

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

BEFORE:KALIM ARSHAD KHAN, CHAIRMAN  
ROZINA REHMAN, MEMBER(J)

**Service Appeal No.7659/2021**

**Shahid Ali Khan** (Sub Divisional Officer, Shahbaz Garhi Irrigation Subdivision, District Mardan) son of Jehan Safdar.....(**Appellant**)

Versus

1. **Government** of KhyberPakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary** to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat, Peshawar.
3. **Chief Engineer (South)**, Irrigation Department, Warsak Road, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)

Present:

Mr. Amin ur Rehman Yousafzai, Advocate...For appellant.

Mr. Muhammad Riaz Khan Painda Khel,

Assistant Advocate General .....For respondents.

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Date of Institution.....18.10.2021

Date of Hearing.....14.04.2022

Date of Decision.....15.04.2022

**2. Service Appeal No.7660/2021**

**Rizwanullah** (Sub Divisional Officer, Flood Irrigation Subdivision No.II, District DIKhan) son of Abdul Rehman.....(**Appellant**)

Versus

1. **Government** of KhyberPakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary** to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat, Peshawar.
3. **Chief Engineer (South)**, Irrigation Department, Warsak Road, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)

Present:

Mr. Amin ur Rehman Yousafzai, Advocate...For appellant.

Mr. Muhammad Riaz Khan Painda Khel,

Assistant Advocate General .....For respondents.

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Date of Institution.....18.10.2021

Date of Hearing.....14.04.2022

Date of Decision..... 15.04.2022

Service Appeal No.7659/2021 titled "Shahid Ali Khan. vs. Government of KP & others". Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others. "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

### 3. Service Appeal No.7661/2021

**Wajahat Hussain**(Sub Divisional Officer, Irrigation and Hydel Power Subdivision, Orakzai) son of Malik ur Rehman... (**Appellant**)

Versus

1. **Government** of KhyberPakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary** to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat, Peshawar.
3. **Chief Engineer (South)**, Irrigation Department, Warsak Road, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)

Present:

Mr. Amin ur Rehman Yousafzai, Advocate...For appellant.

Mr. Muhammad Riaz Khan Pinda Khel,  
Assistant Advocate General .....For respondents.

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Date of Institution.....18.10.2021

Date of Hearing.....14.04.2022

Date of Decision..... 15.04.2022

### 4. Service Appeal No.7662/2021

**Javedullah**(Assistant Engineer OPS, Irrigation and Hydel Power Subdivision, Jamrud and Landi Kotal, District Khyber) son of Asad Malook Khan..... (**Appellant**)

Versus

1. **Government** of KhyberPakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary** to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat, Peshawar.
3. **Chief Engineer (South)**, Irrigation Department, Warsak Road, Khyber Pakhtunkhwa, Peshawar.....(**Respondents**)

Present:

Mr. Amin ur Rehman Yousafzai, Advocate...For appellant.

Mr. Muhammad Riaz Khan Pinda Khel,  
Assistant Advocate General .....For respondents.

Date of Institution.....18.10.2021

Date of Hearing.....14.04.2022

Date of Decision..... 15.04.2022

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

## 5. Service Appeal No.7663/2021

**Inamullah**(Sub Divisional Officer, Irrigation Subdivision, Tehsil Shangla District Swat) son of Purdil Khan..... (*Appellant*)

Versus

1. **Government** of KhyberPakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. **Secretary** to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat, Peshawar.
3. **Chief Engineer (South)**, Irrigation Department, Warsak Road, Khyber Pakhtunkhwa, Peshawar.....(*Respondents*)

Present:

Mr. Amin ur Rehman Yousafzai, Advocate...For appellant.

Mr. Muhammad Riaz Khan Pinda Khel,

Assistant Advocate General .....For respondents.

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Date of Institution.....18.10.2021

Date of Hearing.....14.04.2022

Date of Decision..... 15.04.2022

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APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE DECISION/RECOMMENDATION OF THE DEPARTMENTAL PROMOTION COMMITTEE, IN ITS MEETING DATED 23.06.2021, REGARDING AGENDA ITEM NO.III, ON THE BASIS OF WHEREOF, CASE OF PROMOTION OF THE APPELLANTS OF ALL THE APPEALS AS ASSISTANT ENGINEER/SUB-DIVISIONAL OFFICERS (BS-17) WAS DEFERRED

### CONSOLIDATED JUDGEMENT

KALIM ARSHAD KHAN CHAIRMAN. Through this single Judgment the instant Service Appeal No.7659/2021 titled "Shahid Ali Khan vs Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus

Service Appeal No.7659/2021 titled "Shahid Ali Khan, vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/2021 titled "Javedullah versus Government & others", and Service Appeal No.7663/2021 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Government of KP & others, "Service Appeal No.7662/2021 titled "Javedullah versus Government & others" and Service Appeal No.7663/2021 titled "Inamullah and Government of KP & others" are decided because all are similar in nature and outcome of the same decision.

2. Facts, surrounding the appeals, are that the appellants were serving as Sub-Engineers in BPS-11 (upgraded to BPS-16 on 07.03.2018) in the Irrigation Department; that they passed departmental examination Grade-A & Grade-B and became eligible for promotion to the post of Assistant Engineer (BS-17), as per the rules in vogue; that the respondents initiated the cases of the appellants along with others for promotion and prepared working paper, alongwith panel of eligible Graduate Sub engineers, for consideration against 12% quota reserved for the holders of BSc Engineering Degree; that synopses of the appellants were placed before the Departmental Promotion Committee (DPC), in its meeting held on 23.06.2021, under Agenda Item No.III, but the appellants were not recommended for promotion rather the Agenda Item No.III was deferred on the pretext to seek guidance from the Establishment Department, on the following:

- i. As per amended service rules of Irrigation Department notified on 25.06.2012, twelve posts of Assistant Engineer (BS-17) come under 12% share quota of Graduate Sub Engineers along with passing of departmental grade B and A examination against which

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others". Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others.", Service Appeal No.7662/2021 titled "Javedullah versus Government & others", and Service Appeal No.7663/2021 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

*six officers are working on regular basis while seven officers, included in the panel at serial No.1 to 6 & 9 are working as Assistant Engineer (BS-17) on acting charge basis since 2011.*

*ii. Before 25.06.2012 the passing of grade B&A examination was not mandatory for promotion to the post of Assistant Engineer and the above mentioned seven Graduate Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.*

*iii. The departmental B&A examination is conducted after every two years. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at serial No.1 to 6 & 9 (except No.4 B&A passed) have passed their mandatory grade B examination and will appear in the A examination in 2022.*

15/4/22

3. The DPC in paragraph 8 of the minutes sought advice of the establishment through a separate letter that:

a. As to whether the amended rules notified on 25.06.2012 are applicable to the above employees who were appointed in the year 2011 on acting charge basis or the present Service Recruitment rules will be applicable in the instant case.

b. If the present service rules are applicable upon the officers appointed on acting charge basis then before

completion of mandatory examination of these officers, the officers junior to them can be promoted to the post of Assistant Engineer on regular basis or otherwise.

4. It was then all the appellants preferred departmental appeals on 13.07.2021 to Respondent No.1 against the decision dated 23.06.2021 of the DPC, which, according to them was not responded within statutory period, compelling them to file these appeals.
5. It was mainly urged in the grounds of all the appeals that the appellants had been deprived of their right of promotion without any deficiency; that the department had no right to keep the promotion case pending for indefinite period; that the appellants were not treated in accordance with law; that the DPC departed from the normal course of law, which was malafide on their part; that the appellants were deferred for no plausible reasons.
6. On receipt of the appeals and their admission to full hearing, the respondents were directed to file reply/comments, which they did.
7. In the replies it was admitted that the appellants had passed Grade B&A examinations and had also completed 5 years' service for promotion as Assistant Engineer subject to considering their eligibility by the DPC and availability of posts as per service rules; that the agenda item for promotion was dropped due to non-availability of vacancies under 12% quota for promotion of Graduate Sub Engineers to the rank of Assistant Engineers BS-17

15/4/22  
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(i.e. 6 Nos Sub Engineers are working on regular basis while 7 Nos Sub Engineers are working on Acting Charge basis against 12 posts in the share quota of Graduate Sub Engineers which already exceeds by one number).

8. We have heard learned counsel for the appellants and learned Assistant Advocate General for the respondents and have also gone through the record.

9. Learned counsel for the appellants reiterated the facts and grounds detailed in the appeal and referred to above and submitted that the appellants had a genuine case to be considered for promotion and they had legitimate expectancy for the same. He prayed for acceptance of the appeals.

10. On the contrary the learned Assistant Advocate General opposed the arguments advanced by the learned counsel for the appellants and supported the stance taken by the respondents.

11. There is no dispute that the working paper, for promotion from the post of Sub Divisional Officers (BPS-16) to the post of Assistant Engineer (BPS-17), was prepared on proforma-I, wherein the details of the posts were given. According to the working paper six posts were shown vacant for making promotion under 12% Graduate quota. Along with the working paper, a panel of Graduate Engineers for consideration was also annexed on proforma-II (Annexure-J). The officers at serial number 1 to 3, 5 to 7, 9, 12 to 14 were shown in the panel to be not eligible while the appellants' names figure at serial No. 8, 10, 11, 13 and 15 of the panel. The panel bears

15/4/22

*Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/2021 titled "Javedullah versus Government & others", and Service Appeal No.7663/2021 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

signature of the Additional Secretary, Irrigation Department, at the end of list and the appellants were shown in the working paper to be eligible for promotion. Similarly, the officer at serial No.4 named Bakhtiar was also shown to be eligible for promotion. The DPC held on 23.06.2021 recorded the minutes of the proceeding, which have been detailed in the preceding paragraphs and sought clarification from the Establishment Department vide letter No.SO(E)/Irr/4-3/DPC/2019/Vol-IX dated 04.10.2021, which was responded by the Establishment Department vide letter No.SOR-V(E&AD)/7-1/Irrig: dated 23.11.2021, instead seeking the clarification from the Secretary Government of Khyber Pakhtunkhwa, Irrigation Department on the following observations:

- i. Why the employees were appointed on acting charge basis under APT Rules, 1989?
- ii. Why the matter remained linger on for more than ten years?
- iii. For how many times the departmental B&A exams for these employees in the intervening period were arranged by the Administrative Department and whether they appeared, availed opportunity of appearing the examination or deliberately avoid the opportunity of appearing in the subject examination or failed these examination?

12. Additional documents were placed during the pendency of the appeals, whereby working paper was prepared for considering one

15/11/21  
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Mr. Bakhtiar (at serial No.4 of the panel for consideration, wherein the names of the appellants also figured) for promotion, who was also deferred with the appellants. The DPC was stated to be held on 13.01.2022 and vide Notification No.SO(E)/IRRI:/4-3/DPC/2019/Vol-IX: dated 28.03.2022, Mr. Bakhtiar was promoted.

13. At this juncture it seems necessary to observe regarding the above referred advice sought by the DPC. As regards first query, whether the amended rules notified on 25.06.2012 were applicable to the employees who were appointed in the year 2011 on acting charge basis or the present Service Recruitment rules will be applicable in the instant case, it is observed that the administrative rules cannot be given retrospective effect. As regards the second query whether the junior officers could be promoted when the seniors already appointed on acting charge basis could not qualify either of departmental B&A examinations, it is in this respect found that the basic qualification for eligibility to be considered for promotion to the post of Assistant Engineer (BPS-17), is passing of departmental B&A examinations and when the seniors could not get through the both or any of them, they are not eligible and obviously next in the line were to be considered.

14. As to the observation of the Establishment Department:-

- (i) Why the employees were appointed on acting charge basis under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989?

15/4/22

*Service Appeal No.7659/2021 titled "Shahid Ali Khan, vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/2021 titled "Javedullah versus Government & others", and Service Appeal No.7663/2021 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

- (ii) Why the matter remained linger on for more than ten years?
- (iii) For how many times the departmental B&A examinations for these employees in the intervening period were arranged by the Administrative Department and whether they appeared, availed opportunity of appearing in the examination or deliberately avoided the opportunity of appearing in the examination or deliberately avoided the opportunity of appearing in the subject examination or failed these examination,

it is observed that no reply of the Administrative Department in this respect is found placed on the record. Whereas without replying the queries the Administrative Department promoted one Bakhtiar, referred to above.

15. There seems lot of conflict in the working paper and minutes of the meeting of the DPC held on 23.06.2021 and that of the replies submitted by the respondents. In the working paper and the minutes six posts were shown vacant for filling, of which the DPC was convened and lengthy exercise of preparation of working paper, panel of officers for consideration and holding of DPC was undertaken, whereas in the replies the respondents took a U-turn and contended that the posts were not vacant. If the posts were not vacant then why the lengthy exercise of preparing working paper, panel of officers and above all holding of DPC was done? This is a question which could not have been answered by the respondents in their replies or for that matter during the course of arguments. It was

15/6/21

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

the stance of the respondents in the replies that the Agenda Item No.III was dropped due to non-availability of vacancies under 12% quota for promotion of Graduate Sub Engineers to the rank of Assistant Engineers BS-17 (i.e. 6 Nos. Sub Engineers are working on regular basis while 7 Nos. Sub Engineers are working on Acting Charge basis against 12 posts in the share quota of Graduate Sub Engineers which already exceeds by one number). This stance is in clear negation to the working paper, panel list of the officers and minutes of the DPC wherein these 6 posts are shown vacant and were intended to be filled in by promotion. So far as contention of the respondents that the seats were occupied by the officers on acting charge basis, so those were not vacant, it is observed in this regard that rule9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 (*the Rules*) is quite clear and is reproduced below for facile reference: -


"9. Appointment on Acting Charge or current Charge Basis. (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis:

Provided that no such appointment shall be made, if the prescribed length of service is short by more than [three years].

**[(2)]. Sub rule (2) of rule-9 deleted vide by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.**

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge

15/4/22  


Service Appeal No.7659/2021 titled "Shahid Ali Khan, vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis."

(Underlining is ours)

16. Sub rule (2) of the above rule was deleted vide Notification No.SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011. The deleted sub-rule is also reproduced as under:

"(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.)"

17. Before deletion of sub rule (2) of the rules, a junior officer to a senior civil servant, so long as he (the senior) holds the acting charge appointment, could not be considered for regular promotion to a higher post. The provisions of Rule 9 of the rules though empowers the Appointing Authority to make appointment of a senior civil servant on acting charge basis but, even after deletion of sub rule (2) of the ibid rules, that will not disentitle a junior officer to be considered for regular promotion to a higher post.

15/1/22

18. Regarding the acting charge appointment, the august Supreme Court of Pakistan has a consistent view that such posts being a stopgap arrangement, could not be a hurdle for promoting the deserving officers on their availability. Reliance in this respect is placed on PLC 2015 (CS) 151 titled "Province of Sindh and others Versus Ghulam Fareed and others", wherein the august Supreme Court was pleased to hold as under:

"12. At times officers possessing requisite experience to qualify

for regular appointment may not be available in a department. However, all such exigencies are taken care of and regulated by statutory rules. In this respect, Rule 8-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, empowers the Competent Authority to appoint a Civil Servant on acting charge and current charge basis. It provides that if a post is required to be filled through promotion and the most senior Civil Servant eligible for promotion does not possess the specific length of service, appointment of eligible officer may be made on acting charge basis after obtaining approval of the appropriate Departmental Promotion Committee/Selection Board. Sub-Rule (4) of the afore-referred Rule 8 further provides that appointment on acting charge basis shall be made for vacancies lasting for more than 6 months and for vacancies likely to last for less than six months. Appointment of an officer of a lower scale on higher post on current charge basis is made as a stop-gap arrangement and should not under any circumstances, last for more than 6 months. This acting charge appointment can neither be construed to be an appointment by promotion on regular basis for any purposes including seniority, nor it confers any vested right for regular appointment. In other words, appointment on current charge basis is purely temporary in nature or stop-gap arrangement, which remains operative for short duration until regular appointment is made against the post. Looking at the scheme of the Sindh Civil Servants Act and Rules framed thereunder, it is crystal clear that there is no scope of appointment of a Civil Servant to a higher grade on OPS basis except resorting to the provisions of Rule 8-A, which provides that in exigencies appointment on acting charge basis can be made, subject to conditions contained in the Rules."

15/4/22

19. The august Supreme Court of Pakistan in another judgment reported as 2022 SCMR 448 titled "*Bashir Ahmed Badini, D&SJ, Dera Allah Yar and others Versus Hon'ble Chairman and Member of Administration Committee and Promotion Committee of hon'ble High Court of Balochistan and others*", vis-à-vis the 'stopgap', 'ad hoc' and temporary nature, graciously observed that:

"This stopgap arrangement as a temporary measure for a particular period of time does not by itself confer any right on the incumbent for regular appointment or to hold it for indefinite period but at the same time if it is found that incumbent is qualified to hold the post despite his appointment being in the nature of precarious tenure, he would carry the right to be considered for permanent appointment through the process of selection as the continuation of ad hoc appointment for considerable length of time would create an impression in the mind of the employee that he was being really considered to be retained on regular basis. The ad hoc appointment by its

very nature is transitory which is made for a particular period and creates no right in favour of incumbent with lapse of time and the appointing authority may in his discretion if necessary, make ad hoc appointments but it is not open for the authority to disregard the rules relating to the filling of vacancies on regular basis in the prescribed manner. In the case of Tariq Aziz-ud-Din and others: (in re: Human Rights Cases Nos. 8340,9504-G, 13936-G, 13635-P and 14306-G to 143309-G of 2009) (2010 SCMR 1301), this Court held that in case where the appointing authority is satisfied that no suitable officer is available to fill the post and it is expedient to fill the same, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the cadre or service as the case may be. It is the duty and obligation of the competent authority to consider the merit of all the eligible candidates while putting them in juxtaposition to isolate the meritorious amongst them. Expression 'merit' includes limitations prescribed under the law. Discretion is to be exercised according to rational reasons which means that; (a) there be finding of primary facts based on good evidence; and (b) decisions about facts be made for reasons which serve the purposes of statute in an intelligible and reasonable manner. Actions which do not meet these threshold requirements are considered arbitrary and misuse of power [Director Food, N.W.F.P v. Messrs Madina Flour and General Mills (Pvt.) Ltd. (PLD 2001 SC 1)."

20. Similarly, in 2016 SCMR 2125 titled "Secretary to Government of the Punjab, Communication and Works Department, Lahore and others Versus Muhammad Khalid Usmani and others" the august Supreme Court was pleased to have observed as follows:

"15. As is evident from the tabulation given in the earlier part of this judgment, we have also noted with concern that the respondents had served as Executive Engineers for many years; two of them for 21 years each and the two others for 12 years each. The concept of officiating promotion of a civil servant in terms of rule 13 of the Rules is obviously a stopgap arrangement where posts become available in circumstances specified in Rule 13(i) of the Rules and persons eligible for regular promotion are not available. This is why Rule 13(iii) of the Rules provides that an officiating promotion shall not confer any right of promotion on regular basis and shall

*be liable to be terminated as soon as a person becomes available for promotion on regular basis."*

The august Apex Court in paragraphs 20, 21 & 22 ruled as under:

*"20. The record produced before us including the working paper produced before the DPC held on 11.08.2008 shows that the sanctioned strength of XENs in the appellant- Department at the relevant time was 151; out of which 112 were working on regular basis and 47 on officiating basis. It is also evident that 39 Executive Engineers' posts were available for regular promotion. This clearly shows that 39 Executive Engineers were working on officiating basis against regular vacancies. We have asked the learned Law Officer to justify such a practice. He has submitted that this modus operandi is adopted by most Government Departments to ensure that corruption and unprofessional conduct is kept under check. We are afraid the justification canvassed before us is not only unsupported by the law or the rules but also lends ample support to the observations made in the Jafar Ali Akhtar's case reproduced above. Further, keeping civil servants on officiating positions for such long periods is clearly violative of the law and the rules. Reference in this regard may usefully be made to Sarwar Ali Khan v. Chief Secretary to Government of Sindh (1994 PLC (CS) 411), Punjab Workers' Welfare Board v. Mehr Din (2007 SCMR 13), Federation of Pakistan v. Amir Zaman Shinwari (2008 SCMR 1138) and Government of Punjab v. Sameena Parveen (2009 SCMR 1).*

*21. During hearing of these appeals, we have noted with concern that the device of officiating promotion, ad hoc promotion/appointment or temporary appointment etc. is used by Government Departments to keep civil servants under their influence by hanging the proverbial sword of Damocles over their heads (of promotion 'on officiating basis' liable to reversion). This is a constant source of insecurity, uncertainty and anxiety for the concerned civil servants for motives which are all too obvious. Such practices must be seriously discouraged and stopped in the interest of transparency, certainty and predictability, which are hallmarks of a system of good governance. As observed in Zahid Akhtar v. Government of Punjab (PLD 1995 SC 530) "a tamed subservient bureaucracy can neither be helpful to the Government nor it is expected to inspire public confidence in the administration".*

15/4/22

22. This issue was earlier examined by this Court in *Federation of Pakistan v. Rais Khan* (1993 SCMR 609) and it was held that "it is common knowledge that in spite of institution of ad hoc appointments unfortunately being deeply entrenched in our service structure and the period of ad hoc service in most cases running into several years like the case of the respondent (8 years' ad hoc service in BPS-17), ad hoc appointees are considered to have hardly any rights as opposed to regular appointees though both types of employees may be entrusted with identical responsibilities and discharging similar duties. Ad hoc appointments belong to the family of "officiating", "temporary" and "until further orders" appointments. In *Jafar Ali Akhtar Yousafzai v. Islamic Republic of Pakistan* (PLD 1970 Quetta 115) it was observed that when continuous officiation is not specifically authorized by any law and the Government/competent authority continues to treat the incumbent of a post as officiating, it is only to retain extra disciplinary powers or for other reasons including those of inefficiency and negligence, e.g. failure on the part of the relevant authorities to make the rules in time, that the prefix "officiating" is continued to be used with the appointment and in some case for years together. And in proper cases, therefore, Courts (at that time Service Tribunals had not been set up) are competent to decide whether for practical purposes and for legal consequences such appointments have permanent character and, when it is so found, to give legal effect to it." In *Pakistan Railways v. Zafarullah* (1997 SCMR 1730), this Court observed that, "appointments on current or acting charge basis are contemplated under the instructions as well as the Rules for a short duration as a stop-gap arrangement in cases where the posts are to be filled by initial appointments. Therefore, continuance of such appointees for a number of years on current or acting charge basis is negation of the spirit of instructions and the rules. It is, therefore, desirable that where appointments on current or acting charge basis are necessary in the public interest, such appointments should not continue indefinitely and every effort should be made to fill posts through regular appointments in shortest possible time."

15/4/22

By way of the stated valuable judgment referred to above, the august Supreme Court maintained the decision of the Punjab Service Tribunal, Lahore, whereby the appeals filed by the



*Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs.. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others.", Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

respondents were allowed and the order, impugned before the Service Tribunal dated 25.08.2008 passed by the Secretary, Communication and Works Department, Government of the Punjab, Lahore, reverting them to their original ranks of Assistant Engineers, was set aside to their extent. As a consequence, all the respondents were deemed to have been promoted as Executive Engineers on regular basis with effect from the respective dates on which they were promoted 'on officiating basis' with all consequential benefits. It was further held that the condition of 'on officiating basis' contained in promotion orders of all the respondents shall stand deleted but it was a case where the persons promoted 'on officiating basis' were duly qualified to be regularly promoted against the promotion posts, therefore, wisdom is derived that in a case, like one in hand, where the persons promoted 'on acting charge basis' did not possess the requisite qualification or other prescribed criteria for promotion, should remain 'on acting charge basis' i.e. that made for stopgap arrangement till their qualifying for their eligibility and suitability for regular promotion or till the availability of the suitable and qualified officers. The officers promoted 'on acting charge basis' could not, unfortunately pass the requisite either grades B&A both examinations or any of the two grades' examination, therefore, they were not found eligible as per the working paper. And as they were 'on acting charge basis' for more than a decade, the

15/4/22  
RSD

Service Appeal No.7659/2021 titled "Shahid Ali Khan vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

department seems reluctant to fill the vacancies, (occupied by them 'on acting charge basis') by regular promotion despite availability of suitable and qualified officers.

21. The honourable High Court of Sindh in a case reported as 2019 PLC (CS) 1157 titled "*Attaullah Khan Chandio versus Federation of Pakistan through Secretary Establishment and another*" observed as under:

"16. Admittedly, the Petitioner was encadred in Police Service of Pakistan on 19.10.2010 and his seniority would be reckoned from that date. **We are mindful of the fact that acting charge promotion is virtually a stopgap arrangement, where selection is made pending regular promotion of an officer not available at the relevant time of selection and creates no vested right for promotion against the post held.**"

(Underlining is ours)

22. Proceeding ahead, Rule 3 of the rules pertains to method of appointment. Sub rule (2) of rule 3 of the rules empowers the department concerned to lay down the method of appointment, qualifications and other conditions applicable to a post in consultation with the Establishment and Administration Department and the Finance Department.

23. While Rule 7 of the rules is regarding appointment by promotion or transfer. Sub rule (3) of rule 7 of the rules states that:

"(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be."

*Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

This means only the persons possessing the qualifications and fulfilling such conditions as laid down for the purpose of promotion shall be considered for promotion because it does not leave room for the persons, who do not possess such qualification and fulfilling such conditions, to be also considered for such promotion. Vide Notification No.SO(E)/IRR:/23-5/73 dated 17.02.2011, the Irrigation Department of the Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and Finance Department, laid down, the method of recruitment, qualification and other conditions specified in columns No.3 to 5 of Appendix (pages 1 to 5) to the above notification, made applicable to the posts in column No.2 of the Appendix. At serial No.4 of the Appendix the post of Assistant Engineer/Sub Divisional Officer/Assistant Director (BPS-17) is mentioned. The qualification for appointment is prescribed to be BE/BSc Degree in Civil/Mechanical Engineering from a recognized University. Sixty-five percent of the posts were to be filled in through initial recruitment. Ten percent by promotion on the basis of seniority cum fitness from amongst the Sub Engineers who acquired, during service, degree in Civil or Mechanical Engineering from a recognized University. Five percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineers who joined service as degree holders in Civil/Mechanical Engineering. Vide Notification

15/1/22  
Rizwan

*Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rojina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

No.SOE/IRRI/23-5/2010-11 dated 25.06.2012, the notification of 2011 was amended. The amendments, relevant to these appeals, are reproduced as under:

### **Amendments**

In the Appendix,

i. Against serial No.4, in column No.5, for the existing entries, in clause (b), (c) and (d), the following shall be respectively substituted, namely:

(b) twelve percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized University and have passed departmental grade B&A examination with five years' service as such.

Note:- For the purpose of clause (b), a joint seniority list of the Sub Engineers having degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their appointment as Sub Engineer.

24.The working paper also contained the requirement of the rules and in view of the same, the panel of officers was prepared on proforma-II, which clearly shows that all the appellants were eligible and the officers, who were allegedly holding acting charge

15/4/22

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/2021 titled "Javedullah versus Government & others", and Service Appeal No.7663/2021 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

of the posts, were not eligible. Neither any deficiency of any of the appellants could be pointed out in the replies nor argued before us rather in paragraph 6 of the replies, the eligibility and fitness of the appellants was admitted in unequivocal terms. The only reason which was stated in the replies, the non-availability of the posts because the vacant posts, detailed in the working paper and in the minutes of the DPC, were occupied by the ineligible officers on acting charge basis since 2011 in utter violation of the rules and the method laid down by the department concerned.

25. In a recent judgment reported as 2022 SCMR 448 titled "*Bashir Ahmed Badini, D&SJ, Dera Allah Yar and others Versus Hon'ble Chairman and Member of Administration Committee and Promotion Committee of hon'ble High Court of Balochistan and others*", the august Supreme Court of Pakistan has held as under:

15/4/22

"13. According to Section 8 of the Civil Servants Act, 1973, for proper administration of a service, cadre or post, the appointing authority is required to make out a seniority list of the members, but no vested right is conferred to a particular seniority in such service, cadre or post. The letter of the law further elucidates that seniority in a post, service or cadre to which a civil servant is appointed shall take effect from the date of regular appointment to that post, whereas Section 9 is germane to the promotion which prescribes that a civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post under the rules for departmental promotion in the service or cadre to which he belongs. However, if it is a Selection Post then promotion shall be granted on the basis of selection on merit and if the post is Non- Selection Post then on the basis of seniority-cum-fitness. A quick look and preview of Rule 8-B of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 ('1973 Rules') shows that an Acting Charge Appointment can be made against the posts which are likely to fall vacant for a period of six months or

more which appointment can be made on the recommendations of Departmental Promotion Committee or the Selection Board. The acting charge appointment does not amount to an appointment by promotion on regular basis for any purpose including seniority and also does not confer any vested right for regular promotion to the post held on acting charge basis. Under Rule 18, the method of making Ad-hoc Appointments is available with the procedure that if any post is required to be filled under the Federal Public Service Commission (Function) Rules, 1978, the appointing authority shall forward a requisition to the Commission immediately. However, in exceptional cases ad-hoc appointment may be made for a period of six months or less with prior clearance of the Commission as provided in Rule 19 wherein if the appointing authority considers it to be in public interest to fill a post falling within the purview of Commission urgently pending nomination of a candidate, it may proceed to fill it on ad-hoc basis for a period of six months. The reading of Balochistan Civil Servants Act, 1974 also reveals that the provisions made under Section 8 are similar to that of Civil Servants Act, 1973. Here also in Section 8, it is clarified that the seniority in the post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post and the criteria for promotion is also laid down with like prerequisites for the selection post and or non-selection post as provided in Civil Servants Act, 1973. So far as ad-hoc and temporary appointments are concerned, Rules 16 to 18 of Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009 also enlightened that in case a post is required to be filled through Commission, the Administrative Secretary of the Department shall forward a requisition in the prescribed form to the Commission, however, when an Administrative Department considers it to be in public interest to fill in a post falling within the purview of Commission urgently, it may, pending nomination of a candidate by the Commission, with prior approval of the competent authority, proceed to fill such post on ad-hoc basis for a period not exceeding six months by advertising the same. The Acting Charge appointment is encapsulated under Rule 8 with the rider that appointment on acting charge basis shall neither amount to a promotion on regular basis for any purpose including seniority, nor shall it confer any vested right for regular promotion to the post held on acting charge basis."

15/4/22

Service Appeal No.7659/2021 titled "Shahid Ali Khan, vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

26. Last but not the least, it seems quite astonishing that, while negating their own stance that there was no vacancy available so that the appellants could be promoted, the respondents, vide Notification No.SO(E)/IRRI:/4-3/DPC/2019/Vol-IX dated 28.03.2022, promoted Engr. Bakhtiar, (only one of the eligible) Graduate Sub-Engineer/Assistant Engineer BS-17 (ACB means acting charge basis), to the post of Assistant Engineer (BS-17) on regular basis. This action of the respondents not only speaks volumes about their malafide but also proves the stance taken by the appellants that they were being discriminated and were not being dealt with equally or in accordance with law.

27. Before parting with the judgment we deemed it appropriate to address a possible question and that is whether the minutes of the meeting of the DPC, deferring the Agenda item-III pertaining to promotion, whereby the appellants were, in a way, ignored from promotion on the pretext discussed hereinabove, could be termed as 'final order' enabling the appellants to file appeal before this Tribunal. In this respect we will refer and derive wisdom from the judgment of the august Supreme Court of Pakistan reported as PLD 1991 SC 226 titled "Dr Sabir Zameer Siddiqui versus Mian Abdul Malik and 4 others". It was found by the honourable Supreme Court that:

*"5. There is no requirement of law provided anywhere as to how a final' order is to be passed in a departmental proceeding. In the present case, not only the representative of the competent authority considered the comments offered in the High Court to be the final*

Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs. Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", "Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

order but the High Court itself acted on such representation thereby inducing the appellant to seek further relief in accordance with law. The appellant could, in the circumstances, approach the Service Tribunal for the relief."

(Underlining is ours)

28. We also refer to the judgment of the honourable High Court of Sindh reported as 2000 PLC CS 206 titled "Mian Muhammad Mohsin Raza versus Miss Riffat Shiekh First Senior Civil Judge and others", wherein the honourable High Court of Sindh, while dealing with the term 'final order' observed as under:

*"It would not be out of place to mention that appeals before the Service Tribunal are provided by section 4 of the Sindh Service Tribunals Act, 1973, against any "final order". The term "order" cannot be given any restricted connotation and as held in Muhammad Anis Qureshi v. Secretary Ministry of Communication 1986 PLC (C.S.) 664, the word "order" as used in section 4 of the Service Tribunals Act, 1973, is used in a wider sense to include any communication which adversely affects a civil servant."*

(Underlining is ours)

For the foregoing reasons, we hold that the minutes of the meeting of the DPC dated 23.06.2021, deferring the Agenda item No.III relating to promotion would amount to depriving/ignoring the appellants from promotion and is thus a communication adversely affecting them, therefore, it would be considered a 'final order' within the meaning of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

29. In the given circumstances, we allow these appeals and direct the respondents to consider the appellants for promotion against the



Service Appeal No.7659/2021 titled "Shahid Ali Khan..vs..Government of KP & others", Service Appeal No.7660/2021 titled "Rizwan versus Government of KP & others", Service Appeal No.7661/2021 titled "Wajahat Hussain versus Government of KP & others", Service Appeal No.7662/20201 titled "Javedullah versus Government & others", and Service Appeal No.7663/20201 titled "Inamullah and Government of KP & others", decided on 15.04.2022 by Division Bench comprising Mr. Kalim Arshad Khan, Chairman and Mrs. Rozina Rehman, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

vacant posts. The DPC shall be held at the earliest possible, but not later than a month of receipt this judgment. Copies of this judgment be placed on all the connected appeal files. Consign.

30. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 15<sup>th</sup> day of April, 2022.*



**KALIM ARSHAD KHAN**  
Chairman



**ROZINA REHMAN**  
Member Judicial

(Approved for Reporting)



15<sup>th</sup> April, 2022

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. A.G for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgment of today, containing 25 pages, we allow this appeal and direct the respondents to consider the appellant for promotion against the vacant post. The DPC shall be held at the earliest possible, but not later than a month of receipt this judgment. Copies of this judgment be placed on all the connected appeal files. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 15<sup>th</sup> day of April, 2022.*



**(KALIM ARSHAD KHAN)**  
**Chairman**

**(ROZINA REHMAN)**  
**Member (J)**

01.04.2022

learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. A.G alongwith Faizul Haq, Superintendent for the respondents present.

Written reply submitted which is placed on file. The appeal is assigned to D.B for arguments on 14.04.2022. The appellant may furnish rejoinder, if any, within fortnight.

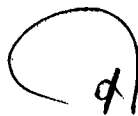


Chairman

14.04.2022

Mr. Amin-ur-Rehman Yousafzai, advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakheil Asst. AG for the respondents present.

Arguments heard. To come up for order on 15.04.2022 before this D.B.



Rozina Rehman  
Member (J)



Chairman



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**IRRIGATION DEPARTMENT**  
**(Establishment Section)**

Dated Peshawar the 28<sup>th</sup> March, 2022

**NOTIFICATION**

**No. SO(E)/IRRI/4-3/DPC/2019/Vol-IX:** The Competent Authority on the recommendations of Departmental Promotion Committee (DPC), in its meeting held on 13.01.2022 is pleased to promote **Engr. Bakhtiar, Graduate Sub-Engineer/ Assistant Engineer BS-17 (ACB) to the post of Assistant Engineer (BS-17)** in Irrigation Department on regular basis, with immediate effect.

2. The officer on promotion will remain on probation for a period of one year extendable for further one year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfers) Rules, 1989.


3. The posting/transfer orders of the officer will be issued separately.

**Secretary to Govt. of Khyber Pakhtunkhwa**  
**Irrigation Department**

**Endst. No. & date even.**

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (South) Irrigation Department, Peshawar.
3. The Chief Engineer (North) Irrigation Department, Peshawar.
4. The Superintending Engineer, Swat Irrigation Circle Swat.
5. The Executive Engineer, Swat Irrigation Division-I, Swat.
6. The officer concerned.
7. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
8. The District Accounts officer Swat.
9. PS to Secretary Irrigation Department, Khyber Pakhtunkhwa.
10. Master file.
11. Personal file of the officer.

  
**Section Officer (Establishment)**

13.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was appointed as Sub-Engineer (BS-11) in the respondent-department on 16.09.2013 and having passed his departmental examination (category-D and A) was eligible for promotion as SDO (BS-17). However, in departmental promotion committee held on 23.06.2021 item No-III was deferred on the basis of certain clarification sought regarding interpretation of amendment in serial-4 of the service rules notified on 25.06.2012. Feeling aggrieved the appellant submitted departmental appeal on 13.07.2021 which was not responded within the statutory period, hence, the instant service appeal was filed on 18.10.2021.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 22.02.2022 before S.B.

Appellant Deposited  
Security & Process Fee

13/12/21

(Mian Muhammad)  
Member(E)

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.03.2022 for the same as before.

Reader

16.03.2022

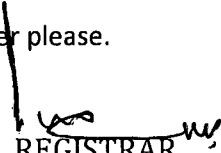

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 0.04.2022 for the same as before.

Reader

Form- A  
FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7661/2021 \_\_\_\_\_


S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	
1-	25/10/2021	<p>The appeal of Mr. Wajahat Hussain resubmitted today by Mr. Amin-ur-Rehman Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>13/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Shahid Ali Khan son of Jehan Sardar, SDO, Shahbaz Garhi Irrigation Sub Division, District Mardan received today i.e. on 18.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures of the appeal may be attested.
2. Annexures C, D and E attached with the appeal are illegible which may be replaced by legible/better one.

No. 2081 /S.T,

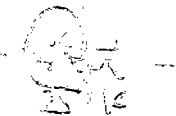
Dt. 18/10 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Amin Ur Rehman Yousafzai Adv.  
High Court Pesh.

Resubmit.

Sir, All the ~~file~~ objection cleared  
Please received the case.

  
Clerk - Accounts

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

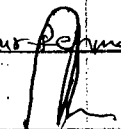
## CHECK LIST

Case Title: Shahid Ali Khan v/s Govt of KP & others

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

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

Name: Mr Amin-ur-Rehman Yusufzai

Signature: 

Dated: 18-10-21



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

Service Appeal No.\_\_\_\_/2021

**Shahid Ali Khan**, Sub Divisional Officer..... **Appellant**

....**V E R S U S**....

Government of Khyber Pakhtunkhwa & others..... **Respondents**

**ADDRESSES OF THE PARTIES**

**A P P E L L A N T:**

**Shahid Ali Khan S/O Jehan Sardar**,  
Sub Divisional Officer, Shahbaz Garhi Irrigation Sub Division, District Mardan.

**R E S P O N D E N T S:**

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat Peshawar.
3. Chief Engineer (South) Irrigation Department, Warsak Road, Khyber Pakhtunkhwa Peshawar.

  
A P P E L L A N T

Through

**Amin ur Rehman Yusufzai**

  
**Sajjad Ahmad Mensud**

**Khalid Khan Mohmand**

&

  
**Muhammad Kareem Afridi**

Advocates, Peshawar

3-A, Park Avenue, Bhattani Plaza,

University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 14.10.2021

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

Service Appeal No. 7659/2021

**Shahid Ali Khan**, Sub Divisional Officer..... **Appellant**

**....VERSUS....**

Government of Khyber Pakhtunkhwa & others..... **Respondents**

**INDEX**

S.No.	Description of documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of the parties		6
4.	Copy of detailed CV	<b>A</b>	7-11
5.	Copy of offer of appointment dated: 16.09.2013	<b>B</b>	12
6.	Copy of recommendations dated: 09.09.2013 of the Khyber Pakhtunkhwa Public Service Commission	<b>C</b>	13-14
7.	Copy of up-gradation Notification dated: 07.03.2018	<b>D</b>	15
8.	Copy of OPS promotion Notification dated: 19.01.2017	<b>E</b>	16
9.	Copy of last posting notification dated: 18.11.2020	<b>F</b>	17-19
10.	Copy of Office Order dated: 16.08.2018	<b>G</b>	20-24
11.	Copy of Office Order dated: 15.10.2020 (Grade-A Exam)	<b>H</b>	25-27
12.	Copy of Rules of Service with all amendments upto date	<b>I</b>	28-31
13.	Copy of working paper alongwith ancillary documents, including panel of eligible Graduate Sub Engineers	<b>J</b>	32-37
14.	Copy of minutes of the DPC meeting held on 23.06.2021	<b>K</b>	38-41
15.	Copy of Departmental Appeal dated: 13.07.2021	<b>L</b>	42-45
16.	Wakalatnama		46

  
APPELLANT

Through

**Amin ur Rehman Yusufzai**

**Sajjad Ahmad Mehsud**

**Khalid Khan Mohmand**

&

**Muhammad Kareem Afridi**

Advocates, Peshawar

3-A, Park Avenue, Bheftani Plaza,

University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 14.10.2021

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

*Service Appeal No: 7659/2021*

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No.       /2021

Diary No. 7750

Dated 18/10/2021

**Shahid Ali Khan S/O Jehan Sardar,**  
Sub Divisional Officer, Shahbaz Garhi Irrigation Sub Division,  
District Mardan. ....

**Appellant**

**....VERSUS....**

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Civil Secretariat Peshawar.
3. Chief Engineer (South) Irrigation Department, Warsak Road, Khyber Pakhtunkhwa Peshawar. .... **Respondents**

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST THE DECISION / RECOMMENDATION OF THE DEPARTMENTAL PROMOTION COMMITTEE, IN ITS MEETING HELD ON 23.06.2021, REGARDING AGENDA ITEM NO.III, ON BASIS WHEREOF, CASE OF PROMOTION OF APPELLANT AS ASSISTANT ENGINEER/SUB DIVISIONAL OFFICER (BS-17) WAS DEFERRED.**

**PRAYER-IN-APPEAL:**

On acceptance of instant appeal, impugned decision/recommendation of the Departmental Promotion Committee, in its meeting held on 23.06.2021, regarding Agenda Item No.III, vide which case of promotion of appellant as Assistant Engineer/Sub Divisional Officer (BS-17) was deferred, alongwith subsequent proceedings thereto, may be declared as illegal, unlawful, without lawful authority, void ab-initio and of no legal effect, hence be set at naught and Respondent Department may further be directed to promote him to the rank of Assistant Engineer/Sub Divisional Officer (BS-17) from the date of eligibility with all consequential benefits.

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

*Filed to-day*  
*W*  
**Registrar**

**Respectfully Sheweth:**

1. That appellant is law abiding peaceful citizen of Pakistan and permanent resident of Dir Lower. He passed examinations of:
  - i. Diploma in Associate Engineer (DAE), Session 2001-2004, from Government Polytechnic Institute Swat.
  - ii. B.Sc. (Civil Engineering), Sessions 2005-2009, from CECOS University of IT&ES, Peshawar.
  - iii. M.Sc. (Project Management), Session 2011-2012, from Abasyn University Peshawar.
 (Copy of detailed CV is attached as Annexure "A").

**Re-submitted to  
and filed.**  
*W*  
**Registrar**

*25/10/21*

That appellant, being qualified, was appointed as Sub Engineer (BPS-11), in Respondent Department, by the Competent Authority, vide Office Order No.1755/IB/A/3-E, dated: 16.09.2013, on the recommendations dated: 09.09.2013 of the Khyber Pakhtunkhwa Public Service Commission.

**(Copies of offer of appointment dated: 16.09.2013 & recommendations dated: 09.09.2013 of the Khyber Pakhtunkhwa Public Service Commission, are attached as Annexures "B" & "C" respectively).**

3.

That Respondent Department, in pursuance of recommendation of the Up-gradation Committee and approval granted by the Competent Authority, accorded sanction to the up-gradation of the post of Sub Engineers, from BPS-11/12 to BPS-16 (one time), as personal to the incumbents, having ten years or more service to their credit, in the same scale in all the Government Departments of Khyber Pakhtunkhwa, vide Notification No.FD/SO(FR)7-13/2017/6253, dated: 07.03.2018.

**(Copy of up-gradation Notification dated: 07.03.2018 is attached as Annexure "D")**

4.

That, keeping in view eligibility coupled with excellent performance of appellant, Respondent Department posted/appointed him as Sub Divisional Officer (OPS), vide Notification No.SO(E)/IRRI/4-10/77/Vol-VI, dated: 19.01.2017 and presently posted as SDO Irrigation Sub Division Shahbaz Garhi Mardan, on the strength of Notification No.SO(E)/IRR/ 4-10/77/Vol-VI, dated: 18.11.2012 and having more than 8 years spotless career at his credit.

**(Copies of OPS promotion Notification dated: 19.01.2017 and last posting Notification dated: 18.11.2020, are attached as Annexures "E" & "F" respectively).**

5.

That appellant gone, successfully, through Departmental Grade-B & Grade-A Examinations, evident from Office Orders dated: 16.08.2018 and 15.10.2020 respectively, therefore, in view whereof, coupled with length of service, he became eligible for promotion to the post of Assistant Engineer (BS-17), as per rules in vogue.

**(Copies of Office Orders dated: 16.08.2018 (Grade-B Exam), 15.10.2020 (Grade-A Exam) & Rules of Service with all amendments upto date, are attached as Annexures "G", "H" & "I" respectively).**

6.

That Respondent Department initiated case of appellant, alongwith other eligible employees, for promotion to the post of Assistant Engineer (BS-17) and prepared working paper, alongwith panel of eligible Graduate Sub Engineers, for consideration against 12 % quota, reserved for B.Sc. Engineering Degree holders.

**(Copy of working paper alongwith ancillary documents, including panel of eligible Graduate Sub Engineers is attached as Annexure "J").**

7.

That synopsis of appellant, alongwith others, was put before DPC, in its meeting held on 23.06.2021, under Agenda Item No.III, but astonishingly appellant, alongwith other Graduate Engineers, has not been recommended for promotion and deferred the Agenda Item No.III ibid, on the pretext to seek guidance from Establishment Department, on the following:

- i. As per amended service rules of irrigation department notified on 25.06.2012, 12 posts of Assistant Engineers (BS-17) comes under 12% share quota of Graduate Sub Engineers alongwith passing of Departmental Grade-B & Grade-A Examinations against which six officers are working on regular basis while seven officers, included in the panel at Sr.No.1 to 6 & 9 are working as Assistant Engineers (BS-17) acting charge basis since 2011.
- ii. Before 25.06.2012 the passing of Grade-B & A examination was not mandatory for promotion to the post of Assistant Engineers and the above mentioned 7 graduates Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.
- iii. The departmental B & A examination is conducted after every two year. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at Serial No.1 to 6 & 9 (except serial No.4 B & A passed) have passed their mandatory Grade-B Examination and will appear in the A Examination in 2022.
  - a. As to whether the amended rules notified on 25.06.2012 are applicable to the above employees who were appointed in the year 2011 on acting charge basis or the present recruitment rules will be applicable in the instant case?

- b. If the present service rules are applicable upon the officers appointed on acting charge basis then before completion of mandatory examination by these officers, the officers junior to them can be promoted to the post of Assistant Engineers on regular basis or otherwise?

**(Copy of minutes of the DPC meeting dated: 23.06.2021 is attached as Annexure "K")**

8. That appellant preferred Departmental Appeal dated: 13.07.2021 to the Competent Authority/ Respondent No.1, against the decision dated: 23.06.2021 supra of DPC, which has not so far been decided, although, statutory period of 90 days has been elapsed, hence the instant appeal.

**(Copy of Departmental Appeal dated: 13.07.2021 is attached as Annexure "L")**

9. That appellant being aggrieved of decision/recommendation of the Departmental Promotion Committee, in its meeting held on 23.06.2021, on Agenda Item No.III, and having no other efficacious and alternate remedy, approaches this Hon'ble Tribunal, inter-alia, on the following grounds:

### **G R O U N D S:**

- A. That appellant is performing duties as Sub Divisional Officer, since 19.01.2017, against vacant post, with the entire satisfaction of the superiors. Furthermore, department has also recommended him to be promoted as Sub Divisional Officer on regular basis, but has been deferred, which has caused grave miscarriage of justice.
- B. That appellant has been deprived from his due right of promotion as Assistant Engineer, without any deficiency, which attracts jurisdiction of this Hon'ble Tribunal to ensure fair-play and justice.
- C. That Respondent Department has no lawful authority to keep pending case of promotion of appellant for indefinite period, that too, on the basis of no cogent reason, which is equated to discrimination in service within the meaning of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- D. That appellant has neither been treated in accordance with law nor extended him equal protection of law, enshrined in Articles 4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That Respondent Department/Departmental Selection Committee has very conveniently departed from normal course of law, which speaks volumes of malafide on their part.
- F. That some blue-eyed employees of the Respondent Department, who have not yet completed/passed Grade-B & Grade-A Departmental Examinations, were not eligible for promotion as Assistant Engineer, therefore, DPC delayed promotion case of appellant to deprive him from his right of seniority as Assistant Engineer, which is not permissible under the law of the land.
- G. That appellant is eligible from all aspects:
- i. Seniority-cum-fitness
  - ii. Length of service
  - iii. Qualification
  - iv. Passed Departmental Training B & A Examinations

However, deferred for no plausible reason, which tantamount to colourful exercise of jurisdiction.

H.

That any other ground, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant appeal, impugned decision/recommendation of the Departmental Promotion Committee, in its meeting held on 23.06.2021, regarding Agenda Item No.III, vide which case of promotion of appellant as Assistant Engineer/Sub Divisional Officer (BS-17) was deferred, alongwith subsequent proceedings thereto, may be declared as illegal, unlawful, without lawful authority, void ab-initio and of no legal effect, hence be set at naught and Respondent Department may further be directed to promote him to the rank of Assistant Engineer/Sub Divisional Officer (BS-17) from the date of eligibility, with all consequential benefits.


Any other relief, not specifically prayed for and deemed appropriate by this Hon'ble Tribunal in circumstances of the case, may also be granted.

  
APPELLANT

Through

Amin ur Rehman Yusufzai 

Sajjad Ahmad Munsud 

Khalid Khan Mohmand 

&

  
Muhammad Kareem Afridi

Advocates, Peshawar  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 14.10.2021

**VERIFICATION:**

Verified on oath that the content of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

  
Deponent

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

Service Appeal No.\_\_\_\_/2021

**Shahid Ali Khan**, Sub Divisional Officer..... **Appellant**

**....VERSUS....**


Government of Khyber Pakhtunkhwa & others..... **Respondents**

**AFFIDAVIT**

I, **Shahid Ali Khan S/O Jehan Sardar**, Sub Divisional Officer, Shahbaz Garhi Irrigation Sub Division, District Mardan, do hereby solemnly affirm declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.

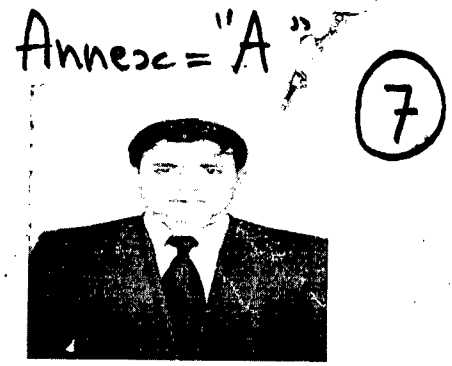
Identified By:

**Amin ur Rehman Yusufzai**  
Advocate, Peshawar

  
DEPONENT  
CNIC #: 15305-1468056-1



CV



## SHAHID ALI KHAN

Village Kotki Dheri P/O Kumbar Maidan

Tehsil: Lal Qilla District: Dir (Lower)

Residence#0092-945-885416

Cell#0092-301-8021941

Email: engr.shahid88@yahoo.com

### CAREER OBJECTIVES:

To utilize my professional skill and experience through highest level of Commitment and honesty in order to achieve organizational objectives and personal growth, and also to achieve the targets assigned by the top management of the organization.

### PERSONAL INFORMATION:

Father's Name: Jehan Sardar,

Date of Birth: March 14, 1983,

Nationality: Pakistani,

Religion: Islam,

C.N.I.C No: 15305-1468056-1

Domicile: Dir (Lower) N.W.F.P (KPK)

Marital Status: Married

### KEY SKILLS:

Excellent Interpersonal Skills.

Excellent Communication Skills.

Time Management

Technical Background.

Excellent Management Skills.

### ACADAMIC BACKGROUND:

#### Degree(s)

#### Institution

2012-to-date

M.Sc

Structure Engineering

(In progress)

IQRA University Peshawar

2011 to-2012

M.Sc

Project Management

ABASYN University Peshawar

2005-2009;

Bachelor of Science in Civil Engineering.

CECOS University of IT & Emerging Sciences,  
Peshawar, K,P,K, Pakistan

2001-2004:

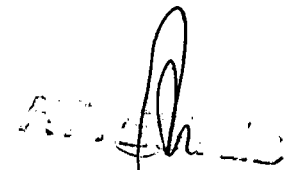
Diploma of Associate Engineer (D.A.E)

Govt: Polytechnic Institute Mingora Swat

2001:

Higher Secondary School Certificate  
(Science Group)

Government Higher Secondary School LalQilla





**FINAL YEAR PROJECT:**

Frame Structure Design

**PROFESSIONAL AFFILIATION:**

Member of Pakistan Engineering Council (PEC)

Redg: # CIVIL/28918

8

**EXPERIENCE:**

**Department:** Irrigation Department KPK

**DURATION:** January, 2017 to date.

**DESIGNATION:** Sub-Engineer (BPS-12)

**RESPONSIBILITIES:**

- Operation & Maintenance of Govt Canal.
- Preparation of Contractor Bills.
- Supervision of construction works of irrigation projects e.g. Irrigation Channels, Bridges, Culverts, Super-passages, Aqueducts, Roads, Tubewells, flood Protection Works, Buildings, Syphons, Tunnels, Outlets .
- Preparation of PC-I.
- Preparation of Technical Sections.
- Land Acquisition Reports.
- IEE Reports.
- Design of Irrigation Structure.
- Feasibility Surveyes.
- Testing of construction materials at site under international specification and standard's.
- Steel Quality, Quantity, Dimensions, Fixing as per drawing
- Execution of complete civil work according to drawing.
- Preparation of daily, weekly and Monthly Progress Reports.
- Plotting of Survey Data using "Egle Point Software"
- Plotting of Survey Data using "Civil 3D"
- Survey Supervision with the help of "Total Station" and "Level"
- And other related activities during the Construction Works.
- Computation Quantities.
- Tunnels survey & construction supervision.
- Preparation of Bar-bending and Sharp Drawings.
- Checking/reviewing the monthly executed quantities submitted by the contractor every month.

**Department:** Irrigation Department KPK

**DURATION:** September 16, 2013 to 31 December 2016.

**DESIGNATION:** Sub-Engineer (BPS-12)

**RESPONSIBILITIES:**

- Operation & Maintenance of Govt Canal.
- Preparation of Contractor Bills.
- Supervision of construction works of irrigation projects e.g. Irrigation Channels, Bridges, Culverts, Super-passages, Aqueducts, Roads, Tubewells, flood Protection Works, Buildings, Syphons, Tunnels, Outlets .

AT: [Signature]

[Signature]

9

- Preparation of PC-1.
- Preparation of Technical Sections.
- Land Acquisition Reports.
- IEE Reports.
- Design of Irrigation Structure.
- Feasibility Surveyes.
- Testing of construction materials at site under international specification and standard's.
- Steel Quality, Quantity, Dimensions, Fixing as per drawing
- Execution of complete civil work according to drawing.
- Preparation of daily, weekly and Monthly Progress Reports.
- Plotting of Survey Data using"Egle Point Software"
- Plotting of Survey Data using"Civil 3D"
- Survey Supervision with the help of "Total Station" and "Level"
- And other related activities during the Construction Works.
- Computation Quantities.
- Tunnels survey & construction supervision.
- Preparation of Bar-bending and Sharp Drawings.
- Checking/reviewing the monthly executed quantities submitted by the contractor every month.

**Bazai Irrigation Consultants**

**Bazai Irrigation Consultants**

**PROJECT:** Bazai Irrigation Project

Bazai Irrigation Project is a Joint Venture of BAK Consulting Engineer and AGES Consultants Peshawar. Bazai Irrigation Project is an Irrigation Project of Malakand Agency and District Mardan .The main irrigation channel is 41 kms long.

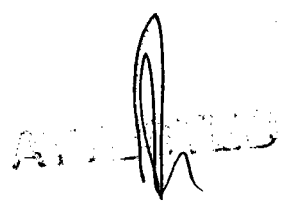
**EMPLOYMENT RECORD:** Site Engineer BAK Consulting Engineers Pvt.Ltd

**DURATION:** June 15, 2011 to September,15,2013

**DESIGNATION:** Assistant Resident Engineer (ARE)

**RESPONSIBILITIES:**

- Supervision of construction works of irrigation project.
- Construction Supervision of 63km Service Road along Canal.
- Construction Supervision of Structure e.g. Aqueducts, Superpassages, Drainage Culverts, Causeway, Outlets, Road Bridges/Culverts and Regulators etc.
- Testing of construction materials at the contractor's provided laboratory at site under international specification and standard's.
- Steel Quality, Quantity, Dimensions, Fixing as per drawing
- Execution of complete civil work according to drawing.
- Preparation of daily, weekly and Monthly Progress Reports.
- Plotting of Survey Data using"Egle Point Software"
- Survey Supervision with the help of "Total Station" and "Level"
- And other related activities during the Construction Works.
- Computation Quantities.
- Tunnels survey & construction supervision.
- Preparation of Bar-bending and Sharp Drawings.
- Checking/reviewing the monthly executed quantities submitted by the contractor every month.



## Bazai Irrigation Consultants

10

**PROJECT:** Bazai Irrigation Project

Bazai Irrigation Project is a Joint Venture of BAK Consulting Engineer and AGES Consultants Peshawar. Bazai Irrigation Project is an Irrigation Project of Malakand Agency and District Mardan. The main irrigation channel is 41 kms long.

**EMPLOYMENT RECORD:** Site Engineer BAK Consulting Engineers Pvt.Ltd

**DURATION:** Nov 09, 2010 to June 15, 2011

**DESIGNATION:** Junior Engineer

### RESPONSIBILITIES:

- Supervision of construction works of irrigation project.
- Testing of construction materials at the contractor's provided laboratory at site under international specification and standard's.
- Steel Quality, Quantity, Dimensions, Fixing as per drawing
- Execution of complete civil work according to drawing.
- Preparation of daily, weekly and Monthly Progress Reports.
- Plotting of Survey Data using "Egle Point Software"
- Survey Supervision with the help of "Total Station"
- And other related activities during the Construction Works.
- Computation Quantities.
- Tunnels Survey & construction supervision.

## High Head Hydropower Consultants (HHC)

**PROJECT:** Indus Tributaries High-Head Hydropower Complex Project

- Khan Khwar 72 MW (Height of Weir/Dam 29m)
- Duber Khwar 130 MW (Height of Weir/Dam 32m)
- Allai Khwar 121 MW (Height of Weir/Dam 32.5m)

**EMPLOYMENT RECORD:** Site Engineer BAK Consulting Engineers Pvt.Ltd

**DURATION:** Nov 2009 to Nov 2010

**DESIGNATION:** Junior Survey /Construction Engineer

### RESPONSIBILITIES:

- Survey Supervision with the help of "Total Station"
- Supervision of construction works of hydropower project
- Testing of construction materials at the contractor's provided laboratory at site under international specification and standard
- Updating of project progress data
- Monitoring of progress and activities of the project
- Updating the weekly and ten days progress reports
- Execution of complete civil work according to drawing
- Steel Quality, Quantity, Dimensions, Fixing as per drawing
- Concrete pouring at site and ensuring specified mix design ratio
- Check the Survey work before Concreting
- Complete the Traverse at D/S of Duber Khwar with the help of Total Station
- Complete Topography with the help of Total Station
- To prepare the Triangulations, Contours map, Cross sections with the help of computer Software "Eagle Point" by the help of data Collected by the Total Station

➤ Checking/reviewing the monthly executed quantities submitted by the contractor every month.

## Bazai Irrigation Consultants

11

**PROJECT:** Bazai Irrigation Project

- Bazai Irrigation Project is a Joint Venture of BAK Consulting Engineer and AGES Consultants Peshawar. Bazai Irrigation Project is an Irrigation Project of Malakand Agency and District Mardan. The main irrigation channel is 41 kms long.

**EMPLOYMENT RECORD:** Site Engineer BAK Consulting Engineers Pvt.Ltd

**DURATION:** Jan 2009 to Nov 2009

**DESIGNATION:** Survey Engineer

### RESPONSIBILITIES:

- Traverse Survey of the Project Using Total Station.
- Topographic Survey of the Project Using Total Station.
- Alignment of the Project Using Total Station.
- Collection of Samples.
- Site Management during Survey.
- Preparation of Monthly Progress Reports.
- Plotting of Survey Data using "Egle Point Software"
- And other related activities during the Survey Works.

### Instruments Used

- Nikon Total Station
- Topcon Total Station
- Sokkia Total Station

### RESPONSIBILITY:

Will be provided on demand

### COMPUTER SKILLS:

AutoCAD(2D&3D)	Ms Office	Ms Project	Ms Dos	Power Point	C/C++
GRASP	Road Calc (Eagle Point)	Internet	Home Plan Pro	Frame Master	Ring 150
SAP2000	Ms Visio	Primavera			

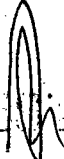
### LANGUAGE SKILLS:

- English
- Urdu
- Pashto

### REFERENCES:-

Available on request

  
Shahid Ali Khan

  
ATTACHED



OFFICE OF THE CHIEF ENGINEER  
IRRIGATION DEPARTMENT (SOUTH) WING KHYBER PUKHTUNKHWA  
PESHAWAR

Phone No. 091-9212116 Fax No. 091-9212652

Annex = "B"

12

No. 1755 /IB/A/3-E

Dated Peshawar the 16/09/2013

To

Mr. Shahid Ali Khan S/O Jahan Sardar,  
House No.413, Street No.8, Section No. K-4,  
Phase-III, Hayatabad, Peshawar.

Subject: APPOINTMENT AS SUB ENGINEER BS-11.

Consequent upon the recommendation of the Khyber Pukhtunkhwa Public Service Commission vide his letter No. KPK-PSC-SR-VI/90399, dated 09-09-2013 received vide Secretary to Govt: of Khyber Pukhtunkhwa Irrigation Department letter No. SO(E)IRR:4-14/73-Vol-III dated 12-09-2013, you are hereby offered a post of an officiating/temporary Sub Engineer BS-11 (Rs.6600-460-20400), Plus other usual allowances as admissible under the Rules with the following conditions in this department.

1. Your service will be governed under the Govt: of Khyber Pakhtunkhwa Amendment Act 2013 read with Govt: of Khyber Pakhtunkhwa Finance Department, (Regulation Wing) Circular No.SOSR-III/FD/12-1/2005, dated 27-2-2013.
2. You will be granted the minimum of BPS-11 with usual allowances as admissible under the Govt: Khyber Pakhtunkhwa Civil Servant Amended Act 2013.
3. Your appointment in this department is purely temporary/ officiating and your services will be terminated with out any notice and reason being assigned at any time irrespective of the fact that you are holding a post other than the one to which you are originally recruited or on the payment of 14 days salary in lieu of the notice.
4. You will have to join duty at your own expenses.
5. Any terms & conditions issued by the Govt: thereafter in this regard will also binding upon you.
6. You will be governed by such rules and orders relating to leave, T.A, Medical Attendance, Pay / Pension and Discipline etc as exist and may be issued by Govt. for the category of Govt. servants to which you belongs.
7. You shall remain on probation for a period of two years extendable up to 3 years.
8. If this offer of appointment on temporary/officiating basis on the above terms & conditions is acceptable to you, you should report arrival for duty to the office of the under signed within stipulated period of the receipt of this letter and produce the following original documents.
  - i. Domicile.
  - ii. Medical Fitness Certificate.
  - iii. Education qualification Certificate.
  - iv. That you are not a dismissed Government Servant.
  - v. Character Certificate.
  - vi. Copy of Computerized National Identity Card.
  - vii. An undertaking on stamp paper of Rs.30/- duly attested by the Oath commissioner to the effect that the offer of appointment is accepted on all the above terms and conditions.
  - viii. An undertaking on stamp paper that you are not dismissed from the Govt: service.

If you failed to report arrival for duty to the undersigned within the stipulated period (i.e. 30-09-2013) the offer shall automatically null and void.

SUPERINTENDING ENGINEER  
HEADQUARTER

Copy to the:-

1. Secretary to Govt: of Khyber Pukhtunkhwa Irrigation Department Peshawar.
2. Secretary, Khyber Pukhtunkhwa, Public Service Commission Peshawar.
3. Chief Engineer North Irrigation Department Peshawar.
4. Director General Small Dams Irrigation Department Peshawar.
5. Project Director Rehabilitation/Warsak Remodeling.
6. All Superintending Engineers in Irrigation Deptt.
7. Accountant General Khyber Pukhtunkhwa.
8. All Executive Engineers in Irrigation Department.
9. All Agency/Districts Accounts Officers.
10. Officials concerned.

SUPERINTENDING ENGINEER  
HEADQUARTER

Scanned with CamScanner

Received  
16/09/13

Annex = "C"

(CONFIDENTIAL)

K.P.K PUBLIC SERVICE COMMISSION  
21st Floor, Peshawar Court, (Near Governor House)  
P.O. Box 9213563  
L.S. No. 9211295



090330  
Date: 24/11/2013

13

To: The Secretary to Govt: of Khyber Pakhtunkhwa,  
Irrigation Department,  
Peshawar.

Subject: RECRUITMENT OF TWENTY SIX (26) POSTS OF SUB  
ENGINEERS CIVIL (BPS-11) IN IRRIGATION  
DEPARTMENT.(ADVT:NO.01/2012.S.NO.27).

Dear Sir,

I am directed to refer to your letter No.5991-92/H/A/3-6 dated 03.10.2011 on the subject noted above and to state that the Commission recommends the following twenty six (26) candidates to Government for appointment against the subject cited posts:-

S.No.	Name with Father's Name	District/Zone
1.	Shahid/Ali Khan S/O Jehan Sardar	Dir Lower/3
2.	Imad Jan S/O Parvez Gul	Charsadda/2
3.	Noor Muhammad S/O Alam Zeb	Malakand/3
4.	Muhammad Abbas Khan S/O Ghulam Shabbir	D.I.Khan/4
5.	Danish Shah S/O Shah Jahan Shah	Mansehra/5
6.	Asghar Ali S/O Qismat Khan	S.W Agency/1
7.	Asad Ali S/O Ghulam Murtaza	Peshawar/2
8.	Ijaz Ali S/O Shah Room	Malakand Agy/3
9.	Muhammad Nawaz S/O Niaz Muhammad	Lakki Marwat/4
10.	Basit Hussain S/O Mushtaq Hussain	Abbottabad/5
11.	Imtiaz Ali S/O Amir Sultan	Bajaur Agency/1
12.	Asad Zia S/O Khayal Muhammad	Mardan/2
13.	Azim Ullah S/O Shajdar Khan	Dir Upper/3
14.	Rizwan S/O Abdur Rehman	D.I.Khan/4
15.	Syed Zaheer Ud Din Shah S/O Syed Zia Ud Din Shah	Mansehra/5
16.	Azmat Khan S/O Muhammad Afzal	Khyber Agy/1
17.	Uzair Khan S/O Fazal E. Wahab	Charsadda/2
18.	Ahmad Jamil S/O Akbar Khan	S.W Agency
19.	Awais Ur Rehman S/O Haji Shah Daraz Khan	F.F. District
20.	Waqar Hussain S/O Khan Khel	Peshawar/2
21.	Junaid Ali S/O Muhammad Wali	Mansehra/5
22.	Kaza Ullah Khan S/O Hamid Ullah Khan	Mansehra/5
23.	Abdul Quddos S/O Zardad Khan	Haripur/5
24.	Sardar Gul S/O Hizer U din	Mohmand Agy/1
25.	Muhammad Zeeshan Zaheer S/O Jalat Khan Zaheer	Peshawar/2
26.	Muran Khan S/O Khurshid Anwar	Swat/3

Secretary Irrigation

AK  
[Signature]

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Recommendation in favour of the recommendees is provisional subject to their medical fitness and verification of domicile/ testimonials by the Department.

(CONFIDENTIAL)



KPK Public Service Commission  
2 Fort Road Peshawar Cantt: (Near Governor House)  
Tel: No.9213563  
Ex. No.9211795

To,

The Secretary to Govt. of Khyber Pakhtunkhwa.  
Irrigation Department,  
Peshawar:

Subject: RECRUITMENT OF TWENTYSIX (26) POSTS OF SUB ENGINEERS CIVIL (BPS-11) IN IRRIGATION DEPARTMENT (ADVT:NO.01/2012.S.NO.27)

Dear Sir,

I am directed to refer to your letter No.S(91/92/----/1-6, dated: 03.10.2011 on the subject noted above and to state that the Commission recommends the following twenty-six (26) candidates by Government on appointment against the subject cited posts:

S. No.	Name with Father's Name	----- / Zone
1.	Shahid Ali Khan S/O Jehan Sardar	Dir Lower/3
2.	Imad Jan S/O Parvez Gul	Charsadda/2
3.	Noor Muhammad S/O Alam Zeb	Malakand/3
4.	Muhammad Abbas Khan S/O Ghulam Shabbir	D.I. Khan/4
5.	Danish Shah S/O Shamul Islam Shah	Mansehra/5
6.	Asghar Ali S/O Usman Khan	S.W Agency/1
7.	Asad Ali S/O Ghulam Murtaza	Peshawar/2
8.	Ijaz Ali S/O Shah Room	Malakand Agency/3
9.	Muhammad Nawaz S/O Niaz Muhammad	Lakki Marwat/4
10.	Basit Hussain S/O Mushtaq Hussain	Abbottabad/5
11.	Imtiaz Ali S/O Amir Sultan	Bajaur Agency/1
12.	Asad Zia S/O Khayal Muhammad	Mardan/2
13.	Azim Ullah S/O Shaidar Khan	Dir Lower/3
14.	Rizwan S/O Abdur Rehman	D.I. Khan /4
15.	Syed Zaheer ud Din S/O Syed Zia ud Din Shah	Mansehra/5
16.	Azmat Khan S/O Muhammad Afzar	Khyber Agy/1
17.	Uzair Khan S/O Fazal Wahab	Charsadda/2
18.	Ahmad Jameel S/O Itbar Khan	Swabi/2
19.	Awais ur Rehman S/O Haji Shah Darar Khan	F.R Bannu/1
20.	Waqar Hussain S/O Khan Khel	Peshawar/2
21.	Junaid Ali S/O Muhammad Wali	Malakand/3
22.	Raza Ullah Khan S/O Hamid Ullah Khan	Bannu-4
23.	Abdul Quddos S/O Zardad Khan	Haripur/5
24.	Sardar Gul S/O Hizer ud Din	Mohmand Agy/1
25.	Muhammad Zeeshan Zaheer S/O Jalat Khan Zaheer	Peshawar/2
26.	Imran Khan S/O Khurshid Anwar	Swat/3

Recommendation in favour of the recommendees is provisional subject to their medical fitness and verification of domicile / testimonials by the Department.

3) The inter-se-merit of the selectees will be communicated on finalization of entire series of interview. The serial chronological order will not confer any right of seniority.

4) Upto to date zonal state will be as under:-

	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share:	10	10	10	07	07	44
Adjusted:	10	10	10	07	07	44
Balance:	-	-	-	-	-	-

5) First applications (with enclosures) of above twenty six (26) recommendees are enclosed herewith for your record. Please acknowledge receipt.

Yours faithfully,

(GHULAM DASTAGIR AHMAD)  
DIRECTOR RECRUITMENT



BETTER COPY

3) The inter-se merit of the selectees will be communicated on finalization of entire series of interview. The serial chronological order will not confer any right of seniority.

4) Upto date zonal state will be as under:

	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share:	10	10	10	07	07	44
Adjusted:	10	10	10	07	07	44
Balance:	-	-	-	-	-	-

5) Therefore recommendations (with enhancement of the above twenty six (26) recommendees, enclosed herewith for your record. Please acknowledge receipt.

Yours faithfully,

(GHULAM DASTAGIR AHMAD)  
DIRECTOR RECRUITMENT



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Annexure="D"

(15)

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

NOTIFICATION

NO.FD/SO(FR)7-13/2017/6253 Implementation of recommendations of the  
upgradation committee and approval granted by Competent Authority sanctioned  
herby 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.

*Spl Secy*  
*circulate*

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.

*circulate*

*[Signature]*

SECTION OFFICER (FR)

*Step 6*

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*AS*

*12-03-18*

*25-12-18*



BETTER COPY

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

No.SO(FR)/F/D/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 up-gradation committee and approval granted by the Competent Authority, sanction is hereby accorded to the up-gradation 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 of their credit in the same scale in all the Government Department of Khyber Pakhtunkhwa with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,  
FINANCE DEPARTMENT.

**Endst: No. & Date as above.**

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

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretary 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 Officer 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)

13/1/19

Anness = 'E'

16

Dated Peshawar 10<sup>th</sup> January, 2017

NOTIFICATION

No. SO(E)/IRRI/4-10/77/Vol VI

The competent authority is pleased to appoint/transfer of the following officers of Irrigation Department with immediate effect for the public interest:

S No	Name of the Officer	From	To
1	Mr. Zahid Iqbal Said, Assistant Engineer (BS-17)	SDO, Irrigation Sub-Division, Chakzaira Dir (Lower)	SDO, Faisalabad Irrigation Channel Dir (Upper) Dir (Lower)
2	Mr. Faraz Khuda, Assistant Engineer (BS-17)	SDO, Faisalabad Irrigation Channel Dir (Upper)	SDO, Irrigation Sub-Division, Chakzaira Dir (Lower), Muzaffargarh
3	Mr. Aftab Zahir, Graduate Engineer	Directorate General Small Dams, Peshawar	Assistant Director, Small Dams, Faisalabad against the vacant post in his own pay scale
4	Mr. Shahid Ali Khan, Graduate Engineer	Swat Irrigation Division, Swat	SDO, Gomal Zam Irrigation Division, D.I. Khan against the vacant post in his own pay scale.

Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department

Encls: No. & Date as above

Copy of this order is forwarded to:

- The Assistant General, Khyber Pakhtunkhwa, Peshawar.
- The Chief Engineer (North), Irrigation Department, Peshawar.
- The Chief Engineer (South), Irrigation Department, Peshawar.
- The Director General, Small Dams, Peshawar.
- The Superintending Engineer (H/O) North Irrigation, Peshawar.
- The Superintending Engineer (H/O) South Irrigation, Peshawar.
- The Superintending Engineers, Irrigation Circles, D.I. Khan & Swat.
- The SDO, Irrigation Division, Dir.
- The officers/officials concerned.
- The Chief Accounts Officer, Dir (Upper & Lower), D.I. Khan & Kohat.
- The Section Officer (Dev.) Irrigation Department, Peshawar.
- The Senior Minister for Irrigation, Khyber Pakhtunkhwa, Peshawar.
- The Secretary Irrigation Department, Peshawar.
- The Director of the Officers.

OFFICE OF C.E. (SOUTH) IRR: DEPTT:  
 File No. 217 Date 20/1/17  
 1136- Section  
 REC

*Signature*  
 (AZAL HAH)  
 SECTION OFFICER (I.S.E.)

A/6  
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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT**

Dated Peshawar 17<sup>th</sup> September, 2017

**NOTIFICATION**

**No.SO(E)IRR:/4-10/77/Vol-VI**

The Competent Authority is pleased to postings / transfers of the following officers of Sub Divisional Officer Irrigation Department with immediate effect, in the public interest.

S.No.	Name of the Officer	From	To
1.	Engr. Akhunzada Tahir Said, Assistant Engineer (BS-17)	SDO, Irrigation Sub Division, Charsadda Dir (Lower).	Deputy Director Office, Irrigation against the post
2.	Engr. Fazal Khuda, Assistant Engineer (BS-17)	SDO, Kohat Irrigation Chakdara Dir (Upper)	SDO, Irrigation Sub Division, Chakdara, Dir (Lower) Vice No.1
3.	Mr. Aftab Alam, Graduate Sub Engineer	Directorate General Small Dams, Peshawar.	Assistant Director, Small Dams, Kohat against the vacant post to his own pay scale.
4.	Mr. Shahid Ali Khan, Graduate Sub Engineer	Swat Irrigation Division, Swat.	SDO, Gomal Zone, Irrigation Division, D.I. Khan against the vacant post in his own pay scale.

Secretary to Govt. of Khyber Pakhtunkhwa,  
Irrigation Department.

**Endst: No. & Date as above.**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (North) Irrigation Department, Peshawar.
3. The Chief Engineer (South) Irrigation Department, Peshawar.
4. The Director General, Small Dams, Peshawar.
5. The Superintending Engineer (HQ) North Irrigation Department.
6. The Superintending Engineer (HQ) South Irrigation Department.
7. The Superintending Engineer Irrigation Circles D.I. Khan & Swat.
8. The Irrigation Division Dir.
9. The District Accountant General, Dir, Upper & Lower, D.I. Khan & Swat.
10. The Section Officer (Div) Irrigation Department, Peshawar.
11. PA to Additional Secretary, Irrigation Department.
12. PA to Deputy Secretary (Admn), Irrigation Department.
13. Master file
14. Personal file of the officers.

(FAZAL ELAHI)  
SECTION OFFICER-ESTT:



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT  
(Establishment Section)

Annexure "F"

17

Dated Peshawar 18<sup>th</sup> November, 2020

**NOTIFICATION**

**No. SO(E)/IRR/4-10/77/Vol-VI:** In compliance with the directives of the Provincial Cabinet in its meeting dated 18<sup>th</sup> August, 2020 and upon recommendations of the Placement Committee comprising of all 04 Chief Engineers of Irrigation Department, the Competent Authority is pleased to order posting/transfer of the following officers of Irrigation Department with immediate effect, in the public interest:-

S.#	Name of Officer	From	To
1.	Engr. Anwar Kamal, Executive Engineer (BS-18).	Executive Engineer, Bannu Canal Division, Bannu.	Superintending Engineer, Irrigation Circle, Bannu against the vacant post in his own pay and scale.
2.	Engr. Baatur Zaman, Executive Engineer (BS-18).	Deputy Director, Remodeling of Warsak Canals System Project, Peshawar.	Executive Engineer, Charsadda Irrigation Division, Charsadda. Vice Sr. No. 3
3.	Engr. Fakhr-e-Alam, Assistant Engineer (BS-17)/XEN (OPS).	Executive Engineer (OPS), Charsadda Irrigation Division, Charsadda.	Deputy Director (OPS), Remodeling of Warsak Canals System Project, Peshawar. Vice Sr. No. 2
4.	Engr. Wajid Ali Shah, Executive Engineer (BS-18)	Deputy Director, Small Dams, Mardan.	Deputy Director, Jabba Dam District Khyber. Vice Sr. No. 5
5.	Engr. Mustafa Ali, Assistant Engineer /XEN (OPS)	Deputy Director, Jabba Dam District Khyber.	Executive Engineer (OPS), Bannu Canal Division, Bannu. Vice Sr. No. 1
6.	Engr. Tariq Ali Khan, Executive Engineer (BS-18).	Executive Engineer, Gomal Zam Irrigation Division, D.I. Khan.	Executive Engineer, Swabi Irrigation Division-II, Swabi against the vacant post.
7.	Engr. Ali-ur-Rehman, Executive Engineer (BS-18).	Awaiting posting.	Deputy Director, Small Dams, Mardan, Vice Sr. No. 4
8.	Engr. Ghulam Rasool Barki, Assistant Engineer (BS-17)/XEN (OPS).	Executive Engineer (OPS), Irrigation & Hydel Power Division, District South Waziristan.	Deputy Director (OPS), o/o Chief Engineer newly Merged Areas Irrigation Department. Vice Sr. No. 12
9.	Engr. Zar Gul Khan, Assistant Engineer (BS-17)/XEN (OPS)	Deputy Director (OPS), Remodeling of Warsak Canals System Project, Peshawar.	Deputy Director (OPS), Pehur High Level Canal Extension Project, Swabi. Vice Sr. 10
10.	Engr. Muhammad Younas, Assistant Engineer (BS-17)/XEN (OPS).	Deputy Director (OPS), Pehur High Level Canal Extension Project, Swabi	Deputy Director (OPS), Remodeling of Warsak Canals System Project, Peshawar. Vice Sr. No. 9
11.	Engr. Imranullah, Assistant Engineer (BS-17)/XEN (OPS)	Awaiting posting	Executive Engineer (OPS), Gomal Zam Irrigation Division, D.I. Khan. Vice Sr. No. 6
12.	Mr. Waheed Ullah, (BS-18 Personal)	Deputy Director (OPS), o/o Chief Engineer newly Merged Areas Irrigation Department.	Executive Engineer (OPS), Irrigation & Hydel Power Division, District Orakzai. Vice Sr. No. 17

13	Mr Shahdad Khan, Assistant Engineer (BS-17)/XEN (OPS)	Deputy Director (OPS), o/o Chief Engineer, Newly Merged Areas.	Executive Engineer, Irrigation & Hydel Power Division, District Khyber. Vice Sr. No. 16
14	Engr. Anwar Shah, Hydrogeologist (BS-18 Personal).	Hydrogeologist, Ground Water, Merged Areas.	Deputy Director (OPS), Ground Water, Merged Areas. Vice Sr. No. 15.
15	Engr. Sohail Khan, Assistant Engineer (BS-17)/XEN (OPS).	Deputy Director (OPS), Ground Water, Merged Areas.	Deputy Director (OPS), Planning o/o Chief Engineer (South) Irrigation against the vacant post:
16	Engr. Mamriz Khan, Assistant Engineer (BS-17)/XEN (OPS)	Executive Engineer (OPS), Irrigation & Hydel Power Division, District Khyber.	Deputy Director (OPS), o/o Chief Engineer, Newly Merged Areas. Vice Sr. No. 13
17	Mr. Mehmood Khan, Assistant Engineer (BS-17 Personal).	Executive Engineer (OPS), Irrigation & Hydel Power Division, District Orakzai.	Executive Engineer (OPS), Irrigation & Hydel Power Division, District South Waziristan. Vice Sr. No. 8
18	Mr. Farid Ullah, Assistant Engineer (BS-17), Acting Charge Basis.	SDO, Civil Canal Division, Bannu.	SDO, Canal-II Sub Division, Sarai Naurang, Bannu. Vice Sr. No. 19
19	Mr. Saeed Ullah, Assistant Engineer (BS-17), Acting Charge Basis.	SDO, Canal-II, Sarai Naurang Sub Division, Bannu.	SDO, Civil Canal Sub Division, Bannu. Vice Sr. No. 18
20	Mr. Muhammad Shoaib, Sub Engineer/SDO (OPS)	Assistant Director (OPS), Small Dams—Division, Abbotabad.	SDO (OPS), Irrigation Sub Division, Haripur against the vacant post.
21	Mr. Muhammad Imran, Sub Engineer/SDO (OPS)	SDO (OPS), Irrigation Sub Division, Kohistan.	Assistant Director (OPS), Small Dams Division, Abbotabad. Vice Sr. No. 20
22	Mr. Shahid Ali Khan, Sub Engineer/SDO (OPS)	SDO (OPS), Irrigation Sub Division Gandigar, Dir (Upper).	SDO (OPS), Irrigation Sub Division, Shahbaz Garhi against the vacant post.
23	Mr. Muhammad Hayat, Sub Engineer/SDO (OPS)	SDO (OPS), Irrigation Sub Division, Dargai.	SDO (OPS), Irrigation Sub Division Gandigar, Dir (Upper). Vice Sr. No. 22
24	Mr. Muhammad Iqbal-II, Sub Engineer/SDO (OPS).	SDO (OPS), irrigation Sub Division, Battagram.	SDO (OPS), Irrigation Sub Division, Kohistan. Vice Sr. No. 21 with additional charge of SDO, Irrigation Sub Division, Battagram in addition to his own duties.
25	Mr. Ghulam Habib, Deputy Collector (BS-17)	Deputy Collector, Remodeling of Warsak Canals System Project, Peshawar.	Deputy Collector, Peshawar Canals Irrigation Division against the vacant post.
26	Mr. Asif Khan, Assistant Engineer (BS-17), Acting Charge Basis.	SDO, Mechanical Irrigation Sub Division, Mardan.	SDO, Warsak Lift Canal Sub Division, Peshawar. Vice Sr. No. 27
27	Mr. Wajahat Hussain, Sub Engineer/SDO (OPS)	SDO (OPS), Warsak Lift Canal Sub Division, Peshawar.	SDO (OPS), Project Sub Division, Kohat/Hangu. Vice Sr. No. 28
28	Engr. Mazhar Hussain, Assistant Engineer (BS-17).	SDO, Project Sub Division, Kohat.	Deputy Director (Planning) o/o Chief Engineer (North) Irrigation against the vacant post in his own pay and scale.

29.	Mr. Muhammad Javed, Sub Engineer.	Sub Engineer, Directorate General, Small Dams, Peshawar.	Assistant ( Director, Small Dams, Mardan against the vacant post in his own pay and scale.
30.	Mr. Hidayat Ullah, Assistant Engineer (BS-17),	SDO, Jani Khel Sub Division, Bannu.	SDO-II, Gomal Zam Irrigation Division, D.I. Khan against the vacant post.
31.	Mr. Hameed Ullah, Sub Engineer	Sub Engineer, Marwat Canal Division, Bannu.	SDO, Jani Khel Sub Division, Bannu in his own pay and scale. Vice Sr. No. 30
32.	Mr. Ahmad Jamil, Sub Engineer.	Sub Engineer, Swat Irrigation Division, Swat.	SDO, Irrigation Sub Division, Dargai in his own pay and scale. Vice Sr. No. 23
33.	Mr. Maqsood Ahmad, Sub Engineer.	Sub Engineer, Tube Wells Irrigation Division, Peshawar.	SDO, Mechanical Irrigation Division, Mardan in his own pay and scale. Vice Sr. No. 26

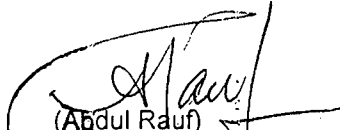
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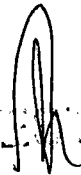
**Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department**

**Endst: No. & Date as above**

Copy of the above is forwarded to:-

- 1- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Engineers (North/South & Merged Areas), Irrigation Department, Peshawar.
- 3- The Director General, Small Dams, Peshawar.
- 4- The Project Director, Remodeling of Warsak Canals System Project, Peshawar.
- 5- The Project Director, Pehur High Level Canal Extension Project, Swabi.
- 6- All Superintending Engineers of Irrigation Department.
- 7- PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 8- PS to Secretary Establishment Department, Peshawar.
- 9- The officers concerned.
- 10- The Section Officer (Dev) Irrigation Department.
- 11- The District Accounts Officers concerned.
- 12- PS to Minister for Irrigation, Khyber Pakhtunkhwa.
- 13- PS to Secretary Irrigation Department.
- 14- PA to Additional Secretary, Irrigation Department.
- 15- PA to Deputy Secretary (Admn), Irrigation Department.
- 16- Personal Files of the officers.

  
 (Abdul Rauf)  
 Section Officer (Estt;)

  
 ATTENDED





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

Ph: 091-9212116 Fax No. 091-9212652 E-Mail chiefoffice@yahoo.com

Annex = "G"

20

No 4336/IB/N/33-G.

Dated Peshawar 16/03/2018

OFFICE ORDER

The following candidates of Irrigation Department Khyber Pakhtunkhwa have passed the Departmental Grade B Examination held on 4, 5 and 6 Apr. 2018

S No	Name, designation	Name of Office
1	Mr. Shah Rehman S/Engineer OPS	Swabi Divn. No. 1 Swat
2	Abdur Razaq Sub Engineer (OPS)	Kohat Irrigation Divn. Kohat
3	Mr. Bakhtiar SDO	Swat Irrigation Division Swat
4	Mr. Fawad Ahmad Work Munshi	Swat Irrigation Divn. Swat
5	Imran Sub Engineer	-do-
6	Azeemullah Sub Engineer	-do-
7	Mr. Ahmad Jamil Sub Engineer	-do-
8	Mr. Amjad Iqbal Sub Engr. OPS	-do-
9	Mr. Rizwan SDO OPS	Gomal Zam Division D. Khan
10	Mr. Samiullah Sub Engineer OPS	CRBC Irrigation Divn. D. Khan
11	Noor Mohammad Sub Engineer	Malakand Irrigation Division
12	Mr. Gul Said Sub Engineer OPS	Marsai Canals Divn. Peshawar
13	S. Islam Hussain Sub Engineer OPS	-do-
14	Mohammad Iqbal Canal Inspector	Peshawar Canals Divn. Peshawar
15	Mr. Asad Ali Sub Engineer	Swabi Irrigation Division No. 2
16	Mr. Yasir Fawad Sub Engineer OPS	Swabi Irrigation Division No. 2
17	Mr. Suleman Work Munshi	-do-
18	Mr. Ikram Ali Work Munshi	-do-
19	Mr. Asghar Ali Sub Engineer	Mechanical Division Peshawar
20	Muhammad Mumtaz S/Engineer	Mechanical Irr. Divn. Peshawar
21	Asad Zia Sub Engineer	Mechanical Irr. Divn. Peshawar
22	Mr. Imtiaz Ali Sub Engineer	T/Well Irrigation Divn. Peshawar
23	Mohammad Shafi S/Engineer OPS	-do-

21

24	Waheedullah Sub Engineer (OPS)	Marwat Canal Divn: Bannu
25	Imtiaz Hussain Sub Engineer OPS	Flood Irrigation Division DIKhan
26	Mr. Kifayatullah Sub Engr: OPS	-do-
28	Muhammad Arsalan S/Engineer OPS	Malakand Irrigation Division
29	Mr. Shahid Ali Shah SDO (OPS)	Dir Irrigation Division Dir
30	Mr. Sadam Khan Sub Engineer OPS	Swat Irrigation Divn: Swat
31	S. Mazhar Ali Shah S/Engineer OPS	Peshawar Canal Divn: Peshawar
32	Muhammad Nawaz S/Engineer	Warsak Canals Divn: Peshawar
33	Mr. Inamullah S/Engineer OPS	PHLC Project Swabi.
34	Mr. Razaullah Sub Engineer	Kohat Irrigation Divn: Kohat
35	Mr. Amin Khan Sub Engineer OPS	Kohat Irrigation Divn: Kohat
36	S. Khurshid Gul Sub Engineer OPS	Kohat Irrigation Divn: Kohat
37	Muhammad Shafiq Sub Engineer OPS	-do-
38	Mohammad Raziq Sub Engineer (OPS)	-do-
39	Mr. Sadam Khan Sub Engineer	Hazara Irr: Din: A/Abad
40	Mr. Javedullah Sub Engineer	Small Dams P&C Divn: Mardan
41	Mr. Johar Rehman Sub Engineer	Irr: & Hydel SW Agency
42	Saeedur Rehman Sub Engineer	Irr: & Hydel SW Agency
43	Muhammad Awais Sub Engineer	Irr: & Hydel SW Agency
44	Aurangzeb Sub Engineer	Irr: & Hydel SW Agency
45	Mr. Inamullah SDO (OPS)	Swat Irrigation Divn: Swat
46	Mr. Asif Munir Sub Engineer OPS	Hazara Irrigation Div: A/Abad
47	Roohul Qudos S/Engineer OPS	-do-
48	Muhammad Saeed Surveyor	Hydrology Irr: Division Peshawar
49	Mr. Zeeshan Zaheer Sub Engineer	Peshawar Canals Divn: Peshawar
50	Muhammad Tahir Work Munshi	-do-
51	Muhammad Qaseem Jan Sub Engineer OPS	Warsak Canal Division Peshawar
52	Mr. Naveed Ahmad Canal Inspector	Remodeling Project Peshawar
53	Mr. Saeed Gul Sub Engineer	-do-
54	Mr. Amad Sub Engineer	Warsak Canals Divn: Peshawar
55	Mr. Abdul Qudos Sub Engineer	SIRAN Project A/Abad
56	Muhammad Haris Rafiq Surveyor	CRBC Division DIKhan

APPROVED

57	Mr. Mohammad Manan S/Engineer	Dir Irrigation Division Dir
58	Mr. Rizwan Khan Sub Engineer	Swat Irr: Divn: Swat
59	Mr. Abdul Ghaffar Gauge Reader	W.C. Divn: Peshawar
60	Muhammad Ilyas Gauge Reader	Mardan Irrigation Division
61	Hamidullah Sub Engineer	Marwat Canal Divn: Bannu
62	Muhammad Hilal Sub Engineer OPS	Swat Irrigation Divn: Swat
63	Arifullah Work Munshi	Marwat Canal Divn: Bannu
64	Mr. Zainul Akhar Work Munshi	Rehabilitation Project Peshawar
65	Fahimullah Work Munshi	Gornal Zam Divn: DIKhan
66	Hidayatullah Sub Engineer (OPS)	Marwat Canal Divn: Bannu
67	Mr. Kamal Khan Sub Engineer	Irrigation & Hydrel FATA
68	Mr. Nizamul Haq Sub Engineer OPS	Dir Irrigation Division Dir

The following candidates have failed in the subject noted examination

Sl. No	Name, designation	Name of Office	Subject in which failed	Marks obtained	Remarks
1	Mr. Asadullah Gauge Reader	Bannu Canal Divn: Bannu	Practical Accounts Professional	54 48 55	Lost 1st chance Passed Survey in this year
2	Mr. Inamullah Work Munshi	Bannu Canal Divn: Bannu	Practical	62	Lost 1st chance Passed professional Survey & Accounts this year
3	Mr. Zar Muhammad Work Munshi	Bannu Canal Divn: Bannu	Professional Accounts Practical	44 46 62	Lost 1st chance Passed Survey this year
4	Habibur Rehman Work Munshi	Gornal Zam Divn: DIKhan	Professional Accounts Practical	49 32 62	Lost 1st chance passed survey this year
5	Hafiz Jehanzeb Work Munshi	CRBC Irrigation Division DIKhan	Professional Accounts	38 44	Lost 2 <sup>nd</sup> chance passed survey and practical previously
6	Umarsaid Gauge Reader	Chorsadda Irr: Divn: Chorsadda	Practical	34	Lost 1st chance passed professional, Survey and accounts this year
7	Mr. Uzair Khan Sub Engineer	Small Dams (PZC) Divn: Mardan	Practical	74	Lost 1st chance passed professional, survey and accounts this year
8	Muhammad Irfan Haidar Work Munshi	Paharpur Irr: Divn: DIKhan	Professional	22	Lost 2 <sup>nd</sup> chance passed accounts this year & practical & survey previously
9	Mr. Nazar Muhammad Work Munshi	Swabi Irrigation Division No 2	Professional Accounts	47 53	Lost 2 <sup>nd</sup> chance passed survey this year and practical previously

10	Mr. Fazal Subhan Work Munshi	-do-	Professional Accounts Survey	40 44 52	Lost 2 <sup>nd</sup> chance passed practical this year
11	Hidayatullah Work Munshi	Flood Irrigation Division DIKhan	Professional Accounts Survey	50 32 43	Lost 1st chance passed practical this year
12	Mr. Saleh Mohammad Work Munshi	Swabi Irrigation Division No.1	Survey	40	Lost 2 <sup>nd</sup> chance passed ,professional, Practical, and accounts previously
13	Mr. Farooq Work Munshi	Mardan Irrigation Division Mardan	Professional Accounts	47 30	Lost 2 <sup>nd</sup> chance passed practical and Survey previously
14	Mohibullah Gauge Reader	Mardan Irrigation Division Mardan	Accounts	24	Lost 1st chance passed professional Survey & practical this year
15	Mr. Abdullah Gauge Reader	Warsak Canals Division Peshawar	Professional Accounts	34 46	Lost 1st chance passed practical and survey this year
16	Mr. Sardar Gul Sub Engineer	Charsadda Irrigation Division	Accounts Practical	49 77	Lost 1st chance passed Professional, & Survey this year
17	Mr. Tariq Mehmood Work Munshi	Mardan Irrigation Divn: Mardan	Professional Accounts Survey	44 13 23	Lost 2 <sup>nd</sup> chance passed, practical previously
18	Mr. Naveed Ayaz Work Munshi	Swabi Irrigation Division No.2	Professional Accounts	21 43	Lost 1st chance passed survey & practical this year
19	Muhammad Mansoor Work Munshi	Gomal Zam Division DIKhan	Survey Practical	22 75	Lost 1st chance passed Professional and Survey this year
20	Mr. Ihsanullah Gauge Reader	Hydrology Divn: Peshawar	Professional Accounts Practical	45 34 42	Lost 1st chance passed Survey this year
21	Mr. Asmatullah	CRBC Division DIKhan	Professional Accounts Practical	21 33 42	Lost 1st chance passed survey this year
22	Waqar Anjum Work Munshi	Paharpur Irr: Divn: DIKhan	Professional Accounts Practical	25 51 78	Lost 1st chance passed survey this year
23	Tahid Khan Gauge Reader	Marwat Canal Division Bannu	Practical	53	Lost 1st chance passed professional, survey and accounts this year
24	Fahad Khan Work Munshi	Swabi Division No.1	Professional Practical	49 83	Lost 1st chance passed Accounts and survey this year
25	Muhammad Hamad Hussain Gauge Reader	Swabi Division No.1 Swabi	Accounts Practical	54 49	Lost 1st chance passed professional and survey this year
26	Ghulam Jillani Gauge Reader	Paharpur Irrigation Divn: DIKhan.	Professional Accounts Survey	52 35 49	Lost 2 <sup>nd</sup> chance
27	Mutabar Khan Sub Engineer	Irrigation & Hydrl FATA	Professional Accounts Practical	55 42 69	Lost 1st chance passed survey this year
28	Niaz Hussain Mate	CRBC Division DIKhan	Professional Accounts	42 53	Lost 1st chance passed survey & practical this year
29	Hashmatullah Gauge Reader	Paharpur Irr: Divn: DIKhan	Professional Practical	23 71	Lost 1st chance passed survey and accounts this year

30	Muhammad Rizwan Gauge Reader	Paharpur Irr: Divn: DIKhan	Professional Accounts Survey Practical	31 40 40 36	Lost 1st chance failed in all subjects
31	Bahadur Khan Work Munashi	Paharpur Irr: Divn: DIKhan	Professional Acocunts Survey Practical	17 22 44 77	Lost 1st chance failed in all subjects
32	Kifayatullah Sub Engineer (OPS)	Gomal Zam Divn:DIKhan	Accounts	54	Lost 1st chance passed survey, professional and practical this year
33	Mr.Shahid Riaz Work Munshi	Hazara Irrigation Divn:A/Abad	Professional Accounts	Absent	Lost 1st chance passed survey & practical this year
34	Ibrar Shah Work Munshi	Marwat Canal Divn:Bannu	Professional	Absent	Lost 1st chance passed survey ,accounts and practical this year
35	Hayatullah G/Reader	Marwat Canal Divn:Bannu	Accounts	37	Lost 1st chance passed professional, survey and practical this year
36	Javed Hassain Shah Work Munshi	Paharpur Irr: Divn: DIKhan	Profesional Accounts Survey	37 35 Absent	Lost 2nd chancePassed practical previously
37	Samiullah Khan Work Munshi	Marwat Canal Divn:Bannu	Practical Survey	54 Absent	Lost 1st chance passed professional and accounts this year
38	Nawaz Awan Work Munshi	CRBC Divn:DIKhan	Professional Practical	40 76	Lost 1st chance
39	Mr.Fazal Sher	Warsak Canal Division Peshawar	Professional Accounts Survey	Absent Absent Absent	Lost 1st chance passed practical this year
40	Mudassir Hussain Mechanic	CRBC Divn: DIKhan	Professional Accounts Survey	Absent Absent Absent	Lost 1st chance passed practical this year
41	Mr.Hidayatullah Gauge Reader	Hydrology Irr: Division Peshawar	Accounts	33	Lost 1st chance passed professional, survey & practical this year
42	Mr.Ghafar Ali Sub Engineer OPS	PHLC Project Swabi	Survey	38	Lost 2 <sup>nd</sup> chance passed professional, accounts and practical this year

*[Signature]*  
CHIEF ENGINEER (SOUTH)

1. Chief Engineer (North) Irrigation Department.
2. Director General Small Dams Directorate Irrigation Department.
3. Director FATA Irrigation and Hydel FATA Secretariat.
4. Project Director SIRAN Right Bank Canal Project A/Abad.
5. Project Director Remodeling of Warsak Canal Project Peshawar.
6. Project Director PHLC Project Swabi.
7. All Superintending Engineers in Irrigation Department.
8. All Executive Engineers in Irrigation Department.
9. Deputy Director Small Dams (P&C) Division Koht/A/Abad ,Peshawar and Mardan.
10. Official concerned.

CHIEF ENGINEER (SOUTH)

*[Signature]*  
**ATTENDED**



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

Ph: 091-9212116 Fax No. 091-9212652 E-Mail: chiefoffice@yahoo.com

No. 4728/IB/A/33-G.

Dated Peshawar 15/10/2020

25

**OFFICE ORDER**

The following candidates of Irrigation Department Khyber Pakhtunkhwa have Passed the Departmental Grade A Examination held on 13.14 and 15 July 2020:-

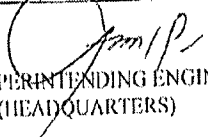
Sl: No	Name, designation	Name of Office to which attached
1	Mr. Abdul Ghaffar Sub Engineer (OPS)	SIRAN Project A Abad.
2	Mr. Abdul Qudos Sub Engineer	-do-
3	Mr. Abdur Razzaq Sub Engineer (OPS)	Irr: and Hydel Power NWTD Tank
4	Mr. Adil Khan Sub Engineer (Mech:)	Tubewell Division Peshawar
5	Mr. Amjad Iqbal Sub Engineer (OPS)	Swat Irrigation Divn: Swat
6	Asad Ali Sub Engineer	Warsak Canal Division Peshawar
7	Asghar Ali Sub Engineer	Paharpur Irr: Division DIKhan
8	Mr. Asif Munir Subn Engineer (OPS)	Small Dams (P&C) A: Abad
9	Mr. Aurang Zeb Sub Engineer	Irr: and Hydel Power NWTD Tank
10	Azhar Qayum	Small Dams (P&C) Divn: Konza
11	Mr. Azimullah SDO (OPS)	Chitral Irrigation Division Chitral
12	Mr. Bakhtiar SDO	Malakand Irrigation Division MKD.
13	Mr. Fawad Ahmad Sub Engineer (OPS)	Swat Irrigation Division Swat
14	Mr. Fida Mohammad Sub Engineer	Malakand Irrigation Division
15	Hamidullah Sub Engineer	Marwat Canal Division Bannu
16	Hidayatullah Sub Engineer (OPS)	Paharpur Irrigation Divn: DIKhan
17	Hidayatullah Gauge Reader	Hydrology Division Peshawar
18	Mr. Ikramullah Sub Engineer	Mardan Irrigation Divn: Mardan
19	Imad Jan Sub Engineer	Peshawar Canals Division Peshawar
20	Mr. Imran Khan Sub Engineer	Swat Irrigation Division Swat
21	Mr. Imriaz Ali Sub Engineer	Mardan Irrigation Division Mardan
22	Mr. Imtiaz Hussain Sub Engineer OPS	CRBC Division DIKhan
23	Mr. Inamul Haq Lodhi Sub Engineer	Hazara Irrigation Division A: Abad
24	Mr. Inamullah SDO (OPS)	Irrigation Secretariat (PMC)
25	Mr. Inamullah Sub Engineer (OPS)	PHLCE Project Swabi
26	Mr. Javedullah SDO (OPS)	Irr: and Hydel Power Khyber Divn:
27	Jauhar Rehman SDO	-do-
28	Kamal Khan Sub Engineer	Irr: and Hydel Power Divn: Kurrum
29	Mr. Kifayatullah Sub Engineer (OPS)	Paharpur Irr: Divn: DIKhan
30	Mr. Kifayatullah Sub Engineer (OPS)	Irr: and Hydel Power NWTD Tank

31	Mr. Manan Khan Sub Engineer	Charsadda Division
32	Muhammad Nawaz Sub Engineer	Peshawar Canal Division Peshawar
33	Mohammad Arif Sub Engineer	CRBC Division DIKhan
34	Muhammad Arsalan Sub Engineer	Swat Irrigation Division Swat
35	Muhammad Awais Sub Engineer	Irr: and Hydel Power NWT D Tank
36	Mohammad Hilal Sub Engineer (OPS)	Swabi Division No.1
37	Muhammad Mumtaz Sub Engineer	Hydrology Division Peshawar
38	Mohammad Shafi Sub Engineer (OPS)	Warsak Canal Division Peshawar
39	Muhammad Shafiq Sub Engineer (OPS)	Kohat Division Kohat
40	Mr. Nizamul Haq Sub Engineer (OPS)	Dir Irrigation Divn: Dir
41	Mr. Noor Mohammad SDO (OPS)	Swat Irrigation Division Swat
42	Mr. Noor Rehman Sub Engineer OPS	Tubewell Division Peshawar
43	Mr. Rizwan Khan Sub Engineer	Swat Irrigation Division Swat
44	Mr. Rizwan SDO (OPS)	Flood Division DIKhan
45	Syed Khurshid Gul Sub Engineer (OPS)	Kohat Division Kohat
46	Syed Mazhar Ali Shah Sub Engineer OPS	Peshawar Canal Division Peshawar
47	Mr. Saadullah Sub Engineer	Gomal Zam Divn: DIKhan
48	Mr. Sadam Khan SDO (OPS)	Hazara Irrigation Division A/Abad
49	Mr. Saeed Gul Sub Engineer	Remodeling Project Peshawar
50	Mr. Saeedur Rehman Sub Engineer	Irr: and Hydel Power Divn: Khyber
51	Mr. Samiullah Sub Engineer (OPS)	Gomal Zam Division DIKhan
52	Mr. Shahid Ali Khan SDO (OPS)	Dir Irrigation Division Dir
53	Mr. Sohail Khan Sub Engineer (OPS)	Swabi Irrigation Division No.2
54	Mr. Suleman Khan Sub Engineer (OPS)	Charsadda Division Charsadda
55	Mr. Sultan Ali Sub Engineer	Marwat Canal Division Bannu
56	Mr. Taeab Said SDO (OPS)	Dir Irrigation Division Dir
57	Mr. Wahidullah Sub Engineer (OPS)	Marwat Canal Division Bannu
58	Mr. Wajahat Hussain Shah SDO (OPS)	Warsak Canal Divn: Peshawar
59	Mr. Yasir Fawad Sub Engineer (OPS)	Mardan Irrigation Division
60	Mr. Zeeshan Zaheer SDO (OPS)	Irr: and Hydel Power Divn: Kurram

The following candidates have failed in the subject noted examination


Sl: No	Name, designation	Name of Office	Subject in which failed	Marks obtained	Remarks
1	Mr. Ahmad Jamil Sub Engineer	Swat Division	Accounts Professional	34 20	Passed Practical & Survey this year
2	Mr. Anwar Hayat Sub Engineer (Mech)	CRBC Divn: DIKhan	Accounts	30	Passed professional and Practical previously
3	Mohammad Haris Rafiq, Surveyor	Peshawar Canals Divn: Peshawar	Professional Accounts Survey Practical	23 40 48 45	Failed in all subjects

4	Mohammad Qaseem Jan Sub Engineer OPS	Warsak Canals Division	Professional Accounts Survey Practical	40 0 12 16	Failed in all subjects
5	Mr.Razaullah Engineer	Sub Kohat Division	Professional Accounts Survey	51 51 42	Passed Practical this year
6	Mr.Sadam Engineer (OPS)	Sub Dir Irrigation Division	Professional Accounts Survey Practical	30 42 37 15	Failed in all subjects
7	Samiullah Munshi	Work Marwat Cannal Divn:Bannu	Accounts Practical	39 61	Passed professional this year
8	Fahimullah Work Munshi	Gomal Zam Divn: DIKhan	Professional Accounts Survey Practical	06 10 02 02	Failed in all subjects
9	Mohammad Ilyas Gauge Reader	Mardan Irrigation Division Mardan	Professional Accounts Survey Practical	18 10 16 18	Failed in all subjects

  
 SUPERINTENDING ENGINEER  
 (HEADQUARTERS)

CC

1. Secretary to Government of Khyber Pakhtunkhwa Irrigation Department.
2. Chief Engineer (North) Irrigation Department.
3. Chief Engineer (Merged Area) Irrigation Department Peshawar.
2. Director General Small Dams Directorate Irrigation Department.
3. Director Irr: and Hydel Power (Merged Area).
4. Project Director SIRAN Right Bank Canal Project A/Abad.
5. Project Director Remodeling of Warsak Canal Project Peshawar.
6. Project Director PHLC Project Swabi.
7. All Superintending Engineers in Irrigation Department.
8. All Executive Engineers in Irrigation Department.
9. Deputy Director Small Dams (P&C) Division Kohat/A/Abad ,Peshawar and Mardan.
10. Official concerned.

  
 SUPERINTENDING ENGINEER  
 (HEADQUARTERS)



EXTRAORDINARY

Annex = "I"

28

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT.

**NOTIFICATION**

Dated Peshawar the 17<sup>th</sup> February, 2011

**NO.SO(E)IRR:/23-5/73:** In pursuance of the provisions contained in sub rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No.SO(E)IRR:/23-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the Appendix (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province  
Irrigation Department.

688

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

29



KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.

APPENDIX

Sl#	Nomenclature of Post	Qualification for appointment	Age Limit	Method of recruitment
1	2	3	4	5
<b>PART-I-ENGINEERING STAFF</b>				
1.	Chief Engineer/ Director General (BPS-20)			By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3.	Executive Engineer/ Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules.
4.	Assistant Engineer/Sub Divisional Officer/ Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<ul style="list-style-type: none"> <li>a. Sixty five percent by initial recruitment.</li> <li>b. ten percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who has acquired during service degree in Civil or Mechanical Engineering from a recognize university.</li> <li>c. five percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who joined service as degree holders in Civil/Mechanical Engineering and</li> <li>d. twenty percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineer's, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade A examination with ten years service as such.</li> </ul> <p>Note: - Provided that where candidate under Clause (b) &amp; (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>
5.	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	<ul style="list-style-type: none"> <li>a. Eighty percent by initial recruitment; and</li> <li>b. twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized institute or Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.</li> </ul>

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**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 25TH JUNE, 2012.

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

**NOTIFICATION**

Dated: 25<sup>th</sup> June, 2012.

No. SOE/IRRI/23-5/2010-11. — In pursuance of the provisions contained in sub-rule (2) of rule-3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Irrigation Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(E)Irr/23-5/73 dated 17.02.2011, the following amendments shall be made namely:-

**AMENDMENTS**

In the Appendix,

i. Against Serial No. 4, in column No. 5, for the existing entries, in clause (b), (c) and (d), the following shall be respectively substituted, namely:

ii. (b) twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five year service of such.

Note- For the purpose of Clause (b), a Joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their 1<sup>st</sup> appointment as Sub Engineer.

(c) eight percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having Degree in B. Tech (Hons) and have passed departmental Grade B and A examination with five years service as such; and

Note- For the purpose of clause (c), a seniority list of Sub Engineers having Degree in B. Tech (Hons) shall be maintained and their seniority is to be reckoned from the date of their 1<sup>st</sup> appointment as Sub Engineer.

(d) fifteen percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers, who hold a Diploma of Associate Engineer in Civil, Mechanical, Electrical or Auto Technology and have passed departmental Grade B and A examination, with five years service as such.

Note- For the purpose of clause (d), a seniority list of Sub Engineers having Diploma of Associate Engineering in Civil Mechanical, Electrical or Auto Technology shall be maintained and their seniority is to be reckoned from the date of their 1<sup>st</sup> appointment as Sub Engineer.

Note- The quota of clause (b), (c) and (d), above respectively shall be filled in by initial recruitment, if no suitable Sub Engineer is available for promotion:

- ii. against serial No. 5, in column No. 5, for the existing entries in clause (b), the following shall be substituted, namely:
  - (b) fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors, having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto-Technology from a recognized Board of Technical Education, having passed the departmental Grade-B and Grade-A examination, with at-least seven years service as such; and
  - (c) five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Work Munshi, Surveyors, and work superintendent, having passed the departmental Grade-B examination with at-least ten years service as such;
- iii. Against serial No. 7, in column No. 5, for the words "three years" the words "one year" shall be substituted;
- iv. against serial No. 9, in column No. 3, for the existing entry the following shall be substituted, namely:
  - a. Bachelor Degree or equivalent qualification from a recognized University; and
  - b. A speed of 80 words per minute in short hand in English and 40 words per minute in English typing; and
- v. against serial No. 13, in column No. 5, in clause (b), the words and figures "and are under 45 years of age" shall be deleted.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT.

Subject:-

WORKING PAPER FOR DEPARTMENTAL PROMOTION COMMITTEEDepartment IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA

1. Nomenclature of the post

Assistant Engineer/Sub Divisional Officer BS-17

2. Service Cadre

Engineering cadre (Graduate) ✓

3. Sanctioned strength of Regular cadre

(i) Irrigation Department = 80  
(ii) Merged Area = 21  
Total:- = 101

(32)

		Direct	Promotion			Transfer	Remarks
			12% Graduate	8% Btech Honours	15% Diploma Holder		
i	Percentage of share	65%					
ii	No. of posts in each category	65.65 (Say- 66)	12.12 (Say 12) ✓	8.08 (Say-08)	15.15 (Say-15)	-	-
iii	Present occupancy position	29	06 ✓	6	08	-	Detail attached
iv	No. of vacancies in each category	37	06 ✓	02	07	-	-

(v) How did the vacancy (i.e) under Promotion quota accrue and since

Due to promotion of Muhammad Sajjad and Muhammad Younas Sub Divisional Officers BS-17 to the rank of Executive Engineer BS-18 vide Notification No.SO(E)IRR:/4-3/DPC/PSB/2012 Vol:V 22-1-2020. (Annexure-I) and retirement of Muhammad Naeem Wahidullah and Hayatullah Graduate SDO (Annexure-II,III and IV) and including 21 posts of Assistant Engineers BS-17 of Irrigation Department (Merged Area)

(vi) Recruitment Rules

- 65% by initial recruitment.
  - Twelve percent by promotion on the basis of seniority cum fitness from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized University and have passed departmental Grade B&A examinations with five year service as such:
- Note:- For the purpose of clause(b) a joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their Ist appointment as Sub Engineer or from the date of acquiring degree whichever is later.
- Eight percent by promotion on the basis of seniority cum fitness from amongst the Sub Engineers having degree in B.Tech: (Hons) and have passed departmental Grade B and A examinations with five years' service as such and.

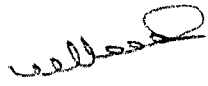
Note:- For the purpose of clause(c) a seniority list of the Sub Engineers having Degree in B.Tech: (Hons) shall be maintained and their seniority is to be reckoned from the date of their Ist appointment as Sub Engineer or from the date of acquiring degree whichever is later

- d. Fifteen percent by promotion on the basis of seniority cum fitness from amongst the Sub Engineers who hold a Diploma of Associate Engineer in Civil, Mechanical, Electrical or Auto Technology and have passed departmental Grade B and A examinations with five years' service as such and.

Note:- For the purpose of clause(d) a seniority list of the Sub Engineers having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer.

Note:- The quota of clause (b) (C) and (d) above respectively shall be filled in by initial recruitment if no suitable Sub Engineers is available for promotion:

Final Seniority list of degree holder Sub Engineer as stood on 31-12-2020 is attached along with synopsis of the officials

  
Additional Secretary  
Irrigation Department

ATTACHED 

PROFORMA-II

34

Panel of Graduate Sub Engineers for consideration

S.No.	Name of Sub Engineers	Date of ist Entry into service	Prescribed Length of Service for promotion	Eligible for Promotion	Remarks
1	Mr.Roohul Amin	12-12-1990	05 years	Not eligible	Not yet passed Grade A Examination Working as SDO On acting charge basis since 13-12-2011
2	Shaukat Badshah	09-12-1990	05 years	Not eligible	Not yet passed Grade A Examination Working as SDO on acting Charge basis Since 13-12-2011
3	Mr.Saeedullah	19-3-1992	05 years	Not eligible	Not yet passed Grade B&A Examination Working as SDO on acting Charge basis Since 13-12-2011
4	Mr.Bakhtiar	19-3-1992	05 years	Eligible	passed Grade B&A Examinations and Working as SDO on acting Charge basis Since 13-12-2011
5	Mr.Faridullah	16-8-1992	05 years	Not eligible	Not yet passed Grade B&A Examination Working as SDO on acting Charge basis Since 13-12-2011
6	Mr.Asif Khan	24-4-1995	05 years	Not eligible	Not yet passed Grade A Examination Working as SDO on acting Charge basis Since 13-12-2011
7	Mr. Yahya Hameed	04-03-1996	5 years	Not eligible	Not yet passed Grade A Examination
8	Mr.Inamullah APR	19-11-2011	5 years	Eligible	Passed Grade B&Grade A Examinations

9	Musharaf Shah	17-11-2006	5 years	Not eligible	Not yet passed Grade A Examination Working as SDO on acting Charge basis Since 13-12-2011
10	Mr. Shahid Ali Khan	16-9-2013	5 years	Eligible 3	Passed Grade B & Grade A Examinations
11	Mr. Rizwan	16-9-2013	5 years	Eligible 4	Passed Grade B & Grade A Examinations
12	Mr. Jamshed Akram	17-11-2006	5 years	Not eligible	Not yet passed Grade A Examination
13	Mr. Javedullah	19-10-2010	5 years	Eligible 5	Passed Grade B & Grade A Examinations
12	Miss Naila Sajjad	2-10-2018	5 years	Not eligible	Not yet passed Grade A Examinations /not completed 5 years service
13	Mr. Nauman Khan	17-7-2019	5 years	Not eligible	Not yet passed Grade A Examinations /not completed 5 years service
14	Mr. Sohail Khan	9-8-2019	5 years	Not eligible	Not yet passed Grade B and Grade A Examinations /not completed 5 years service
15	Mr. Wajahat Hussain	19-10-2010	5 years	Eligible 6	Passed Grade B & Grade A Examinations

Certificates

- i. Certified that neither any disciplinary/departmental proceeding/anti-corruption cases/judicial enquiry is pending against the officials included in the panel nor any of them is involved in VR cases.
- ii. Certified that all of them are regular members of the service/cadre and are presently working in their respective service/cadre.
- iii. Certified that the officials included in the panel are holding the lower posts on regular basis and are not ad-hoc appointees.
- iv. Certified that the posts of Assistant Engineers are regular.
- v. Personal Registers along with synopsis are enclosed.

The Departmental Promotion Committee is requested to determine the suitability of (06) eligible Graduate Sub Engineer for promotion as Assistant Engineers BS-17 on regular basis against the vacant posts under the share quota in Irrigation Department.

Additional Secretary  
Irrigation Department

ATTESTED





STATEMENT SHOWING DETAIL OF ASSISTANT ENGINEERS WORKING  
IN EACH CATEGORY

I DEGREE HOLDERS UNDER SHARE QUOTA OF DIRECT

Total posts 101 share quota of direct 65% = 65.65 Say 66

S.NO.	NAME OF ASSISTANT	REMARKS
1	Javid Iqbal	
2	Zar Gul	
3	Muhammud Arif	
4	Muhammud Jawad Khan	
5	Ghulam Rasool	
6	Fakhre Alam	
7	Hafiz Muhammad Yasir	
8	Suleman Daud	
9	Muhammud Idrees	
10	Iqramullah	
11	Masood Ahmad	
12	Sohail Khan	
13	Imtiaz Khan	
14	Ali Ahmad	
15	Miss Tabinda Nausheen	
16	Taimur Zahid	
17	Anwarullah	
18	Syed Ahmad Amin Shah	
19	Mumtaz Khan	
20	Ayesha Amer	
21	Mustafa Ali	
22	Hassan Khan	
23	Mazhar Hussain	
24	Sherin Khan	
25	Qamar Shehzad	
26	Syed Suleman	
27	Rajab Ali	
28	Rahima Abbasi	
29	Abdul Shakoor	

*R*

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 23.6.2021 AT 1200 HOURS UNDER THE CHAIRMANSHIP OF SECRETARY IRRIGATION DEPARTMENT**

In order to fill in the vacant posts of different categories in the Irrigation Department on regular basis, a meeting of the Departmental Promotion Committee held on 23.06.2021 under the chairmanship of Secretary Irrigation. The following attended the meeting:-

- |    |   |                  |
|----|---|------------------|
| 1. | Muhammad Tahir Orakzai, Secretary Irrigation                            | In chair         |
| 2. | Engr: Sahibzada Muhammad Shabir, C.E (South) Irrigation                 | Member           |
| 3. | Mr. Wasil Khan, Additional Secretary Irrigation Department.             | Secretary/Member |
| 4. | Mr. Jamshid Khan, Deputy Secretary (Reg-III), Establishment Department. | Member           |
| 5. | Mr. Niamat Khan, Section Officer (SR-III), Finance Department.          | Member           |

2. The following agenda items were discussed in the meeting:-

- i. Promotion of Zilladar (BS-15) to the rank of Deputy Collector (BS-17).
- ii. Promotion of Assistant (BS-16) to the rank of Superintendent (BS-17).
- iii. Promotion of Graduate Sub Engineers to the post of Assistant Engineer/Sub Divisional Officer (BS-17).
- iv. Promotion of Diploma Holder Sub Engineers to the post of Assistant Engineer/Sub Divisional Officer (BS-17).
- v. Promotion of B. Tech (Hons) Degree holder Sub Engineers to the post of Assistant Engineer/Sub Divisional Officer (BS-17).
- vi. Promotion of Superintendent (BS-17) to the post of Administrative Officer (BS-17)
- vii. Promotion of Assistant (BS-16) to the rank of Superintendent (BS-17). Circle Cadre.

**Item No. I**

3. After recitation from the Holy Quran, the chair welcomed the participants and apprised the forum about the agenda items. The Additional Secretary presented the agenda that (05) regular posts of Deputy Collector (BS-17) are lying vacant which are required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Zilldars with at least five years service as such.

4. After examining all the relevant record of the Zilladars included in the panel, the committee unanimously recommended the following eligible Zilladars (BS-15) to the post of Deputy Collector (BS-17) in Irrigation Department on regular basis:-

- i. Mr. Noor Rehman.
- ii. Mr. Farid Ullah.
- iii. Mr. Muhammad Saad Jan.
- iv. Mr. Nabi Rehmat.
- v. Mr. Abdul Wadood.

**Item No. II**

5. The Additional Secretary presented the agenda that (04) No. regular posts of Superintendent (BS-17) are lying vacant which are required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Assistants and Senior Scale Stenographers with at least five years service as such.

6. After examining all the relevant record of the Assistants (BS-16)/Senior Scale Stenographers, the forum was informed that the official included in the panel at Sr. No. 4 i.e. Mr. Nusrat Noor has not submitted his PERs. The forum agreed to defer his promotion. After detailed discussion, the committee unanimously recommended the following (03) eligible Assistants (BS-16) to the post of Superintendent (BS-17) in Irrigation Department on regular basis:-

- i. **Mr. Farhad Ali.**
- ii. **Mr. Liaqat Ali.**
- iii. **Mr. Ghulam Farooq.**

**Item No. III**

7. The Agenda item was <sup>deferred</sup> ~~differeed~~ for want of clarification of Establishment Department on the following:-

- i. As per amended service rules of Irrigation Department notified on 25.6.2012, twelve (12) posts of Assistant Engineer (B-17) comes under 12% share quota of Graduate Sub Engineers alongwith passing of departmental grade B and A examination against which Six (06) officer are working on regular basis while Seven (07) officers, included in the panel at Sr. No. 1 to 6 & 9 are working as Assistant Engineer (BS-17) acting charge basis since 2011.
- ii. Before 25.6.2012 the Passing of Grade B&A examination was not mandatory for promotion to the post of Assistant Engineer and the above mentioned seven Graduate Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.
- iii. The Departmental B & A Examination is conducted after every two years. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at Sr. No. 1 to 6 & 9 (except S.No.4 "B&A passed) have passed their mandatory Grade B examination and will appear in the A examination in 2022.

The advice of the Establishment Department will be solicited through a separate letter that:-

- i. As to whether the amended rules notified on 25.06.2012 are applicable to the above employees who were appointed in the year 2011 on acting charge basis or the present Service Recruitment rules will be applicable in the instant case .
- ii. If the present service rules are applicable upon the officers appointed on acting charge basis then before completion of mandatory examination by these officers, the officers junior to them can be promoted to the post of Assistant Engineer on regular basis or otherwise.

**Item No. IV**

9. The Chief Engineer (South) Irrigation presented the agenda that (07) No. regular posts of Assistant Engineers/Sub Divisional Officer (BS-17) are lying vacant against the 15% share quota of Diploma Holder Sub Engineers which are required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Sub Engineers who hold a Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology and have passed departmental Grade B and A examination with five years service as such.

10. The official mentioned at Sr. No. 1 of the seniority list has not yet passed Grade B&A examination which is pre-requisite for promotion to the post of SDO. After detailed discussion and examining all the relevant record, the committee unanimously recommended the following (07) eligible Diploma Holder Sub Engineers/SDOs acting charge basis to the post of Assistant Engineer/Sub Divisional Officer (BS-17) in Irrigation Department on regular basis:-

- i. **Mr. Riaz Muhammad.**
- ii. **Mr. Waqar Shah.**
- iii. **Mr. Noora Jan.**
- iv. **Mr. Jehanzeb.**
- v. **Mr. Farman Ullah.**
- vi. **Mr. Shafqat Faheem.**
- vii. **Mr. Asad Ullah Jan.**

**Item No. V**

11. The Chief Engineer (South) Irrigation presented the agenda that (02) No. regular posts of Assistant Engineers/Sub Divisional Officer (BS-17) are lying vacant against the 8% share quota of B. Tech (Hons) Degree Holder Sub Engineers which are required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Sub Engineers having degree in B. Tech (Hons) and have passed departmental Grade B and A examinations with five years service as such.

12. After examining all the relevant record of the B. Tech (Hons) Degree Holder Sub Engineers, the committee unanimously recommended the following (02) eligible B. Tech (Hons) Sub Engineers to the post of Assistant Engineer/Sub Divisional Officer (BS-17) in Irrigation Department on regular basis:-

- i. **Mr. Khurshid Ahmad.**
- ii. **Mr. Muhammad Shoalb.**

**Item No. VI**

13. The Additional Secretary Irrigation Department presented the agenda that (01) No. regular post of Administrative Officer (BS-17) is lying vacant due to creation in the Office of Chief Engineer, newly Merged Areas Irrigation Department which is required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Superintendents of the Department having at least three years service.

14. After examining all the relevant record of the Superintendents (BS-17), the committee unanimously recommended **Mr. Akhtar Nawaz, Superintendent (BS-17)** to the post of **Administrative Officer (BS-17)** in Irrigation Department on regular basis.

**Item No. VII**

15. The Chief Engineer (South) Irrigation Department presented the agenda that (01) No. regular post of Superintendent (BS-17) is lying vacant in the office of Superintending Engineer, Irrigation Circle, D.I. Khan (Circle Cadre) which is required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Assistants and Senior Scale Stenographers with at least five years service as such.

16. After examining all the relevant record of the Assistants/Senior Scale Stenographers (BS-16), the committee unanimously recommended **Mr. Muhammad Saleem, Assistant (BS-16)** to the post of Superintendent (BS-17) in the Circle Cadre, D.I. Khan on acting charge basis due to lack of prescribed length of 05 years service.

The meeting ended with vote of thanks from and to the chair.

*[Signature]*  
 Chief Engineer (South)  
 Irrigation Department (Member)

*[Signature]*  
 Secretary, Irrigation  
 Chairman

*[Signature]*  
 Deputy Secretary (Reg-III)  
 Establishment Department (Member)

*[Signature]*  
 Additional Secretary  
 Irrigation Department  
 (Secretary/Member)

*[Signature]*  
 Section Officer (SR-II)  
 Finance Department (Member)

To

The Chief Secretary  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Annex = "L"  
42

15<sup>7</sup>/<sub>2021</sub>

**Subject: DEPARTMENTAL APPEAL AGAINST THE UNLAWFUL DECISION & RECOMMENDATIONS OF THE DEPARTMENTAL PROMOTION COMMITTEE IN ITS MEETING HELD ON DATED 23/06/2021 AND TO RE-CONSIDER THE CASE IN ACCORDANCE WITH THE LAW / RULES AND ALLOW REGULAR PROMOTION OF THE APPELLANT AGAINST THE POST OF ASSISTANT ENGINEERS BPS-17 FROM THE DATE OF DPC 23-06-2021**

Respectfully Submitted:

1. That, The appellant joined Irrigation Department Khyber Pakhtunkhwa as Sub Engineers on the recommendation of the KP Public Service Commission through prescribed procedure.
2. That, The appellant is B:Sc Civil Engineering Degree holder and according to Service Rules 12 % Quota stands approved for promotion of Degree Holder Sub Engineers.
3. That, I have qualified (Pass) the departmental Grade-B and Grade-A examinations, which are mandatory to be passed by a Sub Engineer for promotion to the post of Assistant Engineer BPS-17 (Copy attached as **annex-IX<sup>x</sup>**)
4. That, I fulfill the pre-requisite promotion criteria for the Post of Assistant Engineer BPS-17 according to the service rules (Copy attached as **annex-IX<sup>x</sup>**) and on the basis of the same, I am working as Assistant Engineer in Own Pay Scale (OPS) since pretty long time and have been performing our duties to the entire satisfaction of the department.
5. That, as per service rules, 12% promotion quota is reserved for Sub Engineer having B.Sc Degree in Engineering, on the basis of seniority-cum-fitness, I fully satisfy the promotion criteria according to the service and have legal rights to be promoted on the basis of qualification and seniority-cum-fitness and practice in vogue in the department. (Copies of working paper, subsequent promotion notifications and seniority lists of Assistant Engineers promoted from the category of Graduate Engineers in 2020 are attached as **annex-I, annex-II and Annex-III** for ready reference).
6. That, some post of Assistant Engineers BPS-17 have become vacant which are to be filled by promotion from the Sub Engineers having B.Sc Engineering and being fit for promotion, the Department vide their letter No.1820/IB/A/3-E, dated 07-



04-2021, directed the to submit my ACRs (copy of **annex-IV**). Similarly, Copy of working paper for the DPC is attached as **annexure - V**. Accordingly, my synopsis were put before the DPC in its meeting held on 23.06.2021 under agenda item No. III, but it is very astonishing to note that none of the graduate engineer has been recommended for promotion. The committee has deferred this agenda item with no and have recommended to seek guidance from Establishment Department for the rules amended in 2012 and thereafter in 2020 merely to make it controversial and pave the way for promotion of some of their blue-eyed sub engineer who not only do not fulfill the promotion criteria at the present but even will not be able to acquire the promotion criteria by 2022 refer Minutes of the DPC meeting dated 23-06-2021.

43

7. That, vide minutes of the meeting of the DPC, dated: 23.06.2021, it has been recommended to seek clarification from the Establishment Department on the following:
- i. As per amended service rules of Irrigation Department notified on 25.06.2012, twelve (12) posts of Assistant Engineer (BS-17) comes under 12% share quota of Graduate Sub Engineers along with passing of departmental grade B and A examination against which six (06) officer are working on regular basis while Seven (07) officers, included in the panel at Sr. No. 1 to 6 & 9 are working as Assistant Engineers (BS-17) acting charge basis since 2011.
  - ii. Before 25.06.2012 the passing of Grade B&A examination was not mandatory for promotion to the post of Assistant Engineer and the above mentioned seven graduate Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.
  - iii. The Departmental B&A Examination is conducted after every two years. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at Sr. No. 1 to 6 & 9 (except S.No 4 "B&A passed) have passed their mandatory Grade B examination and will appear in the A examination in 2022.

The advice of the Establishment Department will be solicited through a separate letter that:-

- a) As to whether the amended rules notified on 25.06.2012 are applicable to the above employees who were appointed in the year 2011 on acting charge basis or the present service recruitment rules will be applicable in the instant case.

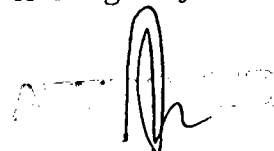
A. T. S. S. S.



b) If the present service rules are applicable upon the officers appointed on acting charge basis then before completion of mandatory examination by these officers, the officers junior to them can be promoted to the post of Assistant Engineer on regular basis or otherwise.

44

8. That, the Department have deliberately kept the DPC in dark from the fact that promotion of seven (07) officers at Sr. No. 1 to 6 & 9 were appointed on acting charge basis against the project posts ( copy of working paper of DPC dated: 16.11.2011 is **annexed at VI**). The numbers of project posts have increased many fold due to currency of numerous mega projects and to full this gap, Department should have appointed deserving candidates on acting charge basis as per provisions in ESTA CODE(**copy attached as annex-VII**)to make them entitled for drawing pay and allowances according to post they actually works on rather it post the engineers on OPS, just to keeps its employee deprived of its due incentives in violation of Finance Department Government of Khyber Pakhtunkhwa (Regulation Wing) Notification No. FD (PRC) 1-1/2012 dated 01.01.2013(**copy attached as annex-VIII**). However, as per Esta Code 9 (6)“acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis”.
9. That, before 25.06.2012 amendments in service rules (Copy attached as **annex-IX**), the B.Sc degree holders had two sub-categories on the basis of pre-service & during service engineering with promotion quotas as 5% and 10% respectively, which have been abolished and created a single category of graduate engineers, with 12% promotion quota to the post of Assistant Engineer vide amended rules, dated 25-06-2012 (copy attached as **annexure-X**) and subsequent amended rules 10-07-2020 (copy attached as **annex-XI**). The department on one side accept the latest amended rules with 12% promotion quota under single category of B.Sc Graduate Engineers but on the other hand confused the DPC as to whether Departmental B&A examination are mandatory, for sub engineers who were appointed on acting charge basis in 2011. It is pertinent to mention that even departmental grade B&A examination are mandatory for promotion as permanent sub engineer vide Para 84 of PWD Code (copy attached as **annex-XII**).
10. That, the department has changed its rules on 25.06.2012 & then on 10.07.2020, since 2012, departmental grade B&A examination have been held four times, but the sub engineers on acting charge basis don not accept the rules and intentionally do not participate in the exams, either they are incapable to pass it or they blackmail the department on their acting charge appointment rather they should had improved themselves according to obligatory criteria for the post they

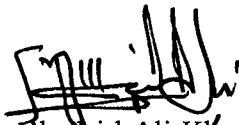


are working on and seeking future permanent promotion as per prevailing rules. According to PWD Code a member of NWFP service of Engineers, who has not passed departmental examination by the end of sixth year of his service shall not, except with special sanction of the Government, receive any further increment or increase of pay until he has passed the departmental examinations. Owing to the above, the sub engineers in whose favour the department has stop promotions under their category are not even entitled to remain on the post of Assistant Engineer on acting charge basis. Similarly, as per Recruitment, Appointment, Seniority and Promotion Rules (Civil Servant Rules) 1973, 8-A "No promotion on regular basis shall be made to posts in basic pay scales 17 to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and **passed such departmental examinations**, as may be prescribed from time to time (copy enclosed as **annex-XIII**).


45

11. That, the department was never in doubt about its clear service rules as it has been promoting its graduate engineer who met the promotion criteria as explained vide para-6 above, but this time it is trying to make the rules controversial to merely to deprive me from my due, just and legitimate rights of promotion, **due to this decision of DPC circulated in the minutes the Appellant would confront with irreparable financial, career & mental loss.**
12. Non recommendation of Appellant case under 12% quota reserved for Graduate Sub Engineers of their category is injustice & violation of laid down rules.
13. That, if the department were feeling ambiguity in the service rules and its interpretation / clarification of its own framed rules were necessary it should had been sought before conducting its earlier DPCs in May 2018, January 2020 & September 2020, but it didn't, it clearly transpires that the department is doing all this to benefit some of his blue eyed.

Keeping in view the above, it is earnestly requested to reconsidered the decision taken during DPC on Agenda item No. 3 and consider my promotion to next grade in BS-17 from DPC date 23-06-2021 as per prevailing rules, please.

  
Engr. Shanid Ali Khan  
Sub Divisional Officer (OPS)  
Shahbaz Ghari Irrigation Sub Division  
13/2/2021

Copy to.

- 1) secretary to Govt of KPK Irrigation Department
  - 2) CE (south) Irrigation Department.
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## وکالت نامہ

بعدالت جناب سروس لڑیبونل «P.P.» پشاور

شاہد علی خان بنام گورنمنٹ

مجاناب Appellant. دعویٰ اجرم

تھانہ ایف آئی آر تاریخ

### باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام پشاور کے لئے

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ و فیڈرل شریعت کورٹ آف پاکستان،

سجاد احمد محسود ایڈوکیٹ خالد خان مہمند ایڈووکیٹس ہائی کورٹ، پشاور

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے کسی اور جگہ یا بکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بزدور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام بکھری کے کسی اور جگہ سماعت ہونے یا بزدور تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی و رضی نامہ کو فیصلہ بر خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا نسوخی ڈگری یا کلر ز درخواست حکم امتناعی یا قرق یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ہونے علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جاننا اتواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند ہے مودعہ مضمون مختار نامہ سن لیا ہے اور ابھی طرح کچھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yusufzai  
Advocate High Court

Federal Shariat Court of Pakistan  
CNIC: 17301-5813582-3  
Cell No. 0321-9022964  
BC-10-7562

Sajjad Ahmad Mehsud  
Advocate High Court  
Peshawar

&  
Khalid Khan Mohmand  
Advocate High Court  
Peshawar.  
BC No. 18-1115

شاہد علی خان

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

In Re:

Service Appeal No. 7659/2021


**Shahid Ali Khan**, Sub Divisional Officer..... **Appellant**

**....VERSUS....**

Government of Khyber Pakhtunkhwa & others..... **Respondents**

**I N D E X**

S.NO.	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Application for acceleration the date		1
2.	Affidavit		2
3.	Office letter dated: 31.12.2021	A	3



APPELLANT

Through

**Amin ur Rehman Yusufzai**

**Sajjad Ahmad Mehsud**

**Khalid Khan Mehsud**

&

**Muhammad Kareem Afridi**

Advocates, Peshawar

3-A, Park Avenue, Bhattani Plaza,

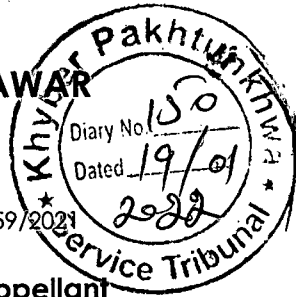
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 18.01.2022

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR



In Re: Service Appeal No. 7659/2021

Shahid Ali Khan, Sub Divisional Officer. . . . . Appellant

....VERSUS....

Government of Khyber Pakhtunkhwa & others. . . . . Respondents

**APPLICATION FOR AND ON BEHALF OF APPELLANT, FOR ACCELERATION THE DATE OF HEARING FROM 22.02.2022, TO AN EARLY DATE, CONVENIENT TO THIS HON'BLE TRIBUNAL, IN VIEW OF OFFICE LETTER NO.SO(E)/lrr:/9-3/99/NAB/Vol-VI, DATED: 31.12.2021.**

**Respectfully Sheweth:**

1. That the titled Appeal is pending adjudication before this Hon'ble Tribunal and date 22.02.2022 is fixed therein for onward proceedings.
2. That Respondent Department has issued subject mentioned office letter dated: 31.12.2021, vide which Respondent No.3 was directed to conduct Grade-A Examination in the month of January 2022, in violation of prevailing Rules / Code, hence the instant application.  
**(Copy of office letter dated: 31.12.2021 is attached as Annexure "A").**
3. That Respondent Department is bent upon to execute its impugned inactions, under the garb of subject mentioned letter dated: 31.12.2021 and, in that eventuality, probability of irreparable loss to applicant, coupled with infructuousness of titled appeal could not be ruled out, hence proprietary demands for acceleration of the date fixed.

It is therefore, most humbly prayed that on acceptance of instant application, the date fixed in the titled appeal may be accelerated from 22.02.2022 to an early date, convenient to this Hon'ble Tribunal, however, preferably within a couple of days, in view of subject mentioned letter dated: 31.12.2021, so as to secure the ends of justice.

*Put up to the worthy chair - as with relevant appeal*  
*Ready*  
*19/1/2022*

APPELLANT

Through

Amin ur Rehman Yusufzai

Sajjad Ahmad Mensud

Khalid Khan Mohmand

Muhammad Kareem Afridi

Advocates, Peshawar  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

*NFA*  
*19/1/2022*

Dated: 18.01.2022

(J)

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

In Re:

Service Appeal No. 7659/2021

**Shahid Ali Khan**, Sub Divisional Officer..... **Appellant**

**....VERSUS....**

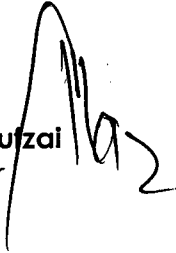
Government of Khyber Pakhtunkhwa & others..... **Respondents**

**AFFIDAVIT**

I, **Shahid Ali Khan S/O Jehan Sardar**, Sub Divisional Officer, Shahbaz Garhi Irrigation Sub Division, District Mardan, do hereby solemnly affirm declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.


Identified By:

**Amin ur Rehman Yusufzai**  
Advocate, Peshawar



DEPONENT  
CNIC #: 15305-1468056-1

**Khalid Mahmood**  
Oath Commissioner  
Peshawar High Court



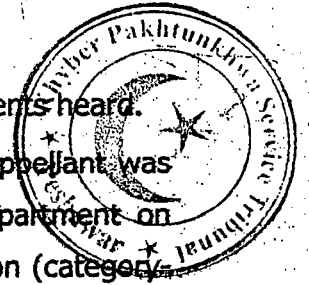
19-1-22

HK/Keal No. 7659/21  
Shahid A.G. vs Govt

3

13.12.2021

Counsel for the appellant present. Preliminary arguments heard.



Learned counsel for the appellant argued that the appellant was appointed as Sub-Engineer (BS-11) in the respondent department on 16.09.2013 and having passed his departmental examination (category D and A) was eligible for promotion as SDO (BS-17). However, in departmental promotion committee held on 23.06.2021 item No-III was deferred on the basis of certain clarification sought regarding interpretation of amendment in serial-4 of the service rules notified on 25.06.2012. Feeling aggrieved the appellant submitted departmental appeal on 13.07.2021 which was not responded within the statutory period, hence, the instant service appeal was filed on 18.10.2021.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 22.02.2022 before S.B.

Appellant's Department  
Security Process Fee  
13/12/21

(Mian Muhammad)  
Member(E)

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 16/12/21  
Number of Words 800  
Copying Fee 10/-  
Urgent         
Total 10/-  
Name of Copy         
Date of Completion of Copy 24/12/21  
Date of Delivery of Copy 18/01/22

**BEFORE THE KHYBER PAKHTUNHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7659/2021

Shahid Ali Khan S/O Jehan Sardar  
Sub Divisional Officer (OPS) Shahbaz Garhi  
Irrigation Sub Division District Mardan.

**Appellant**

Versus

- |   |                      |
|---|----------------------|
| 1. Govt. of Khyber Pakhtunkhwa through its<br>Chief Secretary Civil Secretariat Peshawar              | <b>Respondents .</b> |
| 2. Secretary to Government of Khyber Pakhtunkhwa.<br>Irrigation Department Civil Secretariat Peshawar |                      |
| 3. Chief Engineer (South) Irrigation Deptt: Warsak Road<br>Khyber Pakhtunkhwa Peshawar.               |                      |

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 3**

**Respectfully sheweth**

**Preliminary Objections**

1. That the appellant has no cause of action.
2. That the appellant has not come to the Tribunal with clean hand.
3. That the appeal is bad for mis joinder and non joinder of necessary parties.
4. That the appellant have no locus standi.
5. That the appeal is time barred.

**Objections on Facts**

1. No comments.
2. Correct.
3. The para as quoted is correct but not applicable to the appellant. The appellant was not eligible for the Grant of BS-16 as his service in the same scale (BS-11) by that time was less than ten years.
4. Correct to the extent that appellant has been posted as Sub Divisional Officer (OPS) as stop gap arrangement .
5. Correct, to the extent that the appellant has passed the Grade B&A Examination and completed the prescribed length of 05 years service for promotion as Assistant Engineer subject to considering of his eligibility by the Departmental Promotion Committee and availability of post as per service rules.
6. Correct, to the extent that "Draft Working Papers" for promotion of Graduate Sub Engineers were processed to the Secretary Irrigation office for consideration but processing of draft working paper cannot establish right for promotion of an official. Furthermore the said agenda item was dropped due to non availability of vacancies under 12% quota for promotion of Graduate Sub Engineers to the rank of Assistant Engineers BS-17 (i.e. 06 Nos Sub Engineers are working on regular basis while 07 Nos Sub Engineers are working on Acting charge basis



against 12 Nos posts in the share quota of Graduate Sub Engineer which already exceeds by one number).

18

7. Incorrect, the agenda item of Promotion of Graduate Sub Engineers to the rank of Assistant Engineers BS-17 was dropped due to non availability of vacancies under 12 % share quota of Graduate..
8. As the agenda item was dropped on cogent reason, therefore the appeal being not based on legal grounds was not considered .
9. The decision of Departmental Promotion Committee is based on legal footing hence appeal of the appellatant is not worth consideration on the following grounds:-

**OBJECTIONS ON GROUNDS**

- A. Incorrect hence denied. The appellatant has been deferred by the competent forum i.e. Departmental Promotion Committee due to non availability of post in the share quota.
- B. Incorrect hence denied , The appellatant will be granted his due right of promotion as Assistant Engineers BS-17 after availability of scope in the share quota of 12% Graduate Sub Engineers upon recommendation of DPC.
- C. Incorrect hence denied comments as per para B above.
- D. Incorrect hence denied ,The appellatant has been treated according to law and rules.
- E. Incorrect hence denied comments as per para-A above.
- F. Incorrect hence denied the Government is bound to treat all employees according to the prescribed rules which have been followed.
- G. Incorrect hence denied .The promotion of appellatant was deferred due to the reason that no vacancies were available under 12 % share quota of Graduate Sub Engineers.
- H. The respondents would seek permission for presenting additional grounds during the course of arguments.

It is therefore very humbly prayed to dismiss the appeal with cost.

Govt: of KPK through Chief Secretary  
Civil Secretariat Peshawar  
(Respondent No.1)

Secretary to Government of KPK  
Irrigation Deptt: Civil Sectt: Peshawar  
(Respondent No.2)

Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)

19

**BEFORE THE KHYBER PAKHTUNHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7659/2021

Shahid Ali Khan S/O Jehan Sardar  
Sub Divisional Officer (OPS) Shahbaz Garhi  
Irrigation Sub Division District Mardan.

**Appellant**

Versus

- 1 Govt: of Khyber Pakhtunkhwa through its Chief Secretary Civil Secretariat Peshawar **Respondents .**
2. Secretary to Government of Khyber Pakhtunkhwa. Irrigation Department Civil Secretariat Peshawar
3. Chief Engineer (South) Irrigation Deptt: Warsak Road Khyber Pakhtunkhwa Peshawar.

**COUNTER AFFIDAVIT**

We do hereby solemnly affirm and declare that contents of the parawise comments in Service Appeal No.7659 filed by Mr.Shahid Ali Khan Sub Divisional Officer (OPS) are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.

Govt: of KPK through Chief Secretary  
Civil Secretariat Peshawar  
(Respondent No.1)

Secretary to Government of KPK  
Irrigation Deptt: Civil Sectt Peshawar  
(Respondent No.2)

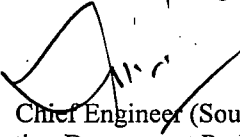
Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)

**POWER OF ATTORNEY**

Mr. Faizul Haq Superintendent Office of the Chief Engineer (South) Irrigation Department is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the Respondents in connection with appeal No.7659/2021 filed by Mr. Shahid Ali Sub Divisional Officer (OPS) Versus Government of Khyber Pakhtunkhwa Irrigation Department.

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Secretary to Government of KPK  
Irrigation Dept: Civil Sectt: Peshawar  
(Respondent No.2)

  
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**BEFORE THE KHYBER PAKHTUNHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7659/2021

Shahid Ali Khan S/O Jehan Sardar  
Sub Divisional Officer (OPS) Shahbaz Garhi  
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**Appellant**

Versus

1. Govt: of Khyber Pakhtunkhwa through its  
Chief Secretary Civil Secretariat Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa.  
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Secretary to Government of KPK  
Irrigation Deptt: Civil Sectt: Peshawar  
(Respondent No.2)

Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)

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17

**BEFORE THE KHYBER PAKHTUNHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7659/2021  
Shahid Ali Khan S/O Jehan Sardar  
Sub Divisional Officer (OPS) Shahbaz Garhi  
Irrigation Sub Division District Mardan.  
Versus

**Appellant**

- 1 Govt: of Khyber Pakhtunkhwa through its  
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2. Secretary to Government of Khyber Pakhtunkhwa.  
Irrigation Department Civil Secretariat Peshawar
3. Chief Engineer (South) Irrigation Deptt: Warsak Road  
Khyber Pakhtunkhwa Peshawar.

**Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 3**

**Respectfully sheweth**

**Preliminary Objections**

1. That the appellant has no cause of action.
2. That the appellant has not come to the Tribunal with clean hand.
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(Respondent No.1)

Secretary to Government of KPK  
Irrigation Deptt: Civil Sectt: Peshawar  
(Respondent No.2)

Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)

19

**BEFORE THE KHYBER PAKHTUNHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7659/2021  
Shahid Ali Khan S/O Jehan Sardar  
Sub Divisional Officer (OPS) Shahbaz Garhi  
Irrigation Sub Division District Mardan.  
Versus

**Appellant**

- 1 Govt: of Khyber Pakhtunkhwa through its  
Chief Secretary Civil Secretariat Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa.  
Irrigation Department Civil Secretariat Peshawar
3. Chief Engineer (South) Irrigation Deptt: Warsak Road  
Khyber Pakhtunkhwa Peshawar.

**Respondents ..**

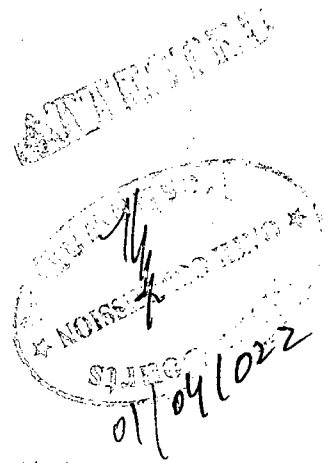
**COUNTER AFFIDAVIT**

We do hereby solemnly affirm and declare that contents of the parawise comments in Service Appeal No.7659 filed by Mr.Shahid Ali Khan Sub Divisional Officer (OPS) are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.

Govt: of KPK through Chief Secretary  
Civil Secretariat Peshawar  
(Respondent No.1)

Secretary to Government of KPK  
Irrigation Deptt: Civil Sectt: Peshawar  
(Respondent No.2)

Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)



POWER OF ATTORNEY

Mr.Faizul Haq Superintendent Office of the Chief Engineer (South) Irrigation Department is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the Respondents in connection with appeal No.7659/2021 filed by Mr.Shahid Ali Sub Divisional Officer (OPS) Versus Government of Khyber Pakhtunkhwa Irrigation Department.

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Civil Secretariat Peshawar  
(Respondent No.1)

Secretary to Government of KPK  
Irrigation Dept: Civil Sectt: Peshawar  
(Respondent No.2)

Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)





**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No: 981 /ST Dated: 29/4 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Secretary Govt. Khyber Pakhtunkhwa,  
Irrigation Department, Civil Secretariat,  
Peshawar.

*Handwritten signature and date: 29/4/22*

**SUBJECT: JUDGMENT IN APPEAL NO.7659/2021 MR.SHAHAB ALI KHAN**

I am directed to forward herewith a certified copy of judgment dated 15.04.2022 passed by this tribunal on the above subject for compliance please.

Encl: As Above

*Handwritten signature*  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No.                      /ST/letter/Vol-III/2020-21

Dated:                      /2022

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Ph:- 091-9212281

Fax:- 091-9213262


To,

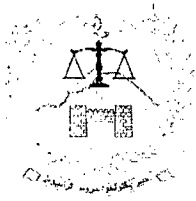
The Manager,  
PLD Publisher,  
35-Nabha Road Lahore.

**Subject: JUDGMENT FOR REPORTING IN PLD**

Dear Sir,

It is to inform you that judgment title Shahid Ali Khan Sub divisional officer irrigation Mardan in service appeal no 7659/21 are hereby send to your good office for reporting in PLD.

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No: 1255 /ST Dated: 6 / 6 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Manager  
PLJ Publishers,  
PLJ Section, 09-Fane Road,  
Lahore.

Subject: **JUDGEMENT FOR REPORTING IN YOUR ESTEEM JOURNAL.**

I am directed to forward herewith a certified copy of Judgment dated 15.04.2022 passed by this Tribunal Titled Shahid Ali Khan (Sub-Divisional Officer) -Vs- Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar for publishing in your esteemed Journal, please.

  
REGISTRAR

**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL**  
**PESHAWAR.**