

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT ABBOTTABAD.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.6582/2021

Muhammad Shoukat S/O Muhammad Haroon, resident of Baidadi
(Haji Balla), Shinkiyari Tehsil and District Mansehra:
.....(*Appellant*)

Versus

1. **Secretary Irrigation**, Khyber Pakhtunkhwa, Peshawar.
2. **XEN Irrigation**, Hazara Division, Abbottabad.
3. **Superintendent Irrigation** Hazara Division, Abbottabad.
4. **SDO Irrigation** Sub Division Abbottabad.
5. **Attque Shah** S/O Rafiq Shah resident of Irrigation Quarters Jabri
Mansehra appointed as Guage Reader section lower Seron canal.
.....(*Respondents*)

Present:

Miss. Naila Rehman,
Advocate.....For appellant.

Muhammad Jan,
District Attorney.....For official respondents.

Mr. Abdul Saboor,
Advocate.....For private respondent No.4

Date of Institution.....28.04.2021
Dates of Hearing.....21.09.2022
Date of Decision.....21.09.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE RESPONDENTS FOR THE APPOINTMENT OF
RESPONDENT NO.5 VIDE APPOINTMENT ORDER NO
HIDDEN 3028 10-E DATED 09.04.2021 ISSUED BY
RESPONDENTS NO.1 TO 4.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: The facts surrounding the appeal
are that the appellant was appointed as a Regulation Beldar in the Irrigation


Department vide appointment order dated 09.07.1995; that the appellant requested the competent authority for his appointment as Guage Reader; that respondent No. 4 directed the appellant to work as Work Munshi (OPS) purely on temporary basis as stop gap arrangement till further order; that the respondent department instead of promoting the appellant to the post of Guage Reader advertised the post and appointed fresh candidate; that the appellant filed departmental appeal which was not responded compelling him to file the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant, learned District Attorney for the official respondents No. 1 to 3 and counsel for private respondent No.4.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order.

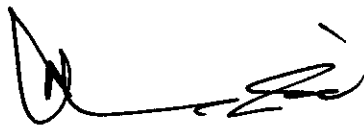
5. Through this appeal the appellant has prayed for his promotion as Guage Reader. It is to be observed at the very outset that there is no original or appellate order of promotion to justify filing of this appeal. The appellant seeks promotion alleging that he has been serving under the respondents as Regulation Baldar and was qualified for the post of Guage Reader. He has requested the department to promote him but the respondents directed the


21.09.22

appellant to work as Munshi in his own pay and scale purely on temporary basis as stop gap arrangement till further order. It is also contended by him that the posts of Gauge Readers were to be filled under the rules in a manner that 50% by initial recruitment and 50% by promotion on the basis of seniority cum fitness from the amongst the Mate, Regulation Baldar and Baldar having SSC qualification and 10 years service in the circle. The appellant claims that he was duly qualified for promotion but was not being promoted. Admittedly there is no vacant post of Guage Reader to be filled in by making promotion, therefore, the case of the appellant is pre-mature also as he would be having cause of action only when there is a promotion post available and any of his junior is promoted to the said promotion post by ignoring him.

6. As a sequel to the above discussion, the appeal has no force and is thus dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 21st day of September, 2022.*



KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad



FAREEHA PAUL
Member (Executive)
Camp court Abbottabad

ORDER

21st Sept 2022.

1. Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for official respondents and counsel for private respondent No.4 present.

2. Vide our detailed judgment of today, separately placed on file, this appeal, being devoid of force, is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 21st day of Sept, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Fareeha Paul)
Member(E)
Camp Court Abbottabad

14.02.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 18.05.2022




Reader


18.05 2022

Counsel for the appellant present. Mr. Asif Masood, Deputy District Attorney for the respondents present.

Previous date was changed through Reader's note, therefore, notice for prosecution of appeal be issued to the appellant and his counsel. To come up arguments before this D.B on 18.07.2022 at camp court Abbottabad.




(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

18th July 2022

Learned counsel present. Mr. Noor Zaman, District Attorney for official respondents No. 1 to 4 present. None present on behalf of the private respondent No.5, therefore, notice be issued to the private respondent No.5 as well as his counsel through registered post for the next date. To come up for arguments on 21.09.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member(Judicial)



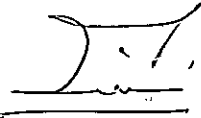
(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

14.10.2021

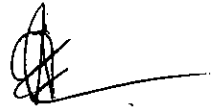
Learned counsel for the appellant present. Mr. Hamayun, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Clerk to learned counsel for private respondent No. 5 also present and submitted fresh Wakalat Nama of Mr. Abdul Saboor Khan, Advocate, in favour of private respondent No. 5, which is placed on file.

Para-wise comments on behalf of official submitted, copy of the same handed over to learned counsel for the appellant.

Written reply/comments on behalf of private respondent No. 5 is still awaited. Last opportunity is granted to private respondent No. 5 to furnish reply/comments within 10 days in office. In case he fail to submit reply/comments within stipulated time from today, he shall have to seek extension of time through written application citing sufficient reasons. Otherwise, his right for submission of reply/comments shall be deemed as struck off. To come up for arguments on 29.11.2021 before the D.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (Judicial)
Camp Court A/Abad



Chairman
Camp Court A/Abad

29.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, AAG alongwith Hamayun, Assistant for the official respondents present. Counsel for private respondent No. 5 present and submitted an application stating therein that he rely upon the reply/comments filed by the official respondent/department. Request is accorded. To come up for rejoinder, if any, and arguments on 14.02.2022 before the D.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

09.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that the appellant being entitled for consideration for promotion to the post of Gauge Reader has not been considered and the post was filled through initial recruitment ignoring 50% quota for promotion light of the departmental rules annexed with the appeal at page-18 (Annexure-F). Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections including that of limitation for determination during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.10.2021 before the D.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

9/8/21


Chairman

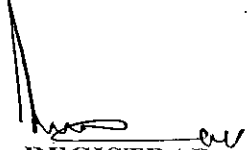
This is an appeal filed by Mr. Muhammad Shaukat today on 28/4/2021 against the promotion order of respondent no.5 against which he preferred/made departmental appeal/representation on 29.03.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

- 1- Addresses of respondent no. 3&5 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Annexures of the appeal may be attested.
- 4- Copy of impugned promotion order of respondent no.5 is not attached with the appeal which may be placed on it.

No. 770 /ST,


Dt. 04/05/2021


REGISTRAR/
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Naila Rehman Adv. High Court
A.Abad.

جینا عالی!

گزارش سپیکر میری محکمانہ اپیل جو کہ صفحہ نمبر 13 پر
موجود ہے جس میں واضح طور پر میری درخواست محلے
سے مٹی کہ Ruage Reader کی پوسٹ فالی ہے جس میں
پر میرا حق بنتا ہے محلے نے مجھے نظر انداز کر کے
نئی پوسٹ Announced کر دی جس کے بعد ہونے
والی Appointment کے (Applicant order) کے خلاف میں
نے اپیل بڑا دائرہ کر رہے ہے۔ لہذا میرا کیس سنیج
کے رو برو سماعت کیلئے پیش کیا جاوے


Naila Rehman Advocate

22/6/2021

Civ.

objection of this office and reply
of counsel for the appellant is sub-itted
for orders, please.

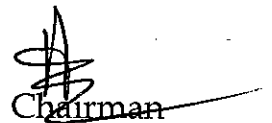
~~22/6/2021~~
22/6/2021

Worthy Chairman

Order:

Date: 22-06-2021

Keeping the objection of office intact for settlement at the time of
preliminary hearing, this appeal be instituted.


Chairman


This is an appeal filed by Mr. Muhammad Shaukat today on 28/4/2021 against the promotion order of respondent no.5 against which he preferred/made departmental appeal/representation on 29.03.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

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KHYBER PAKHTUNKHWA
PESHAWAR.

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موجود ہے جس میں واضح طور پر میری درخواست محلہ
سے مٹی کہ Garage Reader کی پوسٹ فالی ہے جس میں
پر میرا حق بنتا ہے محلہ نے مجھے نظر انداز کر کے
نئی پوسٹ Announced کر دی جس کے بعد ہونے
والی Appointments کے (Applicant order) کے خلاف میں
نے اپیل بڑا دائرہ کر دہ ہے۔ لہذا میرا کہیں بھیج
کے رو برو سماعت کیلئے پیش کیا جاوے


Naila Rehman Advocate

22/6/2021

**BEFORE THE CHAIRMAN, KHYBER
PAKHTUNKHAWA, SERVICE TRIBUNAL**

Service Appeal No. _____ of 2021

Muhammad ShoukatAPPELLANT

VERSUS

Secretary Irrigation KPK Peshawar and
others.....RESPONDENTS

SERVICE APPEAL

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Dated

Shaukat

Muhammad Shoukat
....Appellant

Through:

NAILA REHMAN
Advocate High court,
Mansehra.

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA, SERVICE TRIFUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 6582/2021

Diary No. 5046

Dated 28-4-2021

Muhammad Shoukat S/O Muhammad Haroon , resident of Baidadi (Haji
Balla), Shinkhari Tehsil and District Mansehra

----- APPELLANT

VERSUS

1. Secretary Irrigation KPK Peshawar
 2. XEN Irrigation Hazara Division Abbottabd
 3. Superintendent Irrigation Hazar Division Abbottabad
 4. SDO Irrigation Sub Division Abbottabad
 5. Attique Shah S/O Rafiq Shah Resident of Irrigation Quarters Jabri
Mansehra appointed as guage reader section lower seron Canal
Contact Cell NO#0334-5658552
- RESPONDENTS**

Filed to-day

Registrar

28/04/2021
APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA OF THE
SERVICE TRIBUNAL ACT, 1974 AGAINST THE RESPONDENTS FOR
THE APPOINTMENT OF RESPONDENT NO 5 VIDE APPOINTMENT
ORDER NO HIDDEN 3028 10-E Dated 9-4-2021.

DATED APRIL 2021 ISSUED BY
RESPONDENTS NO. 1 TO 4

PRAYER IN APPEAL

By acceptance of this appeal, respondents No 1 to 4 may please be directed to issue the appointment order of the appellant as Guage Reader, BPS-07 along with any other relief which this honorable court deems fit and proper in the circumstances of the case in the best interest of justice.

Respectfully Sheweth,

Short facts giving raise to the present appeal are as under:-

- 1) That the appellant was appointed as a Regulation Beldar in the Irrigation Department of KPK vide appointment order No 4899-4906/10-E dated 9-7-1995 issued by Executive Engineer Hazara Irrigation Division Abbottabad.

(Copy of the appointment order is annexed as annexure A)

- 2) That, the appellant qualified for the post of Guage Reader and requested to department for his appointment as Guage Reader, SDO Irrigation Sub Division Abbottabad (Respondent No 4) forward the recommendation of the

Abbottabad (Respondent No 4) directed to appellant as work Munshi (Ops) purely on temporarily basis as stop gap arrangement till further order.

(Letter No 1131/10-E dated 25/6/2014 Abbottabad is annexed B)

3) That, the post of Guage Reader vacant in the irrigation department in Mansehra the department did not promote the appellant as a Guage Reader inspite the announce initial post vide advertisement No 2021.

4) That respondent No 1 to 4 advertised the post of Guage Reader in initial post in news paper.

(Copy advertisement is annexure C)

5) That, respondent did not acknowledged the departmental appeal of the appellant and appoint the respondent No. 5 which is illegal and unlawfully.

(Copy of departmental appeal is annexure D and copy of appointment of respondent No 5 is annexure E)

6) That, the appellant in the circumstance mentioned above has no other adequate remedy provide in the law to seek the re-address prayed.

(Copy of departmental rules is annexure F)

4

In the heading above and therefore moving this appeal/petition
august court for such re-address of his grievance inter alia on the
following grounds.

GROUNDS:-

- A) That the appellant is fully qualified for the post of Guage Reader.
- B) That the respondents concerned have failed to exercise their powers honestly and pledges.
- C) That the appointment of the respondent No 5 is arbitrary, illegal based on malafide and without lawful authority and is not maintainable in eyes of law.
- D) That , the appointment of respondent No 5 issued by the respondent No 1 to 4 is illegal, without lawful authority.
- E) That, respondent No. 1 to 4 have misused their authority by not promoting the appellant on the post of Guage Reader .
- F) That the appellant has been discriminated under section 4 of Khyuber Pakhtunkhwa of the Service Tribunal Act.

- G) That the act of respondents No 1 to 4 is malafide intension about the appellant .
- H) That the appointment order of respondent No 5 is against the law, facts of the case and norms of the natural justice.
- I) That the appellant has secured vested right which could not be withdrawn without fulfilling the requirement in the right of principal of natural justice.

It is therefore, most humbly prayed that on the acceptance of this appeal, respondents No 1 to 4 may please be directed to issue the promotion order of the appellant as Guage Reader (BPS-07) along with any other relief which this honorabnle court deems fit and proper in the circumstances of the case in the best interest of justice.

Dated 26-04-2021



MUHAMMAD SHOUKAT

(Appellant)

Through :-



NAILA REHMAN

ADVOCATE HIGH COURT, ABBOTTABAD

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

Service Appeal No. ____/2021

Muhammad Shoukat.....**APPELLANT**

VERSUS

Secretary Irrigation KPK Peshawar &
others.....**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974**

AFFIDAVIT

I, MUHAMMAD SHOUKAT S/O
MUHAMMAD HAROON, RESIDENT OF
BAIDAI (HAJI BALLA), SHINKIARI
TEHSIL AND DISTRICT MANSEHRA DO
HEREBY SOLEMNLY AFFIRM AND
DECLARE THAT THE CONTENTS OF
THE ACCOMPANIED SERVICE APPEAL
ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE AND
BELIEF AND NOTHING HAS BEEN
CONCEALED OR SUPPRESSED FROM
THIS HONOURABLE TRIBUNAL.

ATTESTED
GHARIB NAIRAZ ABBAS
Oath Commissioner
Date: 27/04/21
High Court for Khyber Pakhtunkhwa

★ **MUHAMMAD SHOUKAT**
(DEPONENT)



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

Service Appeal No. _____ /2021

Muhammad Shoukat ----- **APPELLANT**

VERSUS

Secretary Irrigation KPK Peshawar & others..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974**

CORRECT ADDRESSES OF THE PARTIES

Respectfully Sheweth !

Correct addresses of the Parties are as under:-

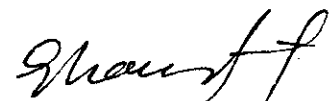
APPELLANT

Muhammad Shoukat S/O Muhammad Haroon, resident of Baidadi (Haji Balla), Shinkiari Tehsil and District Mansehra.

RESPONDENTS

1. Secretary Irrigation KPK Peshawar
2. XEN Irrigation Hazara Division Abbottabad.
3. Superintendent Irrigation Hazara Division Abbottabad.
4. SDO Irrigation Sub Division Abbottabad.
5. Attique Shah S/O Rafiq Shah Resident of Irrigation Quarters Jabri Mansehra Contact Cell No# 0334-5658552

Dated 26-04-2021



**MUHAMMAD SHOUKAT
(Appellant)**

Through :-



**NAILA REHMAN
ADVOCATE HIGH COURT, ABBOTTABAD**

Annexure
(A)

8

NO. 4882-4906/10-E,
TO,

Dated A/Abad the, 9/7/1995.

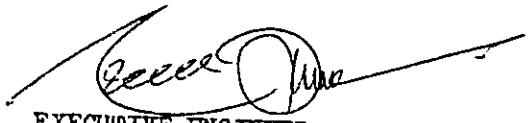
Mr. Muhammad Shaukat,
S/O Muhammad Haroon
R/o Baidadi (Haji Malla),
Shinkhari District Mansehra.

Subject :- APPOINTMENT OF "REGULATION BELDAR".

Attested
Naila Rehman
Advocate
High Court

You are hereby offered the vacant post of Regulation Beldar EPS-2, viz (No. 1275-44-1935) @Rs. 1935/- P.M. plus usual allowances, with effect from date of arrival. If you accept the offer you should report to Sub Divisional Office Irrigation Sub Division Abbottabad for further orders. The appointment is subject to the following conditions :-

1. You have to produce health & age certificate from the Medical Supdt: concerned to the effect that you are medically fit for Govt: service.
2. You will have to produce a good character certificate.
3. No TA/DA will be given to you for joining the post.
4. The offer will remain open upto 30/17/1995.
5. You will be kept on probation period for 6 months. If your performance during the period will be satisfactory, you will be kept in service otherwise your service will be dispensed with.
6. If you want to leave your service, you will have to give 15-days notice to the deptt: or alternatively will have to deposit 15-days pay with the Government.


EXECUTIVE ENGINEER
HAZARA IRRIGATION DIVISION
ABBOTTABAD.

Copy to:-

- 1) The Private Secretary to Minister for Irrigation Govt: of N.W.F.P. Peshawar.
 - 2) The District Accounts Officer Abbottabad.
 - 3) The Section Officer (Estt:) o/o the Secy: to Govt: of NWFP Irrigation Deptt: Peshawar.
 - 4) The SDO Irrigation Sub Divn: Abbottabad.
 - 5) The DA/HC (local).
- for information & necessary action.

EXECUTIVE ENGINEER
HAZARA IRRIGATION DIVISION
ABBOTTABAD.

OFFICE OF THE EXECUTIVE ENGINEER,
HAZARA IRRIGATION DIVISION ABBOTTABAD.

No. 1131 /10-E.
Dated Abbottabad the 25/6/2014.

OFFICE ORDER.

As recommended by SDO Irrigation Sub Division Abbottabad,
Mr. Muhammad Shoukat R/Beldar having SSC qualification is hereby directed to
work as Work Munshi (OPS) purely on temporarily basis as stop gap arrangement
till further order.

Executive Engineer,
Ph# 0992-9310246.

C.C

1. SDO Irrigation Sub Division Abbottabad for information and n/action.
2. DAO/ HC (local).
3. Official concerned.

Executive Engineer.

Working appointment

90
Annexure
(B)

Attested
Naila Rehman
Advocate
High Court

Attested
Qir

VACANT POSITIONS

Applications are invited for recruitment against the following vacant posts.

S#	Name of post	BPS	Qualification and requirements	District Domicile
1	Gauge Reader	07	SSC from a recognized Institute or Board.	Manshra
2	Tube Well Operator	06	SSC from a recognized Institute or Board	Haripur

Terms and Conditions:

1. The candidate must submit attested copies of all academic certificates, degrees, CNIC and domicile along with application to PO box No. 23 GPO Abbottabad within 15 days of the publication of this advertisement.
2. Government Servant must apply through proper channel.
3. Only short listed candidates shall be called for interview.
4. Recruitment shall be made as per policy of Government Khyber Pakhtunkhwa.
5. No TA/DA is allowed.

AUTHORIZED OFFICER

9
10
Annexure

(C)

Attested
Naila Rehman
Advocate
High Court



OFFICE OF THE EXECUTIVE ENGINEER

HAZARA IRRIGATION DIVISION ABBOTTABAD
Phone No 0992-9310246 Fax No (0992-9310246)

13

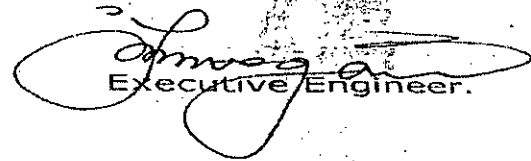
No. 2629 /10-E Dated Abbottabad the 23 /02/2021
To

Muhammad Shoukat S/o Muhammad Haroon,
C/o SDO Irrigation Abbottabad,
PH# 0344-9061650.

Subject:- **INTERVIEW**

In response to your application for the post of Guage Reader. You are therefore directed to attend for an interview on 8/3/2021 at 09.30 AM. Please bring all the original copies of your certificates.

It should be noted that you will not be entitled to pay any T.A or DA for attending the interview.


Executive Engineer.



OFFICE OF THE SUB DIVISIONAL OFFICER

IRRIGATION SUB DIVISION ABBOTTABAD
Phone No 0992-9310247 Fax No (0992-9310246)

No. 953 /1-E,
Dated Abbottabad the 20/07/2016

OFFICE ORDER.

The following posting / transfers amongst the Work Munshi are by made in best interest Govt: / Public work.

S#	Name of Work Munshi	From	To
1	Mr. Rafique Shah W/Munshi	LSC	Ichar Canal
2	Mr. Muhammad Shaukat W/Munshi (OPS)	Ichar Canal	LSC

SUB DIVISIONAL OFFICER
PH: # 0992-9310247

CC:

- 1.
2. ✓

The Executive Engineer, HID, Abbottabad for information please.
Sub Engineer Mansehra for information & n.action.


 SUB DIVISIONAL OFFICER

محمد رفیق صاحب، عدوارہ اربابیت، ڈیولپمنٹ ایس ایس ایف

فائدہ

گزشتہ 26 سال سے لوہر سون کنٹریل پر

ڈیوٹی سرانجام دے رہا ہوں۔ اور 1995 سے 2014 تک ریگولیشن

پندرہ ڈیوٹی سرانجام دی اور 2014 سے واک فنتی (OPS) ڈیوٹی

انجام دے رہا ہوں اور سائٹ صیگرڈ (سائٹ) پاس ہوں اور پے کمی

کئی بار پروموشن کے لیے درخواست دے چاہوں اور سائٹ و معوم

ہوئے کہ لوہر سون کنٹریل پر کچھ ایڈری کی پوسٹ خالی ہے

لینڈ صیگرڈ یا فرما کر سائٹ کو کچھ ایڈری ایسے خالی پوسٹ پر پروفیشنل

کے سائٹ خالی بننا ہے۔ سائٹ احیاء دعا کر رہے گا

Attested
[Signature]

محمد شہزاد ولد محمد ہارون واک فنتی (OPS) لوہر سون کنٹریل

0344 9061650

30/12/20

بخدمت جناب ایکسین صاحب ہزارہ ایرگیشن ڈویژن ایبٹ آباد

درخواست برائے حصول انصاف

جناب عالی

گزارش ہے کہ سائل عرصہ 26 سال سے آپکے زیر سایہ مانسہرہ لوئر سرن کینال پر ڈیوٹی سرانجام دے رہا ہے اور 2014 میں مانسہرہ میں ورک منشی کی ایک پوسٹ خالی ہوئی تھی اور سائل نے اس پوسٹ پر پروموشن کی درخواست دی تھی۔ جس پر سائل کو نظر انداز کر کے ایبٹ آباد آفس سے ایک جونیئر کلاس فور کو اس پوسٹ پر ترقی دے دی گئی اور سائل کو OPS ورک منشی کا آڈر دے دیا اور سائل کو آفس طلب کر کے۔ سائل سے وعدہ کیا گیا کہ سائل کو کم از کم ایک ماہ اور زیادہ سے زیادہ 6 ماہ میں پروموشن دی جائے گی۔ اور 2014 سے لیکر 2021 تک BPS 7 کی چار مزید پوسٹیں خالی ہوئیں اور ان پوسٹوں کے لیے سائل اپلائی کرتا رہا اور سائل کو مسلسل نظر انداز کر کے اپنے من پسند آدمیوں کو پوسٹوں پر لگایا گیا جو کہ من سائل کے ساتھ مسلسل زیادتی اور نا انصافی ہے۔ 2021 میں اخبار میں ایک پوسٹ BPS 7 گچ ریڈر جسکی کے لیے تعلیم SSC تھی اشتہار دیا گیا جس پر بھی من سائل نے درخواست دی۔ جناب عالی سائل سینئر اور SSC کو ایفائیڈ امیدوار ہے اور اس پوسٹ کا حق دار ہے اور محکمہ روز کو دیکھ کر من سائل کو انٹرویو میں شامل کر لیا گیا، اور اب اس پوسٹ پر سائل کا حق بنتا ہے کہ سائل کو پروموشن کیا جائے جناب عالی مودبانہ گزارش کی جاتی ہے کہ سائل کو اس خالی پوسٹ پر تقرر کیا جائے بصورت دیگر سائل کے ساتھ جو نا انصافی ہوئی ہے۔ سائل انصاف کے حصول کے لیے عدالت مجاز کو جاسکتا ہے۔

المرقوم 29-3-2021

عین نوازش ہوگی

ارضی

محمد شوکت ولد محمد ہارون ورک منشی (OPS) لوئر سرن کینال مانسہرہ

کاپی: SE سرکل ایرگیشن صوابی

کاپی: چیف انجینئر ساؤتھ پشاور

Annexure

(D) Attested

Waila Rehman
Advocate
High Court

Attested
[Signature]

No. 752

RGL53837252

Rs. 15

uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is required.

Received a registered*
addressed to

Initials of Receiving Officer (with the word "insured" before it where necessary.)
Insured for Rs. (in figures) (in words)

If insured.

Insurance fee Rs.
Name and
address
of sender

Weight
(in words)

3/11

No. 385

RGL52720381 see reverse. Rs. 50 Ps. 00
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

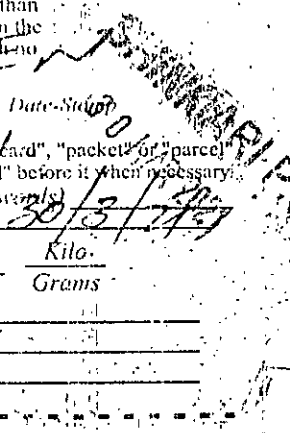
Received a registered* addressed to _____ Date-Stamp _____

Initials of Receiving Officer _____ Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 50 (in words) 50/00

If insured. } Insurance fee Rs. _____ Ps. _____ (in words) } Weight 20 Kilo. 20 Grams

Name and address of sender _____



No. 1219

RGL52720419 see reverse. Rs. _____ Ps. _____
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

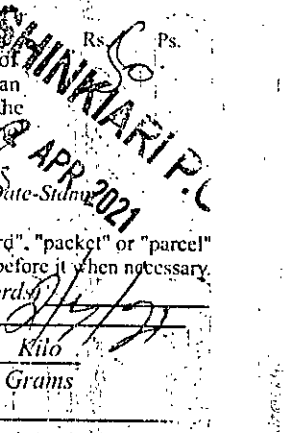
Received a registered* addressed to _____ Date-Stamp _____

Initials of Receiving Officer _____ Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

If insured. } Insurance fee Rs. _____ Ps. _____ (in words) } Weight _____ Kilo. _____ Grams

Name and address of sender _____



No. 1220

RGL52720420 see reverse. Rs. 50 Ps. 00
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

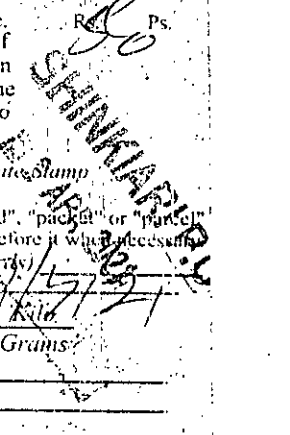
Received a registered* addressed to _____ Date-Stamp _____

Initials of Receiving Officer _____ Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

If insured. } Insurance fee Rs. _____ Ps. _____ (in words) } Weight _____ Kilo. _____ Grams

Name and address of sender _____



Annexure
(E)

17/18

Nalla
Ad
Hic

Attested
Nalla Rehan
Advocate
High Court

OFFICE OF THE EXECUTIVE ENGINEER

MANZAR IRRIGATION DIVISION ABBOTTABAD

No. 3028 10-E,
To.

Dated Abbottabad the 9/4/2021

Syed Atiq Hussain Shah,
S/o Muhammad Rafique Shah,
R/o Mohallah Sian Abad Distr: Mansehra.

Subject: APPOINTMENT AS GAUGE READER (BS-07)

Consequent upon the recommendation of Departmental Selection Committee, you are hereby offered a post of Gauge Reader BPS-7 (viz: 10900-610-20290) @ Rs. 10900/- plus other usual allowances as admissible under the rules with the following terms & conditions

TERMS AND CONDITIONS:

1. Your services will be governed under the Government of Khyber Pakhtunkhwa Policy & Rules.
2. At the time of resignation, you will have to give one month notice or to deposit one month salary under the rules in lieu of short notice and you will leave the service when the resignation is accepted by the competent authority.
3. You will have to join the duty at your own expenses.
4. Any terms and conditions issued by the Government thereafter in this regard will also binding upon you.
5. 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 Government for the category of Government Servants to which you belongs.

You will have to produce:-

- a. Medical Fitness Certificate
- b. Certificate of Educational qualifications.
- c. Character Certificate.
- d. Domicile certificate
- e. Copy of Computerized National Identity Card.
- f. An undertaking on stamp paper worth 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.
- g. An undertaking on stamp paper that you are not dismissed from the Govt. service

If you accept the post on the above mentioned conditions you should report arrival for duty to Sub Divisional Officer, Irrigation Sub Division Abbottabad before the target date of 22/4/2021 and produce all the required certificate in original/ photo state along with Service Book.

The offer will be considered as canceled if you fail to report arrival for duty before the target date.

[Signature]
Executive Engineer

LIC

Sub Divisional Accounts Officer, Abbottabad for information & necessary action.

Annexure (F)

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

Sl. No.	Name of Post with BS	Minimum qualification for appointment by Initial Recruitment or by transfer	Age Limit	Method of recruitment
1	2	3	4	5

55	Surveyor BS-6	SSC with one year certificate of survey from a recognized Institute.	18-30 years.	By initial recruitment.
56	Security Sergeant BS-6	Retired Armed/Civil Armed Forces at least in the rank of Hawaldar with SSC	upto 45 years	1. 50% by initial recruitment. 2. 50% by promotion on the basis of seniority cum fitness from amongst the Security Guard/Darkandaz in the Division.
57	Security Guard BS-1	Ex-service man	18-45 years	By initial recruitment.
58	Barkandaz BS-1	Ex-service man	18-45 years	By initial recruitment.
59	Land Reclamation Supervisor BS-6	SSC with Patwar Course.	18-30 years	By initial recruitment.
60	Gauge Reader BS-5	SSC or equivalent Qualification from a recognized Institute or Board.	18-30 years.	1. 50% by initial recruitment. 2. 50% by promotion on the basis of seniority cum fitness from amongst the Mate, Regulation, Beltdar and Beldar having SSC qualification and ten years service in the Circle.
61	Tarai Masjidi BS-5	Either sanad in Dars-e-Nazami or a sanad of Fazel-i-Arabi <u>Preference</u> a. Proficiency in Qi'at. b. Hafiz Quran c. A sanad in Shahdat-e-Alamia from the Jamie. d. Certificate of having passed primary class examination.	25-30 years	By initial recruitment.
62	Telephone Attendant BS-5	SSC or equivalent qualification from a recognized Institute/Board.	18-30 years.	By initial recruitment.
63	Painter BS-5	Three years experience certificate in the relevant field from a reputable Firm/Institute	18-30 years	By initial recruitment.

Attested

Naila Rehman
Advocate
High Court

TABLE SHOWING THE PROPOSED METHOD OF RECRUITMENT FOR THE VARIOUS POSTS OF THE INFORMATION DEPARTMENT NAWAP

	Qualification for Initial Recruitment or by transfer	Age Limit	Method of Recruitment
Operator BS 15	Graduate with one year diploma in computer from recognized Institute & Certificate of Auto Cad from recognized Institute		1) By promotion on the basis of seniority cum fitness from amongst the Data Processing Supervisor with qualification as mentioned in column 3 against SI No. 2 with 3 year service as such, and 2) If no suitable candidate is available then by initial recruitment
Supervisor	Graduate with one year Diploma in computer from a recognized Institute.	18-30 years	1) 75% by promotion on the basis of seniority cum fitness from amongst the Data Entry Operators/Key punch operator with qualification as mentioned in column 3 against SI No. 3 with three years service as such; and 2) 25% by initial recruitment.
Senior Operator	FA/Ph.D. with one year Diploma in computer Speed of 10,000 key depression per hour.	18-30 years	By initial recruitment
Senior Operator	Diploma of Associate Engineering in Electrical/Mechanical Technology as the case may be from a recognized Institute.	18-30 years	1) 50% by initial recruitment 2) 50% by promotion on the basis of seniority cum fitness from amongst the work Superintendent with qualification as mentioned in column 3 against SI No. 4
Senior Operator	Diploma of Associate Engineering in Electrical/Mechanical Technology from a recognized Institute.	18-30 years	1) 50% by initial recruitment 2) 50% by promotion on basis of seniority cum fitness with five years service as work Superintendent in BS 9
Senior Operator	SSC or equivalent Qualification from a recognized Institute/Board.	18-30 years	By promotion on basis of seniority cum fitness from amongst the work Master Control Inspector with seven years service. 1) 50% by initial recruitment 2) 50% by promotion on basis of seniority cum fitness from amongst the Master Control Inspector having SSC and ten years service in the grade
Junior Operator	Literate	18-30 years	By promotion on basis of seniority cum fitness from amongst the clerks having 5 years service in the respective Division. By initial recruitment.

19

DBAM No. _____

B. No. _____

19-4565

Name of Advocate _____

ناظم راجپوت

S.No

13582

Fee Rs. 100/-



2020-21

General Secretary
District Bar Association
Manshera

وکالت نامہ

20

بعدالت: جناب سپرو سنز میونسپل K.P.K پشاور
عنوان: محمد شوکت
منجانب: ایبلانٹ
نوعیت مقدمہ: اپیل

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ایبلانٹ کے لئے
ناظم راجپوت ایبلانٹ کو برائے
کو بدیں شرائط 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 وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ
کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ
کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر چینی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبہ وصول
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دائی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف
کر بشرط ادا ہوگی علیحدہ محتاتاً ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو
بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو
اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پر داخستہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔
لہذا وکالت نامہ لکھ دیا ہے اور دستخط اگوشا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

20

مورخہ

ACCEPTED

And
Attested

محمد شوکت ولد لالہ باوان سکون پیداری مانسہرہ

**BEFORE THE CHAIRMANKHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHWAR.**

Service Appeal No.6582 of 2021.

Muhammad Shoukat

Appellant

Versus

Secretary Irrigation Department Peshawar & others.

Respondents

INDEX

S#	Description of documents	Annexure	Page
1	Para wise Comments	-	1-2
2	Affidavit		3
3	Copies of advertisement	A	4
4	Copies of Rules	B (i,ii& iii)	5-7


Dependent

**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No.6582 of 2021.

Muhammad Shoukat

.....
Appellant

Versus

Secretary Irrigation Department Khyber Pakhtunkhwa & others.

.....
Respondents

Parawise comments on behalf of Respondents No. 1 to 4

Preliminary Objections:

1. The appellant has not come with clean hands to the august tribunal.
2. The appellant has got no cause of action and locus standi.
3. That the appellant has deliberately concerted real facts from the Honorable Tribunal.
4. That the appeal is barred by law and not maintainable in its present form.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That filing of this service appeal is futile exercise and wastage of precious time of this honourable tribunal and liable to be dismissed forthwith.
7. That the appeal is incompetent in view of Section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974.

Respectfully Sheweth.

1. Pertains to record.
2. Incorrect, because the order issued vide No.1131/10-E, dated 25/6/2014 was merely for stop-gap arrangements.
3. The para is correct to the extent of announcement of the advertisement but the same was made for filling the vacant post through open merit. The advertisement is attached as "**Annex-A**".
4. Correct.
5. Incorrect. The appeal is not submitted to the appellant authority and having no official proof. It is deemed as appellant deliberately prepared complementary documents for giving weight to his baseless claim and there is no reception acknowledged by the Department.
6. As per above para 5, the appellant has not knocked the door of appellate authority, hence lost the right to seek the redressal of his grievances from the Honorable Tribunal.

GROUND.

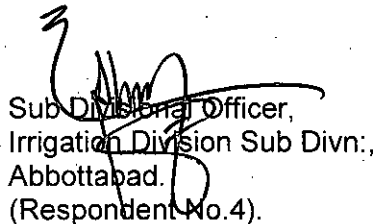
- a. Incorrect, as the appellant among the qualified candidates was not found competitive and failed in interview for the vacant post.
- b. Incorrect, as the plea of the appellant is based on his malafide intensions and the constituted committee for the purpose of selection of candidate to the post was not objected priorly by the appellant before his failure.
- c. Incorrect. The appointment of Respondent No.5 is made under the standing rules through Departmental Selection Committee. (copy of rules are attached as Annex-B (I, ii & iii).
- d. As per Para C above.
- e. As per above Para -A and hence there is no misuse of power by the authority.
- f to i Incorrect. Detail reply have been given in facts and grounds above.

Prayers.

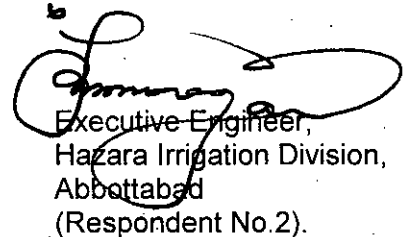
Keeping in view the above comments/ record, it is requested that the appeal may kindly be dismissed with cost.



Section Officer (E)
O/o Secretary Irrigation,
Peshawar (Respondents No.1)



Sub Divisional Officer,
Irrigation Division Sub Divn.,
Abbottabad.
(Respondent No.4).



Executive Engineer,
Hazara Irrigation Division,
Abbottabad
(Respondent No.2).

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.6582 of 2021.

Muhammad Shoukat

Appellant

Versus

Secretary Irrigation Department Peshawar & others.

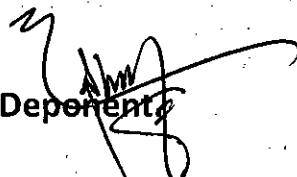
Respondents

AFFIDAVIT.

I, Mr. GUL SHAHZAD SDO Irr. AD do hereby

solemnly affirm and declare that the contents of the accompanying Parawise comments in the above titled case are true and correct to the best of my knowledge and belief.

Identified by:


Deponent

Annex: 'A'

2. The Pre-bid Meeting will be held on 23/12/2020 at 11:00 Am in the meeting room of the LRH.
 3. The envelopes shall be marked as "TECHNICAL BID" and "FINANCIAL BID" and in BOLD and LEGIBLE letters to avoid confusion. Similarly, the bidder shall seal both bids in separate envelopes. The said two envelopes shall then be sealed in an outer envelope.
 4. No conditional tender will be acceptable.
 5. Registration with Khyber Pakhtunkhwa Revenue Authority KNTN is mandatory.
 6. A detailed list of specification of required items can be obtained from the Material Management Department of LRH during working hours (Saturday is not working day). The specification is also available on our web-site www.lrh.edu.pk
 7. The bid security in the shape of Pay order (PO) will not be accepted.
 8. The competent Authority has the right to reject all bids under Rule 47 of the Khyber Pakhtunkhwa Public procurement Regulatory Authority (KPPRA) Procurement Rules 2014, after assigning valid reasons.

2. Pre-bid Meeting will be held on 23/12/2020 at 11:00 Am in the meeting room of the LRH.
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Hospital Director
Lady Reading Hospital. Peshawar
Medical Teaching Institute
 Address of Bid Submission/Opening:
 Lady Reading Hospital/MTI Peshawar, Khyber Pakhtunkhwa,
 Telephone(s) : +92-91-9211927 Ext:1702

NOTICE INVITING E-BIDDING

CORRIGENDUM

Reference Notice Inviting E- Bidding No.INF(P) 4501/2020 published in daily news paper daily Mashriq dated 30.11.2020 and published on KPPRA website for the scheme namely "CONSTRUCTION OF WAITING SHEDS, PARKING SHEDS, BOUNDARY WALL, GROUP LATRINE, TAXI STAND AND CAR PARKING IN DISTRICT NORTH WAZIRISTAN" AIP UNDER MERGED AREAS ADP /AIP NO.2210/195318 (2020-21).

Sub Head: "Construction of Taxi stand at Mirali Bazar, Tehsil Mirali District North Waziristan"
 Corrigendum is hereby issued under the mentioned date and Term / conditions.

- The cost of scheme may please be read as 24.098 million instead of 33.057 million and earnest money as 0.4820 million instead of 0.66114 million.
- Last date for submission of electronic tender form will be 29.12.2020 at 12.00pm instead of 17.12.2020 at 12.00 pm and Opening of electronic bid will be 29.12.2020 at 01.00 pm instead of 17.12.2020 at 01.00 PM.

Assistant Director, LG&RDD NWT
 Assistant Engineer, LG&RDD NWT



VACANT POSITIONS

Applications are invited for recruitment against the following vacant posts.

s#	Name of post	BPS	Qualification and requirements.	District Domicile
1	Gauge Reader	07	SSC from a recognized Institute or Board.	Mansehra
2	Tube Well Operator	06	SSC from a recognized Institute or Board.	Haripur

Terms and Conditions:

- The candidate must submit attested copies of all academic certificates/ degrees, CNIC and domicile along with application to PO box No. 23 GPO Abbottabad within 15 days of the publication of this advertisement.
- Government Servant must apply through proper channel.
- Only short listed candidates shall be called for interview.
- Recruitment shall be made as per policy of Government Khyber Pakhtunkhwa.
- No TA/ DA is allowed.

AUTHORIZED OFFICER

"Take Special Care of Special Persons"
 INF(P) 4766/2020
 تمارا ایمان کرپشن فری پاکستان

Daily Mashriq dt: 17/12/2020

Annex B(i)

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

Sl. No	Name of Post with BS	Minimum qualification for appointment by Initial Recruitment or by transfer	Age Limit	Method of recruitment
1	2	3	4	5
55	Surveyor BS-6	SSC with one year certificate of survey from a recognized Institute.	18-30 years.	By initial recruitment.
56	Security Sergeant BS-6	Retired Armed/Civil Armed Forces at least in the rank of Hawaldar with SSC	upto 45 years	1. 50% by initial recruitment. 2. 50% by promotion on the basis of seniority cum fitness from amongst the Security Guard/Barkandaz in the Division.
57	Security Guard BS-1	Ex-service man	18-45 years	By initial recruitment.
58	Barkandaz BS-1	Ex-service man	18-45 years	By initial recruitment.
59	Land Reclamation Supervisor BS-6	SSC with Patwar Course.	18-30 years	By initial recruitment.
60	Gauge Reader BS-5	SSC or equivalent Qualification from a recognized Institute or Board.	18-30 years.	1. 50% by initial recruitment. 2. 50% by promotion on the basis of seniority cum fitness from amongst the Mate, Regulation Beldar and Beldar having SSC qualification and ten years service in the Circle.
61	Imam Masjid BS-5	Either sanad in Dars-e-Nazami or a sanad of Fazil-i-Arabi <u>Preference</u> a. Proficiency in Qirat. b. Hafiz Quran c. A sanad in Shahdat-e-Alamia from the Jamie. d. Certificate of having passed primary class examination.	25-30 years	By initial recruitment.
62	Telephone Attendant BS-5	SSC or equivalent qualification from a recognized Institute/Board.	18-30 years	By initial recruitment.
63	Painter BS-5	Three years experience certificate in the relevant field from a reputable Firm/Institute	18-30 years	By initial recruitment.

[Handwritten Signature]

[Handwritten Mark]

Sl. No.

**PROCEDURE FOR SELECTION FOR
PROMOTION/INITIAL RECRUITMENT**

I am directed to say that under rule 7 of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 appointment by promotion to posts in BPS-2 to BPS-16 shall be made on the recommendations of the appropriate Departmental Promotion Committee. Similarly, under rule 11 of the rules *ibid*, initial appointments to posts in BPS-1 to 15 shall be made on the recommendation of the Departmental Selection Committee after the vacancies have been advertised in newspapers. However, no criteria for selection has so far been prescribed.

2. In order to ensure a fair degree of selection, minimize the chances of discretion and favouritism, the Provincial Government have laid down the following criteria for selection for promotion vis-a-vis initial recruitment to the posts which are filled by the department concerned:-

- (I) **Criteria for Selection for Promotion:-** Promotion to any post in a grade below Grade-16 shall not be subject to any test. The suitability of candidates shall be determined on the basis of service record i.e seniority-cum-fitness.
- (II) **Criteria of Selection for initial recruitment:-**
- (i) **For post in Grades 1 to 4-** No special criteria has been laid down and the committee concerned shall adopt its own method and procedure for selection.
- (ii) **For posts in Grade-5 and above in all departments-** -In addition to the total marks allocated for a written competitive examination, if any held, the total marks will be 100 as per distribution given below:-
- | | | |
|-----|--------------------------|-------|
| (a) | Prescribed qualification | ...70 |
| (b) | Higher qualification | ...12 |
| (c) | Experience | ...10 |
| (d) | Interview | ...08 |

3. Para 2 above indicates only the general distribution of the marks. To enable the Administrative Departments to develop criteria of comparative grading of candidates within the above overall framework, S&GAD has done a model exercise (attached as Annexure) for guidance of all concerned.

4. I am accordingly directed to request you to kindly ensure that the aforesaid criteria for selection for promotion vis-a-vis initial recruitment to posts is adhered to strictly in filling

HCBA Reg No.	2	7	4	-	M		
BC No.	1	1	-	2	3	5	0
Place of Practice	صانسیو						
Name of Advocate	عبدالصبور خان						

S. No. 21604



وکالت نامہ

بعدالت: جناب جسٹس ٹریبونل ایسٹریٹس ڈویژن ایسٹریٹس بار
 عنوان: محمد شہولت نام: شہزادہ شہزادہ
 منجانب: Respondent No (5) نوعیت مقدمہ: 6582/21
 باعث تحریر آنکھ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ میں مقام ایسٹریٹس بار کے لیے

عبدالصبور خان ایڈووکیٹ چارجی ہو رہا ہے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے
 مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی
 طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہو سکے گا نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی
 جگہ یا پکھری کے اوقات سے پہلے یا پچھلے یا پروڈیوٹن پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت
 ہونے یا بروز تعطیل یا پکھری کے اوقات کے پچھلے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ
 کے ادا کرنے یا بخاندہ کے واپس کرنے سے نہیں صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات
 منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل وغیرہ ہر قسم درخواست پر دستخط
 و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور قائل کرنے اور ہر قسم کے بیان
 دینے اور اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر اپیل و
 برآمدگی مقدمہ یا منسوخی ڈگری ایک طرف درخواست حکم امتناع یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط
 ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی
 کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے بنا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات
 حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ ہر جگہ ہر جائے التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل
 صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 21/10/13

دن مہینہ سال

عبدالصبور خان ایڈووکیٹ چارجی

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

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

عشق شاہ ولد رفیق شاہ ساندہ عطر سندیہ ماہیہ

Ashah

Before the KPK Service Tribunal, Corp
Court Abbottabad

Service Appeal No $\frac{6582}{21}$

Muhammad Shokat vs Govt of KPK

Respectfully Sheweth:

- 1) that the filed appeal is pending before this Tribunal and fixed today for reply of Respondent nos
- 2) that, I counsel for Respondent nos rely upon the reply / comments filed by the official respondents / Department

it is therefore, prayed that the case be fixed for arguments.

Dated 09th / 01

Through Attique Sha
Counsel Respondent nos