

24.6.2014

Appellant with counsel present. The learned counsel moved application for withdrawal of the appeal on the ground that his grievance has been redressed by the respondent department. Application is allowed. The appeal is dismissed as withdrawn, with no order as to costs. File be consigned to the record.

Announced
24.06.2014


MEMBER
Camp Court, D.I.khan

3-1-2014.

Appellant with counsel present and requested for adjournment. To come up for preliminary hearing on 27-1-2014 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan.

27-1-2014.

Appellant with counsel present & heard. The w/counsel contended that appellant has been deprived from promotion against the vacant post of BPS-V. Pre-admission notices be issued to respondents & G.P. for further preliminary hearing on 24-3-2014 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan.

24-3-2014.

Counsel for appellant and Jamshel, S.D.O. with G.P. present. Counsel for the appellant requested for adjournment. To come up for further preliminary hearing on 29-4-2014 at Camp Court, D.I. Khan.

Member
Camp Court D.I. Khan.



29-4-14.

Appellant in person and G.P. for respondents present. Appellant requested for adjournment. To come up for further preliminary hearing on 24-6-14 at Camp Court, D.I. Khan.

Member

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1013 /2013

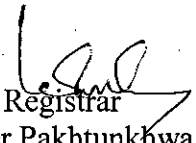
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/06/2013	<p>The appeal of Mr. Muhammad Mehran resubmitted today by Mr. Muhammad Waqar Alam Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-8-2013	<p>This case is entrusted to Touring Bench <u>D. I. Khan</u> for preliminary hearing to be put up there on <u>24-9-2013</u></p>
3	24-9-2013	<p style="text-align: right;"> CHAIRMAN</p> <p><i>Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 29-10-2013 at camp court, D.I. Khan.</i></p>
4	29-10-2013	<p style="text-align: right;"><i>Member</i> Camp Court, D.I. Khan.</p> <p><i>Appellant in person present and requested for adjournment due to non-availability of his counsel. Case adjourned to 31-12-2013 for preliminary hearing at camp court, D.I.K.</i></p> <p style="text-align: right;"><i>Member</i> Camp Court, D.I.K.</p>

The appeal of Mr. Muhammad Mehran son of Rustam Khan received today i.e. 07/06/2013 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days:-

- 1- Copy of letter bearing no.564/321-E dated 26-03-2012 mentioned in para-4 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Address of respondent No.4 is incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.

No. 883 /S.T,

Dt. 10/06 /2013.

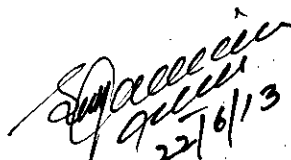

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar.

Muhammad Waqar Alam Adv.
High Court D.I.Khan.

Respected Sir,

Above mentioned objections are rectified as follows:

- ① Letter No 564/321-E dated 26.3.2012 was inadvertently mentioned in para-4 of the memo of appeal. Annexure 'E' actually is letter No 601/4-E dated 29.3.2013 which is correctly annexed with the memo of appeal.
- ② Annexures of the appeal are now attested.
- ③ Correct address of Respondent no. ④ is as follows:
"Executive Engineer, Baharpur, Irrigation Division, Dera Ismail Khan"


22/6/13

BEFORE THE HON'BLE KPK SERVICE TRIBUNAL PESHAWAR
HEARING AT DIKHAN

Service Appeal No. 1013 / 2013

Muhammad Mehran

.....(APPELLANT)

VERSUS

Government of K.P.K etc

.....(RESPONDENTS)

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Appellant

Muhammad Mehran
Through Counsel

Dated. 6/6/13

Muhammad Waqar Alam
Advocate, High Court

BEFORE THE HON'BLE KPK SERVICE TRIBUNAL
PESHAWAR HEARING AT DIKHAN

Service Appeal No. 1013 2013

M.W.P. Peshawar
1024
07-6-13

Muhammad Mehran s/o Rustam Khen
R/o Budhani District, D.I.Khan Mate BPS-02 presently working as OPS
Work Munshi in Office of the Executive Engineer Paharpur, Irrigation
Division, D.I.Khan.

.....(APPELLANT)

VERSUS

1. Government of K.P.K through Secretary Irrigation Peshawar.
2. Chief Engineer, Irrigation, Peshawar.
3. Superintending Engineer, Southern Irrigation Circle Bannu.
4. Executive Engineer, Paharpur ^{Irrigation} Division, D.I.Khan.

Handwritten signature

..(RESPONDENTS)

Note: Addresses of the Respondents as given above, are sufficient for the purpose of Service thereupon.

APPEAL U/S 4 OF THE KPK SERVICE
TRIBUNALS ACT, 1974 AGAINST THE ORDER
DATED 17.04.2013 OF RESPONDENT NO. 4,
WHEREBY THE REPRESENTATION FOR
PROMOTION AGAINST VACANT POST IN BPS-
V) OF APPELLANT WAS DISMISSED
WITHOUT ANY REASON

Handwritten signature
7/6/13
PRAYER:

ON ACCEPTANCE OF INSTANT APPEAL, THIS
HON'BLE TRIBUNAL MAY GRACIOUSLY
DECLARE THE ORDER OF RESPONDENTS AS
AGAINST THE LAW WITHOUT LAWFUL
AUTHORITY VOID AB-INITIO AND
RESPONDENTS BE DIRECTED TO
CONSIDER/PROMOTE THE APPELLANT
AGAINST THE VACANT POST IN BPS-V.

Handwritten signature
re-submitted to
and filed,
26/6/13


Respectfully Sheweth,

1. That appellant is permanent resident of District D.I.Khan and presently working as Mate BPS-02 in the Office of Executive Engineer Irrigation Division, D.I.Khan. *(Copy of appointment order is enclosed as **ANNEXURE "A"**).*
2. That the appellant served has passed the Diploma of Associate Engineer Civil Technology from NWFP Board of Technical Education, Peshawar during the session of 2002 and is a highly qualified. Copies of educational record are enclosed as **ANNEXURE "B & C"** respectively.
3. That Appellant moved an application/representation to Respondent No.3 through Respondent NO.4, D.I.Khan/proper channel and requested that the Petitioner may be promoted as Work Munshi in Flood Division of the Office of the Respondent No.4 against vacancy which become vacant on the retirement of said Muhammad Zaman. *(Copy of application is attached as **ANNEXURE "D"**)*
4. That Respondent No. 4 has very kindly recommended the request of the Appellant and has forwarded his application to the Worthy Superintending Engineer Bannu Irrigation Circle, Bannu for favourable consideration vide his office letter No. 564/321-E, dated 26.03.2012. *(Copy of letter attached as **ANNEXURE "E"**)*
5. That Appellant's request not considered by Respondent No.3 and after that Appellant moved writ petition before the august Peshawar High Court Bench D.I.Khan which was decided on 13.11.2012. *(Copies of writ petition and order dated 13.11.2012 are enclosed as **ANNEXURE "F & G"** respectively).*

JAM

- 4
6. That on 07.03.2013 Appellant moved an application through proper channel to Respondent No. 3 for compliance of the august Peshawar High Court D.I.Khan Bench dated 13.11.2012 but all in vain.
 7. That it is an admitted fact Appellant is working as Work Munshi in OPS in the Department of Irrigation and being eligible and having Civil Diploma is entitled for the post.
 8. That Appellant moved contempt petition against Respondent No.3 before the Peshawar High Court D.I.Khan Bench which was decided on 23.05.2013 and a back date decision is given by Respondents against the Appellant in august Peshawar High Court D.I.Khan Bench, copy of COC order and impugned final order of Respondents are enclosed as **ANNEXURE H, J & K** respectively from which Appellant being aggrieved hence, present service appeal on the following grounds:-

GROUND:-

- A. That the impugned order passed by the Respondent No.4 is against the civil servant laws, rules and regulations besides principles of natural justice, thus are liable to be set-aside.
 - B. That the appellant was condemned & punished unheard in violation of the law rules.
 - C. That Appellant was neither allowed appropriate opportunity of hearing nor was supplied with copies of records.
 - D. That Respondents are legally and morally bound to promote the appellant on the principle of equal treatment.
- 

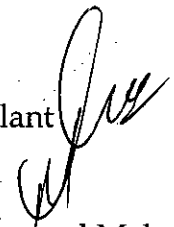
- E.** That the impugned final order of Respondent No. 4 is without jurisdiction hence, liable to be dismissed.
- F.** That a vacancy presently occupied by Mr.Hidayatullah as Gauge Reader in BPS-V is vacant therefore, justice demands the Appellant may kindly be promoted as Gauge Reader BPS-V against vacant post.
- G.** That counsel for the Appellant may please be allowed to raise additional grounds during the course of arguments.

PRAYER:

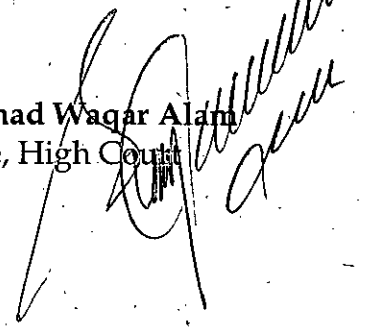
In view of the afore mentioned facts and grounds, it is humbly prayed that on acceptance of this appeal, the Hon'ble Tribunal may please be directed the Respondents to promote the Appellant against vacant post in BPS-V as being eligible candidate for promotion.

Any other relief as this Hon'ble Tribunal may consider appropriate.

Dated. 8/6/13

Appellant 

Muhammad Mehran
Through Counsel

Muhammad Waqar Alam 
Advocate, High Court

BEFORE THE HON'BLE KPK SERVICE TRIBUNAL PESHAWAR
HEARING AT DIKHAN

Service Appeal No. _____ 2013

Muhammad Mehran

.....(APPELLANT)

VERSUS

Government of K.P.K etc

.....(RESPONDENTS)

AFFIDAVIT

I, Muhammad Waqar Alam Advocate, High Court D.I.Khan counsel for Appellant, do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief as per information conveyed to me by my client and that nothing has been concealed from this Hon'ble Tribunal.

Deponent

[Handwritten Signature]
6/6/13

BEFORE THE HON'BLE KPK SERVICE TRIBUNAL PESHAWAR
HEARING AT DIKHAN

C.M No. _____/2013

In

Service Appeal No. _____ 2013

Muhammad Mehran

.....(APPELLANT)

VERSUS

Government of K.P.K etc

.....(RESPONDENTS)

Application for interim relief to not fill up the vacant post of Gauge Reader BPS-V which has recently vacated on 13.03.2013 due to retirement of Mr. Hidayatullah Ex-Gauge Reader BPS-V

Respectfully Sheweth,

1. That appellant filed an appeal before this Hon'ble Tribunal today and the application may please be considered part and parcel of the main appeal.
2. That one post of Gauge Reader is recently vacated and the Appellant has valuable right over the post being eligible candidate for promotion, and the Appeal of the Appellant is prima-facie genuine and balance of convenience also tilts in favour of the Appellant.
3. That if the vacant post of Gauge Reader in BPS-V is filled up then the Appellant face irreparable loss and will create complications on the matter.

It is, therefore, humbly requested that application of the Appellant may please be accepted till final of the main service appeal.

Appellant

Muhammad Mehran
Through Counsel

Dated 6/6/13

Muhammad Waqar Alam
Advocate, High Court

Muhammad Waqar Alam
6/6/13

BEFORE THE HON'BLE KPK SERVICE TRIBUNAL PESHAWAR
HEARING AT DIKHAN

C.M No. _____/2013

In

Service Appeal No. _____ 2013

Muhammad Mehran

.....(APPELLANT)

VERSUS

Government of K.P.K etc

.....(RESPONDENTS)

AFFIDAVIT

I, Muhammad Waqar Alam Advocate, High Court D.I.Khan counsel for Appellant, do hereby solemnly affirm and declare on Oath that the contents of application are true and correct to the best of my knowledge and belief as per information conveyed to me by my client and that nothing has been concealed from this Hon'ble Tribunal.

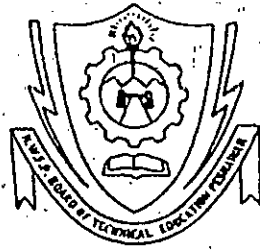
Deponent

Muhammad Waqar Alam
6/6/13

S. No. 9116

Roll No. 11859

N.W.F.P. Board of Technical Education Annex 'B' 9



PESHAWAR - PAKISTAN

Diploma of Associate Engineer

SESSION 2002

(ANNUAL/SUPPLEMENTARY)

This is to certify that

MISS/MRS. Mr. MUHAMMAD MEHRAN

Son/Daughter of Mr. RUSTAM KHAN

Registration No. GPI/DIK/C/2000-7899

of GOVT. POLYTECHNIC INSTITUTE, D.I. KHAN

has passed the Diploma of Associate Engineer Civil

Technology, Examination held by the N.W.F.P., Board of Technical Education,
Peshawar, in the month of November, 2004

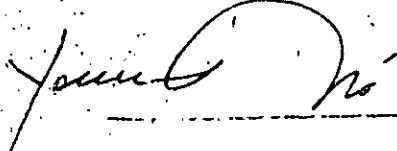
He/She secured 1941 Marks out of 3350 and has been placed
in Grade 'C'


In recognition thereof, this

-DIPLOMA OF ASSOCIATE ENGINEER

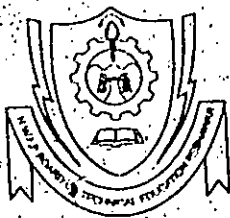
is awarded to him / her at Peshawar

on the 17th day of March, 2005.


ASSISTANT SECRETARY
N-W.F.P. Board of Technical
Education, Peshawar


SECRETARY
N-W.F.P. Board of Technical
Education, Peshawar

THIS CERTIFICATE IS ISSUED WITHOUT ANY ALTERATION OR ERASURE



N.W.F.P. BOARD OF TECHNICAL EDUCATION,
22, SECTOR B-1, PHASE-V, HAYATABAD, PESHAWAR

Annex: "C" 10

Book No. 24

S. No. _____

DETAIL MARKS CERTIFICATE
3RD YEAR CIVIL TECHNOLOGY
(NEW COURSE)

7

Name of Candidate Muhammed Mehran

Father's Name Rustam Khan

Roll No. 11859 Session (Annual / Supply) 2002

Institute/College _____

S. No.	Subject	Total Marks	Marks Obtained	
			In Fig:	In words
	2nd Year Marks	2200	1311	
1.	GEN: 311 (Islamyat/Pak. Studies)	50	23	
2.	CT: 312 Project Management	T-100	53	
3.	CT: 322 Quantity Surveying-II	P-100	67	
4.	CT: 333 Pubc Health Engg: II	T-100 P-50	76	
5.	CT: 334 Hydraulics & Irrigation	T-150 P-50	105	
6.	CT: 353 Railway, Docks, Harb & Bridges	T-100 P-50	83	
7.	CT: 364 Concrete Tech: RCC Design	T-150 P-100	101	
8.	CT: 373 Soil Mechanics, Highways, & Airports	T-100 P-50	84	
	CT: 381 CIVIL Engineering Project	P-50	38	
	Total Marks	3350	1941	Nine hundred & forty one

Prepared by _____
(Errors & omissions are excepted)

[Signature]
SECRETARY OFFICER

Annexure "A" (11)

No. 2467 A-E Dated DIKhan the 30/11/2011

Muhammad Mehran S/O Rustam Khan
R/O Chashma Road Budhani Tehsil Paharpur,
District DIKhan.

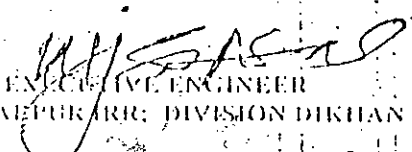
Subject:- APPOINTMENT AS BELDAR (BPS-01)

On the recommendations of Departmental Selection Committee which was constituted vide this office No.2436/4-E dated 25/11/2011 as per contract policy, you are hereby appointed as Beldar on contract basis in BPS-01 plus usual allowances as admissible under the contract with effect from the actual date of your arrival for duty on the said post in Paharpur Irrigation Division DIKhan subject to the following terms and conditions:-

1. Your services will be governed under the Govt. of Khyber Pakhtunkhwa prevailing contract policy as notified by the Govt. from time to time.
2. Your contract services can be terminated on 01 month notice or depositing of your 01 month salary in lieu thereof.
3. You will be provided same facilities under Benevolent Fund as admissible to Govt. servant at the rate to be prescribed by the Govt.
4. You will not contribute to G.P.Fund & shall not be entitled for pension and other benefits as per existing policy.

If this offer of appointment on contract basis on the above mentioned terms and conditions is acceptable to you, then you should report for duty to this office with production of the following documents immediately.

1. Domicile Certificate.
2. Medical fitness certificate from Medical Superintendent D.H.O DIKhan.
3. Non dismissal certificate.
4. Blank Service Book.
5. You are also required to produce an undertaking on stamp paper valuing Rs.30/- duly attested by Qazi Commissioner stating the acceptance of all the above noted terms & conditions.


EXECUTIVE ENGINEER
PAHARPUR IRRIGATION DIVISION DIKHAN

Copy to the:-

1. Superintending Engineer, DIKhan Irrigation Circle DIKhan.
2. Mr. Missal Khan, S.O(E) Office of the Secretary to Govt. of KPK, Irrigation Department Peshawar.
3. District Accounts Officer, DIKhan.
4. Sub Divisional Officer, Paharpur Irrigation Sub Division DIKhan.
5. Manager, Employment Exchange DIKhan, w/r to his No.117 DIK/Rec. 1/11 dated 23.11.2011
6. D.A.O / I.C (Locals)

EXECUTIVE ENGINEER
PAHARPUR IRRIGATION DIVISION DIKHAN

12

OFFICE OF THE EXECUTIVE ENGINEER PAHARPUR IRRIGATION
DIVISION D.I.KHAN

OFFICE ORDER


Mr. Mohammad Mehran regulation Beldar (BPS 02) is hereby re-designated as Mate(BPS-02) against the vacant post with immediate effect.

EXECUTIVE ENGINEER
Paharpur Irrigation Division
D.I.Khan

No. 1813 /4-E Dated D.I.Khan the 01 /10/2012.

Copy to the:

1. District Account Officer D.I.Khan
2. Sub Divisional Officer Paharpur Irrigation sub Div: D.I.Khan
3. DAO /H.C (Local) for information and necessary action.
4. Official concerned

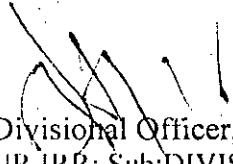

EXECUTIVE ENGINEER
Paharpur Irrigation Division
D.I.Khan

OFFICE OF THE SUB DIVISIONAL OFFICER, PAHARPUR IRRIGATION SUB
DIVISION DIKHAN.

13

OFFICE ORDER.

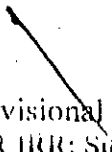
Mr Muhammad Mehran Work Munshi (OPS) is hereby posted in
Lar Section with immediate effect in interest of public work.


Sub Divisional Officer,
PAHARPUR IRR: Sub:DIVISION
DIKHAN

No. 4035 / S-E (ii) Dated DIKhan the 19 /07/2012.

Copy to:-

1. Executive Engineer Paharpur Irrigation Division Dikhan w/r
to his No-1379/163-E dated 17-07-2012
2. Sub Engineer Lar Section for information.


Sub Divisional Officer,
PAHARPUR IRR: Sub:DIVISION
DIKHAN

Annexure **D**

(14)

To

The Superintending Engineer,
D.I.Khan Irrigation Circle,
D.I.Khan.

Through :- Executive Engineer, Paharpur
Irrigation Division, D.I.Khan.

Subject :- Writ Petition No. 165-D/2012 -
Request for promotion as
Gauge Reader (BPS-05).

Respected Sir,

I most respectfully submit as under :-

1. That I am presently serving as Mate (BPS-02) in the office of Executive Engineer, Paharpur Irrigation Division, D.I.Khan. My performance remained satisfactory.
2. That I filed a Writ Petition before the Honourable Peshawar High Court, Bench D.I.Khan to seek remedy which was disposed on 13.11.2012. The following observations :-
" Thus, accepting this request of the learned Counsel for the petitioner, we treat the instant writ petition as a representation and send it to respondent No.4 to decide the same strictly in accordance with law, rules and policy".
4. That a vacancy presently occupied by Hidayatullah as Gauge Reader in BPS-05 is likely to be fallen recently, therefore justice demands that I may kindly be promoted as Gauge Reader (BPS-05) vice Hidayatullah.

In wake of submissions made above, it is humbly prayed that I may graciously be

(...P/2)

Accepted
Signature
Date

NO. 601 14-E Dated D.I.Khan the 29/03/2013
TO,

The Superintending Engineer
D.I.Khan Irrigation Circle D.I.Khan

Subject: WRIT PETITION NO.165-D/2012-REQUEST FOR PROMOTION AS GAUGE READER(BPS-05).

Ref: Your reference NO.590/DIC/50-W dt: 12-03-2013

In this context it is stated that the applicant is working as Mate in this Division since 01-10-2012 & having a Diploma in Associate Engineering.

The Applicant was filed a writ petition on 10-04-2012, before the Honorable High Court D.I.Khan Bench for promotion as Work Munshi vide writ petition No.165-D/2012, which was disposed off with remarks that "We treat the instant writ petition as representation & send it to Respondent No.4 (i.e Superintending Engineer Bannu Irrigation Circle Bannu) to decide the same strictly in accordance with law, rules & policy.

Now the applicant has submitted an application for promotion to the post of Gauge Reader(BPS-5) which has recently vacated on 13-03-2013 due retirement of Mr. Hidayatullah Ex: Gauge Reader.

In this regard the case is forwarded to your good self for sympathetic consideration being civil diploma holder.

[Signature]
EXECUTIVE ENGINEER
PAHARPUR IRR: DIVN: D.I.KHAN

Joint Head Office (JHO) of the Secretary to Government, Irrigation Department, Faisalabad
Irrigation Department, Faisalabad

Assesed
[Signature]
17/4/13

EXECUTIVE ENGINEER
PAHARPUR IRR: DIVN: D.I.KHAN

Annexure: **F** (17)

IN THE PESHAWAR HIGH COURT, BENCH, D.I. KHAN.

Writ Petition No. 765-D / of 2012.



Muhammad Mehran son of Rustam Khan
Resident of village Budhani Tehsil Paharpur
Chashma Road, Dera Ismail Khan.
...Petitioner.

Versus

1. Government of Khyber Pakhtunkhawa,
through Secretary to Government of Khyber
Pakhtunkhawa, Irrigation Department,
Peshawar.
2. Secretary to Government of Khyber
Pakhtunkhawa Irrigation Department,
Peshawar.
3. Chief Engineer, Irrigation Department,
Khyber Pakhtunkhawa, Peshawar.
4. Superintending Engineer,
Bannu Irrigation Circle, Bannu.
5. Executive Engineer,
Paharpur Irrigation Division,
Dera Ismail Khan.
6. Sub-Divisional Officer,
Paharpur Irrigation Sub-Division,
Dera Ismail Khan.

...., Respondents.

Writ Petition under Article 199 of
the Constitution of Islamic Republic of
Pakistan, 1973.

1284
10/4/12

ATTESTED

EXAMINOR

Peshawar High Court
D.I. Khan

15/8/13

Adv.

Attested
[Signature]

Respectfully Sheweth:-

1. That the addresses of the parties as given above are correct and sufficient for the purposes of service.

2. That the Petitioner is permanent resident of village Budhani Tehsil Paharpur District D.I.Khan and is aged about 27 years.

Annexure-A.

The copy of the NIC is enclosed as Annexure-A.

3. That the Petitioner has passed the Diploma of Associate Engineer Civ Technology from the NWFP Board of Technical Education, Peshawar during the Session 2002 and is a highly qualified. The copy of which is enclosed as Annexure-B.

*Accepted.
12/8/11
10/11/11*

Annexure-B.

4. That the Petitioner was appointed as Beldar (BPS-1) in Paharpur Irrigation Division D.I.Khan by the Executive Engineer, Paharpur Irrigation Division, D.I.Khan on the recommendation of Departmental Selection Committee, vide his office order No.2467/4-E, dated 30/11/2011, and is still serving as such to the entire satisfaction of his superior.

Annexure-C.

The copy of the order is enclosed as Annexure-C.

5. That the Petitioner had also worked as Field Engineer in SABAWON NGO and is an experienced hand.

6. That one Muhammad Zaman who after attaining the age of superannuation, a Work Munshi in Flood Division of the office of Executive Engineer, Paharpur Irrigation, Division Dera Ismail Khan was going to retire from his service on 31/3/2012, therefore, the

EXAMINOR
Peshawar High Court
D.I.Khan Bench

15/9/13

AGN



Petitioner addressed an application to the worthy Superintending Engineer, Irrigation Circle, Bannu through the Executive Engineer, Paharpur Irrigation Division, D.I.Khan/proper channel and requested that the Petitioner may be promoted as Work Munshi and appointed as Work Munishi in Flood Division of the office of Executive Engineer, Paharpur Irrigation, D.I.Khan against the vacancy likely to become vacant on the retirement of said Muhammad Zaman. The copy of the application is enclosed as

Annexure-D. Annexure-D.

7. That the Executive Engineer, Paharpur Irrigation Division, D.I.Khan has very kindly recommended the request of the Petitioner and has forwarded his application to the worthy Superintending Engineer, Bannu Irrigation Circle, Bannu for favourable consideration vide his office letter No.564/321-E, dated 26.3.2012. The copy of the letter is enclosed as Annexure-E.

8. That the Petitioner has learnt that the worthy Superintending Engineer, Bannu Irrigation Circle, Bannu, is not going to consider the genuine request of the Petitioner and is likely to appoint some other person of his choice.

9. That the Petitioner is therefore left with no other adequate remedy but to invoke the extra ordinary constitutional jurisdiction of this Honourable Court by way of present writ petition to direct the

1254
h
10/4/12

Attested.
Muhammad
22/6

Annexure-E.

ATTESTED

EXAMINOR
Peshawar High Court
D.I.Khan Bench

15/4/13

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worthy Superintending Engineer Bannu Irrigation Circle Bannu to appoint the Petitioner as Work Munshi in Flood Division of the office of Executive Engineer, Paharpur Irrigation Division, D.I.Khan against the vacancy caused due to the retirement of Muhammad Zaman already working as Work Munshi in the said office, on inter alia, the following grounds:-

GROUND.

i. That it is an admitted fact that one Muhammad Zaman who was serving as Work Munshi in Flood Division of the office of the Executive Engineer Paharpur Irrigation Division, D.I.Khan, has retired from his service on 31/3/2012, on attaining the age of the superannuation and the post of Work Munshi is lying vacant since 31/3/2012.

ii. That it is also an admitted fact that the Petitioner is highly qualified and is holder of Diploma of Associate Engineer issued to him by the NWFP Board of Technical Education Peshawar on 17/3/2005.

iii. That it is also an admitted fact that the Petitioner had already worked as Field Engineer in SABAWON NGO for some time and is an experienced hand.

iv. That it stands established from the material available on record that the Petitioner is already serving as Beldar (BPS-1) in the office of the Executive Engineer, Paharpur Irrigation Division, D.I.Khan to the entire satisfaction of his superiors and deserves for promotion as Work Munshi.

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ATTESTED

EXAMINOR
Peshawar High Court
D.I. Khan Bench

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v. That the worthy Executive Engineer Paharpur Irrigation Division, D.I. Khan has recommended his case and has requested the worthy Superintending Engineer, Bannu Irrigation Circle, Bannu to promote the Petitioner as Work Munshi, keeping in view the efficient performance of the Petitioner.

vi. That even otherwise the Petitioner is entitled for one step promotion according to the policy of the Government of Khyber Pakhtunkhawa.

In wake of the above submissions, it is respectfully prayed that on acceptance of this writ petition, the worthy Superintending Engineer, Bannu Irrigation Circle, Bannu may graciously be directed to promote the Petitioner to the rank of Work Munshi and to appoint the Petitioner as Work Munshi in Flood Division of the office of the Executive Engineer, Paharpur Irrigation Division, D.I. Khan against the vacancy caused due to the retirement of Muhammad Zaman on 31/3/2012, to meet the ends of justice.

Your humble Petitioner

(Muhammad Mehran)
Petitioner

Through Counsel.

(Rab Nawaz Awan)
Advocate, High Court,
D.I. Khan.

D/-104.2012.

ATTESTED

EXAMINOR
Peshawar High Court
D.I. Khan

15/9/13

Accepted
22/6/13

Adm.

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CERTIFICATE

Certified that no other writ petition on the subject has earlier been filed by the Petitioner in this Honourable Court.

D/10.4.2012.

[Signature]
Petitioner

Books

- 1. Constitution of Islamic Republic of Pakistan, 1973.
- 2. Government Servants Service Rules.

Affidavit.

I, Rab Nawaz Awan, Advocate, High Court, D.I. Khan Counsel for the Petitioner do hereby solemnly affirm and declare on oath that the contents of the instant writ petition as per information furnished to me by my client are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

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Rab Nawaz Awan
Advocate

D/10.4.2012.

[Signature]
Deponent.

10th April 2012

NIC NO: 12101-6320621

704

10-4-12

ATTESTED

EXAMINOR
Peshawar High Court
D.I. Khan

[Signature]
15/4/13

Annexure 5 98

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings (1)

13.11.2012

Order or other proceedings with signature of Judge(s)

(2)

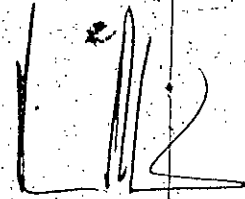
W.P.No.165-D/2012 with C.M.No.136-D/2012.

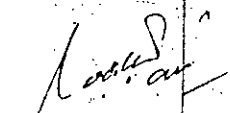
Present: Mr. Rabnawaz Awan, Advocate for the petitioner.

QAISER RASHID KHAN, J.: After the learned counsel for the petitioner had argued the case at a certain length, it was pointed out to him that no pre-emptive writ lies in the matter as prayed for by him. At this point, he requested that his writ petition may be treated as representation.

2. Thus, accepting this request of the learned counsel for the petitioner, we treat the instant writ petition as a representation and send it to respondent No.4 to decide the same strictly in accordance with law, rules and policy.

Announced
Dt. 13.11.2012.


JUDGE


JUDGE

TESTEL
EXAMINOR
Peshawar High Court
D.I. Khan Bench
15/11/12

13/11/12

Annex: (H) (24)

BEFORE THE HON'BLE PESHAWAR HIGH COURT D.I.KHAN
BENCH

Contempt Petition No. 172 /2013

In

Writ Petition No. 165-D/2012



Muhammad Mehran s/o Rustam Khan
R/o Village Budhani Tehsil Paharpur
Chashma Road, D.I.Khan.

..... (PETITIONER)

VERSUS

Mr. Atta-ur-Rehman, Superintending Engineer,
Bannu Irrigation Circle, Bannu.

(RESPONDENT)

963
17-4-2013

PETITION FOR INITIATION OF CONTEMPT
PROCEEDINGS UNDER ARTICLE 204 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 AGAINST THE RESPONDENT FOR
VIOLATING THE ORDER OF THIS HON'BLE
COURT DATED 13.11.2012 AND WILLFULLY
DISOBEYING AND DISRESPECTING THE LAWFUL
ORDERS OF THIS HON'BLE COURT.

ATTESTED

EXAMINOR
Peshawar High Court
D.I.Khan Bench

24/5/13

Respectfully Sheweth,

The Petitioner humbly submits as under: -

1. That Petitioner instituted writ petition No. 165-D/2012 which was decided on 13.11.2012. Copy of writ petition alongwith order are enclosed as **ANNEXURE "A & B"** respectively.
2. That in judgment of this Hon'ble Court dated 13.11.2012, the august High Court directed Respondent to redress grievances of the Petitioner ibid writ petition and to decide the same strictly in accordance with law, rules and policy, however, no pain has been taken by the Respondent to decide the representation of Petitioner uptill now.
3. That on different occasions the Petitioner also submitted an application to the concerned Respondent to obey the order of the august High Court dated 13.11.2012 and to comply the orders of this Hon'ble Court. Copies of application & reminders are enclosed as **ANNEXURE "C, D & E"** respectively.
4. That Respondents did not comply with the directions of this Hon'ble Court and Petitioner also sent reminders to Respondent, but they pay no heat to it, thus committed contempt of the orders of this Honble Court.
5. That the Respondent is bound to follow the law and respect the lawful orders of this Hon'ble Court. The Respondent has by his conduct showed disrespect and disobedience to the lawful order of this Hon'ble Court, hence made him liable to be proceeded against for the contempt of court.

963

117-4/2013

Handwritten signature

ATTESTED

EXAMINOR
Peshawar High Court
Q I Khan Bench

29/5/13

It is, therefore, respectfully submitted that on acceptance of this petition, the Respondent may please be proceeded against for the contempt of court and may please be awarded exemplary punishment for willfully disregarding and disobeying the lawful order of this Hon'ble Court.

963
16-4-2013

Dated. 17.04.2013

Your humble Applicant

Muhammad Mehran
Through Counsel

Muhammad Waqar Alam
Advocate, Dera Ismail Khan

AFFIDAVIT

I, Muhammad Waqar Alam Advocate, D.I.Khan, counsel for Applicant under the instructions of my client do here by solemnly affirm and declare on oath that all the contents of above contempt application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

Muhammad Waqar Alam
Advocate
Deponent

as the 17th day of April 2013
I read the contents of the above
affidavit and on being
asked to sign, I have signed
as 929 dated 16-4-2013
Additional Registrar
Dera Ismail Khan

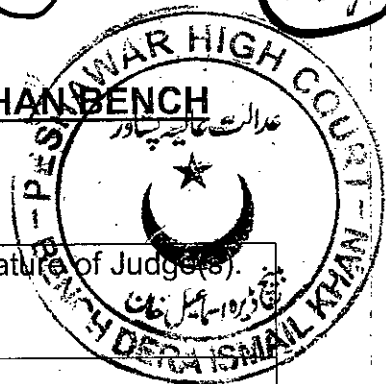
ATTESTED
EXAMINOR
Peshawar High Court
D.I Khan Bench
29/4/13

Annex "J"

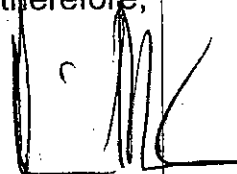
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IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH


FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
23.5.2013.	<p><u>C.O.C.No.172-D/2013.</u></p> <p><u>Present:</u> Mr. Salimullah Khan Ranazai, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>QAISER RASHID KHAN, J.-</u> The learned A.A.G present in court was put on notice and directed to inquire about the fate of the representation of the petitioner. After a while, he turned up with a fax message whereby the representation has been disposed off. Such being the case, the learned counsel for the petitioner does not want to press the instant petition. The same is, therefore, dismissed as not pressed.</p> <p><u>Announced.</u> <u>Dt:23.5.2013.</u></p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;">EXAMINOR Peshawar High Court D.I Khan Bench</p> <p style="text-align: center;">29/5/13</p>

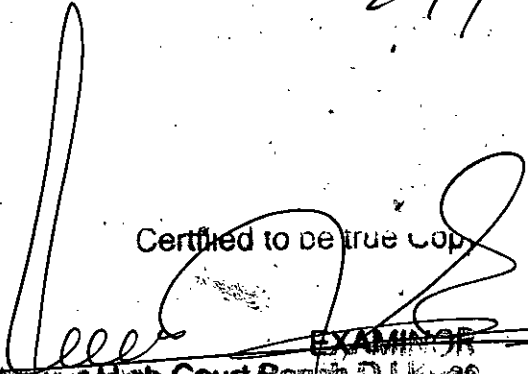

JUDGE


JUDGE


23/5

1020
G.R. No. 29-5-13
Application Received on 29-5-13
Copying Fee deposited Rs. 5/-
No of Papers 110
Copying Fee 110/-
Urgent Fee 9/-
Total Fee 129/-
Copy ready for delivery 29-5-13
Copy delivered on 29-5-13
Signature of Examiner 29/5/13

Certified to be true copy


EXAMINER
Peshawar High Court Bench D I Khan
Authorized Under section 97 of
Qanoon-e-Shahadat Act.

29/5/13

Annex: "K"

28

No 690
To,

163-E

Dated D.I.Khan the

17/04/2013.

The Superintending Engineer
Bannu Irrigation Circle Bannu.

Subject: (i) APPLICATION FOR PROMOTION AS WORK MUNSHI.
(ii) WRITE PETITION NO.165-D OF 2012 ORDER OF THE PESHAWAR
HIGH COURT BENCH D I KHAN.

Ref - Your letter No.1357-57/2-E dated Bannu the 01-04-2013.

The information in respect of Muhammad Mehran as desired in the letter under reference stands as under

- | | | |
|---|-------------------------|-------------|
| 1. Break up of Service of Mr. Muhammad Mehran | 1. Beldar | 01-12-2011 |
| | 2. Regulation Beldar | 16-06-2012. |
| | 3. Mate | 01-10-2012. |
| | 4. Work Munshi in (OPS) | 17-07-2013 |
2. (i) Date of Birth 09-02-1985.
(ii) Date of appointment 01-12-2012
- 3 He is Matriculate & Diploma holder from Board of Technical Education Peshawar
4. (i) As per as direct recruitment as gauge reader is concerned, the same is out of question, because he is already working as a Govt servant in Paharpur Irrigation Sub Division D I Khan.
(ii) His service is less than ten years as in evident from date of his appointment
Therefore he is not legible for the post of Gauge Reader against 50% quota mentioned in the rules

Annexed
Muhammad Mehran
24/4
24/4

286
24/4/2013

[Signature]
EXECUTIVE ENGINEER
PAHARPUR IRRIGATION DIVISION D.I.KHAN

Copy to the Sub Divisional Officer Paharpur Irrigation Sub Division D I Khan for information.

[Signature]
24/4

EXECUTIVE ENGINEER
PAHARPUR IRRIGATION DIVISION D.I.KHAN

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OFFICE OF THE SUPERINTENDING ENGINEER
DIKHAN IRRIGATION CIRCLE DIKHAN.

Phone/Fax No. 0966-9280238

No. 628 /DIC/4-E.

Dated DIKhan the, 19/03/2013.

To,

The Superintending Engineer,
Bannu Irrigation Circle Bannu

Subject:

APPLICATION FOR PROMOTION AS GAUGE READER.

An application in respect of Mr. Muhammad Mehran Mate of Paharpur Irrigation Division DIKhan requesting for promotion as Gauge Reader against the vacant post in Paharpur Irrigation Division DIKhan is sent herewith along with the copy of writ petition No. 165-10/2012. for further necessary action.

Encl: As above

[Signature]
SUPERINTENDING ENGINEER

FROM : SE -Bannu - CIRCLE BANNU

May, 22 2013 10:34PM PT

FAX NO. : 0928 9220061

Accepted by Council
[Signature]
22/6

وکالت نامہ

قیمتی ایک روپیہ		کورٹ فیس
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Before KPK Service Tribunal
Appellant

M. Mehran Govt of KPK

SERVICE Appeal

باعث تحریر آنکے

Muhammad Waqar Alam Advocate

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پروردی وجواب دہی برائے پیشی یا تصفیہ مقدمہ بنام
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ دیگر عدالت حاضر ہونا نہیں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
پروردی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عنت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذکر
نظر ثانی اپیل عمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر پروردی مقدمہ مقرر نظر ثانی اپیل و عمرانی و برآمدگی مقدمہ یا منسوخی ذکر یک طرفہ یا درخواست عم اتہامی یا ترقی
یا گرفتاری قبل از فیصلہ اجراء ذکر بھی صاحب موصوف کو بشرط ادا جنگی طبعہ مختص پروردی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
اپیل عمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروردی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
مورخ 6 ماہ 3 جن 2013

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

Muhammad Waqar Alam
6/6/13

Mehran Appellant.

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1013 / of 2013

Muhammad Mehran

Versus

Govt. of K.P.K and others

APPLICATION FOR WITHDRAWAL OF SERVICE APPEAL
MENTION ABOVE

Respectfully Sheweth:-

That appellant humbly submits as under:-

1. That the appeal of the appellant is pending adjudication in this Honourable Tribunal and is fixed for 24-06-2014.
2. That now, the grievance of appellant is satisfied by the respondents, and now the appellant wants to withdraw the appeal.

In wake of these submissions made above, application of the appellant may kindly be accepted in the large interest of justice.

Dated: 24-06-2014

Your Humbly Appellant

Muhammad
Muhammad Mehran

Through Counsel

24.6.14
Muhammad Waqar Alam

Advocate High Court

Dera Ismail Khan

24/6/14