Selection Grade (BS-16) in light of Peshawar High Court Decision dated 06.04.2021 and Khyber Pakhtunkhwa Service Tribunal Judgment dated 29.11.2021


I am directed to refer to the subject noted above and to state that Syed Attiq-ur-Rehman Sub Engineer filed Execution Petition in Service Tribunal for grant of Senior Scale/Selection Grade BS-16. The court has disposed of the referred service appeal. Copy of the same is enclosed.

2. Similarly, Mr. Zewar Din Sub Engineer along-with 16 others were also filed writ petition in Peshawar High Court Peshawar for grant of Senior Scale BS-16 on the basis that their juniors were granted selection grade BS-16 w.e.f. 04.09.2003. The Hon'able court in its judgment dated 06.04.2021 disposed of the petition directing the respondents to consider the petitioners grievance brought by them before this court in light of the judgment delivered by the Khyber Pakhtunkhwa Service Tribunal dated 02.03.2016 which has been upheld by the Hon'able Supreme Court of Pakistan vide judgment dated 13.02.2017. Copies are enclosed.

3. As per procedure, the judgment of PHC dated 06.04.2021 was referred to the scrutiny committee of Law Department. The scrutiny committee in its meeting held on 05.05.2021 decided to return the case to Administrative Department with the remarks that **"filing of CPLA against the judgment would be futile exercise"**. Similarly, the Service Tribunal judgment also referred to Law Department for placing before their scrutiny committee. Accordingly, the Law Department placed the case before scrutiny committee, wherein it was decided to **submit Implementation report and apprise the Khyber Pakhtunkhwa Service Tribunal from the facts of the case.**

4. In order to proceed further in the matter, it is therefore, requested to furnish the following documents/information in respect of 17 Nos Diploma Holder Sub Engineers/01 No. Graduate Sub Engineer total 18 Nos:-

- i. Synopsis of ACRs of the Sub Engineers (list attached)
- ii. Certificate regarding non-involvement of departmental/judicial inquiry against the officials, neither involved in any NAB case nor entered into plea bargain with National Accountability Bureau (NAB) prior to 2003, the date on which their juniors were awarded Senior Scale/Selection Grade (BS-16).

  
(MUDDASIR KHAN)  
SECTION OFFICER (General)

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 (Admn) C&W Department Peshawar

  
SECTION OFFICER (General)

**List of Sub Engineers who filed writ petition before PHC  
Peshawar for the Senior Scale Selection Grade BS-16**

Sr.No.	Name	Address
1	Zewar Din S/O Rehman ud Din	Municipal Colony Street No.2 Mohallah Rahim Kohat Road Peshawar
2	Waheed Ahmad S/O Umar Bakhsh	House No.1913 Mohallah Kakye Khelan Yakatoot Peshawar
3	Mushtaq Ali S/O Sherin Gul	Village Hasan Khel P.O. & Tehsil Mir Ali North Waziristan
4	Asmat Ullah-II S/O Hameed Ullah	Street No.2 Mohallah Qadoos Abad Grid Road DIKhan
5	Hafeez-ur-Rehman S/O Habib-ur-Rehman	Aziz Abad Murshad Abad Kohat Road Peshawar
6	Muhammad Naeem-III S/O Muhammad Ashraf	House No.4283 street No.3 Kakshal Peshawar
7	Iftikhar Babar S/O Fazal Ellahi Babar	Street No.2 Peshawar Modal Town Warsak Road Peshawar
8	Muhammad Shaukat S/O Abdur Rehman	Chakeer Road Tanki Mor, Mohallah Noor Pur Mansehra
9	Irshad Ahmad Khan-I S/O Sardar Kala Khan	Changa House Sardar Street Javed Shaheed Road Mandian Abbottaba
10	Muhammad Sajjad S/O Abdul Haleem	House No.4421 Mohallah Afridi Khan Tehsil & District Peshawar
11	Inayat-ur-Rehman S/O Muhammad Ismail	Ziarat Talash P.O. Khas Timergara Dir Lower
12	Muhammad Iqbal S/O Fazal Malik	House No.119 Street No.7, Sector 3, Phase-IV Hayat Abad Peshawar
13	Ibad Ullah S/O Muhammad Karim	Mohallah Piran village Utmanzai Tehsil & District Charsadda
14	Muhammad Hayat S/O Noman Kalim	Mohallah Sanam Ghari village Utmanzai Tehsil & District Charsadda
15	Shahzad Hassan S/O Sher Hassan	Private House.3, Civil Colony Kohat Road Peshawar
16	Akbar Ali S/O Muhammad Akbar	Hafiz Abad Manga Dargai Tehsil & District Charsadda
17	Muneeb Khan S/O Jafar Khan	Ekka Ghund Tehsil & District Mohmand
18	Syed Atiq-ur-Rehman	Retired Sub Engineer C&WD



OFFICE OF THE CHIEF ENGINEER (CENTER)  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR

No. 266-E/1126/CEC/C&WD

DATED PESHAWAR THE 10/08/2022

To

The Section Officer (General),  
C&W Department Peshawar.

Subject: **GRANT OF SENIOR SCALE / SELECTION GRADE (BS-16) IN LIGHT OF PESHAWAR HIGH COURT DECISION DATED 06.04.2021 AND KHYBER PAKHTUNKHWA SERVICE TRIBUNAL JUDGEMENT DATED 29.11.2021.**

Ref'nce: Your memo No.SOG/C&WD/11-137/2012 dated 20/07/2022

I am directed to refer to your office letter quoted under reference on the subjected cited above and to forward herewith the ACR's (In original) alongwith synopsis of the 18-No's Sub-Engineers (DAE Holders) as per attached list, for favour of further necessary action as desired please.

**DA/As above**

  
ADMINISTRATIVE OFFICER

Copy to P.A to Chief Engineer (Local) for information

  
ADMINISTRATIVE OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. SOG/C&WD/11-137/2022

Dated Peshawar, the August 22, 2022

To

The Chief Engineer (Centre)  
C&W, Peshawar

*WV*  
*30/8*

Subject:

**Grant of Senior Scale/Selection Grade (BS-16) in light of Peshawar High Court decision dated 06.04.2021 and Khyber Pakhtunkhwa Service Tribunal judgment dated 29.11.2021**

I am directed to refer to your office letter No.266-E/1126/CEC/C&WD dated 10.08.2022 on the subject noted above and to return herewith the ACRs' (in original) along-with synopsis in respect of 18 Nos Sub Engineers (DAE) with the request that attested copies of the same may be furnished at the earliest, please.

Endst even No. & date

Copy forwarded to the:

1. PS to Secretary C&W Department, Peshawar
2. PA to Addl: Secretary C&W Department, Peshawar
3. PA to Deputy Secretary (Admn) C&W Department, Peshawar

*olc*

*[Signature]*  
SECTION OFFICER (General)

*[Signature]*  
SECTION OFFICER (General)

15.04.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG pointed out that the service appeal was originally dismissed and therefore, the execution petition is not maintainable. To come up for arguments on the point of maintainability on 10.05.2022 before S.B.



Chairman

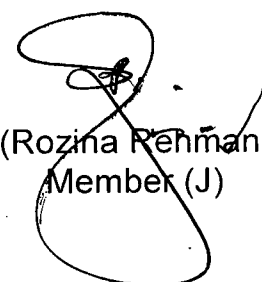
10.05.2022

Counsel for petitioner present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

This case was fixed for arguments on the point of maintainability but today when learned AAG was confronted with the order of learned Member (Executive) dated 29.11.2021 whereby arguments of both the parties were heard at length and the execution having its own merits was allowed and Department was directed to implement the judgment of this Tribunal dated 02.03.2016 in letter and spirit. Learned AAG frankly conceded to and requested for adjournment in order to submit proper implementation report in the light of different orders issued by this Tribunal coupled with the minutes of the Scrutiny Committee Meeting copy whereof was produced today and is available on file vide which it was decided with consensus by the Scrutiny Committee that the subject case may be returned to the Administrative Department with the advice to submit implementation report and apprise the Khyber Pakhtunkhwa Service Tribunal from the facts of the case. It was held that the petitioner (Atiq-Ur-Rehman) in Execution Petition No.350/2018 falls within the prescribed criteria as he had passed Departmental B-Grade Exam which was mandatory.

In this view of the matter, last chance is given to all concerned for submission of proper implementation report on or before 27.05.2022 before S.B.



(Rozina Rehman)  
Member (J)

14.01.2022

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Saleem Shah, Superintendent for the respondents present.

To come up for arguments on maintainability of execution petition in hands on 20.01.2022 before the S.B.

  
Chairman

20.01.2022


Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Waseemullah Office Assistant for the respondents present.

Petitioner seeks adjournment as his learned counsel is not in attendance due to general strike. Granted. To come up for further proceedings on 17.02.2022 before the S.B.

  
Chairman

17.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.04.2022 for the same as before.


  
Reader



**EP No. 350/2018**

11.01.2022

During random scrutiny of the files of execution petitions for the purpose of the case and court management, it has been found that this execution petition is pending since 01.10.2018 for implementation of the judgment dated 02.03.2016 passed in Service Appeal No. 1330/2010 with the relief in genere i.e. for other individuals of the same class. The executable part of the said judgment in relation to the present execution petition comes from Paragraph 26, 27, 29, 30, 31 and 32 of the said judgment as copied below, respectively:-



*"26. We further hold and direct that slots at the prescribed ratio available for grant of Senior Scale at the relevant times be calculated by the department and those fulfilling the criteria for Senior Scale but ignored due to lapses not attributable to ignored/leftover officers be granted the Senior Scale from the date of entitlement i.e. accruing of vacancies in the Senior Scale but subject to the provisions of the Pay Revision Rules, 2001. We also direct that the Provincial Government shall honour its directive and shall take disciplinary action against those responsible for maintaining updating and completing the record of the officer, but ignoring their responsibilities and thus giving space to irregularities and illegalities thereby causing and inflicting losses on public exchequer.*

*27. We are alive to the situation that while computing the seats of the Sub-Engineer in the Senior Scale and eligibility of the senior officers against the same authorities concerned may find grant of selection grade allowed in excess of the*

*prescribed limit and ratio. We, therefore, direct that the situation be addressed by the authorities concerned by resorting to legal course and in case any officer granted Senior Scale in excess of prescribed limit is found protected by any law, rules or judgment of the Court then, in such eventuality, the officers of the administrative department responsible for handling the affairs relating to grant of Senior Scale at the relevant time be sorted out and be proceeded against for realization of monetary loss caused to the public exchequer as a consequence of their irresponsible and undesirable behavior.*

*29. In case of Hameed Akhtar Niazi reported as 1996 SCMR 1185 and Sameena Perveen reported as 2009 SCMR 1, the august Supreme Court of Pakistan has observed that if the Service Tribunal or Supreme Court decides a point of law relating to the terms and conditions of service of a civil servant which covers not only the case of civil servant who litigated but also of other civil servants who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/Supreme Court be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum.*

*30. Though adequate number of Sub-Engineers seeking Senior Scale are present before us but there is likelihood that certain civil servants might not have approached this Tribunal to litigate for their claims. We, therefore, direct that the benefit of this judgment be extended to those Sub Engineers who fulfilled the criteria of becoming Senior Scale Sub-Engineer at the relevant time.*

***department for relief if any in the light of the said judgment.*** No doubt the said observation is there in the judgment dated 13.03.2016 but it is preceded by other observations against the petitioner which are worth reproduction herein below:-


*"From perusal of the record, it transpired that the appellant was appointed as Sub-Engineer in C&W Department who after induction improved his qualification and got a degree in Civil Engineering. He was thus placed in the category of Sub-Engineers who got Engineering Degree after induction in service and who had right over a specified quota for promotion to the post of Assistant Engineer (BPS-17) as prescribed in the relevant recruitment rules. It is relevant to mention that the specific quota of 25% as Senior Scale Sub-Engineer (BPS-16) was reserved for only diploma holder Sub-Engineer of the department which facility has since been discontinued with effect from 01.12.2001 and his claim for entitlement to BPS-16 Senior Scale Sub-Engineer at this juncture was like a cry over the spilt milk as the same facility was no more in the field even for diploma holder Sub Engineers of the C&W Department."*

Notice be given to the parties for hearing as to impact of the judgment dated 13.04.2016 read with the judgment dated 02.03.2016 for the purpose of present execution petition. Case to come up on 14.01.2022 at 2 pm before S.B.

  
Chairman

31. *In case of Fida Hussain reported as PLD 2002 Supreme Court 46 and Abdul Samad reported as 2002 SCMR 71 it was observed by the august Supreme Court of Pakistan that rule of consistency must be followed in order to maintain balance and the doctrine of equality before law. That dictates of law; justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.*

32. *Deriving wisdom from the mandates of law, judgment of the august Supreme Court of Pakistan and to advance the cause of justice and to frustrate efforts and attempts of thwarting just and fair-play we direct that the judgment be giving effect by the respondents in letter and spirit."*

Needless to say that the terms and conditions of the service of a Civil servant are enforced individually if a dispute arise between the government servant and the department in relation to any terms and conditions of the service. The present petitioner also invoked the jurisdiction of this Tribunal through Service Appeal No. 311/2015 for enforcement of the right of claim by him under the terms and conditions of his service, however, his appeal was dismissed vide judgment dated 13.04.2016. The petitioner vide second paragraph of the execution petition maintained that his appeal was dismissed with the observations **"that this Tribunal recently rendered a judgment dated 02.03.2016 through larger bench which thoroughly discussed the issue pertaining to the senior scale sub engineers BPS-16 and the appellant was at liberty to approach the**

w.e.f 04.09.2003 who were otherwise junior to the petitioner but without any valid reason to have been mentioned. The final seniority list of Sub-Engineers as stood on 31.12.1996 and circulated on 11.01.1997 establishes the claim of petitioner that his junior colleagues (Sub-Engineers), were granted Senior Scale (BS-16) w.e.f 04.09.2003 vide these two notifications and he was ignored thus discriminated. The appellant has, however, been granted senior scale/Selection grade in pursuance of Finance Department Notification dated 07.03.2018 when the post of Sub-Engineers was upgraded from BS-11/12 to BS-16 (one time) and on personal basis, with immediate effect.

6. The execution petition has its own merits and is therefore, allowed. The respondent-department is under obligation to implement Service Tribunal judgement dated 02.03.2016 in letter and spirit without any exception or discrimination and submit execution report within a period of one month positively. Connected execution petition No. 351/2018 (Engineer Muhammad Shafiq-vs-Government of Khyber Pakhtunkhwa) being identical and having the same grievance as well as legal point, is also disposed of in the above terms. To come up for further proceedings on 05.01.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

seniority list of Sub-Engineers circulated on 11.01.1997. It is not disputed that the facility of grant of Selection Grade was discontinued w.e.f 01.12.2001 vide Finance Department Notification dated 06.04.2003. So far the Service Tribunal judgement dated 02.03.2016 delivered by Larger Bench in Service Appeal No. 1330/2010, is concerned, it touched each and every aspect of the issue related to Selection Grade/ moveover as well as Acting or current charge base appointment including grant of Senior Scale (BS-16) in excess of the prescribed 25% of the total sanctioned strength of Sub-Engineers, on the touch stone of legal and Constitutional parameters and also recorded observations thereon for rectification by all concerned. Para-30 of the said judgement is relevant to be quoted here;

"Though adequate number of Sub-Engineers seeking Senior Scale are present before us but there is likelihood that certain civil servants might not have approached this Tribunal to litigate for their claims. We, therefore, direct that the benefit of this judgement be extended to those Sub-Engineers who fulfilled the criteria of becoming Senior Scale Sub-Engineers at the relevant time".

5. The above directions are quite clear and needs no interpretation. No doubt the respondent-department did mention in written reply and admits the grant of Senior Scale (BS-16) to Sub-Engineers in 2003, 2004, 2009, 2012 and 2018 but did not substantiate the seniority of beneficiaries viz a viz the petitioner as per final seniority of Sub-Engineers circulated on 11.01.1997. Moreover, it is evident from record that the respondent-department has allowed the grant of Senior Scale/Selection Grade (BS-16) w.e.f. 04.09.2003 in respect of 03 and 55 Sub-Engineers vide Notifications dated 23.04.2015 and 30.04.2018 respectively. If seen the Notification dated 30.04.2018 which has been issued in pursuance of Service Tribunal judgement dated 02.03.2016 upheld by the Supreme Court of Pakistan vide judgement dated 13.02.2017, with final seniority list of Sub-Engineers dated 11.01.1997 juxtaposed, it reflects that 03 Sub-Engineers on the said seniority list have been granted Senior Scale or Selection Grade (BS-16)

24.11.2021

Petitioner with counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Wasim Ullah, Assistant for respondents present. Pro and contra arguments of the learned counsel for the petitioner and learned AAG in execution petition No. 350/2018 heard. To come up for remaining arguments on 29.11.2021 before S.B.

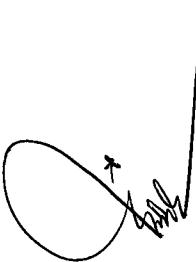
  
(Mian Muhammad)  
Member(E)

29.11.2021

Petitioner with counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Wasim Ullah, Assistant for respondents present. Remaining arguments heard and case file perused thoroughly.

2. Contention and plea taken in the Execution Petition is that on the strength of judgement of Service Tribunal delivered in Service appeal No. 1330/2010 on 02.03.2016, the respondent-department granted Senior Scale/Selection Grade (BS-16) to 55 Sub-Engineers w.e.f 04.09.2003 vide Notification dated 30.04.2018 and ignored the petitioner which is discriminatory treatment meted out to him.

3. The provision regarding Senior Scale Sub-Engineer appeared at serial No.5 of Schedule-I appended to the Service Rules of Communication & works department (Recruitment and Appointment) Rules, 1979 in the following prescribed manner;


  
"Twenty five percent of the total number of posts of the diploma holder Sub-Engineers shall form the cadre of Senior Scale Sub-Engineers and shall be filled by Selection on merit with due regard to seniority from amongst sub-Engineers of the Department, who have passed the departmental examination and have at least ten years service as such".

4. It is evident from record that the petitioner joined respondent department as diploma holder Sub-Engineer on 19.03.1988 whose ten years service appears to have been completed on 18.03.1998 and who stood at serial No. 229 of the final

26.10.2021

Junior to counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Abbas Khan, Asstt. for the respondents present.

Former seeks adjournment due to non-availability of learned counsel for the petitioner. To come up for further proceedings on 24.11.2021 before S.B.

  
Chairman



19.07.2021

Asghar Ali Advocate junior to counsel for petitioner present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court; granted. To come up for further proceedings on 31.08.2021 before S.B.

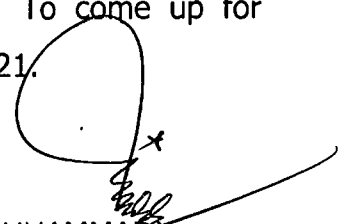


(Rozina Rehman)  
Member (J)

31.08 .2021

Mr. Abid Arshad, Advocate, Junior of learned counsel for the petitioner present.

Junior of learned counsel for the petitioner requested for adjournment on the ground that learned counsel for the petitioner is not available today. Adjourned. To come up for further proceedings before the S.B on 20.09.2021.



(MIAN MUHAMMAD)  
MEMBER (E)

20.09.2021

Junior to counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Senior counsel for the petitioner is not in attendance and request for adjournment is made. Request is accorded. To come up for further proceedings on 26.10.2021 before S.B.



Chairman

10.03.2021

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General, for respondents present.

Learned Additional Advocate General requested for adjournment due to non-availability of representative of the department.

Learned counsel for the petitioner also made a request that arguments in the instant execution petition have already been heard by S.B presided by the Hon'ble Chairman of this Tribunal. It would therefore be appropriate that the same may be fixed before the same bench for further proceedings on 12.04.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 19.07.2021 for the same as before.

  
Reader

03.12.2020 Petitioner in person and Addl. AG alongwith Muhammad Abbas Senior Clerk for the respondents present.

The representative of respondents has provided copy of notification dated 25.03.2010 in pursuance to last order of the Tribunal. The petitioner requests for time to go through the notification and come up with his reservations/objections, if any, on the next date.


Adjourned to 26.01.2020 for further proceedings before S.B.

  
Chairman

26.01.2021

Petitioner is present alongwith his counsel Mr. Saifullah Khalil, Advocate. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Petitioner has not elicited his opinion with respect to the notification dated 25.03.2010, the perusal of which reveal that its contents are illegible. Respondents are directed to submit transparent copy of the referred to notification for perusal and appropriate order on 10.03.2021 before S.B.

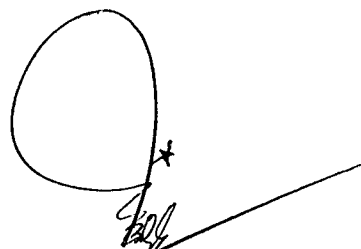
  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

16.07.2020

Counsel for the petitioner present. Addl: AG  
alongwith Mr. Abbas Khan, Senior Clerk for respondents  
present.

Former requests for adjournment.

Adjourned to 18.08.2020 before S.B.



(Mian Muhammad)  
Member(E)

18.08.2020

None for the appellat present.

Notices be issued to the appellat and his counsel.

Adjourned to 08.10.2020 before S.B.



(Mian Muhammad)  
Member(E)

08.10.2020

Counsel for the petitioner and Addl. AG alongwith  
Muhammad Abbas Senior Clerk for the respondents  
present.

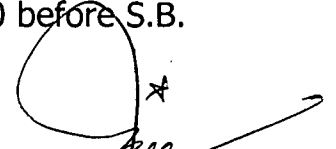
The matter of eligibility of petitioner for promotion to  
BPS-16 was argued at some length when representative  
of respondents requested for time to provide the break-up  
of cadre (In-service Engineers, Diploma Engineers and  
B.Tech Engineers) in order to assist the Tribunal in  
forming a just opinion in the matter. Necessary  
rules/notifications/policy documents, if any, shall also be  
produced on the next date. Adjourned to 03.12.2020  
before S.B.



Chairman

02.03.2020

Petitioner in person present. Addl: AG for respondents. present. Petitioner seeks adjournment as his counsel was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for further proceedings on 17.03.2020 before S.B.

  
Member

17.03.2020

Clerk to counsel for the petitioner present. Mr. Kabirullah Khattak learned Addl. AG alongwith Abbas Khan Senior Clerk for the respondents present. Clerk to counsel for the petitioner requested for adjournment on the ground that counsel for the petitioner is not available today due to general strike of the bar. Adjourned. To come up for further proceedings on 23.04.2020 before S.B.

  
Member

23.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 16.07.2020 for the same. To come up for the same as before S.B.

  
Reader

EP 350/2018

06.11.2019

Petitioner alongwith counsel and Addl. AG alongwith Tauseefullah, S.O for the respondents present.

Representative of respondents requests for time to submit a fresh implementation report in the matter.

May do so on or before next date of hearing. Adjourned to 12.12.2019 before S.B.

Chairman 

12.12.2019

Petitioner in person and Addl. AG alongwith Abbas Khan, Senior Clerk for the respondents present.

Seeks adjournment as learned counsel for the petitioner is not available today due to engagement before the Honourable High Court. To come up for further proceedings/arguments on 21.01.2020 before the S.B.

Chairman 

21.01.2020

Nemo for petitioner. Addl. AG for the respondents present.

The proceedings in hand are adjourned to 02.03.2020 due to general strike of the Bar.

Chairman 

20.08.2019

Nemo for petitioner. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

To come up on 17.09.2019 for further proceedings. The petitioner shall be issued notice for the next date.

  
Chairman

17.09.2019

Counsel for the petitioner and Addl. AG alongwith Mahboobur Rahman, Junior Clerk for the respondents present.

The petitioner has submitted rejoinder to the comments of respondents which is placed on record. To come up for further proceedings on 10.10.2019 before S.B.

  
Chairman

10.10.2019

Learned counsel for the petitioner present. Mr. Kabiurllah Khattak learned Additional Advocate General alongwith Mr. Touseef Ullah Section Officer for the respondents present. The case was argued by the learned counsel for the appellant as well as learned Additional Advocate General. The representative of the respondent department was busy in the Hon'ble Peshawar High Court, Peshawar, therefore, he joined the proceedings late. He requested that he has been recently posted against the post of Section Officer (litigation) and he has not prepared himself to assist the court in the case, therefore the case may be adjourned. Learned counsel for the appellant did not object hence the case is adjourned. To come up for further proceedings on 06.11.2019 before S.B.

  
(Hussain Shah)  
Member

10.04.2019

Junior to counsel for the petitioner present. Mr. Usman Ghani learned District Attorney alongwith Mehboob ur Rehman J.C for the respondents present.

Representative of the respondents states that process of implementation of judgment under execution has already been started which is likely to be concluded in near future. He, therefore, requests for adjournment for submission of implementation report.

Adjourned to 20.05.2019 before S.B



Chairman

20.05.2019

Petitioner in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Abbas Khan Senior Clerk present. Representative of the respondent department seeks adjournment for doing the needful. Adjourn. To come up for implementation report on 26.06.2019 before S.B.



Member

26.06.2019

Petitioner absent. Mr. Kabir Ullah Khattak learned AAG alongwith Muhammad Abbas Senior Clerk present and submitted reply to the present execution petition. Petitioner be put to notice for 20.08.2019. Adjourn. To come up for further proceedings on the date fixed before S.B.



Member



01.01.2019

Petitioner alongwith his counsel present. Notice be issued to the respondents for implementation report for 05.03.2019 before S.B.

  
Muhammad Amin Khan Kundi  
Member

05.03.2019

Petitioner in person present. Implementation report not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish implementation report on the next date fixed as 10.04.2019 before S.B

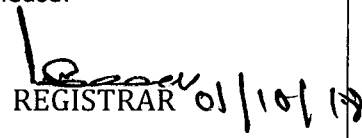


  
Member

Form- A

FORM OF ORDER SHEET

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

Execution Petition No. \_ 350/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.10.2018	The execution petition of Mr. Atiq-ur-Rehman submitted by Mr. Saif Ullah Khalil Advocate may be entered in the relevant register and put up to the Court for proper order please.   REGISTRAR 01/10/18
2-	2-10-2018	This execution petition be put before S. Bench on <u>13-11-2018</u>   MEMBER
	13-11-2018	Due to retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 1-1-2019   Reporter

1

**BEFORE THE HONORUABLE SERVICES TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

EXECUTION PETITION NO. 350 /2018

IN

SERVICES APPEAL NO. 1330/2010 DECIDED ON 02/03/2016

**Engr. Syed Atiq Ur Rehman**

**VERSUS**

**Govt of KPK and Others**

**INDEX**

<b>S.No</b>	<b>Description</b>	<b>Annexure</b>	<b>Pages</b>
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**Petitioner**

**Through**



**SAIF ULLAH KHALIL**

**Advocate, High Court Peshawar**

Cell # 03005941431

Office: - Zabeel Palace Hotel, Peshawar

(2)

BEFORE THE HONORUABLE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR

EXECUTION PETITION NO. 350 /2018

Khyber Pakhtunkhwa  
Services Tribunal

IN

Diary No. 1134

SERVICES APPEAL NO. 1330/2010 DECIDED ON 02/03/2016

(-10-18)

Engr. Syed Atiq Ur Rehman S/o Syed Muhammad Ibrahim Sub Engineer  
SDO -OPS district Shangla.

.....PETITIONER

VERSUS

1. Govt of Khyber Pakhtunkhwa, through Chief Secretary KPK,  
Peshawar.
2. Secretary C&W KPK, Peshawar.

... RESPONDENTS

EXECUTION PETITION FOR THE IMPLIMENTATION OF  
JUDGEMENT / ORDER DATED 02/03/2016 PASSED IN  
SERVICE APPEAL NO. 1330/2010 AND DATED  
13/04/2016 PASSED IN SERVICE APPEAL NO.  
311/2015 IN ITS STRICT SENSE FOR GRANT OF  
SENIOR SCALE SELECTION GRADE BS-16 WITH  
EFFECT FROM 04/09/2003 INSTEAD OF 07/03/2018  
ACCORDING TO THE JUDGEMENT OF THIS  
HONORABLE TRIBUNAL MENTIONED ABOVE.

RESPECTFULLY SHEWETH,

Petitioner submits as under: -

1. That the petitioner filed a services appeal  
no.311/2015 Before this Honoruable Tribunal  
decided on 13/04/2016 while other sub engineers

3

also filed service appeal no. 1330/2010 decided on 02/03/2016 for the grant of senior selection grade BS-16 (copies attached)

2. That service appeal no.1330/2010 was decided earlier then the appeal no. 311/2015 as such the later appeal was dismissed with the observation "that this tribunal recently rendered a judgment dated 02/03/2016 through larger bench which thoroughly discussed the issue pertaining to the senior scale sub engineer BPS-16 and the appellant was at liberty to approach the department for relief if any in the light of the said judgment" (copy attached)

3. That in the judgment dated 02/03/2016 delivered in service appeal no. 1330/2010 this honorable court in para 30 of the said judgment has held that " we therefore, direct that the benefit of this judgment be extended to those sub engineers who fulfilled the criteria of becoming senior Scale Sub Engineers at the relevant time" ( copy attached)

4. That on the strength of judgment dated 02/03/2016 the department / respondent vide notification dated 30/04/2018 granted senior scale selection grade BS-16 to 55 numbers of Sub Engineers w.e.f 04/09/2003. It is pertinent to mention here that most of these sub engineers are juniors to the petitioner as such the petitioner is also entitled to be granted BS-16 w.e.f 04/09/2003 along with all back benefits instead of through a general dated

07/03/2018 with immediate effect which is not only against the judgment of this honorable tribunal mentioned above but also against the law and fact and canon of natural justice (copy attached)

5. That the petitioner time and again approached the respondents for implementation of the judgments of this honorable tribunal mentioned above but in vain and finally filed an appeal before respondent no.1 on 07/05/2018 for which no reply has received till date as such the instant execution petition.

6. That as per judgment of this honorable tribunal mentioned above the petitioner is also entitled to be granted BS-16 w.e.f 04/09/2003 along with all back benefits and seniority which cannot be refused by the respondents and refusal of the respondents needs to be struck down.

7. That the respondents are bound to implement the judgment of this honorable tribunal and to act upon the same in letter and spirit.

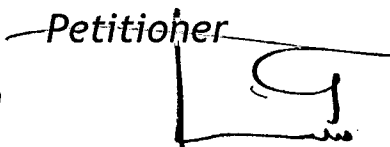
8. That other point be brought in the notice of this Honourable Court and discussed at the time of arguments.

It is, therefore, most humbly prayed that On acceptance of this execution petition the respondent may very kindly be directed to implement the judgment / order dated 02/03/2016 and order dated 14/04/2016 in later and

(5)

spirit and to grant BS-16 the petitioner from 04/09/2003 along with all back benefits and seniority.

Any other relief which this Honourable Court deem proper may very kindly be granted, in the large interest of justice.

Through  Petitioner  
SAIF ULLAH KHALIL (senior)  
Advocate, High Court Peshawar



Certificate; -

Certified that as per information of my client no such like Execution petition is earlier been filed before this Honourable Court.

  
Advocate

6

BEFORE THE HONORUABLE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR

EXECUTION PETITION NO. \_\_\_\_\_/2018

IN

SERVICES APPEAL NO. 1330/2010 DECIDED ON 02/03/2016

Engr. Syed Atiq Ur Rehman

VERSUS

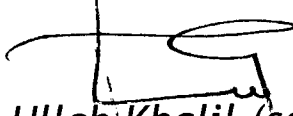
Govt of KPK and Others

AFFIDAVIT

I, Engr. Syed Atiq Ur Rehman S/o Syed Muhammad Ibrahim Sub Engineer SDO -OPS district Shangla, do hereby solemnly affirm and declare on oath that the contents of the instant writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

  
Deponent

Identified by:

  
Saif Ullah Khalil (senior),  
Advocate, High Court Peshawar

  
27-09-18.



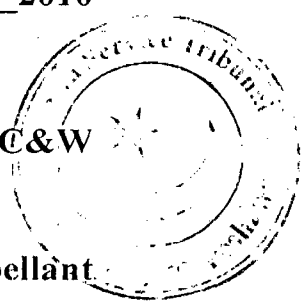
⑦

ANX - "A"

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PHAKHTOON KHAWA, PESHAWAR.**

W.P. No. \_\_\_\_\_  
Service Tribunal  
Dy. No. 1312  
Date 11/7/2010

Service Appeal 13301 2010



Muhammad Shafiq S/o Kala Khan, Sub-Engineer C&W  
Division, Tehsil & District, Abbottabad.

.....Appellant

V/S

1. Govt; of KPK, Peshawar, through Secretary C&W (KPK), Peshawar. ✓
2. Chief Engineer Center, C&W (KPK), Peshawar.
3. XEN, C&W, Abbottabad
4. S.E, C&W, Abbottabad.
5. Akramullah S/o Nasrullah.
6. Sherwali Jhang S/o Aamirzada Khan.
7. Misal Khan S/o Yousaf Khan.
8. Hadyait Ullah-I S/o Anyatullah Khan.
9. Sannaullah Tajori-III S/o Muslim Khan.
10. Zaffarullah Khan S/o Ahbebullah
11. Tariq Usman S/o Noor Sahib Khan.
12. Muhammad Javed Rahim S/o Abdul Rahim
13. Jamshid Khan-I S/o Saif-ur-Rehman.

.....Respondents

Filed to-day

*[Signature]*  
Registrar

11/7/10

=====

APPEAL AGAINST THE NOTIFICATION  
NO. 266-E/941/CE/WSD DATED 25/08/2009 BY

re-submitted to-day  
and filed.

*[Signature]*  
Registrar

15/7/10

WHICH RESPONDENTS NO. 5-13 WAS  
NOTIFIED AS GRADE BPS-16 & THE  
ATTACHED

*[Signature]*

(8)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

SERVICE APPEAL NO. 1330/2010

Date of institution ... 01.07.2010  
Date of judgment ... 02.03.2016

Muhammad Shafiq S/o Kala Khan,  
Sub-Engineer C&W Division, Tehsil & District,  
Abbottabad.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa Peshawar,  
through Secretary C & W Peshawar.
2. Chief Engineer Centre, C & W, KPK Peshawar.
3. XEN, C & W, Abbottabad.
4. Superintending Engineer, C & W, Abbottabad.
5. Akramullah S/o Nasrullah and 8 others. (Respondents)

M/S Aqil Naveed Sulemani, Muhammad Asif Yousafzai,  
Khalid Rehman, Adam Khan, Muhammad Ismail Alizai,  
Sardar Ali Raza, Rizwanullah and Abdul Salim, Advocates

For appellant(s)

Mr. Muhammad Adeel Butt,  
Additional Advocate General  
Nemo

For official respondents  
For private respondents

Mr. Muhammad Azim Khan Afridi  
Mr. Pir Bakhsh Shah  
Mr. Abdul Latif

Chairman  
Member (Judicial)  
Member (Executive)

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI CHAIRMAN: This judgment is

- aimed at disposal of instant service appeal No. 1330/2010 as well as service appeals No.
- (2) 1321/2011 titled Khalid Naeem-vs-Govt. of KPK through Secretary C & W etc.
  - (3) 1248/2012 titled Daulat Khan-vs-Govt. of KPK through Secretary C & W etc.
  - (4) 845/2013 titled Saeedullah-vs-Govt. of KPK through Secretary C & W etc.
  - (5) 848/2013 titled Muddasar Saghir-vs-Govt. of KPK through Secretary C & W etc.
  - (6) 972/2013 titled Ghulam Qadir-vs-Govt. of KPK through Secretary C & W etc.
  - (7) 1009/2013 titled Riaz Ahmed-vs-Govt. of KPK through Secretary C & W etc.
  - (8) 1015/2013 titled Muhammad Idress-vs-Govt. of KPK through Secretary C & W etc.

- (9) 1184/2013 titled Abdul Qayyum-vs-Govt. of KPK through Secretary C & W etc.
- (10) 1185/2013 titled Sarfaraz Alam-vs-Govt. of KPK through Secretary C & W etc.
- (11) 1186/2013 titled Muhammad Hamid Zia-vs-Govt.of KPK through Secretary C& W
- (12) 1188/2013 titled Shad Muhammad Khan-vs-Govt.of KPK through Secretary C&W
- (13) 1189/2013 titled Syed Abdullah Shah-vs-Govt. of KPK through Secretary C & W
- (14) 1190/2013 titled Nawazish Ali-vs-Govt. of KPK through Secretary C & W etc.
- (15) 1191/2013 titled Niaz Muhammad-vs-Govt. of KPK through Secretary C & W etc.
- (16) 1139/2013 titled Zia-ud-Din -vs- Govt. of KPK through Secretary C & W etc.
- (17) 1300/2013 titled Qaiser Shah -vs- Govt. of KPK through Secretary C & W etc.
- (18) 1338/2013 titled Aurangzeb -vs- Govt. of KPK through Secretary C & W etc.
- (19) 1431/2013 titled Habib Ullah -vs- Govt. of KPK through Secretary C & W etc.
- (20) 1446/2013 titled Mian Jehanzeb Khattak-vs-Govt.of KPK through Secretary C& W
- (21) 1561/2013 titled Yousaf Ali -vs- Govt. of KPK through Secretary C & W etc.
- (22) 1631/2013 titled Muhammad Shakeel Athar -vs- Secretary C & W KPK etc.
- (23) 1632/2013 titled Malik Arif Saeed Diyal-vs-Govt. of KPK through Secretary C&W
- (24) 1633/2013 titled Muhammad Khalil Noor-vs-Govt.of KPK through Secretary C&W
- (25) 95/2014 titled Muhammad Saeed-vs-Govt. of KPK through Secretary C & W etc.
- (26) 96/2014 titled Zahir Gul -vs- Govt. of KPK through Secretary C & W etc.
- (27) 224/2014 titled Muhammad Zubair-vs-Govt. of KPK through Secretary C & W
- (28) 246/2014 titled Abdul Rahim -vs- Govt. of KPK through Secretary C & W etc.
- (29) 365/2014 titled Zulfiqar Ahmad-vs-Govt. of KPK through Secretary C & W etc.
- (30) 366/2014 titled Naseem Ahmed-vs-Govt. of KPK through Secretary C & W etc.
- (31) 367/2014 titled Mazhar Khan -vs- Govt. of KPK through Secretary C & W etc.
- (32) 393/2014 titled Muhammad Javed-vs-Govt. of KPK through Secretary C & W etc.
- (33) 471/2014 titled Said-ul-Ibrar -vs- Govt. of KPK through Secretary C & W etc.
- (34) 477/2014 titled Lal Badshah -vs- Govt. of KPK through Secretary C & W etc.
- (35) 484/2014 titled Abdul Khalil -vs- Govt. of KPK through Secretary C & W etc.
- (36) 489/2014 titled Abdul Farooq -vs- Govt. of KPK through Secretary C & W etc.

02.03.16

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- (37) 513/2014 titled Irshad Ahmed Khan-vs-Govt. of KPK through Secretary C & W
- (38) 699/2014 titled Muhammad Akram-vs-Govt. of KPK through Secretary C & W
- (39) 700/2014 titled Abdul Qayum-vs-Govt. of KPK through Secretary C & W etc,
- (40) 722/2014 titled Faiz Ullah Khan-vs-Govt. of KPK through Secretary C & W etc,
- (41) 749/2014 titled Zamir Jang -vs- Govt. of KPK through Secretary C & W etc.
- (42) 770/2014 titled Syed Tariq Mahmood-vs-Govt. of KPK through Secretary C & W
- (43) 852/2014 titled Ghulam Rahim-vs-Govt. of KPK through Secretary C & W etc.
- (44) 907/2014 titled Liaqat Shah -vs- Govt. of KPK through Secretary C & W etc.
- (45) 915/2014 titled Noor-ul-Basar -vs- Govt. of KPK through Secretary C & W etc.
- (46) 920/2014 titled Sabit Khan -vs- Govt. of KPK through Secretary C & W etc.
- (47) 1035/2014 titled Manzoor Ilahi -vs- Govt. of KPK through Secretary C & W etc.
- (48) 1100/2014 titled Fazal Mehmood-vs-Govt. of KPK through Secretary C & W etc.
- (49) 1112/2014 titled Nisar Ahmed -vs- Govt. of KPK through Secretary C & W etc.
- (50) 1132/2014 titled Taj Muhammad-vs-Govt. of KPK through Secretary C & W etc.
- (51) 1223/2015 titled Sardar Naem Ahmed-vs-Govt. of KPK through Secretary C & W etc. and (52) 1284/2015 titled Muhammad Zaka Khan-vs-Govt. of KPK through Secretary C & W etc as common questions of law and facts are involved therein.

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02.03.16

2. In appeal No. 1330/2010, Muhammad Shafiq appellant has prayed for grant of BPS-16 being senior to private respondents No. 5 to 13 i.e Akramullah s/o Nasrullah, Sher Wali Jhang s/o Amirzada Khan, Misal Khan s/o Yousaf Khan, Hidayatullah-I s/o Anayatullah Khan, Sanaullah Tajori-III s/o Muslim Khan, Zaffarullah Khan s/o Ahbebullah, Tariq Usman s/o Noor Zahib Khan, Muhammad Javed Rahim s/o Abdur Rahim and Jamshid Khan-I s/o Saif-ur-Rehman. According to his stance the said respondents were granted Senior Scale and appellant ignored despite the fact that he was senior and fit and fulfilling the prescribed criteria.

**ATTESTED**

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3. In appeal No. 1321/2011 instituted on 11.7.2011, appellant Khalid Naeem is seeking directions of this Tribunal so as to grant him B-16 as he has joined the C & W

KPK  
Secretary  
Peshawar

Department as Sub-Engineer on 9.12.1981 and has passed B-Grade Departmental Examination in the year 1994 and has more than 30 years service to his credit including good service record and entitling him to the grant of Senior Scale on the strength of 25% of the total number of posts of Sub-Engineers.

4. In appeal No. 1248/2012, appellant Daulat Khan has prayed for grant of BPS-16 as per rules with all consequential benefits from due date as he has qualified the prescribed examination and rendered more than 10 years service.

5. In appeal No. 845/2013, appellant Saedullah has prayed for grant of Senior Scale (BPS-16) mainly on the ground that this Tribunal has granted the Senior Scale to similarly placed employees vide judgment dated 11.12.2012 and as such he is entitled to alike treatment. Similar prayers are made by appellants in appeals No. 848/2013, 1009/2013, 1184 to 1186/2013, 1188 to 1191/2013, 1139/2013, 1300/2013, 1338/2013, 1446/2013, 1561/2013, 224/2014, 246/2014, 365/2014, 366/2014, 489/2014, 513/2014, 699/2014, 700/2014, 722/2014, 749/2014, 852/2014, 907/2014, 915/2014, 920/2014, 1035/2014 and 1132/2014.

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6. In appeal No. 972/2013, appellant Ghulam Qadir has prayed for grant of BPS-16 with all back benefits on the ground of fulfilling the prescribed criteria and on the rule of alike treatment extended to similarly placed employees. He has also prayed for special cost on the ground that he was deprived of his due right by the respondents and compelled to litigate for his right as similarly placed Sub-Engineer were extended benefits of litigation while appellant was discriminated for no fault on his part.

7. In appeal No. 1015/2013, appellant Muhammad Idrees Alizai has prayed for grant of Senior Scale (BPS-16) with back benefits and imposition of Special Cost as despite his entitlement to the said scale and judgment of this Tribunal in service appeal

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titled "Noshad Khan-vs-Government of KPK", he was deprived of his entitlement to Senior Scale and forced to litigate.

8. In appeal No. 1631/2013, appellant Muhammad Shakeel Athar has prayed for grant of Senior Scale on the ground that junior to him namely M/S Mashal Khan, Misal Khan-II and Syed Sardar Shah were granted the same while he ignored despite entitlement on the analogy of similar treatment extended to similarly placed employees.

9. In appeal No. 1632/2013, appellant Malik Arif Saeed Diyal has prayed for grant of Senior Scale (BPS-16) on the ground that his junior colleagues were granted the same and he was discriminated. Similar prayers are made by the appellants in appeals No. 1431/2013, 95/2014, 96/2014, 393/2014, 471/2014, 477/2014, 484/2014, 770/2014 and 1100/2014.

10. In appeal No. 1633/2013, appellant Muhammad Khalil Noor has impugned order dated 22.5.2013 with a prayer that the same be set-aside and he may be granted Senior Scale (BPS-16) with effect from the date of qualifying Departmental Examination and 10 years qualifying service with all back benefits.

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11. In appeal No. 367/2014, appellant Mazhar Khan has prayed that his junior colleagues were granted Senior Scale and he was ignored and discriminated. He has also prayed for grant of Senior Scale (BPS-16) on the rule of alike treatment as extended to similarly placed employees in appeals by this Tribunal vide judgment dated 11.12.2012. A similar prayer is made by appellant Nisar Ahmed in appeal No. 1112/2014.

12. In appeal No. 1223/2015, appellant Sardar Naeem Ahmed has prayed for Senior Scale being senior as his junior colleagues were granted the same and he was ignored. He has also prayed for grant of Senior Scale (BPS-16) on the rule of alike treatment as extended to similarly placed employees in appeals by this Tribunal vide judgments

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dated 23.4.2009 and 11.12.2012. A similar prayer is made by appellant Muhammad Zaka Khan in appeal No. 1284/2015.

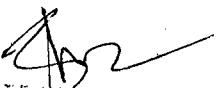
13. Learned counsel for the appellants as well as appellants argued that according to Schedule-I of Communication and Works Department (Recruitment and Appointment) Rules, 1979, appellants were entitled to appointment as Senior Scale Sub-Engineers as they were fulfilling the pre-requisites and prescribed criteria. That even junior civil servants serving as Sub-Engineers were promoted and even appointed as Sub Divisional Officers in their own pay scale while appellants ignored for no fault or omission on their part. That earlier this Tribunal has granted Senior Scale to the aggrieved civil servants approaching this Tribunal and that keeping in view the criteria laid down for grant of Senior Scale and judgments of this Tribunal, the appellants are entitled to alike treatment. Reliance was placed on case-law reported as 2009 SCMR 1 (Supreme Court of Pakistan), 2002 SCMR 71 (Supreme Court of Pakistan), 1996 SCMR 1185 (Supreme Court of Pakistan) and PLD 2002 Supreme Court 46 as well as judgments of this Tribunal dated 23.4.2009 and 11.12.2012.

14. Learned Additional Advocate General has argued that the C & W Department was obliged to restrict grant of Senior Scale to the extent of criteria laid down at S.No.5 of Schedule-I of the said Rules and that on the strength of the same 25% of total sanctioned posts were treated as Senior Scale posts (BPS-16) and the concerned civil servants accordingly up-graded at the relevant times as per laid down criteria. He further argued that due to improprieties, undue favours, incorrect interpretation of rules and erroneous interpretation of the judgments of this Tribunal and the rule of alike treatment the said scheme of grant of Senior Scale was frustrated at different levels and times and as a consequence thereof Senior Scale (B-16) was granted to Sub-Engineer in excess of 25% of the sanctioned strength of Sub-Engineers and, therefore, Provincial exchequer was exposed to sustain huge and constant financial liability. That since the

7  
203/16

respondent-department has exhausted the prescribed 25% of total number of sanctioned

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

14

posts meant for Senior Scale Sub-Engineers and the scheme of grant of the said Senior Scale stood abolished under the Pay Revision Rules, 2001 by December 1, 2001, as such the appellants were not entitled to the Selection Grade claimed through the instant service appeals. He further argued that the authorities involved in illegal appointments and grant of Senior Scale were accountable to Provincial Government and irregularities carried out in the process were liable to be declared null and void.

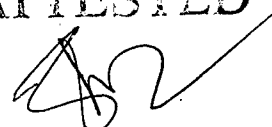
15. We have heard arguments of the learned counsel for the parties and perused the record.

16. Keeping in view the pleadings, record placed before us and arguments of learned counsel for the parties and appellants, the following emerging controversies and points need determination:

- i. Impact of Recruitment and Appointment Rules, 1979 and its life cycle vis-a-vis claims of appellants.
- ii. Entitlement of appellants to Senior Scale on the rules of alike treatment and grant of the same to civil servants ignored despite seniority.
- iii. Legal status of appointments against higher posts in Own Pay Scale.
- iv. Impact of judgments of this Tribunal dated 11.12.2012 and 23.4.2009.

17. For answering and determining the points in issue, we deem it appropriate to refer to and reproduce the Notification of the then Provincial Government, Services, General Admn, Tourism and Sports Department dated Peshawar, the 13th January, 1980 on the basis whereof Communication and Works Department (Recruitment and Appointment) Rules, 1979 were promulgated and which reads as under:

**ATTESTED**

  
ATTENDING  
Khairpur  
Service Tribunal,  
Peshawar



15

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
SERVICES & GENERAL ADMINISTRATION, TOURISM & SPORTS  
DEPARTMENT.

NOTIFICATION

Peshawar the 13 January, 1980


No. SOR-I(S&GD)1-12/74.---In exercise of the Powers conferred by Section 26 of the North West Frontier Province Civil Servant Act, 1973 (NWFP Act XVIII of 1973), in supersession of all previous rules on the subject in this behalf the Governor of the North-West Frontier Province is pleased to make the following Rules, namely:-

THE COMMUNICATION & WORKS DEPARTMENT  
(RECRUITMENT AND APPOINTMENTS) RULES, 1979.

- 02.03.16
- (1) These rules may be called the Communication and Works Department (Recruitment and Appointment) Rules, 1979.
  - (2) They shall come into force at once.

2. The Method of recruitment, minimum qualifications, age limit and other matters related thereto for the Posts specified in column 2 of the Schedules annexed shall be as given in column 3 to 7 of the said Schedules.

RECEIVED

  
K. M. Khan  
Secretary  
Peshawar

COMMUNICATION & WORKS DEPARTMENT  
SCHEDULE-I

S.NO.	Nomenclature of post	Minimum Qualifications for Appointments		Age for initial Recruitment		Method of Recruitment
		Initial Recruitment by Transfer	Promotion	Minimum	Maximum	
1	2	3	4	5	6	7
1 to 4	<i>Irrelevant</i>	-	-	-	-	-
5	Senior Scale Sub-Engineer		Diploma in Engineering from a recognized Institute			Twenty five percent of the total number of posts of the diploma holders, Sub-Engineers shall from the cadre of Senior Scale Sub-Engineers and shall be filled by selection on merit with due regard to seniority from amongst Sub Engineers of the Department, who have passed the Departmental Examination and have at least ten years service as such.
6 and onwards	<i>Irrelevant</i>	-	-	-	-	-

12.03.16

AT

18. A plain reading of the text appearing at serial No. 5 of the schedule reproduced above would suggest that a civil servant aspiring for the Senior Scale Sub-Engineer shall hold a Diploma in Engineering from a recognized Institute, shall rank senior among his colleagues, shall hold a position falling within domain and sphere of 25% of the total number of posts of the Sub-Engineers, shall have at least 10 years service as Sub-Engineer and shall have passed the prescribed departmental examination at the relevant time. In other words a Sub-Engineer devoid of the above criteria and traits would not be entitled to claim Senior Scale. The said rule and schedule has explicitly curtailed the magnitude, size and sphere of the Senior Scale Sub-Engineers to 25% of the total sanctioned posts of Sub-Engineers and, therefore, no authority was empowered to exceed or surpass the said number of Senior Scale Sub-Engineers.

19. The operation of the said rules applicable to Sub-Engineer with reference to grant of Senior Scale to 25% of the total number of posts has come to an end with effect from December 1, 2001 in view of notification dated 27.10.2001 whereby the scheme of selection grade and Move-over stood discontinued as laid down in para-7 of the said Pay Revision Rules, 2001.

Handwritten signature and date: 02-03-06.

20. It is, therefore, held and concluded that the Senior Scale admissible to Sub-Engineers could only be granted and restricted to those Sub-Engineers who were fulfilling the prescribed criteria in the above manner's on or before December 1, 2001.

(21) Record placed before us in different appeals would suggest that to implement the said rule in letter and spirit, the Establishment Department was constrained to issue letter No. SO(PSB)ED/1-23/2002 dated Peshawar, the 3.7.2004 wherein cut off date for processing pending cases was extended to 31.8.2004 with certain observations, relevant portion whereof is reproduced herein for facilitation and ready reference:

ATTESTED

"All left over cases of Government Servants who were eligible for Selection Grade/Moveover before 1.12.2001 may be placed before PSB/

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DPC for consideration as per instructions/policy on the subject at the latest otherwise strict disciplinary action would be taken against the defaulting official under the NWFP Removal from Service (Special Powers) Ordinance, 2000."

22. Authorities at the helm of affairs were conscious and cognizant of the facts and law that a civil servant otherwise entitled to Senior Scale could not be deprived of the same because of incomplete service record including Performance Evaluation Reports (PERs) etc. and for reasons not attributable to such a civil servant. To achieve the righteous outcome and to avoid irregularities the defaulting officers were warned to be proceeded against under the punitive rules then in-vogue. Miseries of the aspiring and deserving Sub-Engineers came to surface when instead of competing and submitting the cases, junior officers were favoured and elevated to the Senior Scale prompting those ignored to approach this Tribunal for redressal of their grievances and this Tribunal, vide judgments dated 23.4.2009 and 11.12.2012 granted the relief by directing the respondents to extend similar treatment to equally placed employees by granting them Senior Scale.

02-03-16

23. The department and authority responsible to restrict Senior Scale to the prescribed 25% limit of posts and bound to raise concerns over such irregularities and state of affairs simply granted Senior Scale to Sub-Engineers in excess of 25% of the total number of posts in disregard of the rules. The grant of the said Senior Scale has not come to an end till date for the reasons that the same is granted by ignoring the prescribed limit of 25% including the time frame ending on December 1<sup>st</sup>, 2001. The practice adopted is not only condemnable but also worth taking note of because of overburdening the public exchequer offensively.

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24. Section-5 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 hereinafter referred to as the Civil Servants Act, 1973 mandates that appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be

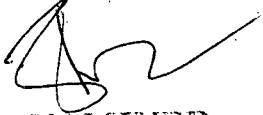
made in the prescribed manners by the Governor or by a person authorized by the Governor in that behalf. Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, hereinafter referred to as APT Rules, 1989 framed under the provisions of section-26 of the Act, 1973 restricts but empowers the competent authority to make appointments, in case of exigencies prescribed in Rule-9, on acting or current charge basis in the public interest. Appointment to a higher post in own pay scale is a practice ruinous to Service Rules and structure of civil service and is ordinarily adopted by the authority to either favour their nears and dears or to distant the deserving civil servants due for promotion or to delay or beat timely inductions through initial appointments. This practice is frequently adopted and applied by the authorities despite the fact that the same is illegal and condemnable. We, therefore, hold that appointment of a civil servant in his own pay scale against a higher post is a practice derogatory to law and rules and good governance and we, therefore, accordingly direct that the same be discontinued by the authorities concerned forthwith but not beyond a period of one month. We further resolve and hold that the authorities failing to discontinue or pursuing such unlawful practices in future be dealt with under the relevant punitive laws and that departmental action against such incumbents for misusing and abusing authority vested in them by virtue of their office shall be initiated and concluded to logic end.

02.03.16.

25. We are conscious of the fact that giving definite findings about the validity of judgments of this Tribunal entitling appellants in the stated appeals to Senior Scale are not warranted at this stage as the said matter is not agitated before us in the manners prescribed by law. We, therefore, direct that in case a Sub-Engineer not falling within the parameters of selection to Senior Scale on the above criteria but availing the privileges of such scale on the strength of any office order or judgment of this Tribunal be dealt with in accordance with law and subject to legal process and if so permitted by law, recoveries be made from their persons.

26. We further hold and direct that slots at the prescribed ratio available for grant

**ATTESTED**

  
 ENGINEER  
 Khyber Pakhtunkhwa  
 Service Tribunal,

of Senior Scale at the relevant times be calculated by the department and those fulfilling the criteria for Senior Scale but ignored due to lapses not attributable to ignored/leftover officers be granted the Senior Scale from the date of entitlement i.e accruing of vacancies in the Senior Scale but subject to the provisions of the Pay Revision Rules, 2001. We also direct that the Provincial Government shall honour its directive and shall take disciplinary action against those responsible for maintaining, updating and completing the record of the officers; but ignoring their responsibilities and thus giving space to irregularities and illegalities thereby causing and inflicting losses on public exchequer.

(27) We are alive to the situation that while computing the seats of Sub-Engineer in the Senior Scale and eligibility of the senior officers against the same the authorities concerned may find grant of selection grade allowed in excess of the prescribed limit and ratio. We, therefore, direct that the situation be addressed by the authorities concerned by resorting to legal course and in case any officer granted Senior Scale in excess of prescribed limit is found protected by any law, rules or judgment of the Court then, in such eventuality, the officers of the administrative department responsible for handling the affairs relating to grant of Senior Scale at the relevant time be sorted out and be proceeded against for realization of monetary loss caused to the public exchequer as a consequence of their irresponsible and undesirable behavior.

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28. Before parting with this judgment we deem it our duty to discuss the case law cited at the Bar at the time of arguments by the learned counsel for the parties.

29. In case of Hameed Akhtar Niazi reported as 1996 SCMR 1185 and Sameena Perveen reported as 2009 SCMR 1, the august Supreme Court of Pakistan has observed that if the Service Tribunal or Supreme Court decides a point of law relating to the terms and conditions of service of a civil servant which covers not only the case of civil servant who litigated but also of other civil servants who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance

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demand that the benefit of such judgment by Service Tribunal/Supreme Court be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum.

30. Though adequate number of Sub-Engineers seeking Senior Scale are present before us but there is likelihood that certain civil servants might not have approached this Tribunal to litigate for their claims. We, therefore, direct that the benefit of this judgment be extended to those Sub-Engineers who fulfilled the criteria of becoming Senior <sup>Scale</sup> Sub-Engineer at the relevant time.

31. In case of Fida Hussain reported as PLD 2002 Supreme Court 46 and Abdul Samad reported as 2002 SCMR 71 it was observed by the august Supreme Court of Pakistan that rule of consistency must be followed in order to maintain balance and the doctrine of equality before law. That dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.

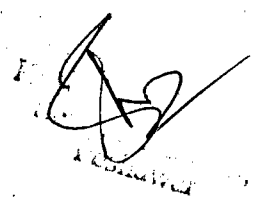
32. Deriving wisdom from the mandates of law, judgment of the august Supreme Court of Pakistan and to advance the cause of justice and to frustrate efforts and attempts of thwarting just and fair-play we direct that the judgment be giving effect by the respondents in letter and spirit.

33. The appeals are disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

34. In the end we direct the Registrar of this Tribunal to circulate a copy of this judgment among all concerned departments of the Provincial Government for guidance and compliance.

Announced  
02.03.2016

*sd/- M. Azim Khan Afridi, Chairman*  
*sd/- P. Bakht Shah, Member*  
*sd/- Abdul Latif, Member*

Com  


Date of \_\_\_\_\_ 26/9/18  
Number \_\_\_\_\_  
Copies \_\_\_\_\_ 5600  
Urgent \_\_\_\_\_ 30/-  
Total \_\_\_\_\_ 30/-  
Name \_\_\_\_\_  
Date of \_\_\_\_\_ 27/9/18  
Date of Delivery \_\_\_\_\_ 27/9/18

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**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PHAKHTOON KHAWA, PESHAWAR.**

W.F. No. 1312  
Service Tribunal  
Distt. No. 1312  
Date 01/7/2010

Service Appeal 1330/2010

Muhammad Shafiq S/o Kala Khan, Sub-Engineer C&W  
Division, Tehsil & District, Abbottabad.

.....Appellant

V/S

1. Govt; of KPK, Peshawar, through Secretary C&W (KPK), Peshawar.
2. Chief Engineer Center, C&W (KPK), Peshawar.
3. XEN, C&W, Abbottabad
4. S.E, C&W, Abbottabad.
5. Akramullah S/o Nasrullah.
6. Sherwali Jhang S/o Aamirzada Khan.
7. Misal Khan S/o Yousaf Khan.
8. Hadyait Ullah-I S/o Anyatullah Khan.
9. Sannaullah Tajori-III S/o Muslim Khan.
10. Zaffarullah Khan S/o Ahbebullah
11. Tariq Usman S/o Noor Sahib Khan.
12. Muhammad Javed Rahim S/o Abdul Rahim
13. Jamshid Khan-I S/o Saif-ur-Rehman.

.....Respondents

Filed to-day

17/7/10

APPEAL AGAINST THE NOTIFICATION

NO. 266-E/941/CE/WSD DATED 25/08/2009 BY

WHICH RESPONDENTS NO. 5-13 WAS

NOTIFIED AS GRADE BPS-16 & THE

re-submitted to-day and filed.

15/7/10

ATTENDED

khwa



23

APPELLANT WAS NOT NOTIFIED FOR  
PROMOTION FROM BPS-11 TO BPS-16.

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PRAYER:

ON ACCEPTANCE OF THE INSTANT  
APPEAL APPELLANT BE PROMOTED FROM  
BPS-11 TO BPS-16 BEING SENIOR TO  
RESPONDENTS NO. 5 to 13 NOTIFIED AND  
PROMOTED AS BPS-16.

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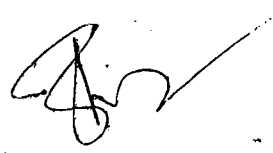
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Respectfully Sheweth :-

Brief narration of the facts, giving rise to the instant  
Appeal are averred hereunder for the kind perusal of  
this Court having direct nexus with the moot points  
involved in the matter.

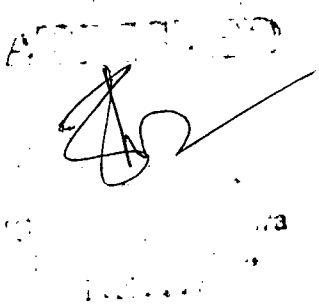
1. That the appellant was appointed as Sub-  
Engineer in the department of C&W in the  
year 1980, vide appointment letter 848/3-  
E/2950-53/E-1(2) dated 28/05/1980. (Copy of  
appointment letter dated 28/05/1980 is annexed  
as annexure "A").
2. That during the service, appellant was posted  
in deferent stations at present is working in

ATTORNEY



C&W Division Abbottabad as Sub-Engineer  
in BPS-11.

3. That firstly in the year 1994 appellant name was entered in promotion list and also included in the year 1998, both the time appellant qualified on merit but was ignored. (Copy of letter is annexed as annexure "B").
4. That respondents No.5 to 13 were inducted in grade 16 vide Notification No. 226E/941 dated 25/08/2009 & Present appellant was completely ignored as per qualifications, appellant is eligible for this post. (Copy of notification is annexed as annexure "C").
5. That feeling aggrieved from the above notification the appellant approached through departmental appeal dated 8/3/2010, which has not been replied yet by the higher authority. (Copy of the departmental appeal is annexure as annexure "D").
6. That feeling aggrieved from the aforesaid promotion & no action taken by the high ups of the department, the petitioner has come to this

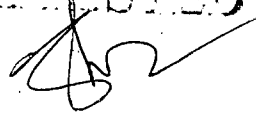
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honourable Tribunal inter alia on the following grounds.

GROUNDS

a. That the promotion of Respondents No 5 to 13 are illegal, perverse discriminatory, harsh and against the policy and merits of the departments as per described in Schedule-1 of communication and works department. (Copy of Schedule-I, is annexed as annexure "E").

b. That the promotions are made on policy of pick & choose, rather on merits, while petitioner was totally ignored to be posted in BPS-16 as per described in Civil Servant sonority SI No. 153-A in which procedure for promotion has been fully described hence ignoring this policy respondents No. 1 to 2 has adopted the above policy of pick and choose. (Copies of Civil Servant (Seniority) rules 1993 is annexed as annexure "F").

ACCEPTED  




appellant may very graciously be promoted from BPS-11 to BPS-16 as per rules and regulations and with all the back benefits, or any other order which this court deems fit be announced.

Dated: \_\_/\_\_/2010

*[Signature]*  
.....Appellant  
Muhammad Shafique

Through,

*[Signature]*  
AQIL NAVEED SULEMANI  
Advocate High Court  
Abbottabad.

VERIFICATION:

Verified that the contents of forgoing Service Appeal are true and correct to the best of my knowledge and belief and nothing material has been suppressed from this August Court.

Dated: 30/6/10

*[Signature]*  
.....Appellant  
Muhammad Shafique

Certified  
*[Signature]*

Date	26-9-08
Rate	24000
Cost	14.00
Net	14.00
Total	<i>[Signature]</i> 27-9-08
Balance	27-9-08

**BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR**Service Appeal No. 311 /2015N.W.F. Province  
Service TribunalDiary No. 331  
Dated 10-4-2015Eng. Atiq ur Rehan S/o Syed Muhammad Ibrahim  
R/o Old Village Sakha Kot, Malakand Agency

Appellant

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa, Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

Respondents

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06.04.2015, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 17.02.2015, RESPONDENT NO.1, WHEREBY THE APPELLANT WAS RELIEVED TO HIS ORIGINAL CADRE I.E. SUB-ENGINEER, WAS DISMISSED.

**PRAYER:** On acceptance of this service appeal, the impugned orders dated 17.02.2015 and appellate order dated 06.04.2015 may be set aside being illegal, without jurisdiction and without lawful authority, besides being malafide, arbitrary and for ulterior motives. The appellant may be declared entitled to BPS-16 when he completed 10 years service and passed Grad-e-B Departmental Promotion Examination according to entry made in service book. The seniority of the appellant may be directed to be counted from 23.11.2007 and it may also be declared that the appellant is entitled to BPS-17 from 23.11.2007 when he was actually posted against the same grade.

**Respectfully Sheweth:**

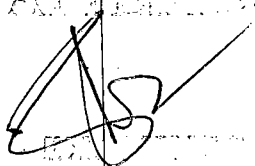
1. That the appellant has got Diploma of Associate Engineer in Civil Technology from Govt. Polytechnic Institute Haripur in 1986 and was initially appointed as Sub-Engineer in Basic Pay scale-11 on 19.03.1988. (Copies of appointment order dated 13.03.1988 and diploma are attached as annexure A & B).
2. That diploma holders with 10 years service and after passing Grade-B Departmental Exam, are eligible to be appointed in BPS-16.
3. That the appellant is officiating in BPS-17 since 23.11.2007 being qualified to be appointed against the same on the basis of seniority and decree in Engineering.

S. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
	<p>13.04.2016</p> <p><i>AFI</i></p> <p><i>[Signature]</i></p> <p>ATTESTED</p>	<p><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p>Service Appeal No. 311/2015</p> <p>Engineer Atiq-ur-Rehman-vs-Secretary to Government of Khyber Pakhtunkhwa, Communication &amp; Works Department, Khyber Pakhtunkhwa, Peshawar and one other.</p> <p><u>JUDGMENT</u></p> <p><u>ABDUL LATIF, MEMBER:</u> - Appellant with counsel (Mr. Mian Muhibullah Kakakhel, Advocate) and Mr. Muhammad Jan, Government Pleader for respondents present.</p> <p>2. Engineer Atiq-ur-Rehman, has filed the instant service appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated <u>06.04.2015</u>, whereby departmental appeal of the appellant against the order dated 17.02.2015 to respondent No. 1, whereby the appellant was relieved to his original cadre i.e Sub-Engineer, was dismissed. The appellant prayed in the instant appeal that on acceptance of the present appeal, the impugned orders dated <u>17.02.2015</u> and appellate order dated <u>06.04.2015</u> may be set-aside being illegal, without jurisdiction and without lawful authority, besides being malafide, arbitrary and for ulterior motives. The appellant may be declared entitled to BPS-16 when he completed 10 years service and passed Grade-B Departmental Promotion Examination. The seniority of the appellant may be directed to</p>

be counted from 23.11.2007 and it may also be declared that the appellant is entitled to BPS-17 from 23.11.2007 when he was actually posted against the same grade.

3. Facts giving rise to the instant appeal are that the appellant was initially appointed as Sub-Engineer in BPS-11 on 19.03.1988. That diploma holders with 10 years' service and after passing Grade-B Departmental Examination are eligible to be promoted. That the appellant is officiating in BPS-17 since 23.11.2007 being qualified to be appointed against the same on the basis of seniority and degree in Engineering. That subsequently appellant has been holding the post of SDO (BPS-17) on all his transfer/posting. That if a civil servant, who is working on officiating/acting charge basis against a post, if qualified to hold the same will be entitled to be promoted/appointed against the same should a vacancy arise. That appellant applied for long leave i.e 1460 days for obtaining higher education which was sanctioned by office order dated 24.02.1997 and 28.04.1999. That the appellant completed his degree in the year 2001 and was adjusted as Sub-Engineer vide order dated 09.05.2001 in C & W Division, Swabi. That the appellant continued his work as SDO (OPS) on different stations since December, 2007 to 02.04.2011. That respondents issued Notification dated 14.10.2014 in which it was added that "Seniority shall be determined from the date of initial

Q.F.I.

ATTESTED  
  
K. J. Khan  
Secretary  
Peshawar



appointment". Previously the rule for seniority was to be determined from the date of acquiring degree in engineering. That the appellant was working on the post of SDO when respondents issued an office order dated 17.02.2015 vide which respondent No. 1 reverted the appellant from SDO (OPS) BPS-17 to Sub-Engineer (BPS-11). That reversion is a punishment and cannot be awarded without following the prescribed procedure. That the appellant filed appeal before the competent authority on 18.02.2015 against order dated 17.02.2015. That impugned orders dated 17.02.2015 and 20.4.2015 are illegal, without jurisdiction and without lawful authority besides being for ulterior motives. That the impugned orders have been passed for political considerations. That the appellant has been condemned unheard and has not been treated in accordance with law and discriminated. That the appellant filed representation against the impugned order before the competent authority on 18.02.2015 which was regretted.

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4. The learned counsel for the appellant argued that the appellant was working on the post of SDO when respondents vide order dated 17.02.2015 reverted him from the said post i.e SDO (OPS) BPS-17 to Sub-Engineer BPS-11 where-against he filed representation before the relevant authority which was regretted. He further argued that the appellant was entitled to Senior Scale Sub-Engineer (BPS-16) on account of fulfilling requirement of 10 years service and passing of Grad

*Handwritten signature/initials*

examination and had become eligible for promotion to the post of SDO (BPS-17) and added that his reversion from SDO (OPS) was a sort of punishment and could not be awarded without following the prescribed procedure and added that the appellant was condemned unheard by said reversion to the post of Sub-Engineer BPS-11. He further argued that impugned order dated 17.02.2015 was illegal, without jurisdiction, without lawful authority and had been passed on political considerations hence the same was not maintainable under the law. He further contended that there were still a large number of Sub-Engineer who were working as SDO (OPS) B-17 and appellant had thus been treated against the law and discriminated against and prayed that on acceptance of this service appeal impugned order dated 17.02.2015 and 06.04.2015 set-aside and the appellant may be declared entitled to BPS-17 from the said date when he was actually posted against the higher post of SDO (OPS) BPS-17. He relied on judgment of Supreme Court of Pakistan in case No. C.As No. 860 to 861 of 2010 titled Government of NWFP through Secretary Establishment and other-vs-Muhammad Iqbal Khattak and Ahmed Khan.

Q.E.1.

5. The learned Government Pleader resisted the appeal and argued that the scheme of Selection Grade/Senior Scale Sub-Engineer BPS-16 @ 25% of the total posts of diploma holders Sub-Engineer BPS-11 was allowed by the government in C & W Department with certain conditions and the said

had since been discontinued by the Provincial Government with effect from 01.12.2001 in the Pay Revision Rules 2001. The appellant right had not been affected as he remained silent and filed no representation for the purpose during the currency of the said scheme. He further argued that this Tribunal vide judgment dated 02.03.2016 of the Larger Bench had given a detailed decision on the issue of grant of Senior Scale B-16 and the same was now in the field. He further argued that the appellant worked against the post of SDO (OPS) BPS-17 and the government was at liberty to revert him to his original post of Sub-Engineer BPS-11 and in so far as question of his eligibility and promotion to the post of SDO BPS-17 was concerned, the same was regulated under the prescribed rules for appointment against the post of SDO and the appellant will be considered for promotion according to the prescribed rules and added that this Tribunal had no jurisdiction to pass order for promotion of the appellant to the post of SDO BPS-17. He prayed that the appeal being devoid of merits may be dismissed.

*Q.A.*

6. Arguments of the learned counsels for the parties heard and record perused.

7. From perusal of the record, it transpired that appellant was aggrieved from the impugned order dated 17.2.2015 wherein he amongst others was reverted from the post of SDO (OPS) BPS-17 to his substantive post of Sub-Engineer (BPS-11) and wanted intervention of this Tribunal to declare him

*[Signature]*

entitled to BPS-16 and also BPS-17 from the date 23.11.2007 when he was actually posted against the same post. The appellant agitated further by citing a number of cases wherein OPS (BPS-17) was still allowed to his colleagues Sub-Engineer and others even junior to him were placed in BPS-16 Senior Scale Sub-Engineer and SDO (OPS) BPS-17 and termed the same as discrimination against him which was not maintainable under the law. From perusal of the record, it transpired that the appellant was appointed as Sub-Engineer in C & W Department who after induction improved his qualification and got a degree in Civil Engineering. He was thus placed in the category of Sub-Engineers who got Engineering Degree after induction in service and who had right over a specified quota for promotion to the post of Assistant Engineer (BPS-17) as prescribed in the relevant recruitment rules. It is relevant to mention that the specific quota of 25% as Senior Scale Sub-Engineer (BPS-16) was reserved for only diploma holder Sub-Engineer of the department which facility has since been discontinued with effect from 01.12.2001 and his claim for entitlement to BPS-16 Senior Scale Sub-Engineer at this juncture was like a cry over the spilt milk as the same facility was no more in the field even for diploma holder Sub-Engineers of the C & W Department. Moreover this Tribunal recently rendered a judgment dated 02.03.2016 through larger Bench which thoroughly discussed the issue pertaining to Senior Scale Sub-Engineer (BPS-16) and the

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ACCEPTED

*[Handwritten signature]*

appellant was at liberty to approach the department for relief if any in light of the said judgment. It is also ironical to note that the said judgment of the larger Bench also dealt the issue regarding own pay scale appointment against higher post not only in the C & W Department but also across the entire Provincial Government Departments and gave its findings on the legal status of the practice of OPS appointments since in vogue in the government departments. The question of title to OPS has thus been decided in elaborate term in the cited judgment. As for the prayer of the appellant declaring him entitled to promotion against the post of SDO (BPS-17), it may be clarified that specific rules have been framed under the Civil Servants Act 1973 read with the (Appointment, Promotion and Transfer) Rules, 1989 which govern appointment against higher post and promotion cannot be claimed as of right against a particular post. The Tribunal does not see any genuine ground at the moment where it can interfere or direct the department for consideration of his case for promotion to the higher post as mere holding of the said post in own pay scale does not constitute eligibility of the appellant to the higher post of SDO (BPS-17). The prayer of the appellant to this effect thus devoid of any merits cannot be acceded to under the law. The appeal is dismissed accordingly. Parties are left to bear their own costs. File be consigned to the record room.


ATC

ATTESTED

*[Signature]*  
 \_\_\_\_\_  
 Secretary,  
 Tribunal

8. Our this judgment will also dispose of identical. Service Appeal No. 315/2015. titled Engineer Muhammad Shafiq-vs- Secretary to Govt. of KPK Communication & Works Department, KPK, Peshawar where common question of law and facts are involved.

Sd/- Abdul Latif,  
Number  
Sd/- PIR Bakhtishah  
Number

Certified copy  


Date of Preparation 26-9-18  
Number of Pages 3600  
Number of Copies 20  
Urgent 20  
Total  
Name of Officer  
Date of Issue 27-9-18  
Date of Receipt 27-9-18

**IN THE SERVICE TRIBUNAL, KPK PESHAWAR**Service Appeal No. 311 /2015K.W.P. Provincial  
Service TribunalDiary No. 331Dated 10-4-2015Eng. Atiq ur Rehan S/o Syed Muhammad Ibrahim  
R/o Old Village Sakha Kot, Malakand Agency

.....Appellant

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa, Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.

.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06.04.2015, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 17.02.2015-RESPONDENT NO.1, WHEREBY THE APPELLANT WAS RELIEVED TO HIS ORIGINAL CADRE I.E. SUB-ENGINEER, WAS DISMISSED.**

**PRAYER:** On acceptance of this service appeal, the impugned orders dated 17.02.2015 and appellate order dated 06.04.2015 may be set aside being illegal, without jurisdiction and without lawful authority, besides being malafide, arbitrary and for ulterior motives. The appellant may be declared entitled to BPS-16 when he completed 10 years service and passed Grad-e-B Departmental Promotion Examination according to entry made in service book. The seniority of the appellant may be directed to be counted from 23.11.2007 and it may also be declared that the appellant is entitled to BPS-17 from 23.11.2007 when he was actually posted against the same grade.

**Respectfully Sheweth:**

1. That the appellant has got Diploma of Associate Engineer in Civil Technology from Govt. Polytechnic Institute Haripur in 1986 and was initially appointed as Sub-Engineer in Basic Pay scale-11 on 19.03.1988. (Copies of appointment order dated 13.03.1988 and diploma are attached as annexure A & B).
2. That diploma holders with 10 years service and after passing Grade-B Departmental Exam, are eligible to be appointed in BPS-16.
3. That the appellant is officiating in BPS-17 since 23.11.2007 being qualified to be appointed against the same on the basis of seniority and decree in Engineering.

4. That subsequently, he has been holding the post of SDO BPS-17 on all his transfers/ postings.
5. That in the new sonority list, the appellant is at Serial No.2.
6. That if a civil servant, who is working on officiating/ acting charge basis against a post, if qualified to hold the same will be entitled to be promoted/ appointed against the same should a vacancy arise:
7. That the appellant in the year 1997 wanted to obtain higher education, hence he applied for long leave (Study leave) i.e. 1460 days, and the same was sanctioned by office orders dated 24.02.1997 and 28.04.1999 (Copies of order dated 24.02.1997 and 28.04.1999 are attached as annexure C).
8. That the appellant completed his degree in 2001 and on his return he was adjusted as Sub Engineer with effect from 01.05.2001 vide order dated 09.05.2001 to C&W Division, Swabi (Copy of degree and order dated 09.05.2001 is attached as annexure D).
9. That the appellant continued his work as SDO (OPS) on different stations since December, 2007 vide posting orders dated 23.11.2007, 14.02.2009, 16.02.2009, 01.09.2009, and finally on 02.04.2011. (Copies of order dated 15.10.2007, 14.02.2009, 16.02.2009, 01.09.2009 and finally on 02.04.2011 are attached as Annexure "E to E/4").
10. That respondent issued Notification dated 14.10.2014 in which it was added that "Seniority shall be determined from the date of initial appointment". Previously the rule was seniority to be determined from the date of acquiring degree in engineering. (Copy of notification dated 24.02.2014, 14.10.2014 and sample of seniority list are attached as Annexure "F to F/2").

ATTESTED

Deputy Commissioner  
Swabi District  
Peshawar





11. That the appellant was working on the above mentioned post of SDO when the respondents issued an office order dated 17.02.2015 vide which respondent No.1 was reverted from SDO (OPS) BPS-17 to Sub-Engineer 9BS-11 in service Graduate Sub-Engineer (BS-11). (Copy of impugned notification dated 17.02.2015 is attached as Annexure "G").
12. That the appellant filed appeal before the competent authority on 18.02.2015 against order dated 17.02.2015. Copy of departmental appeal is Annexure "H").
13. That the appellant was entitled to Grade-16 before he left for higher studies i.e. 10 years service with passing Grade-B Departmental Promotion Examination, but he was not granted Grade-16 when he became entitled for the same. (Copy of extract of Service Book are Annexure "I").
14. That the appellant has passed Grade-A Examination as well, which is for promotion from Grade-17 to upper grades.
15. That reversion is a punishment and cannot be awarded without following the prescribed procedure.
16. That the appellant has been condemned unheard.
17. That impugned orders dated 17.02.2015 and 20.04.2015 are illegal, without jurisdiction and without lawful authority besides being for ulterior motives.
18. That the impugned orders have been passed for political considerations and to accommodate their blue eyed chaps.
19. That the appellant has not been treated in accordance with law and discriminated against.

ATTACHED

For  
Signature


9-3-1988  
BS-11 (Sub Engg)  
8-3-1998

20. That the appellant filed representation against the impugned order before the competent authority, which was dismissed. (Copy of representation and order thereon are attached as Annexure "J").

It is, therefore, respectfully prayed that on acceptance of this service appeal, the impugned orders dated 17.02.2015 and appellate order dated 06.04.2015 may be set aside being illegal, without jurisdiction and without lawful authority besides being malafide, arbitrary and for ulterior motives. The appellant may be declared entitled to BPS-16 when he completed 10 years service and passed Grade-B Departmental Promotion Examination according to entry made in service book. The seniority of the appellant may be directed to be counted from 23.11.2007 and it may also be declared that the appellant is entitled to BPS-17 from 23.11.2007 when he was actually posted against the same grade.

Any other order deemed appropriate in the circumstances of the case may also be passed. The appellant may be allowed to put forward any other argument/document at the time of hearing of this Service Appeal.

Through:

  
Appellant

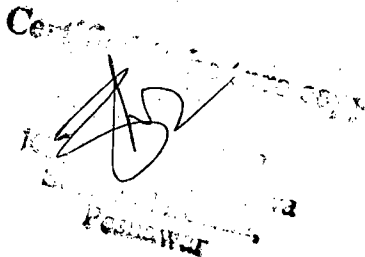
Mian Muhibullah Kakakhel  
Senior Advocate  
Supreme Court of Pakistan

And



Saifullah Muhib  
Advocate, Peshawar.

Dated: .04.2015



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(41)

ANX-"C"



OFFICE OF THE CHIEF ENGINEER (NORTH)  
Communication & Works Department,  
Khyber Pakhtunkhwa Peshawar

No. 82 132-E Dated: 20/8/2018

cnwnorth@gmail.com, cenorthkpk 0333-9364480

To

- The Superintending Engineers,
- 1- C&W Circle Dir Lower.
- 2- C&W Circle Swat.
- 3- C&W Circle Mardan.

Subject: NOTIFICATION

I am directed to the subject noted above and to enclose herewith a copy of Administrative Officer (Centre), Communication & Works Department Peshawar No.266-E/653/CEC/C&WD dated 15/08/2018 alongwith its enclosure which is self explanatory for information and further necessary action at your end please.

DA: As above

*[Signature]*  
SUPERINTENDING ENGINEER (HQ)

Copy forwarded to the:

- 1- Administrative Officer (Centre), Communication & Works Department Peshawar with reference to his letter No. cited above.
- 2- PA to Chief Engineer (North) C&W Department Peshawar for information.

*[Signature]*  
SUPERINTENDING ENGINEER (HQ)

*ESIDA: check.*

Office of C & W Circle Swat

Diary / Date

AE

GRD

Supd *[Signature]*

SE *[Signature]*

No 480/2018 dt 10/8/18

All Xerox in C&W Circle sent for information & further necessary action 3-M at your end.

*[Signature]*  
K S E C&W Circle Swat  
Superintending Engineer  
C&W Circle Swat.

OFFICE OF THE CHIEF ENGINEER (CENTRE)  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR

No. 266-E / 653 / CEC / C&WD

Dated Peshawar the 15 / 08 / 2018

To

1. The Chief Engineer (North)  
C&W Department Peshawar
2. The Chief Engineer (East)  
C&W Department Abbottabad
3. The Chief Engineer (FATA)  
W&S Department Peshawar
4. All Superintending Engineers  
In Central C&W Wing
5. All Executive Engineers  
In Central C&W Wing

Subject: NOTIFICATION

I am directed to refer to the subject noted above and to enclose herewith a copy of Finance Department Govt of Khyber Pakhtunkhwa Notification No.FD/SO(FR-7-132/2017/6253 dated 07/03/2018 for further circulation amongst the field formation.

DA/As above

*10-4  
BA-E*

*submit to 24 S/E*

*OS-15*  
ADMINISTRATIVE OFFICER

Sl. No.	
Days	2403
Date	17/8/18
Case No.	
C.E. (N)	
S.E. (H)	
C.E. (K.A.)	
C.E. (T)	
A.O.	
P.B.A.	
C.D.	
Others	

*[Handwritten mark]*



43  
ANX - 'D'  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

No.SO(FR)/FD/7-13/2017/6253  
Dated Peshawar, the 07-03-2018

NOTIFICATION

NO.FD/SO(FR)7-13/2017/6253. In pursuance of recommendations of the upgradation committee and approval granted by Competent Authority, sanction is hereby accorded to the upgradation of the post of Sub-Engineers from BPS-11/12 to BPS-16 (one time) as personal to the incumbents having 10 years or more service at their credit in the same scale in all the Government Departments of Khyber Pakhtunkhwa, with immediate effect.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. Registrar, Service Tribunal Khyber Pakhtunkhwa.
11. The Treasury Officer, Peshawar.
12. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
13. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
14. PS to Finance Secretary.
15. All Section Officers/Budget Officers in Finance Department.

*Keep in record*  
*9/3*  
*SP*  
  
SECTION OFFICER (FR)



To,

The Chief Secretary,  
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO  
SOE/C&WD/4-2/2018 DATED 30-04-2018

Respected Sir,

With profound respect the undersigned submit as  
under:

- 1) That the undersigned was appointed as Sub-Engineer in the C & W department Peshawar in BPS-11 in the year 1988 and since then serving on the same post in the same grade.
- 2) That during service the appellant passed Grade-B departmental exam in 1996 which is a necessary requirement for promotion to BPS-16.
- 3) That according to seniority list the appellant is at serial no 2 of the said seniority list.
- 4) That other sub engineers of the C&W department file appeal before the Hon'ble Services Tribunal KPK Peshawar in respect of their promotions, which was decided by the Hon'ble Services Tribunal vide order dated 02/03/2016 through which the Hon'ble Tribunal directed the concerned authorities "to find out the grant of selection grade allowed in excess of the prescribed limit and ratio and to addressed the

same by the authorities concerned by resorting to the legal course and in case any officer granted senior scale in excess of the prescribed limit is found protected by law, rules or judgment of the Court then in such eventuality, the officer of the administrative department responsible for handling the affairs relating to the grant of senior scale at the relevant time be sorted out and be proceeded against for realization of monetary laws cost to the public ex-chequer as the consequence of their irresponsible and undesirable behavior". It was further directed in Para 30 of the said judgment "that certain civil servant who have not approached the Tribunal to litigate for their claim will also be entitle to the benefit of this judgment and be extended to those sub engineers who fulfilled the criteria of becoming senior scale sub engineer at the relevant time".

- 5) That copy of the said judgment was circulated through registrar of the Hon'ble Services Tribunal Peshawar to all the departments of the KPK and it was directed to act upon in accordance with the said judgment. (copy of the judgment attached).
- 6) That the appellant also filed a separate appeal in this respect before the Hon'ble Services Tribunal which was dismissed on 13/04/2016, however, at Page 13 & 14 of the said judgment it was held, "Moreover this Tribunal recently rendered a judgment dated 02/03/2016 through which larger

bench thoroughly discussed the issue pertaining to senior scale sub engineers (BPS-16) and the appellant was at liberty to approach the department for relief if any in light of the said judgment". (Copy of order dated 13/04/2016 is attached).

- 7) That in the judgment delivered by the Hon'ble Services Tribunal dated 02/03/2016 the appellant was also deemed included in the same judgment for the same relief and benefit of the said judgment was also extended to the appellant which also placed mentioned in the judgment of the appeal filed by the appellant before the Hon'ble Services Tribunal dated 13/04/2016 as such, the appellant is also entitled for the same relief to be given/extended by the department to the other appellants in whose appeal the verdict is given by the Hon'ble Services Tribunal vide order dated 02/03/2016.
- 8) That thereafter the appellant along with others approached the departmental authority concerned for the relief mentioned in the judgment dated 02/03/2016 in respect of promotion of the appellant from BPS-11 to BPS-16 and being senior most employee of the department at serial no 2 of the seniority list.
- 9) That in utter disregard of the judgment of the Hon'ble Services Tribunal dated 02/03/2016 the departmental authority promoted junior most



sub engineers to BPS-16 vide notification no. SOE/C&WD/4-2/2018 dated 30-04-2018 and illegally and unlawfully refused promotion to the appellant from BPS-11 to BPS-16 as such the instant departmental appeal against the above notification on the following grounds inter alia:-

GROUNDS:

- A. That the impugned notification dated 30/04/2018 issued by the worthy secretary C&W department is against the law in fact, corum non iudice, hence liable to be struck down.
  
- B. That the above impugned notification is a utter disregard to the judgment dated 02/03/2016 rendered by the Hon'ble Services Tribunal KpK Peshawar as the departmental authority has not followed the direction given to them by the Hon'ble Services Tribunal in the said judgment as benefit of the said judgment is extended to all the non-appealing sub engineers which has been ignored by the departmental authority and benefit of the said judgment is only given to the appellants of the said appeal as such the impugned notification is liable to be turn down on this core alone.

- C. That all the promoted sub engineers through the impugned notification are juniors to the appellant as such the appellant is entitled to be promoted to BPS-16 and the departmental authority cannot refuse the same to the appellant.
- D. That the appellant has the requisite qualification and experience as such entitle to be promoted to BPS-16 from 04/09/2003.
- E. That the power exercised by the departmental authority is colorable exercise of the power of the chair and their own blue chips have been accommodated which is not warranted at all by the law and rules as such the impugned notification is liable to be struck down.
- F. That before issuing the impugned notification no personal hearing has been given to the appellant as such the appellant has been condemned un heard which is not against the law but also against the canons of natural justice.

It is, therefore, humbly prayed that on acceptance of this departmental appeal the impugned notification dated 30/04/2018 may very kindly be cancelled / set aside and notification in respect of promotion of the appellant to BPS-16 from 04/09/2003 may very kindly be directed to be issued along with all back benefits.

  
Yours Obediently

---

Syed Atiq-ur-Rehman  
S/o Syed Muhammad Ibrahim  
Sub Engineer SDO-OPS Shangla  
Cell No. 03456040930

**Dated: 07/05/2018**

**CC to:**

**Worthy Secretary to Government of Khyber Pakhtunkhwa  
Communication and Works Department.**



**NOTIFICATION**

**No. SOE/C&WD/4-2/2018:** Pursuant to Khyber Pakhtunkhwa Service Tribunal Judgment dated 02 03 2016 upheld by Supreme Court of Pakistan vide its order dated 13 02 2017 duly opined by Law Department and in consultation with the Departmental Promotion Committee, the Competent Authority has been pleased to grant Senior Scale selection grade BS-16 in respect of the following Sub Engineers of C&W Department w.e.f 04 09 2003 i.e. the date on which their juniors were awarded Senior Scale (BS-16) or from the dates they become qualify, whichever is latter, as per prevailing policy




- |                                  |                            |                       |
|----------------------------------|----------------------------|-----------------------|
| 1. Muhammad Zubair               | 2. Muhammad Akram          | 3. Irshad Ahmad       |
| 4. Abdul Qayum                   | 5. Abdul Farooq            | 6. Saeedullah         |
| 7. Ghulam Qaadir (rtd)           | 8. Muhammad Iqbal Alizai   | 9. Khalid Naeem       |
| 10. Syed Tariq Mahmood           | 11. Muhammad Sagheer       | 12. Zahir Gul (rtd)   |
| 13. Muhammad Zaka Khan           | 14. Muhammad Saeed         | 15. Aurangzeb         |
| 16. Daulat Khan (rtd)            | 17. Naseem Ahmad           | 18. Abour Rahim (rtd) |
| 19. Sarfaraz Alam (rtd)          | 20. Niaz Muhammad          | 21. Riaz Ahmad (rtd)  |
| 22. Zulfiqar Ahmad               | 23. Syed Abdullah Shah     | 24. Yousaf Ali        |
| 25. Syed Qasir Shah              | 26. Syed Nawazish Ali Shah | 27. Abdul Qayum       |
| 28. Muhammad Hamid Zia           | 29. Mian Jehanzeb          | 30. Zia-ud-Din        |
| 31. Malik Arif Saeed             | 32. Muhammad Shakeel Athar | 33. Said-ul-Ibrar     |
| 34. Muhammad Khalil Noor         | 35. Muhammad Shafiq        | 36. Fazal Mahmood     |
| 37. Taj Muhammad (rtd)           | 38. Sabit Khan (rtd)       | 39. Liaqat Shah (rtd) |
| 40. Noor-ul-Basar                | 41. Muhammad Javed         | 42. Ghulam Rahim      |
| 43. Lal Badshah (rtd)            | 44. Inam-ul-Haq Babar      | 45. Fazal Rehman      |
| 46. Syed Azmat Ali Shah          | 47. Saif-ur-Rehman         | 48. Amjal Khan        |
| 49. Abdul Waheed                 | 50. Abdul Khalil           | 51. Hassan Jan        |
| 52. Roidar Muhammad              | 53. Ejaz Rasood (died)     | 54. Sibghatullah      |
| 55. Muhammad Ghazanfarullah Khan |                            |                       |

2. The posts shall automatically stand downgraded to their original status as and when vacated by the present incumbents.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department



52

قیمت 50 روپے	50346			
ایڈوکیٹ: سیف اللہ خلیل اسٹوڈیو		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: B.C-10-7499				
رابطہ نمبر: 0313-5941431				

بجدالت جناب: سروس ٹرانسپونڈ ڈسٹرکٹ پشاور

مخانب: د	دعوی: احیاء
سیف اللہ خلیل	علت نمبر:
بنام	مورخہ:
گورنمنٹ آف پ. ا. ک.	جرم:
	تھانہ:

**باعت تحریر آتکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

Accepted

آن مقام پشاور کیلئے سیف اللہ خلیل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 28-09-18

العبد \_\_\_\_\_ واہ شد \_\_\_\_\_ العبد

مقام \_\_\_\_\_ کے لیے منظور ہے۔

**"B"**

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

No.

Appeal No. 1330 of 20 13

Appellant/Petitioner

Versus

Respondent

Respondent No. 1

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20 13

Registrar,

**Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

**"B"**

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

No.

Appeal No. 1230 of 20 19

Appellant/Petitioner

Versus

Respondent

Respondent No. 2

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 5-3-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 11/3 .....

Day of Feb ..... 20 19.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

*(Handwritten signature and date)*  
13-2-19



"B"

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

No. *Appellants/Petitioners* *10-075/11 of 11/11/11*  
*10-075/11 of 11/11/11* Appeal No..... *1310* ..... of 20*16*.

*Engr. S. A. Khan* Appellant/Petitioner  
*10-075/11 of 11/11/11* Versus  
*Govt. of KP* Respondent  
Respondent No..... *1* .....

Notice to: *Govt. of KP through Chief Secretary*  
*KPK Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *10-07-2016* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

*III* Copy of appeal is attached. *Copy of appeal has already been sent to you vide this*  
office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this *15/7/16* .....

Day of *Monday* ..... *2016* .

*Implementation report*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Execution Petition No.350 of 2018  
In Service Appeal No.1330 of 2010**

Syed Atiq Ur Rehman,  
Sub Divisional Officer (OPS)  
C&W Department

(Appellant)....

**V/S**


Government of Khyber Pakhtunkhwa through  
Chief Secretary KPK & another

(Respondents)....

**I N D E X**

<b>S.NO.</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1	Reply to the Execution Petition on behalf of Respondent No.1 & 2	-	1-2
2	Affidavit	-	3
3	C&W Department Appointment / Recruitment Rules 1979	I	4-6
4	Finance Department letter No.FD(PRC)1-1/2003 dated 06-04-2003	II	7
5	Establishment Department letter No.SO (PSB)ED/1-23/2002 dated 03-07-2004	III	8
6	W&S Department order No.SOE-I/W&S/4-2/2003/S.S dated 19-04-2004 & No.SOE-I/W&S/4-2/2004/S.S dated 04-09-2003	IV	9-10
7	Seniority list as stood on 12-12-2000	I	11-13

Deponent

  
Noor Wazir,  
Section Officer (Litigation),  
C&W Department Peshawar

①

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**  
**EXECUTION PETITION NO.350/2018**  
**IN SERVICE APPEAL NO. 1330 OF 2010**

Syed Atiq-ur-Rehman  
Sub Divisional Officer (OPS)  
C&W Division Shangla

--- Appellant

**VERSUS**

1. Chief Secretary  
Govt of Khyber Pakhtunkhwa  
Peshawar

--- Respondents

2. Secretary to Govt of Khyber Pakhtunkhwa  
C&W Department, Peshawar


**REPLY TO THE EXECUTION PETITION ON BEHALF**  
**OF RESPONDENTS NO. 1 & 2**

Respectfully Sheweth

1. Pertains to record. Hence no comments.
2. Correct to the extent that in fact the selection grade BS-16 @25% of the total posts of the Diploma Holder Sub Engineers (BS-11) was allowed by the Government with the condition that holder of the post shall be filled by selection on merit with due regard to seniority from amongst Sub Engineers of the Department, who have passed the Departmental B-Grade Examination and have at-least ten (10) years service as such (**Annex-I**).
3. Correct to the extent that the Hon'able Tribunal allowed senior scale to the senior Sub Engineers vide judgment dated 11.12.2012 and 02.03.2016. However, the facility of selection grade BS-16 has been discontinued by the Provincial Government w.e.f. 01.12.2001 vide Finance Deptt letter No.FD(PRC)1-1/2001 dated 06.04.2003 (**Annex-II**). The Establishment Deptt had issued a circular to all Administrative Secretaries and directed to clear all left over cases of Govt servants who were eligible for selection grade/move over on or before 01.12.2001 (**Annex-III**). Consequently the Respondent Department granted selection grade (BS-16) to 10 Sub Engineers in the year 2003 and 2004 (**Annex-IV**). In 2004 Naushad Khan & 14 others filed Service Appeals in the Service Tribunal for the grant of Senior Scale BS-16 with the plea that their juniors were granted Senior Scale BS-16. The Tribunal decided the case in their favour. Although the name of the appellant was at Sl.No. 201 of the seniority list of Sub Engineers dated 12.12.2000 (**Annex-V**), the appellant did not consider by the Departmental Promotion Committee; rather the appellant passed B-Grade Examination, but he was most junior in the cadre of Sub Engineers, meaning thereby the plea of the appellant is incorrect and nor justified.
4. Incorrect, the appellant's right has not been effected due to the reason that the grant of Senior Scale BS-16 in 2003, 2004, 2009, 2012 and 2018 as the seniority of the appellant was junior in his cadre, not passing B-Grade Exam and was in no way entitled for the grant of senior scale BS-16 as per Govt policy of 25% posts in senior scale BS-16 of the total number of posts of Sub Engineers prior to 2001. Furthermore, the Provincial Government has upgraded the post of Sub Engineer to BS-16 w.e.f. 07.03.2018, including the appellant. Hence the stand taken by the appellant is baseless.
5. Departmental appeal was received, which was processed and the competent authority filed the same.

6. Incorrect, since the Provincial Government upgraded the post of Sub Engineer from BS-11/12 to BS-16 on 07.03.2018, therefore, the plea of the appellant is infructuous.
7. Incorrect, the Selection Grade BS-16 cases are considered through the Departmental Promotion Committee as per Service Rules and on the completion of codal formalities. Furthermore, the orders of selection grade BS-16 in favour of the Sub Engineers were issued in 2003, 2004, 2012 and 2018.
8. The Respondents would like to seek permission of this Hon'able Tribunal to advance more grounds during the time of arguments.

In view of the above, it is submitted that the execution petition may kindly be dismissed with cost.

  
SECRETARY TO GOVT OF  
Khyber Pakhtunkhwa  
C&W Department  
(Respondent No. 1 & 2)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Execution Petition No.350 of 2018  
In Service Appeal No.1330 of 2010**

Syed Atiq Ur Rehman,  
Sub Divisional Officer (OPS)  
C&W Department

(Appellant)....

**V/S**

Government of Khyber Pakhtunkhwa through  
Chief Secretary KPK & another

(Respondents)....

**AFFIDAVIT**

I, Mr. Noor Wazir Section Officer (Litigation) C&W Department Peshawar hereby affirm and declare that all the contents of the reply / comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent



Noor Wazir,  
Section Officer (Litigation),  
C&W Department Peshawar

GOVERNMENT OF N.W.F.P.  
SERVICES, GENERAL ADMN. TOURISM & SPORTS  
DEPARTMENT.

N O T I F I C A T I O N

Dated Peshawar, the 13th January 80.

No. SORI(S&GAD)1-12/74- In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P Act XVIII of 1973), and in supersession of all previous rules on the subject in this behalf, the Governor of the North West Frontier Province is pleased to make the following rules, namely:

THE COMMUNICATION & WORKS DEPARTMENT  
(RECRUITMENT & APPOINTMENT) RULES, 1979.

1. (1) These rules may be called the Communication & Works Department(Recruitment and Appointment) Rules, 1979.
- (2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the Schedules annexed shall be such as given in column 3 to 7 of the said Schedules.

SECRETARY TO GOVERNMENT OF NWFP  
SERVICES AND GENERAL ADMN.  
DEPARTMENT.

LNDST.No, SORI(S&GAD)1-12/74. Dated Peshawar, the 13th Jan-1980

Copy forwarded to :-

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in N.W.F.P.
3. Secretary to Governor, NWFP.
4. Secretary, NWFP, Public Service Commission, Peshawar.
5. All Heads of Attached Departments in NWFP.
6. All District and Sessions Judges in NWFP.
7. All Deputy Commissioners/Political Agents in NWFP.
8. Registrar, High Court, Peshawar.
9. All Section Officers in the S&GAD.
10. Manager, Govt Printing Press Peshawar for publication in the Government Gazette. He is requested to supply 50 copies of the printed.

Sd/-  
Syed Noor Badshah  
Section Officer (Regulation-I)

COMMUNICATION AND WORKS DEPARTMENT

SCHEDULE-I

Sl. No.	Nomenclature of post.	Minimum qualifications for appointment by initial recruitment or by transfer.	Promotion.	Age for initial Recruitment.		Method of recruitment.
				Minimum	Maximum	
1	2	3	4	5	6	7
1	Chief Engineer.					By selection on merit from amongst four senior-most officers of the Department, with at least seventeen years experience as Government servant, seniority being considered only in the case of officers of practically the same standard of merit.
2	Superintending Engineer.		Degree in Engineering from a recognized University.			By selection on merit from amongst the Executive Engineers or holder of equivalent posts in the Communication and Works Department, with at least twelve years service in Grades-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.
3	Executive Engineer					By selection on merit with due regard to seniority from amongst Assistant Engineers of the Communication and Works Department with at least six years service as such.

next page...

2	3	4	5	6	7
4. Asstt Engineer.	Degree in Civil Electrical or Mechanical Engineering from a recognised University, as may be specified by Government for the respective post.	Degree or Diploma in Engineering from a recognized University or Institution, as specified in column.	21 years.	30 years.	<p>(a) Seventy per cent by initial recruitment.</p> <p>(b) ten per cent by selection on merit with due regard to seniority from amongst Sub-Engineers of the Deptt who hold a degree; and</p> <p>(c) twenty per cent by selection on merit with due regard to seniority from amongst Senior Scale Sub Engineers of the Deptt, who hold a Diploma and have passed Departmental Professional Examination.</p>
5. Senior Scale Sub Engineer.		Diploma in Engineering from a recognised Institute.			<p>Twenty five per cent of the total number of posts of the diploma holder Sub Engineers shall from the cadre of Senior Scale Sub Engineers and shall be filled by selection on merit with due regard to seniority from amongst Sub Engineers of the Department, who have passed the Departmental Examination and have at least ten years service as such.</p>
6. Administrative Officer/Budget and Accounts Officer.					<p>By selection on merit with due regard to seniority from amongst holders of the posts of Senior Superintendents/Superintendents, in the Department.</p>



**BETTER COPY**GOVERNMENT OF NWFP  
FINANCE DEPARTMENTFD/(PRC)1-1/2003,  
Dated Peshawar the April 6, 2003From Secretary to Govt of NWFP  
Finance Department

To

- 1- All the Administrative Secretaries to Govt. of NWFP
- 2- Senior Member, Board of Revenue NWFP
- 3- The Secretary to Governor NWFP, Peshawar.
- 4- The Secretary Provincial Assembly NWFP,
- 5- All Heads of Attached Department, NWFP
- 6- All District Coordination Officer/Political Agents/District and Session Judges NWFP
- 7- The Registrar, Peshawar High Court Peshawar.
- 8- The Chairman NWFP Public Service Commission.
- 9- The Chairman NWFP Service Tribunal Peshawar.
- 10- The Secretary Board of Revenue NWFP Peshawar.

**SUBJECT REVISION OF BASIC PAY SCALE AND FRENCH BENEFITS OF EMPLOYEES (BPS 1-22) OF THE NWFP GOVERNMENT (2001)**

Dear Sir,

I am directed to refer to this Department's letter No.FD(PRC)1-1/2001 dated Nov 15,2001 on the subject noted above and to say that clarification given against Para-7 (i) and (ii) may be read as under:-

"the Selection Grade and Move over shall stand discontinued w.e.f 1-12-2001 instead of 27-10-2001. The clarification issue vide the above referred letter against Para 5(1) and Para 7 (i) & (ii) stand modified to this effect".

Yours faithfully,

SD/-  
(ABDUL LATIF)  
DEPUTY SECRETARY (REG)

Endst No.FD(PRC)1-1/2003

Dated Peshawar the April 6, 2003

A copy is forwarded for information to:-

- 1- All autonomous/Semi Autonomous Bodies/Corporation in NWFP

SD/-  
(ABDUL LATIF)  
DEPUTY SECRETARY (REG)

IMMEDIATE

Annex-III

Annex-III

(8)

GOVERNMENT OF N.W.F.P.,  
ESTABLISHMENT DEPARTMENT

NO.SO (PSB) ED/1-23/2002  
Dated Peshawar, the 3.7.2004

To

1. All the Administrative Secretaries in NWFP.
2. All the District Coordination Officers in NWFP.
3. All the Political Agents in the NWFP.
4. The Secretary Public Service Commission.
5. The Registrar, NWFP, Service Tribunal.

**SUBJECT: - CUT OFF DATE FOR DISPOSAL OF ALL LEFT OVER  
CASES OF MOVE-OVER/SELECTION GRADE**

Dear Sir,

1. I am directed to refer to this department letter of even number dated 9.6.2003, 30.1.2004 and 24.4.2004 on the subject noted above and to say that the competent authority has observed that a number of working papers regarding grant of move over and Selection Grade cases are still being received which indicates that decisions taken earlier have not been implemented with letter and spirit. In order to enable the Departments to process pending cases the competent authority has been pleased to extend the cut off date upto 31.8.2004. All left over cases of Government Servants who were eligible for Selection Grade/Moveover before 1.12.2001 may be placed before PSB/DPC for consideration as per instructions/policy on the subject at the latest otherwise strict disciplinary action would be taken against the defaulting official under the NWFP Removal from Service (Special Power) Ordinance 2000. The Administrative departments are also advised to furnish/weekly progress report about disposal of pending cases of Selection Grade/Move over through PSB/DPC on regular basis.

2. I am further directed to request that above instructions may kindly be followed by all concerned with letter and spirit.

Yours faithfully

(HAROON-UR-RASHID)  
SECTION OFFICER (PSB)

11/23/04  
7/17/04  
DSA  
STIPKE  
6/17/04  
508

Annex-IV

9

Fair Copy

GOVERNMENT OF NWFP  
WORKS & SERVICES DEPARTMENT  
Dated Peshawar 19.04.2004

**ORDER**

**No SOE-1/W&S/4-2/2004/S.S.** - Consequent upon recommendations of the Departmental Promotion Committee of the Works & Services Department during its meeting held on 25.03.2004, the competent authority has been pleased to the grant of Senior Scale (BS-16) in respect of the following Sub-Engineers (BS-11) of the Works & Services Department, with immediate effect: -

01	Mr. Muhammad Shah, Sub_Engineer, O/O the Deputy Director City Distt: Govt. Peshawar
02	Mr. Buland Iqbal, Sub-Engineer, O/O the XEN Dev: C&W Division Khyber Agency at Jamrud.
03	Mr. Hidayatullah, Sub_Engineer, O/O the Deputy Director-II, City Distt: Govt. Peshawar
04	Mr. Sanaullah, Sub_Engineer, O/O the Deputy Director W&S Lakki Marwat.
05	Mr. Zafarullah, Sub_Engineer, O/O the Deputy Director W&S, Nowshera.
06	Mr. Tariq Usman, Sub_Engineer, O/O the XEN Dev: C&W Division Khyber Agency at Jamrud.
07	Mr. Muhammad Javed Rahim, Sub_Engineer, O/O the Deputy Director W&S D.I.Khan.
08	Mr. Jamshed Khan, Sub_Engineer, O/O the Deputy Director W&S Bunair.

SECRETARY TO GOVT. OF NWFP  
WORKS & SERVICES DEPARTMENT

**Endst: No SOE-1/W&S/4-2/2004/S.S.**

Dated Peshawar the 19.04.2004

Copy forwarded to the: -

1. Accountant General, NWFP, Peshawar.
2. AGPR, Sub-Office, Peshawar.
3. Chief Engineer Works & Services Peshawar.
4. Chief Engineer (FATA), Works & Services Department Peshawar.
5. Managing Director Frontier Highways Authority Peshawar.
6. Deputy Director/XEN Works & Services concerned.
7. District Agency Accounts Officers concerned.
8. Officials concerned.
9. PS to Secretary, Works & Services Department, Peshawar.
10. Officer Order/Personal Files.

-Sd-

(NOORULLAH)  
SECTION OFFICER (ESTT:-1)

**Fair Copy**

GOVERNMENT OF N.W.F.P.  
WORKS & SERVICES DEPARTMENT.

Dated Peshawar the 04/09/2003.

**ORDER**

NO. SOE-I/W&S/4-2/2003/S.S. Consequent upon recommendations of the Departmental Promotion Committee of the Works & Services Department during its meeting held on 12.08.2003 the competent authority has been pleased to the grant of Senior Scale (BS-16) in respect of the following Sub Engineers (BS-11) of the Works & Services Department with immediate effect:-

1. Mr. Muhammad Arif.  
Sub Engineer. O/o the XEN Dev:  
C&W Division Mattani at Kohat.
2. Mr. Misal Khan.  
Sub Engineer. O/o the XEN Dev:  
C&W Division SWA at Tank.

SECRETARY TO GOVT. OF NWFP  
WORKS & SERVICES DEPARTMENT.

Dated Peshawar the 04.09.2003.

Endst. No. SOE-I/W&S/4-2/2003/S.S.

Copy forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer Works & Services (FATA) Peshawar.
4. Managing Director Frontier Highways Authority Peshawar.
5. Deputy Secretary (Reg-III) Establishment Department Peshawar.
6. Deputy Secretary (Reg) Finance Department Peshawar.
7. All Superintending Engineers W&S Department.
8. District/Agency Accounts Officers concerned.
9. Officials concerned.
10. PS to Secretary Works & Services Department.
11. PA to Additional Secretary Works & Services Department.
12. Section Officer (Estt-II) Works & Services Department.
13. Office Order/Personal files.

Sd/-  
(MUHAMMAD AKBAR KHAN)  
SECTION OFFICER (ESTT-I).

Annex - V

11

OFFICE OF THE CHIEF ENGINEER (NORTH)  
C&W DEPARTMENT N.W.F.P. PESHAWAR.  
No. 756/4 - E(I) 4574 / E-1(2)  
Dated Peshawar the 12/10 2000

FINAL SENIORITY LIST OF SUB ENGINEERS GRADE -11  
ON THE BASIS OF DATE OF APPOINTMENT IN THE  
DEPARTMENT AS IT STOOD ON 31-12-1999.

In pursuance of sub section (1) of section -(8) of NWFP Civil Servants Act 1973, Seniority list of Sub Engineers  
Grade -11 of C&W Department NWFP. as it stood on 31-12-1999 is notified as under:-

Sl No	NAME	EDUL:/TECH: QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF APPOINT MENT	TO CLASS	YEAR OF PASSING.		REMAI
							Grade-B Exam:	Proffi: Exam:	
1	Fazli Raziq -1 S/O	B.A.	Swat	5.4.43.	1.7.61	-	11/91	-	-
2	Gul Zaman S/O	Matric DAE (Civ:)	Maiakand Agy:	6-6-40	1-1-73	-	-	-	-
3	Payo Rehman S/O	Matric DAE (Civ:)	Karak	9-8-42	11-1-74	-	-	-	-
4	Faizur Rehman-II S/O	-do-	Peshawar	2-9-45	21-11-74	-	-	-	-
5	Fayaz Gul-I S/O	-do-	NW.A	20-6-51	19-12-74	-	6/96	-	-

10/16

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Sl No	NAME	EDUL/TECH: QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF APPOINTMENT	TO CLASS	YEAR OF PASSING.	REMARKS.
201	S. Atiqur Rehman S/O S.M. Ibrahim	FA/ DAE (Civ:)	Mkd: Agen y	20-2-60	19-3-88	-	6/96	-
202	Khan Badshah S/O Jan Amir	Matric DAE (Civ:)	-do-	10-10-60	19-3-88	-	-	-
203	Zahoor Ahmad S/O Dawa Khan	FA/ DAE (Civ:)	Swat	23-3-61	19-3-88	-	-	-
204	Rafiq Ahmad S/O Mian Said Wahid	Matric DAE (Civ:)	-do-	27-11-61	19-3-88	-	-	-
205	Muhammad Ishaq S/O Hayat Khan	-do- DAE (Elec:)	Bannu	17-1-62	19-3-88	-	-	-
206	Sher Ali S/O Amir Khan	-do- DAE (Civ:)	Malakand Agency	<u>31-2-62</u>	19-3-88	-	-	-
207	Hamidullah S/O Muhammad Jan	-do-	Bannu	1-1-63	19-3-88	-	-	-
208	Niamat Gul-II S/O Ahmad Gul	-do-	Khyber Agency	12-1-63	19-3-88	-	6/96	-
209	Muhammad Iqbal-IV S/O M. Afzal	-do-	Mansehra	20-3-64	19-3-88	-	-	-

30

*Handwritten signature/initials*

*Handwritten signature/initials*

13

Sl No	NAME	EDUL/TECH: QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF APPOINTMENT	TO CLASS	YEAR OF PASSING.
314	Anees Kalim S/O Abdul Rub Kalim	BA/ DAE (Civ:)	Swabi	30-3-64	17.6.97	15.10.99	-
315	Mr, Murad Ali S/O Marhamat Khan	MA/ DAE (Civ:)	Bannu	20-1-64	31.10.97	18.10.99	-

13

*Subman*  
CHIEF ENGINEER (NORTH)  
7/9 7/9 9/9 14/12

Copy to the:-

1. Secretary to Govt: of NWFP C&W Department , Peshawar.
2. Chief Engineer(Soth) C&W Department , NWFP Peshawar.
3. Superintending Engineers Dev:C&W Circle DIKhan/Pshawar
4. All Executive Engineer in C&W Department, NWFP
5. All Resident Director in C&W department NWFP,
6. Director M&E (North/South)C&W Deptt:Peshawar

*Subman*  
CHIEF ENGINEER (NORTH)  
7/9 7/9 9/9 37/51

13

**“A”**

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

No.

APPEAL No..... of 20 .

.....  
**Appellant/Petitioner**

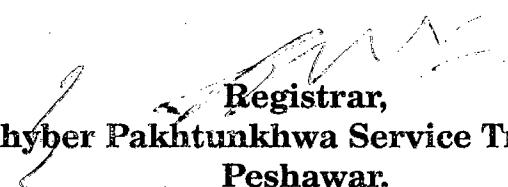
**Versus**

.....  
**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..... 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.

  
**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**



**“A”**

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

No.

APPEAL No..... of 20 .

.....  
**Apellant/Petitioner**

**Versus**

.....  
**RESPONDENT(S)**

**Notice to Apellant/Petitioner**.....  
.....  
.....

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

*[Signature]*  
**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

*[Faint handwritten notes and stamps]*

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

*Engineer Syed Atiq Ur Rehman*

**VERSUS**

*Govt of KPK and others*

**INDEX**

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<i>2</i>	<i>Seniority List</i>	<i>Annexure A-1</i>	<i>4-16</i>
<i>3</i>	<i>Notification dated: 23/04/2015</i>	<i>Annexure A-2</i>	<i>17</i>
<i>4</i>	<i>Notification dated: 30/04/2018</i>	<i>Annexure A-3</i>	<i>18</i>

*Petitioner*

*Through*



*Saifullah Khalil (SR)*

*Advocate High Court*

*Peshawar*

1

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Engineer Syed Atiq Ur Rehman

VERSUS

Govt of KPK and others

**REJOINDER TO THE RESPONDENT NO. 1 AND**  
**2 ON BEHALF OF PETITIONER /DECREE**  
**HOLDER**

**RESPECTFULLY SHEWETH:**


The petitioner submits as under:

1. Para No. of the comments needs no reply.
2. Para No.2 of the comments is incorrect while that of the execution petition is correct.
3. Para No.3 of the comments is incorrect while that of the execution petition is correct. It is pertinent to mention here that the respondent have already given selection grade BPS-16 to the other employees vide order /notification dated 30/04/2018 and 23/04/2015 who are juniors to the petitioner because those employees to whom the selection grade is given are at serial No. 236,238,239,246 and 270 at the seniority list for the year of 1996 issued on 11/01/1997 and the petitioner /decree holder is at serial No.201 of the said seniority list admitted by the respondents as such keeping in view the judgment dated 02/03/2016 in service

3

8. Para No. 8 of the comments is incorrect while that of the execution petition is correct the detailed replay is given above.


It is therefore most humbly prayed that the relief claim in the execution petition may very kindly be granted as prayed for.

Petitioner  
Through   
Saifullah Khalil (SR)  
Advocate High Court  
Peshawar

**AFFIDAVIT**

I, Engineer Syed Atiq Ur Rehman do hereby solemnly affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed herein.

  
Deponent

ATTESTED  
  
JAWAZ KHAN  
Advocate  
PESHAWAR  


*See Hwy Manshara*

OFFICE OF THE CHIEF ENGINEER  
C&W DEPARTMENT NWFP PESHAWAR  
NO. 756/4-E(i)/1176 /E-I(2)  
Dated Peshawar the 11/11/1997

Final Seniority list of Sub-Engineers Grade-11 on the basis of date of appointment in the Department as it stood on 31.12.96.

In pursuance of sub-section (1) of section 8 of NWFP Civil Servants Act 1973, seniority list of Sub-Engineers Grade-11 of C&W Department NWFP as it stood on 31.12.1996, is notified as under:-

Sl. No.	Name of Sub-Engineer.	Educat./Tech. qualification.	Home Distt.	Date of birth.	Date of 1st entry in Deptt.	Date of confirmation.	Year of Passing.	Remarks.
							Year of Passing. G.S. Exm.	
1.	Mr. Fazal Mabood	Matric	Swat	8.3.78	15.8.60	-	11/91	-
2.	Mr. Abdul Qayum Khan.	Matric	Swat	18.6.37	15.3.61	-	1984	-
3.	Mr. Fazli Raziq	B.A. only	Swat.	5.4.43	1.7.61	-	11/91	-
4.	Mr. Salim Khan-I s/o Haji Gul Mohammad Khan	B.A. only	Swat.	4.1.38	15.6.62	-	-	-
5.	Mr. Mohammad Ismail	F.A. only.	Swat.	14.2.33	15.6.62	-	11/91	-
6.	Mr. Abdur Kafi	F.Sc. Diploma Holder.	Mardan	30.1.37	1.3.63	-	-	-
7.	Mr. Zafar Ali	B.A. only	Swat.	4.8.38	1.7.64	-	-	-
8.	Mr. Jaffar Ali Jaffary.	Matric Dip: Holder.	DIKhan	17-10-39	3-10-64	-	-	-
9.	Mr. Wafa Muhammad.	Matric only.	Swat	2-6-38	15-10-66	-	11/91	-
10.	Mr. Gul Zamran	Matric Dip: Holder.	Mkd. Agcy.	6-6-40	1-1-73	-	-	-
11.	Mr. Bashir Ahmad -IV Baloch.	Matric	DIKhan	15-9-38	28-9-73	22-6-77	1967	1980
12.	Mr. Payo Rehman	Matric/ E.P. Holder (Mech.)	Karak.	9-8-42	11-1-74	-	-	-

*He*  
*Pl. circulate this list to all concerned*  
*10/12*

*40-8/2*

Sl. No.	Name of Sub-Engr.	Edunl./Tech: qualification.	Home Distt.	Date of birth.	Date of 1st entry in Deptt:	Date of confirmation.	Year of Passing.		Remarks
							Grade "B" Exm.	Depttl: Profnl: Exm.	
13.	Mr. Jehanzeb-II	Matric/D.A.E(C)	Peshr.	12.2.51	14.1.74	-	6/96	-	-
14.	Mr. Amir Jamshid	-do-	Dir	10.3.48	2.8.74	-	-	-	-
15.	Mr. Noor Saleh	-do-	NWA	1.1.40	7.9.74	-	-	-	-
16.	Mr. Umar Farooq	-do-	Kohat	15.5.51	22.10.74	-	-	-	-
17.	Mr. Faizur Rehman-II	-do-	Peshr.	2.9.45	21.11.74	-	-	-	-
18.	Mr. Faiz Gul-I	-do-	NWA	20.6.51	19.12.74	-	6/96	-	-
19.	Mr. Mir Sadda Khan	-do-	Karak	12.12.49	15.7.75	-	6/96	-	-
20.	Mr. Tariq Shah	-do-	Kohat	5.2.54	13.10.75	-	9/94	-	-
21.	Mr. Pir Shah Wali Shah	-do-	SWA	15.5.50	16.10.75	-	6/96	-	-
22.	Mr. Abdur Rehman	-do-	Malakand Agcy.	13.6.50	6.11.75	-	6/96	-	-
23.	Mr. Muhammad Yar-I	-do-	Dir	5.3.53	13.3.76	-	6/96	-	-
24.	Mr. Muhammad Zahir Shah-II s/o Abdul Malik	-do-	Dir	3.11.50	5.6.76	-	6/96	-	-
✓ 25.	Mr. Israr Ahmad	-do-	Manshra	30-5-56	19-10-78	-	-	-	-
26.	Mr. Kiramatullah Jan	-do-	Peshawar.	14.3.51	25.10.78	-	6/96	-	-
27.	Mr. Amir Sher	-do-	Peshawar.	20.4.52	25.10.78	-	-	-	-
28.	Mr. Islamuddin	-do-	Dir	5.4.55	25.10.78	-	-	-	-

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Sl. No.	Name of Sub-Engr.	Edunl./Tech: qualification.	Home Distt.	Date of birth.	Date of 1st entry in Deptt:	Date of confir- mation.	Year of Passing.		Remarks.
							Grade "B" Exmn.	Depttl. Profnl. Exmn.	
29.	Mr. Maqsood Khan.	Matric/DAE(C)	Bannu	8.4.52	9.11.78	-	6/96	-	-
30.	Mr. Hidayatullah-I	Matric	Peshr.	21.6.45	2.12.78	-	1978	-	-
31.	Mr. Salim Khan Afridi-II.	Matric.	Khy: Agcy.	5.2.47	4.12.78	-	1978	-	-
32.	Mr. S. Ashraf Ali Shah.	Matric	Peshawar.	17.7.39	5.12.78	-	1978	-	-
33.	Mr. Muhammad Naseem	Matric	Mardan	10.1.42	5.12.78	-	1978	-	-
34.	Mr. Tahir Javed	F.A.	Peshawar.	27.3.52	5.12.78	-	1978	-	-
35.	Mr. Muhammad Yar II	Matric	DIKhan	13.8.39	12.12.78	-	1978	-	-
36.	Mr. Nazir Ahmad s/o Riazullah	Matric Dip: Holder.	Mkd. Agcy.	19.12.54	17.12.78	-	-	-	-
37.	Mr. Taj Muhammad	-do-	Kohat	24.1.53	24.1.79	-	6/96	-	-
38.	Mr. Muhammad Shah	-do-	Peshawar	2.8.57	7.2.79	-	6/96	-	-
39.	Mr. Mohammad Hayat Shah.	-do-	Kohat	14.4.57	8.2.79	-	11/91	-	-
40.	Mr. Muhammad Iqbal-I	-do-	Peshr.	8.2.58	8.2.79	-	6/96	-	-
41.	Mr. Zia Jan	Matric. B. Tech:	Peshr.	13.5.56	22.2.79	-	-	-	-
42.	Mr. Shah Nawaz Baluch.	-do-(E)	DIKhan	3.12.50	28.3.79	-	-	-	-
43.	Mr. Muhammad Asif	Matric Dip: Holder.	NWA	31.12.39	31.5.79	-	-	-	-

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Sl No	Name of Sub Engr:	Qualification/ Technical Qualification.	Home Distt:	Date of Birth.	Date of Ist entry in deptt:	Date of confir- mation.	Year of passing		Remarks
							Gr. 'B' Exam:	Depttl: profl: Exam:	
44.	Mr. Mahfoozur Rehman.	Matric/DAE(C)	Nowshera	1-11-59	20-6-79	-	-	-	-
45.	Mr. Muhammad Arif-III S/o Karim Bakhsh.	-do-(M)	Peshawar.	12-9-56	17-10-79	-	-	-	-
46.	Mr. Muhammad Sayyar.	-do-	Mardan	14-12-52	21-11-79	-	-	-	-
47.	Mr. Fazli Amin	-do-	Peshawar	6-2-56	26-11-79	-	-	-	-
48.	Mr. Daulat Khan	-do-	N.W.A.	9.3.58	5.12.79	-	11/91	4/93	-
49.	Mr. Zahir Gul	-do-	Mardan	1-5.57	9.12.79	-	11/91	4/93	-
50.	Mr. Bilal Iqbal	-do-	D.I. Khan	30.11.53	15.12.79	-	6/96	-	-
51.	Mr. Jamroz Khan S/o Chantar Khan.	-do-(M)	Kohat	10.9.54	14.1.80	-	1987	5/96	-
52.	Mr. Abdul Qayum S/o Anwar Bagh.	-do-	Khy: Agcy:	16.3.50	21.1.80	-	6/96	-	-
53.	Mr. Jehanzeb Khan-III S/o Rehmanullah.	-do-	Swabi	1-10-56	23-1.80	-	11/91	4/93	-
54.	S. Muhammad Tariq S/o Amanulmulk.	-do-	Swat	4.4.58	30.1.80	-	1983	5/96	As Draftsman from 8.12.79 to 29.1.80.
55.	Mr. Mujtaba Kamal Shah S/o Ghulam Mohd: Shah.	-do-(E)	D.I. Khan	10-4-56	17-3-80	-	6/96	-	-
56.	Mr. Muhammad Shafiq-II S/o Kala Khan	-do-	A. Abad	14-5-58	4-6-80	-	11/91	4/93	-
57.	Mr. Hidayatullah-I S/o Inayatullah.	-do-	Peshawar	2-4-55	5-6-80	-	8/94	5/96	-



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Sl No	Name of Sub Engr:	Edunl:/Tech: Qualification.	Home Distt:	Date of Birth.	Date of Ist entry in Deptt:	Date of confir- mation.	Year of Passing		Remarks
							Gr. 'B' Exm.	Depttl: profnl: Exm.	
58.	Mr. Abdul Hamid-III S/o Abdul Qadus.	Matric/DAE(C)	Mkd:Agcy:	12.12.55	5.6.80	-	-	-	-
59.	Mukahir Khan S/o Muzaffar Khan	-do-	-do-	2.4.60	5.6.80	-	-	-	-
60.	Mr. Abdul Manan Shah S/o Abdur Razaq Shah.	-do-	S.W.A.	10.11.54	7.6.80	-	14/91	-	-
61.	Mr. Lal Bad Shah S/o Talab Din.	-do-	Mkd:Agcy:	14.5.57	7.6.80	-	8/94	5/96	-
62.	Mr. Shakir Parvez S/o Malik Dilawar Khan.	-do-	Kohat	28.4.59	8.6.80	-	11/91	4/93	-
63.	Mr. Sanauallah S/o Qadar Gul.	-do-	Mkd:Agcy.	31.5.54	10.6.80	-	11/91	-	-
64.	Mr. Fasihul Lisan S/o Fazal Karim.	-do-	Peshawar	15.4.59	11.6.80	-	11/91	5/96	-
65.	Mr. Sanauallah-IV Tajeri S/o Muslim Khan.	-do-	Bannu	2.2.58	14.6.80	-	11/91	5/96	-
66.	Mr. Naushad Khan S/o Faiz Mohd:Khan.	-do-	Peshr:	2.12.59	16.6.80	-	6/96	-	-
67.	Mr. Fazle Karim-III S/o Abdur Rahim.	-do-	Kohat	6.3.52	17.6.80	-	11/91	4/93	-
68.	Mr. Zafarullah Khan S/o Ahabullah.	-do-	Peshr:	10.3.59	10.7.80	-	11/91	-	-
69.	Mr. Naushad Khan S/o Mohd:Safdar Khan.	-do-	Newsheera	15.4.56	13.7.80	-	6/96	-	-
70.	Mr. Ikramullah S/o Nasrullah	-do-	Peshawar	24.9.60	14.7.80	-	11/91	5/96	-

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Sl. No.	Name of Sub-Engineer.	Edunl:/Tech: qualification.	Home Distt.	Date of birth.	Date of 1st entry in Deptt:	Date of confir- mation.	Year of Passing.		Remarks.
							Gr.B.Exmn.	Deptt: Profnl. Exmn.	
71	Mr.Fazli Mehmood S/O Mohd Ismail.	Matric Diploma Holder.	Bannu	1.6.57	25.9.80	-	11/91	-	-
72.	Mr.Jamal Khan Mut_bar Khan.	-do-	Peshawar.	1.10.52	1.10.80	-	6/96	-	-
73.	Mr.Usman Nabi Ghulam Nabi.	-do-	Mardan	22.12.50	30.10.80	-	-	-	-
74.	Mr.Muhammad Ikram Muhammad Azam.	-do-	Mardan	30.9.52	4.11.80	-	8/94	5/96	-
75.	Mr.Fahim Jan H.Sher Zaman Khan.	-do-	Bannu	1.6.57	26.11.80	-	-	-	-
76.	Mr.Sher Wali Jhang S/O Amirzada Khan.	-do-/B.Tech:	Mardan	1.7.61	9.2.81	-	14/91	6/94	-
77.	Mr.Tariq Usman Noor Sahib Khan.	-do-	Karak	5.4.61	16.2.81	-	11/91	-	-
78.	Mr.Nocrul Basar Umar Khitab.	-do-	Peshawar.	16.2.59	19.2.81	-	11/91	-	-
79.	Mr.M.Javed Rahim S/O Abdur Rahim.	-do-	DIKhan	31.12.58	1.4.84	-	11/91	5/96	-
80.	Mr. Nurul Amin Abdur Rashid.	-do-	Peshr:	23.4.60	4.4.81	-	8/94	-	-
81.	Mr. Nisar Ahmad H.Mir Sardar.	-do-	N.W.A.	15.6.50	8.6.81	-	6/96	-	-
82.	Mr.Malik Nawaz Gul Daraz.	-do-	Bannu	3.4.58	9.6.81	-	11/91	-	-
83.	Mr.Sultan Sikandar	-do-(M)	Peshr:	30.11.47	24.10.81	-	1987	-	-
84.	Mr.Inamul Haq S/O Shamsul Haq.	-do-(Civil)	Peshr.	18.12.58	15.11.81	-	11/91	4/93	-
85.	Mr.Zainul Abidin S/O Mumammad Adris.	-do-	Mardan	6.4.61	12.11.81	-	-	-	-
86.	Mr.Irshad Ahmad Khan	-do-	Peshr.	23.9.61	18.11.81	-	11/1991	-	-

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Sl. No.	Name of Sub-Engr.	Edunl:/Tech: qualification.	Home Distt:	Date of Birth.	Date of 1st entry in Deptt:	Date of confir- mation.	Year of Passing.			Remarks.
							Gr.B .Exmn.	Deptt: Profnl: Exmn:		
87.	Mr. Abdul Hakim S/O Fazal Ghafoor. Holder.	Matric/Diploma	Dir	9.6.54	22.11.81	-	-	-	-	-
88.	Mr. Janshed Khan S/O Saifur Rehman.	-do-	Malakand.	21.3.56	22.11.81	-	11/91	-	-	-
89.	Mr. Muhammad Hamid Zia.	-do-	Peshawar	1.7.61	22.11.81	-	11/91	5/96	-	-
90.	Mr. Inamulah S/O Maizullah.	-do- (E)	D.I.Khan	24.2.57	5.12.81	-	1990	5/96	-	-
91.	Mr. Inayat Zeb S/O Said Rehman.	-do-	Swabi	16.1.62	8.12.81	-	11/91	5/96	-	-
92.	Mr. Khalid Naeem S/O Muhammad Ajab.	-do-	A'Abad	1.10.61	9.12.81	-	11/91	-	-	-
93.	Mr. Barfaraz Alam S/O Hakim Ali.	-do-	Peshawar	30.12.56	16.12.81	-	11/91	-	-	-
94.	Mr. Gul Malook S/O Sher Jhang.	-do-	Bannu	9.7.59	16.12.81	-	11/91	5/96	-	-
95.	Mr. Sibghatullah S/O Hayatullah.	-do-	Peshawar	15.2.60	16.12.81	-	6/96	-	-	-
96.	Mr. Muhammed Idris S/O Muhammad Ibrahim.	-do-	D.I.Khan	1.6.62	16.12.81	-	8/94	5/96	-	-
97.	Mr. Riaz Ahmad S/O Jan Muhammad.	-do-	Kohat	27.6.53	16.12.81	-	11/91	-	-	-
98.	Mr. Karimullah S/O Matiullah.	-do-	Bannu	29.3.61	16.12.81	-	11/91	5/96	-	-
99.	Mr. Ghulam Qadir S/O Ghulam Haider.	-do-	D.I.Khan	3.3.58	14.1.82	-	11/91	5/96	-	-
100.	S.Ibkar Shah S/O H.Muhammad Shah.	Matric.	Kohat	15.3.56	16.1.82	-	1980	-	-	-

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Sl. No.	Name of Sub-Engr.	Educ./Tech. qualification.	Home Distt.	Date of birth.	Date of 1st entry in Deptt.	Date of confirmation.	Year of Posting.		Remarks.
							Gr. B. Exm.	Depttl: Profnl: Exm.	
101.	Mr. Hassan Jan-I S/O Sarmad Jan.	Matric/Diploma.	Dikhan	14.11.60	16.1.82	-	11/91	-	-
102.	Mr. Niaz Muhammad S/O Muhammad Yousaf.	-do-	Mansehra	27.6.61	17.1.82	-	11/91	-	-
103.	Mian Jehanzeb Mian Yagub Shah.	-do-	Nowshera	15.3.61	31.1.82	-	11/91	-	-
104.	Mr. Yousaf Ali-III S/O Khaista Muhammad	-do-	Mardan	7.2.59	1.2.82	-	8/94	5/96	-
105.	Mr. Shadab Naseem S/O Mohd Anwar Baig.	-do-	Peshawar	1.3.59	1.2.82	-	-	-	-
106.	Mr. Wagira Khan	Matric	NWA	21.4.46	4.2.82	-	1980	-	-
107.	Mr. Akbar Rahim S/O Abdul Mucit	-do-	Chitral.	1.6.57	5.2.82	-	11/91	-	-
108.	S. Qaisar Shah S/O Chiragh Shah.	-do-	Kohat	29.4.60	6.2.82	-	11/91	-	-
109.	Mr. Liaqat Ali Allah Jan	s/o Matric.	SWA	25.5.49	7.2.82	-	1980	-	-
110.	Mr. Zahir Shah-III s/o Yar Shah	Matric/Diploma.	Mardan.	1.12.58	17.2.82	-	6/96	-	-
111.	Mr. Manzoor Elahi s/o Noor Elahi.	-do-	Peshawar	20.9.62	19.2.82	-	-	-	-
112.	Mr. Rochul Amin S/o Faghfoor.	-do-	Peshawar.	16.2.58	1.3.82	-	-	-	-
113.	Mr. Muhammad Shakeel Akhtar S/o Muhammad Yousaf.	-do-	D.I. Khan	1.11.60	18.3.82	-	11/91	4/93	-

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Sl. No.	Name of Sub-Engr.	Educnl./Tech: qualification.	Home District.	Date of birth.	Date of 1st entry in Deptt:	Date of confir- mation.	Year of Passing.		Remarks.
							Gr.B. Exmn.	Depttl: Profnl: Exmn.	
114.	Mr.Imshad Alam S/O Shams Alam Qureshi.	Matric	Kohat	12.2.38	29.3.82	-	1981	-	-
115.	Mr.Ziauddin S/O Muhammad Din.	Matric/DAE(C)	DIKhan	26.6.60	18.5.82	-	11/91	4/93	-
116.	Mr.Muhammad Khalil Noor S/O Seth Noor Muhammad.	-do-	DIKhan	15.7.61	18.5.82	-	11/91	5/96	-
117.	Mr.Abdul Khalil	-do-	DIKhan	1.4.57	22.8.82	-	11/91	-	-
118.	Mr.Ghulam Farid S/O Zardad Khan.	-do-(M)	A.Abad.	13.4.58	30.8.82	-	1987	4/93	-
119.	Mr.Arif Saeed Malik S/O Malik Ghulam Sadiq.	-do-	DIKhan	29.7.59	14.10.82	-	11/91	5/96	-
120.	Mr.Abdul Qayum Awan(M) S/O Malik Muhammad Daud.	-do-	Mansehra	2.6.58	1.11.82	-	1987	4/93	-
121.	S.Javed Hussain S.Younas Shah.	-do-(M)	Mansehra	26.3.59	23.1.83	-	11/91	-	-
122.	Mr.M.Najib s/o M.Yousaf.	-do-	A.Abad.	15.4.62	25.1.83	-	8/94	5/96	-
123.	Mr.Tariq Yousaf S/O Muhammad Yousaf.	-do-	Mansehra	30.4.57	1.2.83	-	11/91	-	-
124.	Mr.Muhammad Zarif S/O H.Mohd Roz Khan.	-do-	NWA	15.4.59	12.2.83	-	-	-	-
125.	Mr.Zulfiqar Ahmad S/O Muhammad Iqbal.	-do-	Mansehra.	1.4.59	8.3.83	-	11/91	4/93	-

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Sl. No.	Name of Sub-Engr.	Educational/Tech: qualification.	Home Distt.	Date of birth.	Date of 1st entry in Deptt:	Date of confirmation.	Year of Passing.		Remarks.
							Gr.B. Exmn.	Depttl: Profnl: Exmn.	
126.	Mr. Miran Shah	Matric	DIKhan	12.4.40	26.4.83	-	1980	-	-
127.	Mr. Bashir Ahmad s/o Ghulam Abbas	Matric	DIKhan	1.2.41	1.7.83	-	1981	-	-
128.	E. Abdullah Shah S/O S. Hazrat Shah.	Matric/Diploma	Peshawar.	25.7.59	12.9.83	-	11/91	5/96	-
129.	Mr. Ghulam Mohammad.	Matric.	DIKhan	21.9.41	14.12.83	-	1981	-	-
130.	Mr. Inayatullah s/o Nekam Khan.	Matric	SWA	1.1.47	29.12.83	-	1980	-	-
131.	Mr. Zewar Din S/O Rehmanud Din (Electrical).	Matric/Diploma	Peshawar.	19.8.58	7.2.84	-	1987	4/93	-
132.	Mr. Zamir Jang S/O Sherzada.	Matric/Diploma.	Swabi.	1.12.59	19.3.84	-	-	-	-
133.	Mr. Muhammad Saadig Saleem s/o Gul Sher.	-do-	Mansehra.	1.4.55	19.3.84	-	-	-	-
134.	Mr. Iftikhar Babar	-do-	Nowshera.	22.2.62	14.3.85	-	11/91	-	-

Sl. No.	Name of Sub-Engineer.	Edunl:/Tech: qualification.	Home Distt.	Date of birth.	Date of 1st entry of Deptt:	Date of confirmation.	Year of Passing.		Remarks.
							Gr.B.Exam.	Deptt: Profnl: Exam.	
135.	Mr. Shaukat Javed S/O Snah Farhab Khan	F.Sc. Diploma.	DIKhan	1.1.60	20.3.85	-	-	-	-
136.	Mr. Ghulam Haider Baloch.	Matric.	DIKhan	1.11.48	5.5.85	-	1979	-	-
137.	Mr. Shah Nawaz	F.Sc.	SWA	1.1.49	5.5.85	-	1981	-	-
138.	Mr. Naseem Ahmad Shah s/o Fazrat Shah.	Matric/Diploma.	Peshr.	10.12.63	19.5.85	-	6/96	-	-
139.	Mr. Muhammad Wazir S/O Muhammad Rashid Khan.	-do-	Dir	2.5.59	5.9.85	-	6/96	-	-
140.	Mr. Muhammad Amin	Matric.	DIKhan	12.2.48	18.10.86	-	1984	-	-
141.	Mr. Ghazanfarullah s/o Shafiullah.	Matric/Diploma.	Bannu.	4.5.64	21.10.86	-	6/96	-	-
142.	Mr. Ibadullah s/o Muhammad Karim.	-do-	Ghazsada.	16.1.62	22.10.86	-	8/94	5/96	-
143.	Mr. Sharafatullah s/o Walizar Khan.	-do-	Kohat	5.1.60	23.10.86	-	11/91	4/93	-
144.	Mr. Muhammad Shafiq-III s/o Abdul Khaliq.	-do-	Mrd. Agcy.	18.1.62	23.10.86	-	6/96	-	-
145.	Mr. Irshad Ahmad s/o Sardar Kala Khan.	-do-	A. Abad.	16.4.61	24.10.86	-	6/96	-	-

Sl. No.	Name of Sub-Engr.	Educational/Teach. qualification.	Home District.	Date of birth.	Date of first entry in Deptt.	Date of confirmation.	Year of Passing.		Remarks
							Gr. E. Exmn.	Deptt. Profnl: Exmn.	
145.	Mr. Mudasar Saghir S/O Malik Ghulam Rasul.	Matric/Diplome	Kohat	3.5.56	4.11.85	-	11/91	-	-
147.	Mr. Mohd Khan Zabit Khan.	s/o -do-	Bakki.	1.1.64	4.11.86	-	-	-	-
148.	Mr. Mushtaq Ali s/o Salim Gul	-do-	NWA	30.9.64	4.11.85	-	6/96	-	-
(149)	Mr. Mohammad Akram Mohd Akbar	-do-	Mansehra	18.8.61	15.11.86	-	6/96	-	-
(150)	Mr. Saifur Rahman s/o M. Razaq.	-do-	Kohat	18.11.62	3.8.87	-	6/96	-	-
151.	Mr. Liaqat Shah S/O Saidan Shah.	-do-	Nowshera	.2.56	4.8.87	-	11/91	-	-
152.	Mr. M. Attique Farooq S/O Muhammad Raziq.	-do-	Peshr.	2.4.62	9.8.87	-	11/1991	-	-
153.	Mr. Arshad III s/o Gul Mohammad	-do-	Kohat	5.2.55	18.8.87	-	-	-	-
154.	Mr. Mohd Zubair Mohd Yaqoob	s/o -do-	Mardan	14.6.60	23.8.87	-	11/91	-	-
155.	Mr. Mushtaq Ahmad S/O Ali Zaman.	-do-	A. Abad	4.2.53	8.9.87	-	11/91	5/96	-



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Sl. No.	Name of Sub-Engr.	Educat./Tech. qualification.	Home Distt.	Date of birth.	Date of 1st entry of Deput.	Date of confir- mation.	Year of Passing.		Remarks
							Gr. B. Exmn.	Deput.; Profnl; Exmn.	
156.	Mr. Muhammad Yacoot Khan s/o Malik Bad-Shah.	Matric/Diploma	NWA	19.3.62	13.3.88	-	6/96	-	-
157.	Mr. Shahzad Hassan. S/O Sher H.essar Khan.	-do-	Peshr.	5.4.62	13.3.88	-	6/96	-	-
158.	Mr. Muhammad Javed s/o Haji Muhammad Ramzan.	-do-(M)	DIKhar.	2.9.62	13.3.88	-	6/96	-	-
159.	Mr. Nigarul Haq s/o Noorul Haq (Radio Electronic).	-do-(E)	Peshr.	1.2.63	13.3.88	-	-	-	-
160.	Mr. Sameeullah s/o Habibullah.	-do-	Kohat.	1.6.63	13.3.88	-	-	-	-
161.	Mr. Abdul Waheed s/o Abdur Rashid.	-do- FA -do-	DIKhar.	30.8.63	13.3.88	-	6/96	-	-
162.	Mr. Muhammad Sajjad s/o Abdul Haleem.	-do-	Peshr.	21.4.66	13.3.88	-	6/96	-	-
163.	Mr. Sabit Khan s/o Rustam Khan.	-do-	Swabi.	18.12.50	14.3.88	-	6/96	-	-
164.	Mr. Hafizur Rehman s/o Habibur Rehman.	-do-	Peshr.	1.3.59	14.3.88	-	11/51	-	-
165.	Mr. Habibullah s/o Muhammad Abdullah	-do-	Mrd. Agcy.	23.4.59	14.3.88	-	-	-	-

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Sl. No.	Name of Sub-Engineer.	Educational/Tech. qualification.	Home Distt.	Date of birth.	Date of 1st entry of Deptt.	Date of confirmation.	Year of Passing.		Remarks
							Gr. B. Exmn.	Deputt. Special Exmn.	
166.	Mr. Jabid Hussain Shah s/o S. Murzan Shah.	Matric/Diploma (Electrical).	Manshera.	10.6.59	14.3.88	-	6/96	-	-
✓167.	Mr. Muhammad Nasir s/o Faqir Hussain.	Matric/Diploma	Manshera.	1.12.60	14.3.88	-	-	-	-
168.	Mr. Ghulam Rehims/o Ghulam R. Said.	-do-	Mkd. Agry.	20.4.61	14.3.88	-	6/96	-	-
169.	Mr. Tahir Mahmood s/o Mohd Sharif.	Fl./Diploma(E)	Peshawar.	10.2.62	14.3.88	-	6/96	-	-
170.	Mr. Shaukatullah s/o Yaqoob Shah	Fl./Diploma	Bannu	28.8.62	14.3.88	-	6/96	-	-
171.	S. Farid Mahmood-II Waqir Hassan Shah.	S/o Matric/Diploma	L. Bad	1.1.63	14.3.88	-	8/94	-	-
172.	Mr. Sadegullah s/o H. Inayat Khan.	-do-	NW1	15.3.63	14.3.88	-	-	-	-
173.	Mr. Abid Hussain s/o Ghulam Hussain.	Fl./Diploma(B)	Mkd. Agry.	20.5.64	14.3.88	-	-	-	-
174.	Mr. Saeedullah s/o Fazal Karim.	Fl./Diploma	Kohat	13.7.64	14.3.88	-	6/96	-	-

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Sl. No.	Name of Sub-Engr.	Edunl./Tech. qualification.	Home Distt.	Date of birth.	Date of 1st entry of Leptt.	Date of confir- mation.	Year of Passing.		Remarks.
							Grade B Exmn.	Depttl: Profnl: Exmn.	
175.	Mr. Hamidullah s/o Attaullah.	Matric/Diploma (Mech)	DIKhan	20.8.64	14.3.88	-	-	-	-
(176)	Mr. Nawazish Ali Shah s/o Miskeen Shah.	Matric/Diploma (Electrical).	Mansehra.	6.3.62.	14.3.88	-	6/96	-	-
177.	Mr. Fazal Rehman-IV s/o Said Muhammad	Matric/Diploma	DIKhan	27.3.65	14.3.88	-	8/94	-	-
178.	Mr. Aurangzeb-IV s/o Gul Muhammad Khan.	-do-	NWA	6.4.65	14.3.88	-	6/96	-	-
179.	Mr. Zubairullah s/o Khairullah	-do-	Peshr:	10.4.65	14.3.88	-	-	-	-
180.	Mr. Ahmad Ali s/o Maulana Muhammad Yaqoob	FA/Diploma	NWA	11.4.65	14.3.88	-	8/94	-	-
181.	Mr. Shaad Muhammad s/o Malang Khan	Matric/ Diploma.	Mansehra.	14.4.65	14.3.88	-	-	-	-
(182)	Mr. Ejaz Rasool S/O Ghulam Rasool.	-do-	Bannu	3.5.65	14.3.88	-	8/94	-	-
183.	Mr. Salahuddin s/o Muhammad Abdullah	-do-	Hazara	23.6.65	14.3.88	-	6/96	-	-
184.	Mr. Aurangzeb-V s/o Abdul Manan	-do-	Mkd. Agcy.	30.3.66	14.3.88	-	-	-	-
185.	Mr. Muhammad Jamshad Khan s/o Abdul Hakim	-do-	Swabi.	15.4.67	14.3.88	-	-	-	-

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Sl No	Name	Edu/Tech: qualification	Home Distt:	Date of birth.	Date of Ist entry in Deptt:	Date of confir- mation.	Year of Passing.			Remarks
							Gr. 'B' Exm:	Depttl: profnl: Exm:		
186.	Mr. Said Hassan S/o Gul Mula Khan.	Matric/DAE	Dir	20.7.54	15.3.88	-	-	-	-	-
187.	Muhammad Iqbal-III S/o Dalasa Khan.	F.A/DAE	Bannu	9.3.55	15.3.88	-	-	-	-	-
188.	Mr. Habibur Rehman S/o Alangir Khan.	Matric/DAE(C)	Swat	2.4.59	15.3.88	-	6/96	-	-	-
189.	Mr. Nadeem Ahmad Panacha S/o Bashir Ahmad.	-do-(M)	Kohat	24.4.60	15.3.88	-	-	-	-	-
190.	Mr. Abdul Aleem S/o Abdul Hamed.	-do-(C)	Peshwr:	27.10.62	15.3.88	-	6/96	-	-	-
191.	Mr. Nehar Gul S/o Sher Gul.	-do-	Mardan	7.1.63	15.3.88	-	-	-	-	-
192.	Mir Salim Khan S/o Abdul Ghafoor Khan	-do-	Mkd:Agcy:	2.2.64	15.3.88	-	-	-	-	-
193.	Mr. Tariq Hussain Shah S/o S.Iran Shah.	-do-	Manshra.	1.4.64	15.3.88	-	-	-	-	-
194.	Mr. Muneeb Khan S/o Jaffar Khan.	F.A/DAE	Mkd:Agency	16.4.64	15.3.88	-	6/96	-	-	-
195.	Mr. Mumtaz Ahmad Malik.	Matric/DAE	Haripur	6.6.66	15.3.88	-	-	-	-	-
196.	Muhammad Saeed-II S/o Muhammad Yousaf.	F.A/DAE	Mardan	3.5.60	16.3.88	-	6/96	-	-	-

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Sl. No.	Name	Edu/Tech: qualification.	Home Distt.	Date of birth.	Date of last entry in Deptt:	Date of confirmation.	Year of Passing.		Remarks.
							GR.B.Exam.	Depttl: Profnl: Exam.	
197.	Mr. Muhammad Naeem Jan s/o Mahabat Khan.	Matric/Dip: (Electrical)	Charsadda.	15.4.61	16.3.88	-	6/96	-	-
198.	Mr. Alamzeb-I s/o Rehmnullah Khan	Matric/Diploma	Mardan	1.3.63	16.3.88	-	6/96	-	-
199.	Mr. Azmat Ali Shah s/o Wahid Ali Shah	-do-	Mansehra	15.12.63	16.3.88	-	6/96	-	-
200.	Mr. Ikramullah s/o Shalwazen.	-do-	Bannu.	1.1.64	16.3.88	-	6/96	-	-
201.	Mr. Sal, huddin s/o Mughalzaei.	-do-	Swat	1.1.64	16.3.88	-	-	-	-
202.	Mr. Mashal Khan s/o Bagu Khan.	-do-	Bannu	2.2.64	16.3.88	-	6/96	-	-
203.	Mr. Muhammad Shaukat s/o Abdur Rehman.	-do-(E)	Mansehra.	12.2.64	16.3.88	-	6/96	-	-
204.	Mr. Zahoor Elahi s/o Muhammad Elahi	-do-	Haripur.	1.7.64	16.3.88	-	-	-	-
205.	Mr. Abdul Sabur Khan s/o Muhammad Nazir.	-do-(E)	Swabi.	18.7.64	16.3.88	-	6/96	-	-
206.	Mr. Ali Rehmar s/o Abdul Qadar.	-do-	Belakand.	12.11.64	16.3.88	-	-	-	-
207.	Mr. Rehmar Saeed s/o Noor Baig.	-do-(M)	Kohat	15.1.65	16.3.88	-	-	-	-

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Sl. No.	Name of Sub-Engr.	Eduatl/Tech: qualification.	Home Distt.	Date of birth.	Date of last entry in Deptt.	Date of confirmation.	Year of Passing. Gr.B.Exmn.	Deptt: Profnl: Exmn.	Remarks.
208.	Mr. Muhammad Ajmal Ghulam Mustafa Khan.	Matric/Diploma	Mansehra.	5.3.65	16.3.88	-	-	-	-
(209.)	Mr. Muhammad Zaka Khan s/o Muhammad Yousaf Khan.	--do--	A. Abad	19.4.65	16.3.88	-	6/96	-	-
210	Mr. Muhammad Aslam s/o Muhammad Islamil	--do--	DIKhan	6.11.52	17.3.88	-	-	-	-
211.	Mr. Muhammad Fahim Alam s/o Inayat Khan	--do--(E)	Mkd. Agcy.	14.4.58	17.3.88	-	-	-	-
212.	Mr. Faiyazullah Khan s/o Abdur Rahim	--do--	Bannu	2.3.59	17.3.88	-	-	-	-
213.	Mr. Muhammad Irshad Khan s/o Rehmat Khan	--do--(E)	Haripur.	12.4.59	17.3.88	-	-	-	-
214.	Mr. Saifur Rehman s/o Kheman Khan	--do--	DIKhan	5.2.60	17.3.88	-	-	-	-
215.	Mr. Imtiaz Khan s/o Amir Zaman Khan.	--do--	Bannu	10.4.60	17.3.88	-	6/96	-	-
216.	Mr. Bakhshi Bad Shah s/o Jehan Bakht Bad Shah.	--do--	MKD Agcy.	19.9.60	17.3.88	-	-	-	-
217.	Mr. Abdullah Khan s/o Abdul Jamber	--do--	Bannu	12.4.61	17.3.88	-	-	-	-
(218)	Mr. Roedar Muhammad s/o Muhammad Islam	--do--	Mkd. Agcy.	30.4.61	17.3.88	-	6/96	-	-

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Sl. No.	Name of Sub-Engr.	Edunl./Tech: qualification.	Home Distt.	Date of birth.	Date of last entry in Deptt:	Year of Passing.			Remarks
						Date of confirmat- ion.	Gr.B.Exmn.	Depttl: Profnl: Exmn.	
219.	Mr.Muhammed Naeem-III	Matric/Diploma	Charsadda.	16.4.62	17.3.88	-	6/96	-	-
220.	Mr.Akbar Ali s/o Muhammed Akbar	-do-	Charsadda.	11.3.63	17.3.88	-	6/96	-	-
221.	Mr.Gul Khitab s/o Milayat Sh.h.	-do-	Mansehra.	25.4.63	17.3.88	-	-	-	-
222.	Mr.Jaffer Shah s/o S.Bahadar Shah.	FA/Diploma	Haripur.	1.2.64	17.3.88	-	-	-	-
223.	Mr.Shah Tehmas Khan s/o Israr Khan	Matric/Diploma	Bannu	30.3.64	17.3.88	-	-	-	-
224.	Mr.Jamilur Rehman s/o Yousafur Rehman.	-do-	A.ABad	2.4.64	17.3.88	-	-	-	-
225.	Mr.Muhammad Hayat s/o Luqman Hakim	-do-	Peshawar	10.5.64	17.3.88	-	6/95	-	-
226.	Mr.Muhammad Jamil-II s/o Amanullah	-do-	Mansehra..	12.5.64	17.3.88	-	-	-	-
227.	Mr.Muhammad Asghar s/o Muhammad Aslam Khan.	-do-	Mardan.	30.12.64	17.3.88	-	-	-	-
228.	Mr.Ghulam Jalil s/o Yaqoob Khan	Matric Diploma	Chitral	10.1.58	19.3.88	-	-	-	-
229.	S.Avique Rehman s/o S.Muhammad Ibrahim.	F.A./Diploma	Mkd.Agcy.	20.2.60	19.3.88	-	6/95	-	-
230.	Mr.Khan Bad Shah s/o Jan Amir	Matric/Diploma	Mkd.Agcy.	10.10.60	19.3.88	-	-	-	-

Sl. No.	Name of Sub-Engr.	Edunl:/Tech: qualification.	Home Distt:	Date of birth.	Date of first entrin in Deptt:	Date of confirmat- ion.	Year of Passing	Some l.S.
							Gr.B. Depttl: Exam.. Profnl: Exam.	
231.	Mr.Zahoor Ahmad s/o Dawa Khan.	FA/Diploma	Swat	23.3.61	19.3.88	-	-	-
232.	Mr.Rafiq Ahmad s/o Mian Said Wahid	-do-	Swat	27.11.61	19.3.88	-	-	-
233.	Mr.Muhammad Ishaq s/o Hayat Khan	Matric/Diploma (E)	Bannu.	17.1.62	19.3.88	-	-	-
234.	Mr.Sher Ali s/o Amir Khan	-do-(C)	Mkd.Agcy	31.2.62	19.3.88	-	-	-
235.	Hamidullah s/o Muhammad Jan	-do-(C)	Bannu	1.1.63	19.3.88	-	-	-
236.	Mr.Niamat Gul s/o Ahmad Gul.	-do-(C)	Khy.Agcy.	12.1.63	19.3.88	-	6/96	-
237.	Mr.Muhammad Iqbal-IV s/o Muhammad Afzal	-do-	Mansehra	20.3.64	19.3.88	-	-	-
238.	Mr.Tariq Muhammad s/o Gul Muhammad Khan	-do-	Swabi.	15.4.64	19.3.88	-	-	-
239.	Mr.Abdul Farooq s/o Muhammad Ramzan Khan	-do-	DIKhan	24.4.64	19.3.88	-	8/94	5/96
240.	Mr.Fida Muhammad s/o Tajuddin.	-do-	A.Abad	10.12.64	19.3.88	-	6/96	-



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Sl. No.	Name of Sub-Engr.	Educational/Tech. qualification.	Home Distt.	Date of birth.	Date of first entry in Deptt.	Date of confirmation.	Year of Passing.		Remarks.
							Gr.B. Exm.	Depttl. Profnl. Exm.	
241.	Mr. Muhammad Niaz s/o Abeer Rehman.	Matric/Diploma	A. Abad.	24.3.65	19.3.88	-	-	-	-
242.	Mr. Noor Zeb s/o Mir Sedad Khan	-do-(E)	Bannu	10.4.65	19.3.88	-	-	-	-
243.	Mr. Ajmal Anwar s/o Muhammad Anwar	FA/Diploma	Mardan	6.9.66	19.3.88	-	6/96	-	-
244.	Mr. Muhammad Abul Khair s/o Khan Sher.	Matric/Diploma.	Mohmand Agcy.	7.10.66	19.3.88	-	-	-	-
245.	Mr. Mushtaq Ahmad Khan s/o Muzaffer Khan	-do-(E)	DIKhan	20.3.56	20.3.88	-	-	-	-
246.	Mr. Ajmal Khan s/o Muhammad Khanan Khan	-do-(M)	Nowshera,	1.5.60	20.3.88	-	1981	-	-
247.	Mr. Aftab Ali Shah s/o Muhammad Ishaq Shah	-do-	SWA	1.4.61	20.3.88	-	-	-	-
248.	Mr. Muhammad Yaqoob s/o Haji Sher Zaman Khan	-do-	DIKhan	2.2.63	20.3.88	-	-	-	-
249.	Mr. Imtiaz Ali s/o Farzan Khan	-do-	Peshawar	10.3.63	20.3.88	-	-	-	-
250.	Mr. Hizbullah s/o Nasrullah Khan	FA/Diploma	DIKhan	16.3.63	20.3.88	-	-	-	-

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Sl. No.	Name of Sub-Engr.	Edunl:/Tech: qualification.	Home Distt.	Date of birth.	Date of first entry in Deptt.	Date of confirmation.	Year of Passing.		Remarks.
							Gr.B.Exmn.	Deptt: Profnl: Exmn.	
251.	Mr.Asmatullah Kundi s/o Hamidullah Khan.	Matric/Diploma.	DIKhan	23.3.64	20.3.88	-	6/96	-	-
252.	Mr.Salim Khan-III s/o Multan Khan.	-do-	Charsadda.	3.9.64	20.3.88	-	-	-	-
253.	Mr.Luqman Tariq s/o Khani Gul	-do-	Bannu	24.5.67	20.3.88	-	-	-	-
254.	Mr.Inayatullah Rehman s/o Muhammad Ismail.	BA/Diploma	Dir	1.2.59	22.3.88	-	6/96	-	-
255.	Mr.Muhammad Said Kamal s/o Muhammad Liaq Khan.	Matric/Diploma	Matsehra.	24.4.60	22.3.88	-	-	-	-
256.	Mr.Misal Khan s/o Yousaf Khan	-do-(E)	Peshawar	22.2.61	22.3.88	-	8/94	-	-
257.	Mr.Hidayatullah-II S/o Amanullah Khan Advocate.	-do(M)	DIKhan	20.3.63	22.3.88	-	6/96	-	-
258.	Mr.Muhammad Iqbal-V s/o Awal Khan	-do-Civil)	Bannu	4.1.64	22.3.88	-	6/96	-	-
259.	Mr.Ali Raza Gillani s/o S.Muhammad Ahmad Gillani.	-do-(E)	Peshawar	1.10.66	22.3.88	-	-	-	-
260.	Mr.Ejaz Ahmad s/o Haji Ali Ahmad	-do-(C)	Peshawar	20.12.51	24.3.88	-	-	-	-

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Sl. No.	Name of Sub-Engr.	Edunl./Tech: qualification.	Home Distt:	Date of birth.	Date of first entry in Deptt:	Date of confirmation.	Year of Passing Re-Gr.B.Exmn.	Deptt. Profnl. Exmn.	marks.
261.	Mr. Haq Nawaz s/c Muhammad Ayub Khan	Matric Diploma (C)	Mansehra	7.6.63	24.3.88	-	6/96	-	-
262.	S. Ashiq Hussain Shah s/o S. Shah Abbas	-do (Civil)	Kurram Agcy.	8.4.62	26.3.88	-	6/96	-	-
263.	S. Ibrar Hussain Shah s/o Iqbal Hussain Shah	FA/Diploma	A. Abad	1.2.65	26.3.88	-	-	-	-
264.	Mr. Nisar Mehmood Siddiqui S/O Ghulam Rabbani.	Matric/Diploma (E)	Peshawar	18.4.50	28.3.88	-	-	-	-
265.	Mr. Faisal Saeed s/o Muhammad Aslam	FA/Diploma (Civil)	Mardan	2.11.60	28.3.88	-	-	-	-
266.	Mr. Sardar Naeem Ahmad s/c Gulzar Ahmad	Matric/Dip: Civil.	A. Abad	11.11.58	30.3.88	-	-	-	-
267.	Mr. Shahi Room Badshah S/O Haji Sher Ahmad.	-do-	Mkd. Agency	15.6.64	30.3.88	-	-	-	-
268.	Mr. Sardar Bahadur s/o Khan Bahadur.	-do- (C)	Peshawar	2.9.60	16.5.89	-	-	-	-
269.	Mr. Azmat Elahi Malik s/c Manzoor Elahi Malik	-do-	Peshawar	3.10.57	7.4.90	-	-	-	-
270.	Mr. Saidul Ibrar s/o Saeedullah.	-do-	Peshawar	18.11.60	7.4.90	-	11/91	-	-
271.	Mr. Muhammad Saifullah s/o Mir Sakib	Matric	Barnu	16.8.46	8.5.90	-	2/1980	-	-

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Sl. No.	Name of Sub-Engr.	Educational/Tech. Qualification.	Home Distt.	Date of birth.	Date of first entry in Deptt.	Date of confirmation.	Year of passing.		Remarks
							Gr.B. Exmn.	Deputt. Profnl. Exmn.	
272.	Mr. Abdur Rauf Babar.	Matric	Nowshera.	29.1.56	31.5.90	-	30.1.84	-	-
273.	S. Sardar Shah s/o S. Sabireen Shah	Matric/Diploma	Kohat.	5.1.57	2.6.90	-	11/91	-	-
274.	Mr. Muhammad Younas S/O Mughaddis Gul.	Matric	Peshawar	5.4.46	1.7.90	-	30.1.84	-	-
275.	Mr. Muhammad Tariq II S/O Ghulam Sadiq.	Matric DAE Civil.	DIKhan	14.8.66	7.12.90	-	-	-	-Sl.No.275 to
276.	Mr. Muddassir Shah S/O Musharaf Khan.	-do-	Charsadda	4.4.65	22.12.90	-	-	-	317 seniority
277.	Mr. Fayyaz Gul-I S/O Qadar Gul.	-do-	Mardan	11.2.67	23.12.90	-	6/96	-	fixed in order of
278.	Mr. Alamzeb-II s/o Mehar Muhammad	-do-	Mardan	19.9.63	12.12.90	-	6/96	-	merits assigned by
279.	Mr. Muhammad Tahir S/O Karim Khan.	B.A./BAE	Nowshera.	3.3.68	20.12.90	-	6/96	-	Public Service
280.	Mr. Sareeruddin Munir Din.	Matric/BAE(C)	Nowshera.	5.2.63	29.12.90	-	6/96	-	Commission.
281.	Mr. Badrul Islam S/O Imranud Din.	-do-	Swabi	1.6.65	12.12.90	-	-	-	-
282.	Mr. Inayatullah Shah S/O Muhammad Subhan.	-do-	NWA	11.2.67	12.12.90	-	6/96	-	-
283.	Mr. Hayatullah Khan Muhammad Khan.	-do-	Bannu	24.7.65	12.12.90	-	-	-	-
284.	Mr. Reedar Alam S/O Rahim Gul.	-do-(E)	Malakand	6.1.68	15.12.90	-	-	-	-

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Sl. No.	Name of Sub-Engr.	Educational/Tech. qualification.	Home Distt.	Date of birth.	Date of first entry in Deptt.	Date of confirmation.	Yr. of Passing.		Remarks.
							Gr.B. Exm.	Depttl. Profnl. Exm.	
285.	Mr. Aurangzeb S/O Jaffar Hussain.	DAE (Civil)	Peshawar	21.5.64	20.12.90	-	6/96	-	-
286.	Mr. Nasrullah Khan S/O Sultan Jan.	-do-	Dir	5.1.65	22.12.90	-	6/96	-	-
287.	Mr. Jehanzeb Khan -IV S/O Muhammad Salim.	-do-	Bannu	15.4.62	16.12.90	-	6/96	-	-
288.	E. Yaqoot Jan S/O S. Muslim.	B.A./DAE	Crakzai Agcy.	15.2.63	20.12.90	-	-	-	-
289.	Mr. Muhammad Rashid Butt S/O Mukhtiar Butt. <i>nobat</i>	Matric/DAE	DIKhan	2.10.64	6.12.90	-	6/96	-	-
290.	Mr. Aurangzeb S/O <del>Nehabat</del> Khan. <i>nobat</i>	-do-	Marsehra	9.4.65	16.12.90	-	6/96	-	- ✓
291.	Mr. Farhat Ali S/O Farzand Ali.	-do-	Peshawar	2.4.65	12.12.90	-	-	-	-
292.	Mr. Muhammad Hamayun S/O Mir Faz Khan.	-do-	Bannu	31.8.65	7.12.90	-	6/96	-	-
293.	Mr. Muhammad Rafiq Shinwari S/O Abdur Rauf.	-do-	Mkd. Agcy.	15.4.64	12.12.90	-	-	-	-
294.	Mr. Niamatullah Khan S/O Abdul Shafar.	-do-	Bannu	10.3.66	6.12.90	-	6/96	-	-
295.	Mr. Azhar Ali S/O Farzand Ali.	-do-	Peshawar	28.10.66	15.12.90	-	6/96	-	-
296.	Mr. Muhammad Iqbal -VI S/O Sakht Roknan.	-do-(M)	Swat	1.12.68	20.12.90	-	-	-	-
297.	Mr. Muhammad Nasir Khan S/O Zarab Din.	-do-	Karak	2.1.67	8.12.90	-	-	-	-
298.	Mr. Ibadur Rehman S/O Aziz Khan.	-do-	MWA	15.9.62	12.12.90	-	-	-	-
299.	Mr. Taj Malook S/O Aqal Jan.	-do-	FR Bannu	17.12.63	12.12.90	-	6/96	-	-
300.	Mr. Shafatullah S/O Amanullah.	-do-	Charsada	1.5.67	12.12.90	-	6/96	-	-

Sl. No.	Name of Sub-Engr.	Educl./Tech: qualification.	Home Distt:	Date of birth.	Date of 1st entry in Deptt:	Date of confir- mation.	Year of Passing.		Remarks.
							Gr.B. Exmn.	Deptt: Profnl. Exmn.	
301.	Mr. Muhammad Azam S/O Taza Khan.	D&E(Civil)	Mardan	7.11.69	16.12.90	-	-	-	-
302.	Mr. Amir Muhammad Khan S/O Mohd Aslam.	-do-	FR Bannu	23.4.64	19.12.90	-	-	-	-
303.	Mr. Shujaat Ali Shah Said Bad Shah.	-do-	Charsadda	20.2.65	12.12.90	-	-	-	-
304.	Mr. Muntaz Alam S/O Raedullah Khan.	-d-o-	Malakand.	1.4.64	23.12.90	-	6/96	-	-
305.	Mr. Muhammad Fayyaz S/O Muhammad Miskin.	D&E Civil	A. Abad	10.9.66	22.12.90	-	-	-	-
306.	Mr. Muhammad Javed Khan S/O Karim Abdullah Khan.	-do-	Hairpur.	1.5.69	27.12.90	-	-	-	-
307.	Mr. Muhammad Naeem S/O Fasal Hakim.	-do-	Malakand	5.10.61	15.12.90	-	-	-	-
308.	Mr. Muhammad Rasul Khan S/O Tajbar Khan.	-do-	Dir	6.1.62	8.12.90	-	-	-	-
309.	Mr. Nikzada S/O Shahzada	-do-	Bajaur	4.5.64	17.12.90	-	-	-	-
310.	Mr. Qamar Zaman S/O Ali Zaman.	-do-(E)	Khyram Agcy	8.2.65	8.12.90	-	6/96	-	-
311.	Mr. Hasham Khan S/O Hussain Afzal.	-do-(Civil)	Khy: Agcy.	20.1.64	22.12.90	-	-	-	-
312.	Mr. Fazle Wahid S/O Ajab Gul.	-do-(E)	Malakand	3.2.65	16.12.90	-	-	-	-
313.	Mr. Sultan Zeb S/O Gulab Shah.	-do-(Civil)	Bajaur	2.5.66	13.12.90	-	-	-	-



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the April 23, 2015

IA

17 AND A<sub>2</sub>

NOTIFICATION:

No.SOE/C&WD/4-2/2015: Consequent upon the recommendations of the Departmental Promotion Committee meeting held on 01.04.2015, the Competent Authority has been pleased to grant Senior Scale BS-16 in respect of following three (03) Nos Sub Engineers w.e.f. 04.09.2003 (the date from which their juniors were awarded BS-16) in pursuance of Service Tribunal judgments dated 04.02.2015.

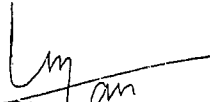
- i. Mr. Niarnat Gul Sub Engineer O/O XEN C&W Division Dir Lower
- ii. Mr. Muhammad Wazir Sub Engineer O/O XEN C&W Division Dir Lower
- iii. Mr. Inayat Zeb Sub Engineer till his retirement i.e. 15.08.2009 from Govt. Service, while working as Sub Engineer O/O Deputy Director defunct W&S Battagram (now XEN C&W Division Battagram).

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. Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar
3. Chief Engineer (Centre/North) C&W Peshawar
4. Chief Engineer (East) Abbottabad
5. Superintending Engineer C&W Circle Dir Lower/Battagram
6. Executive Engineer C&W Division Dir Lower/Battagram
7. District Accounts Officer Dir Lower/Battagram
8. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
9. Officials concerned
10. PS to Secretary C&W Department Peshawar
11. Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

NOTIFICATION

MR. SCHEERAWA 2/2/2018:

Pursuant to Khyber Pakhtunkhwa Service Tribunal Judgment dated 02/03/2016 upheld by Supreme Court of Pakistan vide its order dated 10/02/2017 duly affirmed by Law Department and in consultation with the Departmental Promotion Committee, the Competent Authority has been pleased to grant Senior Scale/Step in grade BS-16 in respect of the following Sub Engineers of C&W Department w.e.f. 04/09/2003 i.e. the date on which their juniors were awarded Senior Scale (BS-16) or from the dates they become qualify, whichever is latter, as per prevailing policy

1	Muhammad Zuber	141	(2)	Muhammad Akram	3.	Inhsad Ahmad	
120	4. Abdul Qayum	239	(5)	Abdul Farooq	6.	Saeed Iah	
7	Ghulam Qasim (rd)	8		Muhammad Iqbal Aizal	72	(6)	
238	(2)	Syed Tariq Mehmood	11.	Muhammad Sagheer	12.	Zahir Gul (rd)	
209	(13)	Muhammad Baka Khan	14.	Muhammad Saeed	285	(15)	
15.	Daud Khan (rd)	17.	Naseem Ahmad	18	Abdur Rahim (rd)		
19	Sanaiz Alam (rd)	20	Niaz Muhammad	21.	Riaz Ahmad (rd)		
125	(22)	Zulfiqar Anwar	23	Syed Abdullah Shah	104	(24)	
25	Syed Qasir Shah	176	(26)	Syed Nawazish Ali Khan	27.	Abdul Qayum	
28	Muhammad Hamid Zia	29.	Mian Jehanzab	30	Zia-ud-Din		
31.	Malik Amir Saad	32	Muhammad Shakeel Athar	33	Said-ul-Ibrar		
34.	Muhammad Khalid Noor	35.	Muhammad Shafiq	36	Faza Mehmood		
37	Taj Muhammad (rd)	38	Sabit Khan (rd)	39	Liaqat Shah (rd)		
40.	Noor-ud-Dusar	158	(41)	Muhammad Iqbal	168	(42)	
61	(43)	Lal Badshah (rd)	44.	Muhammad-ul-Haq Bahar	45	Fazil Rehman	
99	(45)	Syed Azmat Ali Khan	150	(47)	Saif-ur-Rehman	246	(48)
49	Abdul Waseed	50	Abdul Khalid	51	Hassan Jan		
18	(52)	Foidar Muhammad	182	(53)	Ejaz Rasool (died)	95	(54)
55	Muhammad Ghazanjarullah Khan						

2. The posts shall automatically stand downgraded to their original status as and when vacated by the present incumbents.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

DTD

200 - (39)

- 91 (1) Inayat Zeb
- 139 (2) M. Wazir
- 144 (3) M. Shafiq
- 229 (4) S. Amir R.
- 236 (5) Nizamul Gul



**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**  
**EXECUTION PETITION NO.350/2018**  
**IN SERVICE APPEAL NO. 1330 OF 2010**

Syed Atiq-ur-Rehman  
Sub Divisional Officer (OPS)  
C&W Division Shangla

--- Appellant

**VERSUS**

1. Chief Secretary  
Govt of Khyber Pakhtunkhwa  
Peshawar

--- Respondents

2. Secretary to Govt of Khyber Pakhtunkhwa  
C&W Department, Peshawar

**ADDITIONAL GROUNDS ON BEHALFOF RESPONDENTS NO. 1 & 2**


Respectfully Sheweth

1. The following criteria for grant of Senior Scale BS-16 were followed and discontinued by Finance Department w.e.f. 01.12.2001:-

**“25% of the total number of posts of the Diploma Holder Sub Engineers, shall from the cadre of Senior Scale Sub Engineers and shall be filled by selection on merit with due regard to seniority from amongst Sub Engineers of the Department, who have passed the Departmental Examination and have at least 10 years service as such”**

2. From perusal of the aforesaid criteria it is quite clear, that the facility of Senior Scale BS-16 was allowed purely to those Sub Engineers having Diploma of Associate Engineer and their seniority is maintained separately. So far the claim of appellant (Syed Attique Rehman) is concerned, in this regard it is clarified that in-fact, the official has passed B-Grad Exam but he was also passed B.Sc Engineering Degree in 2002 and accordingly his seniority is maintained in a separate cadre i.e. In-service Graduate and now appearing at Sr.No.3 of the referred seniority (**Annex-I**), meaning thereby his claim/request for granting Senior Scale BS-16 is not justified. Moreover, the Finance Department has also been upgraded the posts of all Sub Engineers of Technical Departments, including C&W Department having 10 years service at their credit. The said facility is also extended to the said appellant and enjoying the Basic Pay Scale 16 (**Annex-II**).

In view of the above, it is submitted that the execution petition may kindly be dismissed with cost.

  
SECRETARY TO GOVT OF  
Khyber Pakhtunkhwa  
C&W Department  
(Respondent No. 1 & 2)

Annex-I

OFFICE OF THE CHIEF ENGINEER  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR  
No. 266-E/ 257 /CE/C&WD  
Dated 24 / 04 / 2019

## FINAL SENIORITY LIST

In pursuance to Section 8 (1) and (5) of the Khyber Pakhtunkhwa Civil Servants Acts 1973, read with C&W Department (Recruitment/Appointment) Rules 2010 notified vide No. SOE/C&WD/8-12/2009 dated 25/03/2010, the Final Seniority List of Sub Engineer (BPS-16) (Inservice Graduate, Civil/Electrical/Mechanical) of the C&W Department Khyber Pakhtunkhwa (as stood on 15/04/2019) is hereby Notified as under:-

S.No	Name of Official	Father's Name	Home District	DOB	Date of Appointment to PWD	Date of Appointment to Class	Qualification with Year of Graduation	Year of Passing Professional Exam	Remarks
1	Muhammad Shafiq-III	Abdul Khaliq	Malakand	18/01/1962	23/10/1986	23/10/1986	B.Sc(C) 2005	2011	
2	Aurangzeb-I	Abdul Manan	Malakand	30/03/1966	14/03/1988	14/03/1988	B.Sc(C) 2015	2010	
3	Syed Attiqur Rehman	S. Muhammad Ibrahim	Malakand	20/02/1960	19/03/1988	19/03/1988	B.Sc(C) 2002	2011	
4	Ijaz Ahmad	Haji Ali Ahmad	Charsadda	20/12/1961	24/3/1988	24/3/1988	B.Sc(C) 2010	Compart in Accounts	
5	Badrul Islam	Imranud Din	Peshawar	06/01/1965	12/12/1990	12/12/1990	B.Sc(C) 2000	2010	Seniority fixed as per merit order assigned by Khyber Pakhtunkhwa Public Service Commission. Conditionally Promoted Subject to Final Dession by Superem Court of Pakistan.
6	Roedar Alam	Rahim Gul	Malakand	01/06/1968	16/12/1990	16/12/1990	B.E (E) 2001	2010	Seniority fixed as per merit order assigned by Khyber Pakhtunkhwa Public Service Commission
7	Nizam-ud-Din	Rasool Muhammad	Dir-Upper	01/05/1994	29/06/2018	29/06/2018	B.E (C)	OCT-2018	Seniority fixed as per merit order assigned by Khyber Pakhtunkhwa Public Service Commission

Copy of the above forwarded to:-

1. The Secretary to Govt of Khyber Pakhtunkhwa, C&W Department Peshawar.
2. The Chief Engineer (North) C&W Department, Peshawar.
3. The Chief Engineer (CDO) C&W Department, Peshawar.
4. The Chief Engineer (Merged Area), W&S Department, Peshawar.
5. The Chief Engineer (East), C&W Department at Abbottabad.
6. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
7. Project Director /PMU C&W Department Peshawar.
8. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c Merged Area).
9. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa (i/c Merged Area).
10. Deputy Director IT C&W Secretariat Peshawar. He is requested to upload the Final seniority list on C&W official Website.

CHIEF ENGINEER (CENTRE)

ADMINISTRATIVE OFFICER



Annex-II

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

No.SO(FR)/FD/7-13/2017/6253  
Dated Peshawar, the 07-03-2018

**NOTIFICATION**

**NO.FD/SO(FR)7-13/2017/6253.** In pursuance of recommendations of the upgradation committee and approval granted by Competent Authority, sanction is hereby accorded to the upgradation of the post of Sub-Engineers from BPS-11/12 to BPS-16 (one time) as personal to the incumbents having 10 years or more service at their credit in the same scale in all the Government Departments of Khyber Pakhtunkhwa, with immediate effect.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

**Endst No. & Date even.**

**Copy of the above is forwarded for information and necessary action to the: -**

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. Registrar, Service Tribunal Khyber Pakhtunkhwa.
11. The Treasury Officer, Peshawar.
12. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
13. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
14. PS to Finance Secretary.
15. All Section Officers/Budget Officers in Finance Department.

  
**SECTION OFFICER (FR)**

"A"

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

No.

Execution Petition 350 18

APPEAL No. Syed Atia us Rehman & others of 20

Regd

Appellant/Petitioner

Court: CF KPK Peshawar & others

RESPONDENT(S)

Notice to Appellant/Petitioner

Engr: Syed Atia us Rehman  
Syed Muhammad Ibrahim  
Sub Engineer SDO-OPS Distt Shangla

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/10/2020 at 9:00 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.

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Office of the Chief Engineer (Centre)  
Communication & Works Department  
Khyber Pukhtunkhwa Peshawar

No. 18-E / 1120 / CEC / C&WD

Dated Peshawar the 09 / 03 / 2020

OFFICE ORDER

Syed Attiq-Ur-Rehman Sub-Engineer presently posted in the O/O Executive Engineer C&W Division Tribal District Orakzai, is hereby transferred/ posted in the O/O Executive Engineer C&W Division Malakand, against the existing vacancy, with immediate effect, in the public interest.

CHIEF ENGINEER (CENTRE)

Copy forwarded to the:-

1. Chief Engineers (North/ Merged Area) C&W Department Peshawar.
2. Superintending Engineer (Southern) C&W Tribal Circle Bannu.
3. Superintending Engineer C&W Circle Swat.
4. Executive Engineer C&W Division Tribal District Orakzai.
5. Executive Engineer C&W Division Malakand.
6. District Accounts Officers, District Orakzai/ Malakand.
7. Official concerned.

CHIEF ENGINEER (CENTRE)

OFFICE OF THE CHIEF ENGINEER (CENTRE)  
COMMUNICATION & WORKS DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 18 -E/ 1502 / CEC / C&WD

Dated Peshawar the 24/ 12 / 2019

OFFICE ORDER

The services of the following Sub-Divisional Officers (OPS) have been placed at the disposal of this office vide Secretary C&W Department Notification No.SOE/C&WD/3-1/2019 dated 06/12/2019, Even No. dated 09/12/2019 & Even No.17/12/2019 for further adjustment in the capacity of Sub-Engineers.

SI #	Name with Designation	From	To	Remarks
1.	Mr. Mashoor Khan Sub-Engineer	Awaiting posting	O/O XEN Building Division Tribal District Bajaur	Existing Vacancy
2.	Mr. Anwar Ali Sub-Engineer	Awaiting posting	O/O XEN Highway Division Tribal District Kurram at Parachinar	Existing Vacancy
3.	Mr. Muhammad Arif Sub-Engineer	Awaiting posting	O/O XEN Highway Division DIKhan.	Existing Vacancy
4.	Mr. Attiq-Ur-Rehman Sub-Engineer	Awaiting posting	O/O XEN C&W Division Tribal District Orakzai	Existing Vacancy
5.	Mr. Muhammad Akram Sub-Engineer	Awaiting posting	O/O XEN C&W Division Tribal District Orakzai	Existing Vacancy
6.	Mr. Irshad Ahmad Khan Sub-Engineer	Awaiting posting	O/O XEN PBMC Peshawar	Existing Vacancy

CHIEF ENGINEER (CENTRE)

Copy to the: -

1. Secretary to Govt of Khyber Pakhtunkhwa C&W Department Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (Merged Area) C&W Department Peshawar.
4. Superintending Engineers (Norther/ Southern) C&W Tribal Circles Peshawar/ Bannu.
5. Superintending Engineer PBMC C&WD Peshawar.
6. Executive Engineer Building Division Tribal District Bajaur.
7. Executive Engineers Highway Division DIKhan/ Tribal District Kurram at Parachinar.
8. Executive Engineer C&W Division Orakzai.
9. Executive Engineer PBMC C&WD Peshawar.
10. District Accounts Officers District Bajaur/ Orakzai/ DIKhan/ Kurram at Parachinar.
11. Cashier (Local).
12. Officials concerned.

To be substituted of even number and date

GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Dec 17, 2019

**NOTIFICATION**

**NO. SOE/C&WD/4-7/2019.** The Competent Authority is pleased to order the following posting/transfer amongst the newly recruited Assistant Engineers (SDOs (BS-17) through Public Service Commission of C&W Department, in relaxation of ban, with immediate effect, in the

public interest.

No.	Name	Designation	From	To	Remarks
1	Engr. Waseem Shah	Remained under 04 months practical training	SDO C&W Sub Division Ditch Chitral	releaving Mr. Waqar Khan from Additional vacant post	Against vacant post
2	Engr. Bilawal Hussain	Remained under 04 months practical training	SDO Building Sub Division No.11, Buner	charge of the post of SDO	Vice No. 18
3	Engr. Saibzada Fahad Noor	Remained under 04 months practical training	Divy No. 1, Peshawar	to be vacated by Engr. Fareeha Nisabat	
4	Engr. Jawed Ali	Remained under 04 months practical training	SDO C&W Sub Division Tank		Vice No. 13
5	Engr. Ziaulhan	Remained under 04 months practical training	SDO C&W Sub Division Shangha		Vice No. 12
6	Engr. Abdur Rehman	Remained under 04 months practical training	SDO C&W Sub Division TORGHAR		Vice No. 15
7	Engr. Jehanzeb	Remained under 04 months practical training	SDO C&W Sub Division Battagram		Vice No. 11
8	Engr. Zs-ur-Rehman	Remained under 04 months practical training	SDO Highway Sub Division Nowshera		Against vacant post
9	Engr. Danish Ali	Remained under 04 months practical training	SDO C&W Sub Division Kohistan		Vice No. 14
10	Engr. Mubashir Noeem	Remained under 04 months practical training	Assistant Director, P&A Peshawar		Against vacant post
11	Mr. Shad Muhammad	SDO (OPS) C&W Sub Division Battagram	Report to the Chief C&W Peshawar		
12	Mr. Ali-ur-Rehman	SDO (OPS) C&W Sub Division Shangha	Report to the Chief C&W Peshawar		
13	Mr. Muhammad Ail	SDO (OPS) C&W Sub Division Tank	Report to the Chief C&W Peshawar		
14	Mr. Muhammad Akram	SDO (OPS) C&W Sub Division Kohistan	Report to the Chief C&W Peshawar		
15	Mr. Ishaq Ahmad Khan	SDO (OPS) C&W Sub Division TOR GHAR	Report to the Chief C&W Peshawar		
16	Mr. Sher Ali	SDO Building Sub Division No. 2 Buner	Junior Engineer O/O CE (CDO) C&W Peshawar		Against vacant post

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department

Copy is forwarded to the  
Accountant General Khyber Pakhtunkhwa Peshawar  
Chief Engineer (East) C&W Abbottabad  
Chief Engineer (Central/North/CD) C&W Peshawar

- 1. Chief Engineer (Central/North/CD) C&W Peshawar
- 2. Chief Engineer (East) C&W Abbottabad
- 3. Managing Director (PMA) Peshawar
- 4. Superintending Engineer C&W Circle concerned
- 5. Superintending Engineer Provincial Building (Const) Peshawar
- 6. Executive Engineer Provincial Building (Const) Peshawar
- 7. Executive Engineer Provincial Building (Const) Peshawar
- 8. Executive Engineer Highway Division Nowshera
- 9. District Accounts Officer concerned
- 10. District Accounts Officer concerned
- 11. PS to Minister C&W Peshawar
- 12. PS to Minister C&W Peshawar
- 13. PS to Secretary C&W Department Peshawar
- 14. Officer concerned
- 15. Officer concerned

(ABDUR RASHID KHAN)  
SECTION OFFICER (ADM)

## NOTIFICATION

In pursuance to Section 8 (1) and (5) of the NWFP, Civil Servants Act 1973, read with Notification No.SOE/W&S/8-12/2007 dated 19/01/2007 (for S.No.4(c), the Seniority of **Sub Engineer (BPS-11) (Inservice Graduate, (Civil/Electrical/Mechanical))** of C&W Department as stood on 31/12/2009 is hereby notified as under:- (Note: Seniority to be determined from the date of Acquiring Degree in Engineering).

S.No	Name of Official	Father's Name	Home District	DOB	Date of Appointment to PWD	Date of Appointment to Class	Qualification with Year of Graduation	Remarks
1	Muhammad Arif-IV	Muhammad Yousaf	Peshawar	20/04/1965	12/11/1990	12/11/1990	B.Sc(C) 1993	<b>Professional passed (2008)</b>
2	Nisar Ahmed-I	Muhammad Sarwar Khan	Mansehra	20/05/1957	12/02/1979	12/02/1979	B.Sc(C) 1993	
3	Wajid Ali	Dilawar Khan	Charsadda	13/01/1966	24/12/1990	24/12/1990	B.Sc(M) 1993	
4	Waheed Ahmed	Umar Bakhsh	Peshawar	04/01/1961	16/04/1981	16/04/1981	B.Sc(C) 1994	
5	Shah Faisal	Jalaludin	Kohat	21/02/1964	14/03/1988	14/03/1988	B.Sc(C) 1995	<b>Professional passed (2008)</b>
6	Hamraz Khan	Gul Sahib Khan	Karak	01/01/1964	15/03/1988	15/03/1988	B.Sc(C) 1995	
7	Shaukat Javed	Shah Jehan Khan	DI.Khan	01/01/1960	20/03/1985	20/03/1985	B.Sc(C) 1995	
8	Zahoor Ellahi	Muhammad Ellahi Baig	Haripur	07/01/1964	16/03/1988	16/03/1988	B.Sc(C) 1997	
9	Amir Sher	Sarfraz Khan	Peshawar	29/04/1952	25/10/1978	25/10/1978	B.Sc(C) 1997	
10	Muhammad Asghar Khan	Muhammad Aslam Khan	Swabi	30/12/1964	17/03/1988	17/03/1988	B.Sc(C) 1997	<b>Professional passed (2008)</b>
11	Badrul Islam	Imranud Din	Peshawar	06/01/1965	12/12/1990	12/12/1990	B.Sc(C) 2000	<b>Compart in Accounts (2008)</b>
12	Muhammad Fiaz Ahmed-II	Safri	Haripur	12/05/1972	07/03/1994	07/03/1994	B.Sc(C) 2000	
13	Roedar Alam	Rahim Gul	Malakand	01/06/1968	16/12/1990	16/12/1990	B.E (E) 2001	



Name of Official	Father's Name	Home District	DOB	Date of Appointment to PWD	Date of Appointment to Class	Qualification with Year of Graduation	Remarks
Syed Attiqur Rehman	S. Muhammad Ibrahim	Malakand	20/02/1960	19/03/1988	19/03/1988	B.Sc(C) 2002	
15 Muhammad Shafiq-III	Abdul Khaliq	Malakand	18/01/1962	23/10/1986	23/10/1986	B.Sc(C) 2005	

Copy of the above forwarded to:-

1. The Secretary to Govt of NWFP, C&W Department, Peshawar.
2. The Chief Engineer "North" C&W Department, Peshawar.
3. The Chief Engineer CDO, C&W Department, Peshawar.
4. The Chief Engineer (FATA), C&W Department, Peshawar.
5. The Managing Director, Frontier Highways Authority, Peshawar.
6. The Superintending Engineer C&W Circle, Peshawar/ Mardan/ Malakand/ Swat/ Abbottabad/ Battagram/ Kohat/ Bannu & D.I.Khan.
7. The Superintending Engineer, Provincial Building Maintenance Cell, C&W Department, Peshawar.
8. The Superintending Engineer, Provincial Building Construction, C&W Department, Peshawar.
9. All Executive Engineers in C&W Department of NWFP.

(ENGR. Hidayatullah Khan)  
CHIEF ENGINEER

27/01/2010

(AMINULLAH)  
ADMINISTRATIVE OFFICER



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the April 23, 2015

NOTIFICATION:

No.SOE/C&WD/4-2/2015: Consequent upon the recommendations of the Departmental Promotion Committee meeting held on 01.04.2015, the Competent Authority has been pleased to grant Senior Scale BS-16 in respect of following three (03) Nos Sub Engineers w.e.f. 04.09.2003 (the date from which their juniors were awarded BS-16) in pursuance of Service Tribunal judgments dated 04.02.2015.

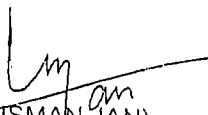
- i. Mr. Niamat Gul Sub Engineer O/O XEN C&W Division Dir Lower
- ii. Mr. Muhammad Wazir Sub Engineer O/O XEN C&W Division Dir Lower
- iii. Mr. Inayat Zeb Sub Engineer till his retirement i.e. 15.08.2009 from Govt; Service, while working as Sub Engineer O/O Deputy Director defunct W&S Battagram (now XEN C&W Division Battagram).

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. Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar
3. Chief Engineer (Centre/North) C&W Peshawar
4. Chief Engineer (East) Abbottabad
5. Superintending Engineer C&W Circle Dir Lower/Battagram
6. Executive Engineer C&W Division Dir Lower/Battagram
7. District Accounts Officer Dir Lower/Battagram
8. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
9. Officials concerned
10. PS to Secretary C&W Department Peshawar
11. Personal File

  
(USMAN JAN)  
SECTION OFFICER (Estb)

GOVT OF KHYBER PAKHTUNKHWA  
COMMUNICATIONS & WORKS DEPARTMENT  
G-10, Peshawar, Pakistan

NOTIFICATION

MR. SOHRAWAJI 2/2018

Pursuant to Khyber Pakhtunkhwa Service Tribunal

Judgment dated 02/03/2016 upheld by Supreme Court of Pakistan vide its order dated

13/03/2017 duly joined by Law Department and in consultation with the Departmental

Promotion Committee, the Competent Authority has been pleased to grant Senior

Scale post i.e. grade BS-16 in respect of the following Sub Engineers of C&W

Department w.e.f. 04/09/2003 i.e. the date on which their juniors were awarded Senior

Scale (BS-16) or from the dates they become qualify, whichever is latter, as per

prevailing practice.

- |                                 |           |                            |                 |
|---------------------------------|-----------|----------------------------|-----------------|
| 1. Muzammil Zubair              | 149 (2)   | Muhammad Akram             | 3. Inshad Ahmad |
| 120 4. Abdul Qayyum             | 239 (3) ✓ | Abdul Farooq               | 6. Saqib Ishaq  |
| 7. Ghulam Qasir (rtd)           |           | 8. Muhammad Iqbal Aizaz    | 92 (4)          |
| 238 9. Syed Faraz Mehmood       |           | 11. Muhammad Sagheer       |                 |
| 209 10. M. Amir Haid Daka Khan  |           | 14. Muhammad Saeed         | 285 (15)        |
| 16. Daulat Khan (rtd)           |           | 17. Nazeem Ahmad           |                 |
| 18. Saifullah Alam (rtd)        |           | 20. Niaz Muhammad          | 71 (21)         |
| 120 22. Zulfikar Ahmad          |           | 23. Syed Abdullah Shah     | 184 (24)        |
| 25. Syed Qasir Shah             | 176 (26)  | Syed Nawazish Ali Shah     |                 |
| 28. Muhammad Hamid Zia          |           | 29. Milan Jehanabi         |                 |
| 31. Malik Amir Saeed            |           | 32. Muhammad Shakeel Athar | 270 (33) ✓      |
| 34. Muhammad Khalid Noor        |           | 35. Muhammad Shafiq        |                 |
| 37. Taj Muhammad (rtd)          |           | 38. Sahib Khan (rtd)       |                 |
| 40. Noor-ul-Hussain             | 158 (41)  | Muhammad Iqbal             | 168 (42)        |
| 61 43. Lal Badshah (rtd)        |           | 44. Jam-ul-Haq Babar       |                 |
| 49 45. Syed Asim Ali Shah       | 150 (47)  | Saif-ur-Rahman             | 246 (48) ✓      |
| 49 Abdul Waseed                 |           | 50. Abdul Khaliq           |                 |
| 18 52. Fozdar Muhammad          | 182 (53)  | Ejaz Rasool (died)         | 95 (54)         |
| 55 Muhammad Ghazanfarullah Khan |           |                            |                 |

2. The posts shall automatically stand congraded to their original status as and when vacated by the present incumbents.

SECRETARY TO  
Government of Khyber Pakhtunkhwa  
Communication & Works Department  
D T O

200 - (39)

- 91 ① Inayat Zeb
- 139 ② M. Wazir
- 144 ③ M. Shafiq
- 229 ④ S. Amir Raza
- 236 ⑤ Niamat Gul

**“B”**

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

No.

Appeal No. F.P. No. 350 & 351 of 2018  
 Fngy: Syed Atiq ur Rehman <sup>Dothar</sup> Appellant/Petitioner  
 Versus  
 Court: Ct. K.P.K. through Chief Secy. Respondent  
 Respondent No. 2

Notice to: — Secretary C&W K.P.K. Peshawar.


WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 14/1/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of <sup>F.P.</sup> appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 13th  
 Day of Jan 20 22

Diary No. 396 <sup>BM2</sup>  
 Date: 13-1-2022 13-1-2022  
 Secretary C&W Dept.

  
 Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

“B”

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

No.

Appeal No. E.P. No. 350 & 351 of 20 18  
Engy. Syed Atiq us Khan Dohar Appellant/Petitioner  
Versus  
Court of KPK through Chief Secy. Respondent  
Respondent No. 1

Notice to: —

Court of KPK through Chief  
Secretary Peshawar

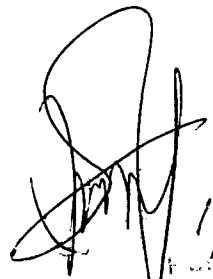
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....14/1/22.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P.  
Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....13/1/22.....

Day of.....Jan.....20 22

  
13/1/22

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 4)

**SUBJECT:** EXECUTION PETITION NO. 350/18 IN SERVICE APPEAL NO. 1330/2010 SYED ATIQ-UR-RAHMAN. 2. EXECUTION PETITION NO. 351/18 MUHAMMAD SHAFIQ VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA.

A meeting of the Scrutiny Committee was held on 12.01.2022 at 11:00 A.M. in the office of Secretary, Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeals/CPLAs in the Supreme Court of Pakistan. Assistant Advocate General (Mr. Bashir Naveed) represented the Advocate General, Khyber Pakhtunkhwa.

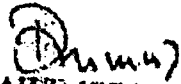
2. The representatives of C&W Department Mr. Muhammad Ali, SO (Lit) alongwith Mr. Salim Shah, Supdt. apprised the Committee about the background of the case and stated that the appellant filed the subject Execution Petitions for implementation of the judgment dated: 02.03.2016 passed in Service Appeal No. 1330/2010. The Khyber Pakhtunkhwa Service Tribunal while allowing the Execution Petition No. 350/2018 alongwith connected Execution Petition No. 351/2018 vide order dated: 29.11.2021 held that the respondent Department is under obligation to implement the Service Tribunal judgment dated: 02.03.2016 in letter and spirit without any exception or discrimination and directed the respondent Department to submit execution report within a period of one month positively. The Scrutiny Committee returned the subject cases to the Administrative Department on the following grounds:

GROUND/DISCUSSIONS:

- I. The Scrutiny Committee perused the record of the case and the impugned judgment. The Departmental Representative apprised the Scrutiny Committee that judgment dated: 02.03.2016 passed by the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1330 of 2010, had been assailed in Civil Petition before the Supreme Court of Pakistan, which was dismissed by the Apex Court vide order dated: 13.02.2017. The Scrutiny Committee noticed that the case had been decided against the Department upto the Supreme Court of Pakistan.
- II. The Departmental Representative apprised the Scrutiny Committee that appellant (Atiq-ur-Rahman) in Execution Petition No. 350/2018, fall within the prescribed criteria while appellant (Muhammad Shafiq) in Execution Petition No. 351/2018 did not fall within the prescribed criteria due to the fact that Muhammad Shafiq had not passed Departmental B-Grade Exam which was mandatory for the grant of Senior Scale Selection Grade BS-16. The Scrutiny Committee held that it would not be advisable to challenge the subject execution petitions before the Supreme Court of Pakistan rather it would be advisable that the Administrative Department may submit implementation report in the subject execution petitions and to apprise the Khyber Pakhtunkhwa Service Tribunal from the facts of the cases as appellant, Muhammad Shafiq did not fulfill the criteria.

ADVICE:

3. Hence in view of above, it was decided with consensus by the Scrutiny Committee that the subject cases may be returned to the Administrative Department with the advice to submit implementation report and apprise the Khyber Pakhtunkhwa Service Tribunal from the facts of the cases.

  
(TAHER IQBAL KHATTAK)  
SOLICITOR