

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Reply
in
Appeal No 7917/2021.

Engg Imtiaz Khan.

(Appellant)

V E R S U S

Government of KPK and Others.

(Respondents)

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Impleaded Respondents

Through


ZARTAJ ANWAR

Advocate High Court

Office FR , 3-4 Forth Floor

Bilour Plaza Peshawar Cantt.

Cell: 0331-9399185

Email: Zartaj9@yahoo.com

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
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(Appellant)

VERSUS

Government of KPK and Others.

(Respondents)

REPLY ON BEHALF OF THE IMPLEADED
RESPONDENTS

Respectfully Submitted:-

1. That the above noted service appeal is pending in this Honorable Tribunal, which is fixed for today.
2. That the applicants are performing their duties as Assistant Engineer BPS-17 in the respondent department and performing their duties with great zeal and devotion to the entire satisfaction of their superiors without any complaint whatsoever regarding their performance.
3. That the issued in hand in the present appeal while providing future promotion prospects to the answering respondents by allotting/reserving promotion quota to BPS-18 posts for diploma and B.Tech Degree holders by ration of 8% and 12% respectively, the promotion of the respected diploma and B.Tech Degree holder was initially agitated when they were given the promotion prospects in BPS-17 which was challenged before the honourable Khyber Pakhtunkhwa service tribunal in which the honourable Tribunal direct the provincial government to considered the amendment made to the rules , the same was made while not accommodating specific individual, the honourable supreme court in the reported judgment title Govt of KPK vs. Muhammad Javeed declares:

Since it's a policy matter the government was empowered to reduce the said quota of Diploma holders sub engineers for promotion to the post of Assistant Engineer and also to create a separate quota of B.Tech Degree Holders for promotion to the post of Assistant Engineer

4. That the Hon;able Supreme Court in its reported Judgment PLD 1995 SC Page 701 held:

Promotion of a civil servant from any particular grade to higher grade authority competent to order such promotion government has the exclusive domain to decide whether any particular qualification would be considered sufficient for promotion from any particular grade to higher grade and government is vested with exclusive domain to change such policy from time to time from nobody could claim any vested right in that policy Pakistan engineering counsel, however, has exclusive domain to decide as to whether any particular qualification could be equated with another academic qualification but would have no power to say that civil servant/employee holding particular academic qualification could not be promoted from particular grade to higher grade

(Copy of the judgment is attached as annexure A)

5. That the Sindh Service Tribunal came up with the same issue while giving the promotion quota to the diploma and B.tech Degree holders for promotion to the post of Assistant Engineer BPS-17 and further allocation of promotion quota of 20 % for diploma and B.Tech Degree Holders to the post of Executive Engineer BPS-18, the BSc Engineers like present appellant challenged the same in the Service Appeal that the post of executive Engineer BPS-18 being that of a purely professional engineering work could only be perform by professional engineers holding accredited engineering qualification as provided in the PEC Act the Plea of the appellant petitioner was dismissed by the Honourable Supreme Court in Maula Bux Sheikh and others Vs Chief Minister Sindh and others.
6. That there was no promotion quota for the B.Tech degree holders and (DAE) diploma holders in the department who were performing their duties in a capacity of Assistant Engineers BPS-17 to Executive Engineers BPS-18 as they have no future prospects of promotion from BPS-17 to BPS-18.
7. That the Assistant Engineers BPs-17 submitted representation /application for reservation of promotion quota for B.Tech Degree holders and (DAE) Diploma Holders in the light of judgment dated

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03.10.2018 of the Honourable Supreme Court of Pakistan in case titled Maula Bux vs Govt of Sindh and also on the analogy of different department of Sindh and Punjab Government.

8. That Standing Service Rules Committee recommended the promotion to the higher grade by awarding 20% quota for promotion from BPS-17 to BPs-18 by giving future prospects of Promotion as 12% were reserved for B.Tech Degree holders and 8% reserved for Diploma Holders.
9. That in the light of the above recommendation and approval of the competent authority in accordance with law, rules and procedure the amendment was made and notified by the secretary irrigation in consultation with the establishment and finance department vide notification dated 24.08.2021.
10. That in light of the minutes of the SSRC and approval of the same by the competent authority, further to add duly notified by the competent authority and published in the official gazette, the department in the light of such amendments prepared separate seniority list of Degree holders, B.Tech (Hons) Degree and Diploma Holders, the present applicants are B.Tech (Hons) Degree holders to whom a separate initially tentative seniority list was issued which after lapsing of statutory period followed by Final seniority list. *(Copies of Minutes of SSRC held in different departments are attached as annexure B).*

It is therefore, prayed that on acceptance of this Reply the service appeal of the appellant may kindly be dismissed with heavy cost.


Impleaded Respondent

Through:


ZARTAJ ANWAR
Advocate Supreme Court
Of Pakistan

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Reply
in
Appeal No 7917/2021.

Engg Imtiaz Khan.

(Appellant)

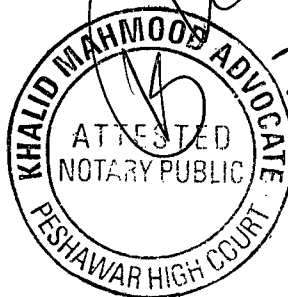
VERSUS

Government of KPK and Others.

(Respondents)

AFFIDAVIT

I, **Saif Ullah** S/o Abdullah R/O House no E 8, Civil Colony Warsak Road Kababyan Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



Deponent

P L D 1995 Supreme Court 701 .

Present: Sajjad Ali Shah, CJ., Ajmal Mian, Manzoor Hussain Sial, Muharnmad Munir Khan and Mir Hazar Khan Khoso, JJ

FIDA HUSSAIN--- Petitioner

versus

THE SECRETARY, KASHMIR AFFAIRS AND NORTHERN AFFAIRS DIVISION, ISLAMABAD and another- Respondents

Suo Motu Review Petition No .52 of 1993, decided on 5th June, 1995.

(On review froze the judgment dated 5-12-1992 of the Supreme Court of Pakistan passed in Civil Appeal No. 216 of 1991;.

(a) Pakistan Engineering Council Act (V of 1975)---

---S. 8-- Constitutions of Pakistan (1973); Arts. 25 & 212--Promotion of civil servant from any particular grade to higher grade Authority competent to order such promotion--Government has the exclusive domain to decide whether any particular qualification would be considered sufficient for; promotion from any particular grade to higher grade and Government is; vested with exclusive domain to change such policy from time to time, for no body could claim any vested right in that policy--Pakistan Engineering Council, however, has exclusive domain to decide, as to whether any particular qualification could be equated with another academic qualification but would have no power to say that civil servant/employee holding particular academic. qualification could not be promoted from a particular grade to higher grade--Government cannot abdicate its power to decide such question in favour of a corporate body which is not in its control nor it can act in a manner which might be violative of Art. 25 of the Constitution on account of being discriminatory.

Muhammad Siddique Nasim v. Secretary, Government of the Punjab, Irrigation and Power Department, Lahore 1987 SCMR 302; Muhammad Azim Jamali and 11 others v. Government of Pakistan through Secretary/Chairman, Ministry of Railways and 33 others 1992 PLC (C.S.) 637 and Pakistan Diploma Engineers Federation (Registered) through its Chairman v. Federation of Pakistan through Secretary, Ministry of Water and Power, Government of Pakistan, Islamabad and 9 others 1994 SCMR 1807 ref.

(b) Pakistan Engineering Council Act (V of 1975)---

---Ss. 2 & 8--Pakistan Engineering Council--Functions--Pakistan Engineering Council is vested with functions to regulate persons qualified to practise as professional engineers and consulting engineers and not persons who were employed in the Government or semi-Government organizations--Where Government had employed any professional engineer, for performing professional engineering work as envisaged in cl. (k) of S.2 of the Act, provisions of the Act would be attracted and not otherwise.

(c) Civil service--

---Pakistan Engineering Council Act (V of 1975), Ss. 2 & 8-- Constitution of Pakistan (1973), Arts. 25, 212 & 188- Supreme Court Rules, 1980, **O.XXVI, R.1**--Review of judgment of Supreme Court-- Civil servant- Right to promotion on basis of improvement of qualifications-- Government had initiated two degree courses for diploma-holders in Engineering i.e. B. Tech. (Pass) and B. Tech (Honours), petitioner passed both such examinations and claimed promotion on basis of his improved qualifications Petitioner was not promoted on the ground that Pakistan Engineering Council did not recognize B. Tech. (Honours)

as equivalent to B.Sc. Engineering degree- -Petitioner's departmental appeal and appeal before Service Tribunal did not succeed-Supreme Court dismissed petitioner's appeal on the ground that decision of Service Tribunal was based on judgment of Supreme Court in Muhammad Siddique Nasim's case (1987 SCMR 302)---Review- --Petitioner having improved his qualifications on the undertaking of Government that diploma holder engineers would be provided facility of improving their qualifications by introducing B. Tech. (Pass) and B. Tech. (Honours) degree course, and that latter degree would be considered equivalent to B.Sc. Engineering degree was entitled to be considered for promotion to B-17 Grade- -Important aspect of the case which escaped notice of Supreme Court in its judgment under review was that some other civil servants/employees placed in the same position as petitioner had been considered for promotion to B-17 Grade and in fact were promoted whereas petitioner was denied such benefit which amounted to violation of Art. 25 of the Constitution-- -Judgment under review was, thus, liable to be recalled for having proceeded on wrong premises- --Petitioner's appeal was allowed and judgment of Service Tribunal was set aside- --Authority was directed to consider petitioner's case for promotion to B-17 Grade.

Mukhtar Ahmad and 37 others v. Government of West Pakistan through the Secretary, Food and Agriculture, Civil Secretariat, Lahore and another PLD 1971 SC 846 and I. A. Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others 1991 SCMR 1041 ref.

(d) Civil service---

---Promotion- --Administrative decision- --Promotion of civil servant relatable to specific qualifications- --Government can exercise its discretion for future to provide that academic qualification of B. Tech. (Honours) would not be considered sufficient for promotion from B-16 to B-17 Grade if the same did not violate the principles of equality before law-- -Constitution of Pakistan (1973), Art.25.

Petitioner in person.

Raja Muhammad Bashir, Deputy Registrar, Pakistan Engineering Council for Respondents. Attorney-General of Pakistan with Bashir Ahmed Sheikh,

Date of hearing: 5th June, 1995.

JUDGMENT

AJMAL MIAN, J.-- -The above suo motu review petition has been initiated by this Court to consider, whether the judgment rendered by the Court on 5-12-1992 in Civil Appeal No. 216 of 1991 is liable to be recalled.

2. The brief facts are that the petitioner was appointed as an Overseer/Sub-Engineer in Northern Area P.W.D. in 1971. It appears that the Federal Government, in order to encourage the diploma holders to improve their academic qualification, resolved to prescribe courses, namely, B. Tech (Pass) and B. Tech. (Honours), the latter was treated equivalent to B.Sc (Engineering) and Bachelor of Engineering, respectively, for the purpose of promotion. In this behalf, the then Minister of Education and Provincial

From:
Mr. Abdul Hafeez Pirzada, Minister for Education and Provincial Coordination.

My Dear Governor,

As you may be aware the Polytechnic Diploma Holders had been agitating for a long time for provision of facilities for higher education. In order to resolve this issue in consultation with the Provincial Governments various Associations of the Polytechnic Diploma Holders, I convened a meeting on the 20th October, 1973 of the Chairman/Directors for Technical Education in the Provinces, Principals of Polytechnics, Representatives of Engineering Universities/Colleges and Representatives of various

Associations of the Polytechnic Diploma Holders. *it* was decided that steps should be taken to introduce the degree programs for the polytechnic diploma holders without further delay.

2. As envisaged in the new Education Policy, the following programme was adopted. There will be two degree courses for diploma holders (i) B. Tech. (Pass) and (ii) B. Tech. (Honours).
3. Admission to the B. Tech. (Pass) course shall be subject to the candidates fulfilling the following minimum requirements:
 - (i) Three years diploma from a Polytechnic institute in first Division.
 - (ii) Two years, industrial training/experience. Candidates without industrial experience shall be required to undergo one year's supervised/guided practical training in industry to be arranged by the institution concerned.
 - (iii) Performance in the admission test.
4. B. Tech. (Pass) course will consist of a year's programme of studies at the institution. The degree of B. Tech. (Pass) shall be treated at par with a Bachelor's degree in Science.
5. Candidates having successfully completed B. Tech. (Pass) degree course- shall be eligible for admission to a two years B. Tech. (Honours) course. The first year of this course will comprise supervised/guided industrial training during which the students shall be assigned specific projects relevant to their fields of study. The second year will consist of intensive study at the institution. B. Tech.

(Honours) shall be treated at par with B. Sc. (Engineering)/B.E. Degree.

It was also decided that so long as necessary facilities do not exist in Balochistan and N.-W.F.P. and other backward areas, Federal Government will arrange placement of students from these areas in other Provinces.

You are requested to kindly direct the relevant authorities of your Province to implement these decisions urgently, With regards,

Yours sincerely,

(Abdul Hafeez Pirzada):"

(Sd.)

3. Pursuant to the above policy, the aforesaid proposed courses of B. Tech. (Pass) and B. Tech. (Honours) were initiated. It is the case of the petitioner that he passed B. Tech. (Pass) course in 1977 and B. Tech. (Honours) course in March, 1981, from N.E.D. University, Karachi. After improving this academic qualifications the petitioner resumed his duties in March, 1981, in the Northern Areas P.W.D. It is an admitted position that a number of employees who cleared B. Tech. (Pass) and B. Tech. (Honours) were promoted to BPS-17 by the authorities concerned. The petitioner was not promoted, the Administrator, Northern Areas, Gilgit, was informed by the Chief Engineer, Northern Areas P.W.D., that the petitioner could not be promoted as the Pakistan Engineering Council did not recognise B. Tech. (Honours) as equivalent to B.Sc. (Engineering) degree. Thereupon, the petitioner filed a department appeal on 2G-1-1989, which was rejected on 11-2-1990. Then he approached the Federal Service Tribunal through Appeal No.83(R) of 19(10) but the same was dismissed for the following reasons:--

"10. We have considered the arguments advanced by both sides as well as the objections submitted by Pakistan Engineering Council. In our view the letter of Minister hat Education and Provincial

or authority any sum of money for services rendered in such work:

However, a contrary view was taken by Qaiser Ahmad Hamidi, J as under:-

"6. According to Pakistan Engineering Council Act, 1975, only registered professional and consulting engineers are authorised to undertake professional engineering works. The copy of letter sent by Chairman, Pakistan Engineering Council to Government of Punjab dated 2-6-1977, further makes it clear that the Federal Government had announced 30th June, 1977, to be the last date by which all Professional and Consulting engineers shall get themselves registered with the Pakistan Engineering Council. It appears that due to pressure of diploma holders who are not registered professional engineers, there has been a flagrant violation of the provisions of the Act. Even in relating to the posts of Assistant Executive Engineers (B.P.S. 17) regarding which a decision was taken by the Government that diploma holders could be appointed against such posts, the same lacks the warrant of law and is in the nature of concession granted to unqualified persons. The appointment of the diploma holders against senior posts of Pakistan Railways in disregard of the provisions of the Act, is, therefore, illegal on the face of it. It may be noted that the responsibilities of the engineers in Pakistan Railways are more onerous. They relate to proper functioning of the railways and the construction, design, supervision and maintenance of engineering works which affect the safety of public at large."

The matter was referred to a third learned Judge and was heard by Saiduzzaman Siddiqui, C. J., (as he then was), who concluded as under:-

"7. From the above debates in the National Assembly, it would appear that the object of introducing the Engineering Council Bill of 1975 was to bring the engineering profession on the same line and make it subject to similar check and control as are applicable to the Medical and legal profession, by creating an Engineering Council in line with the Medical Council and the Bar Council. Ajmal Mian, C.J. (as he then was) in his Judgment compared the provisions of the Act with the provisions of Legal Practitioners Act and observed that the provisions of the Legal Practitioners Act are applicable only to the practising advocates and are not extended to persons having legal qualification who are employed in Statutory Corporations, and other Departments though they may be tendering legal advice in course of their such employment. The observations of Ajmal Mian, C.J., appear to be in accord with the objects of the Act. I am, therefore, of the view that merely because a person possesses an engineering qualification and is employed on a job which requires engineering skill does not mean that he must be registered under the Act."

7. The above matter came up before this Court through appeals with the caveat of this Court, which were inter alia filed by the Pakistan Engineering Council. The same were dismissed and the above majority view of the High Court of Sindh was maintained.

8. However, - Raja -Muhammad Bashir, learned Deputy Attorney general, has submitted that the following portion of the judgment of this Court in the case of Pakistan Diploma Engineers Federation (Registered) through its Chairman v. Federation of Pakistan through Secretary, Ministry of Water and Power, Government of Pakistan, Islamabad and 9 others (1994 SCMR 1807) upholds the plea of the respondents:-

"18. We on the other hand after hearing Mr. Abid Hassan Minto learned Advocate for the appellant at considerable length consider that this is not a correct interpretation of the judgment of the High Court. The High Court has clearly stated that the provisions of the Act were wide enough to include cases of those persons engaged in professional engineering works whether employed in any private or Governmental Organisation, if they are called upon to **undertake any professional engineering work**, as defined under the Act. In fact in the connected case CA. No.31 of 1992 a Committee of Secretaries constituted by the Punjab Government correctly summed up the true position obtaining in the Act as follows:-

"The Committee was of the view that the Government could appoint a non-graduate engineer to a post in any grade but if the post involved performance of professional engineering work such appointment would

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attract penalties prescribed in the Act.'

The finding of the Referee Judge in this case is to the same effect and in our opinion this finding is quite correct."

9. In this regard, we may point out that it is the domain of the Government concerned to decide whether a particular academic qualification of a civil servant employee is sufficient for promotion from one Grade to another higher Grade and whereas it is in the domain of the Pakistan A, Engineering Council to decide, as to whether a particular academic qualification can be equated with another academic qualification, but it has no power to say that the civil servants/employees holding particular academic qualifications cannot be promoted from a particular Grade to a higher Grade. The main object of the Act as pointed out by one of us (Ajmal Mian, J.) and Saiduzzaman Siddiqui, CJ. (as he then was) in the above High Court judgment is to regulate the working of professional engineers and consulting engineers and not to regulate the qualifications or the working of the engineers in the Government or semi-Government departments. The definitions of the terms "professional engineer" and "professional engineering work" given in clauses (j) and (k) of section 2 of the Act are to be read together and, therefore, as a corollary to the same, it must follow that the term "professional engineering work" as defined in clause (k) of section 2 of the Act is to be performed by a professional engineer as defined in clause (j) thereof, which is evident from section 8 of the Act, which defines the functions of the Pakistan Engineering Council as under:--

"8. Functions of the Council ---The following shall tie the functions of the Council, namely:--

- (a) maintenance of a Register of persons qualified to practise as professional engineers and consulting engineers;
- (b) recognition of engineering qualifications for the purpose of registration of professional engineers and consulting engineers;
- (c) removal of names from the Register and restoration to the Register names which have been removed;
- (d) laying down of standards of conduct for the members;
- (e) safeguarding the interests of the members;
- (f) promotion of reforms in the engineering profession;
- (g) management of the funds and properties of the Council;
- (h) promotion of engineering education and review of courses of study in consultation with the Universities;
- (i) levy and collection of fees from applicants for registration temporary licences and members;
- (j) exercise of such disciplinary powers over the members and servants the Council as may be prescribed;
- (k) formation of such committees as maybe prescribed; and
- (l) performance of all other functions connected with, or ancillary incidental to, the aforesaid functions:"

A perusal of the above-quoted section shows that the Pakistan Engineering Council is vested with the functions to regulate the person qualified to practise as professional engineers and consulting engineers and n persons who are employed in the Government or semi-Government organisations. If the

Government employs a professional engineer as defined the Act for performing professional engineering work as envisaged by the A in above clause (k) of section 2, the provisions of the Act would be attracts and not otherwise.'

10. Reverting to the merits of the present case, as pointed o hereinabove, that the petitioner pursuant to the above decision of the Government of Pakistan dated 26-11-1973 passed[his B. Tech. (Pass) in 19' and h. Tech (Honours; in March, 1981, from the N.E.D. University, Karacl And, thci before, acted upon the above representation of the Government. In the view of the matter, it is not just and fair not to consider the petitioner f promotion to BPS-17 keeping in view the admitted fact that a number of other civil servants/employees in the same department in the same position ha been promoted by the departments/organisations concerned. In this behalf, may be pertinent to refer to the 'case of Mukhtar Ahmad and 37 others Government of West Pakistan through the Secretary, Food and Agriculture Civil Secretariat, Lahore and another (PLD 1971 SC 846). The facts of the above case were that the persons possessing the qualifications mentioned Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rule 1963, were not available. The Government launched a scheme for training of Assistant Agricultural Engineers, where under 46 Graduates in B.Sc. Agriculture were to be selected for appointment as Assistant Agricultural Engineers after their successful completion of two years' diploma courses at an Agricultural University. The above scheme was discussed by the Government with the Public Service Commission. The candidates selected by the Public Service Commission, who were about to complete their training of two years, were informed by the Government that they would have to appear again before the Public Service Commission to be selected for appointment to the posts of Assistant Agricultural Engineers (Class II). The candidates asserted that after the completion of their training they were entitled to be appointed as Assistant Agricultural Engineers (Class II) in terms of the offer made to them and they could not be required to appear again before the Public Service Commission for such appointment. on the other hand, the Government contended that the 'candidates did not possess the qualification prescribed by Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rules, 1963, for appointment to such posts. The matter came up for hearing before this Court in the form of an appeal with the leave of this Court filed by the candidates against the judgment of a Division Bench of the erstwhile High Court of West Pakistan. The same was allowed and inter alia the following was concluded:--

"The offer of the Government and its acceptance by the appellants constituted a valid agreement and the Governor's order dated the 1st July, 1965 provided the authority for such an agreement: This agreement is capable of being enforced in law. The Government was both competent and obliged to implement that agreement. When the Governor's order, dated the 1st July, 1965, provided a special authority for recruitment to the 46 posts of Assistant Agricultural Engineers, rule 7 of the Recruitment Rules was not applicable in this case:"

11. The above case supports the petitioner's stand. Another aspect which escaped notice of this Court in tire judgment under review is that some of the other civil servants/employees placed in the same position as the petitioner was had been considered for promotion to BPS-17 and in fact were promoted, whereas the petitioner was denied the above benefit which amounted to violation of inter alia Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. In this regard, reference may be made to the case of I. Sharwani and others v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041).

12. The judgment of this Court in the case of Muhammad Siddique Nasim (supra) relied upon by the Tribunal is distinguishable for more than one reason, firstly, in the above case the **notification of the Government of Punjab dated 8-2-1961** equivalising B. Tech. (Honours) with B. Sc. Engineering degree was withdrawn on 15-3-1985, whereas the petitioner received degree of B. Tech. (Honours) in June, 1985, i.e. after the withdrawal of the notification; whereas in the present case, admittedly the petitioner passed his B. Tech. (Honours) in March, 1981, before the Pakistan Engineering Council through its Registrars above letter dated L4-4-1984 stated that there was typographical error in the above-quoted portion of its Registrar's letter dated 30-4-1981.. Secondly, in the judgment in the case of Pakistan Diploma Engineers federation (Registered) through its Chairman (supra), this Court affirmed the majority view of the High

Court of Sindh in the case of Muhammad Aim jamatt (supra), in which it has been held that the provisions of the Act are applicable only to professional engineers and consulting engineers who are in practice and not to the persons working in the Government departments, autonomous bodies, local authorities and private firms or companies.

13. We may again observe that it is exclusively within the domain of the Government to decide whether a particular qualification will be considered sufficient for promotion from a particular Grade to a higher Grade and it is also within the domain of the Government to change the above policy from time to time as nobody can claim any vested right in the policy. However, it cannot abdicate its power to decide the above question in favour of a corporate body which is not in its control nor it can act in a manner which may be violative of Article 15 of the Constitution on account of being discriminatory. It is still open to the Government for future to provide that academic qualification of B. Tech. (Honours) will not be considered sufficient for promotion from BPS-16 to BPS-17 if the same does not violate the above principle.

14. The upshot of the above discussion is that the judgment under review is liable to be recalled as it proceeded on wrong premises. We would, therefore, allow the above Suo Motu Review Petition and recall the above judgment. In consequence thereof, petitioner's civil Appeal No.216 of 1991 is allowed and the judgment of the Tribunal is set aside and the respondents are directed to consider the petitioner's case for promotion to BPS-17,

AA/F-368/5

Review allowed.



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

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Annex B

Dated Peshawar the 20th November, 2014

NOTIFICATION

No. SO(E)/IRRI:/4-3/DPC/PSB/2012/Vol-III: Pursuant to the orders of Supreme Court of Pakistan, Islamabad dated 11.11.2014 whereby the impugned judgment dated 26.02.2014 of Khyber Pakhtunkhwa Service Tribunal, Peshawar has been set aside and consequently dismissed all the service appeals filed by the respondents, the competent authority in consultation with Departmental Promotion Committee is pleased to promote the following B. Tech (Hons) Degree Holder Sub Engineers to the post of Assistant Engineers (BS-17) in Irrigation Department on regular basis with effect from 22.11.2012 i.e. the date on which recommendation of the DPC were approved by the competent authority:-

- i. Mr. Aman Ullah Khan.
- ii. Mr. Niaz Badshah.
- ✓iii. Mr. Saifullah.

2. The officers 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.

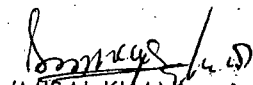
3. Consequent upon their promotion as Assistant Engineers (BS-17), the officers at Sr. No. i & iii are allowed to continue on their existing place of postings whereas the officer at Sr. No. ii after actualization against the vacant post of SDO, Flood Irrigation Sub Division-II, D.I. Khan will re-join his present post i.e. Assistant Director, Rehabilitation for Irrigation System Project, Peshawar.

**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. All Superintending Engineers of Irrigation Department.
5. The Project Director, Rehabilitation for Irrigation System Project, Peshawar.
6. The District Accounts Officers, Charsadda & D.I. Khan.
7. PS to Minister for Irrigation, Khyber Pakhtunkhwa.
8. PS to Secretary Irrigation Department, Khyber Pakhtunkhwa.
9. Officer concerned.
10. The Manager, Govt. Printing & Stationary Department, for publication in the next official gazette.
11. Master file.
12. Personal files of the officers.


(MISAL KHAN)
Section Officer (Estt.)



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON
12.01.2012 AT 1030 HOURS, UNDER THE CHAIRMANSHIP OF SECRETARY IRRIGATION
DEPARTMENT.

A meeting of the Standing Service Rules Committee was held on 12.01.2012 under the Chairmanship of Secretary Irrigation. The following attended the meeting: -

- | | | |
|------|--|----------|
| i. | Mr. Sajid Khan,
Secretary to Govt. of Khyber Pakhtunkhwa,
Irrigation Department. | Chairman |
| ii. | Engr: Riaz Ahmad Khan,
Chief Engineer (South),
Irrigation Department. | Member |
| iii. | Mr. Janal Gul Afridi,
Additional Secretary,
Irrigation Department. | Member |
| iv. | Mr. Mushtaq Hussain,
Deputy Secretary (Regulation-III),
Establishment & Administration Department. | Member |
| v. | Engr: Sahibzada Muhammad Shabir,
Superintending Engineer,
Peshawar Irrigation Circle, Peshawar. | Member |
| vi. | Mr. Fasoeh Ullah,
Assistant Legal Drafter,
Law Department. | Member |
| vii. | Mr. Jan Muhammad,
Section Officer (SR-III),
Finance Department. | Member |

2- The meeting started with recitation from the Holy Quran. The chair welcomed the members and asked Additional Secretary, Irrigation Department to apprise the committee. He informed the meeting regarding proposed amendments in Service Rules for appointment of Assistant Engineer/Sub Divisional Officer/Assistant Director (BS-17), Administrative Officer/Budget & Accounts Officer (BS-16), Senior Scale Stenographer (BS-15), Sub Engineer (BS-11), Junior Clerk (BS-7) and Bildar (BS-1) in Irrigation Department.

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The agenda items were discussed and decisions made as under:-

1. Change in method of appointment for the post of Assistant Engineer/Sub Divisional Officer/Assistant Director

Method of Recruitment	
Existing	Proposed
<p>A Sixty five percent by initial recruitment.</p> <p>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.</p> <p>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</p> <p>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.</p> <p>Note:- Provided that where candidate under Clause (b) & (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>	<p>A. Sixty five percent by initial recruitment.</p> <p>B. 12% by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having degree in Civil or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five year service as such.</p> <p>C. 8% 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&A examination with five years service as such.</p> <p>D. 15% by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade B&A examination with ten years service as such.</p> <p>Note-1. Joint seniority list of the B.E/B.Sc degree holder Sub Engineers shall be maintained and their seniority is to be reckoned from the date of their 1st appointment in this category.</p> <p>Note-2. Separate seniority list of the B.Tech (Hons) degree holder Sub Engineers shall be maintained and their seniority is to be reckoned from the date of their 1st appointment in this category.</p> <p>Note-3. Separate seniority list of the diploma holder Sub Engineers shall be maintained and their seniority is to be reckoned from the date of their 1st appointment in this category.</p> <p>Note-4. The quota of (B) above shall be filled in from (A) above, if no qualified Sub Engineer is available in (B).</p>

4- The Additional Secretary Irrigation informed that there is a constant demand from B.Tech (Hons) Degree holder Sub Engineers to treat them at par with B.E/B.Sc (Engineering) Degree holder for the purpose of pay, grade and promotion as per decision of the Higher Education Commission conveyed vide No. 8-36/HEC/A&A/2007/1088 dated 21.05.2007 (Annexure-I). Before processing their appeals / demands, the rules prevailing in certain Federal and Provincial sister Departments were perused. Ministry of Higher Education, Ministry of Housing & Works, Federal Public Service Commission, Higher Education Commission in Central Government and Government of Punjab, Irrigation Department and Department of Technical Education of Khyber Pakhtunkhwa have treated B.Tech (Hon) equivalent with B.E/B.Sc. Engineering Degree, whereas Provincial department of Irrigation, Government of Baluchistan has reserved a separate quota for B.Tech (Hons) Sub Engineers. However, as the matter is still subjudice in various courts of law, therefore, this department had referred the matter to a

special committee constituted vide notification dated 06.10.2011 to examine the issue before Standing Service Rules Committee could take any decision. The Chairman of the committee briefed the forum that the committee has recommended a 3rd option i.e. neither to fully equate B.Tech Hons with degree nor to discriminate or neglect them at all, rather a separate promotion quota will satisfy the genuine demand of the B.Tech (Hons) Degree holder Sub Engineers without involving into controversy with B.E/B.Sc. Engineering Degree holders vis-à-vis PEC recognition.

5 The Law Department representative was of the view that Supreme Court of Pakistan vide judgment in writ petition No. 52 and Lahore High Court decision dated 03.10.2011 in write petition No. 5040/2010 (Annexure-II&III) have directed to treat B.Tech (Hons) at par with B.E/BSc (Engineering) Degree. However the chair observed that the recommendations of the committee seems more practicable, therefore 8% quota is to be reserved for Sub Engineers holding B.Tech (Hons). Representative of Establishment Department objected to clubbing of in-service and pre-service degree holder sub engineers as this will eliminate promotion rights of two separate streams of degree holders sub engineers. The chair was of the view that the very distinction between the in-service and pre-service degree holder is discriminatory and is required to be done away with. Similarly there is no length of service prescribed for none of the category which is also discriminatory as promotion for diploma holder sub engineers is subject to 10 years service and grade-A exam. Therefore by inserting 05 years service length for degree holder sub engineers, this discrimination is now being eliminated. Furthermore, there is hardly any need to discriminate sub engineers on the basis of a qualification which is not prescribed for their original initial recruitment as Sub Engineer. The Secretary of the committee informed the forum that 03% quota of degree holder and 5% from diploma holder sub engineers has been apportioned for B.Tech Hons sub engineers which is their own category of cadre.

6- The representative of the Law Department pointed out that we should straightaway go for equal status of B.Tech Hons and make amendments in all vertical columns as well by inserting the words "or equivalent qualification" after the words "degree in B.E/B/.Sc. Engg.; Civil or Mechanical" wherever occurring in the existing service rules. The Chief Engineer Irrigation pointed out that certain litigations are still in the court, therefore we should restrict ourselves to the view point of the chair for the time being till final decision upon Write Petition filed by one of the stake holder. The forum agreed to the above amendments.

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II. Change in method of recruitment for the post of Admn: Officer/Budget & Accounts Officer

Existing	Nomenclature	Proposed	Method of Recruitment	
			Existing	Proposed
Administrative Officer / Budget & Accounts Officer (BS-16)			By promotion on the basis seniority-cum-fitness from amongst the Superintendent of the Department having at least 03 year service.	By promotion on the basis seniority-cum-fitness from amongst the Superintendent having at least 01 year service as such.

7- The forum was told that only change is being made to delete the scale as the post has been reflected in Budget Book with BS-17, so as to harmonize them with Establishment Department instruction and to remove bottleneck in promotion of existing incumbents. The forum was informed that such posts are to be filled from amongst the Superintendant having got promoted after a lengthy trail of promotion, to which that usually reaches at the stage near superannuation due to some very few posts beneath. Therefore, the prescribed length of service as Superintendant needs to be reduced from 03 to 01 year. The forum agreed.

III. Change in method of recruitment for the post of Sub Engineer (BS-11)

Existing	Method of Recruitment	
	Existing	Proposed
A. 80% by initiate recruitment; and B. 20% 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 Govt. with at least 10 years service, and have passed the departmental grade-B and grade-A examination	A. 80% by initiate recruitment; and B. 15% 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 Institute of Pakistan / Board of Technical Education, having passed the departmental grade-B and grade-A examination with at least 07 years service as such and; C. 5% by promotion on the basis of seniority-cum-fitness, from amongst the members of service holding posts of Canal Inspectors, Work Taker, Work Munshi, Surveyor and work Superintendent, having passed the departmental grade-B exam and with at least 10 years service as such.	

8 The forum was informed that the existing employees mentioned at Serial No. (C) in the proposed column, are being considered for promotion without any qualification of DAE in C&W Department vide their Service Rules, being attached to the minutes (Annexure-IV). The Chair however, pointed out that there must be a longer service for non-diploma holder Canal Inspectors etc, which was proposed seven (07) years for diploma holder and ten (10) years for non-diploma holder canal inspectors, work munchies, work taker, surveyors and work superintendents and have passed the departmental grade-B exam as such. The representative of Establishment Department pointed out missing of Gauge Reader and Surveyor against at Serial No. (C), in the working paper from the

benefit of promotion as Sub Engineer. The forum accepted inclusion of Surveyor, whereas in case of the Gauge Reader, the Chief Engineer, Irrigation clarified that nature of the job of Gauge Reader is not technical as compared to other categories, hence it has been excluded. The forum agreed with the amendments.

IV. Change in qualification for the post of Senior Scale Stenographer (BS-15)

Qualification	
Existing	Proposed
A. Bachelor's Degree / B.Com from a recognized university; and	A. Bachelor's Degree or equivalent qualification from a recognized University and
B. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing.	B. A speed of 80 WPM in short-hand in English & 40 WPM in English typing.

The Chief Engineer Irrigation said that the shorthand speed is being curtailed from 100 wpm to 80 wpm on the recommendation of the Khyber Pakhtunkhwa Public Service Commission which was exhibited to the forum and is being attached with the minutes (Annexure-V). Representative of the Establishment Department observed that the Junior Scale Stenographers are being deprived from promotion in the case of circle cadre. However, the Chief Engineer informed that there is only one post of Senior Scale Stenographer in each circle, whereas Junior Scale Stenographer does not exist in the circle cadre, therefore, neither anyone will be deprived from promotion nor split of single seat is possible.

V. Change in method of recruitment for the post of Junior Clerk (BS-7)

Method of Recruitment	
Existing	Proposed
(a) Sixty Seven percent by initial recruitment; and	(a) Sixty Seven percent by initial recruitment; and
(b) Thirty three percent by promotion, from amongst the Dattaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and are under 45 years of age and have at least two years service as such in the respective. Regional and Circle Office Cadre	(b) Thirty three percent by promotion, from amongst the Dattaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and have at least two years service as such in the respective regional and Circle Office Cadre
Note For the purpose of promotion, there shall be maintained a joint seniority list of Dattaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate whichever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.	Note For the purpose of promotion, there shall be maintained a joint seniority list of Dattaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate whichever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.

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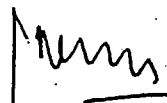
10. The forum was apprised that restriction of age limit of forty five (45) year in 33% promotion quota meant for Secondary School Certificate holders Daflaries, Record Lifters, Naib Qasids and Chowkidars is not justified, therefore it must be deleted. The forum agreed.

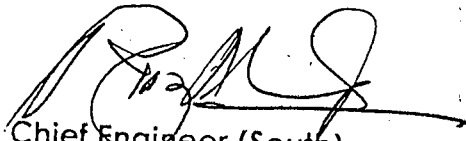
VI. Change in the age limit for initial appointment of Bildar

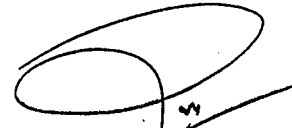
Existing	Age Limit	
	18-30 years	Proposed

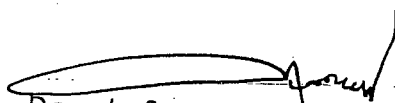
11 The word "30" is being replaced with the word "32" as per approval by the Governor, Khyber Pakhtunkhwa and instruction conveyed by the S&GAD vide notification No. SOR-I(S&GAD)4-1/80 Vol-III dated 12.06.1999.

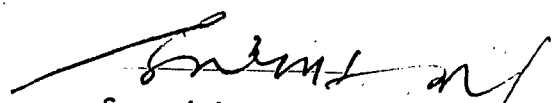
12 After detailed discussion, the Standing Service Rules Committee recommended the amendments in the Service Rules for appointment against the posts in the Irrigation Department as per details given above and are also being attached separately as appendix-A.



Secretary Irrigation
Chairman



Chief Engineer (South)
Irrigation Department
(Member) (Each page initialed)


Additional Secretary
Irrigation Department
(Member)


Deputy Secretary (Reg-III)
Establishment Department
(Member)


Superintending Engineer,
Peshawar Irrigation Circle, Peshawar
(Member)


Assistant Legal Drafter,
Law Department
(Member)


Section Officer (SR-III),
Finance Department
(Member)



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25TH JUNE, 2012.

GOVERNMENT OF KHYBER PAKHTUNKHWA,
IRRIGATION DEPARTMENT.

NOTIFICATION

Dated: 25th 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:

"(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 1st 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 1st 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, within 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 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 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.**

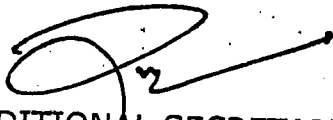
WORKING PAPER

**SUBJECT: AMENDMENTS IN THE KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT RECRUITMENT AND
APPOINTMENT RULES**

In consultation with the Standing Service Rules Committee, the amended Service Rules for various categories of establishment of Irrigation Department, Khyber Pakhtunkhwa were notified vide No. SO(E)/IRR/23-5/73 dated 17-02-2011 (Annexure-I), against which the pre service graduate Sub Engineer (BS-11) and non diploma holder Work Munshis, Canal Inspectors, Work Takers and Work Superintendent preferred appeals. Their appeals were discussed in a Pre-SSRC meeting held on 7-5-2011 and it was agreed to place the proposals before the SSRC for consideration. Similarly B.Tech (Hons) degree holder Sub Engineers also preferred appeals (Annexure-II) for including them in the quota reserved for graduate Sub Engineers for promotion to the post of Assistant Engineer (BS-17).

In order to examine the appeals in light of order of Supreme Court of Pakistan in Sou Motu Petition No. 52 of 1993 and decisions taken by the various government departments, i.e, Establishment Division, Ministry of Education, Higher Education Commission, WAPDA, FPSC, C&W Department Punjab and Technical Education Department, Khyber Pakhtunkhwa reg: B.Tech (Hons) at par with B.E/B.Sc (Engineering), the competent authority was pleased to constitute a committee to examine as to whether the case is feasible for placing before the SSRC or not (Annexure-III). The committee after thoroughly scrutinizing the appeals and the references annexed with the appeals alongwith advice of the E&AD Department given to the PHE Department (Annexure-IV), recommended to place the case before the SSRC to consider and reserve 8% share for promotion of B.Tech (Hons) degree holder Sub Engineer to the post of Assistant Engineer (Annexure-V).

The SSRC is requested to consider the proposals at Serial No. 4, 5, 7 and 9 of the appendix (Annexure-V).


ADDITIONAL SECRETARY
IRRIGATION DEPARTMENT
GOVT. OF KHYBER PAKHTUNKHWA



- - 24

Sgt

**GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT**

**MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON
12.01.2012 AT 1030 HOURS, UNDER THE CHAIRMANSHIP OF SECRETARY IRRIGATION
DEPARTMENT.**

A meeting of the Standing Service Rules Committee was held on 12.01.2012 under the Chairmanship of Secretary Irrigation. The following attended the meeting: -

- | | | |
|------|--|----------|
| i. | Mr. Sajid Khan,
Secretary to Govt. of Khyber Pakhtunkhwa,
Irrigation Department. | Chairman |
| ii. | Engr: Riaz Ahmad Khan,
Chief Engineer (South),
Irrigation Department. | Member |
| iii. | Mr. Janal Gul Afridi,
Additional Secretary,
Irrigation Department. | Member |
| iv. | Mr. Mushtaq Hussain,
Deputy Secretary (Regulation-III),
Establishment & Administration Department. | Member |
| v. | Engr: Sahibzada Muhammad Shabir,
Superintending Engineer,
Peshawar Irrigation Circle, Peshawar. | Member |
| vi. | Mr. Faseeh Ullah,
Assistant Legal Drafter,
Law Department. | Member |
| vii. | Mr. Jan Muhammad,
Section Officer (SR-III),
Finance Department. | Member |

2- The meeting started with recitation from the Holy Quran. The chair welcomed the members and asked Additional Secretary, Irrigation Department to apprise the committee. He informed the meeting regarding proposed amendments in Service Rules for appointment of Assistant Engineer/Sub Divisional Officer/Assistant Director (BS-17), Administrative Officer/Budget & Accounts Officer (BS-16), Senior Scale Stenographer (BS-15), Sub Engineer (BS-11), Junior Clerk (BS-7) and Bildar (BS-1) in Irrigation Department.

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The agenda items were discussed and decisions made as under:-

1. Change in method of appointment for the post of Assistant Engineer/Sub Divisional Officer/Assistant Director

Method of Recruitment	
Existing	Proposed
<p>A Sixty five percent by initial recruitment.</p> <p>B Ten percent by promotion, on the basis of seniority cum fitness, from amongst the Sub-Engineers who has acquired during service degree in Civil or Mechanical Engineering from a recognize university.</p> <p>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</p> <p>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.</p> <p>Note:- Provided that where candidate under Clause (b) & (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>	<p>A. Sixty five percent by initial recruitment.</p> <p>B. 12% by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having degree in Civil or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five year service as such.</p> <p>C. 8% 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&A examination with five years service as such.</p> <p>D. 15% by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade B&A examination with ten years service as such.</p> <p>Note-1. Joint seniority list of the B.E/B.Sc degree holder Sub Engineers shall be maintained and their seniority is to be reckoned from the date of their 1st appointment in this category.</p> <p>Note-2. Separate seniority list of the B.Tech (Hons) degree holder Sub Engineers shall be maintained and their seniority is to be reckoned from the date of their 1st appointment in this category.</p> <p>Note-3. Separate seniority list of the diploma holder Sub Engineers shall be maintained and their seniority is to be reckoned from the date of their 1st appointment in this category.</p> <p>Note-4. The quota of (B) above shall be filled in from (A) above, if no qualified Sub Engineer is available in (B).</p>

4- The Additional Secretary Irrigation informed that there is a constant demand from B.Tech (Hons) Degree holder Sub Engineers to treat them at par with B.E/B.Sc (Engineering) Degree holder for the purpose of pay, grade and promotion as per decision of the Higher Education Commission conveyed vide No. 8-36/HEC/A&A/2007/1088 dated 21.05.2007 (Annexure-I). Before processing their appeals / demands, the rules prevailing in certain Federal and Provincial sister Departments were perused. Ministry of Higher Education, Ministry of Housing & Works, Federal Public Service Commission, Higher Education Commission in Central Government and Government of Punjab, Irrigation Department and Department of Technical Education of Khyber Pakhtunkhwa have treated B.Tech (Hon) equivalent with B.E/B.Sc. Engineering Degree, whereas Provincial department of Irrigation, Government of Baluchistan has reserved a separate quota for B.Tech (Hons) Sub Engineers. However, as the matter is still subjudice in various courts of law, therefore, this department had referred the matter to a

26 27

special committee constituted vide notification dated 06.10.2011 to examine the issue before Standing Service Rules Committee could take any decision. The Chairman of the committee briefed the forum that the committee has recommended a 3rd option i.e. neither to fully equate B.Tech Hons with degree nor to discriminate or neglect them at all, rather a separate promotion quota will satisfy the genuine demand of the B.Tech (Hons) Degree holder Sub Engineers without involving into controversy with B.E/B.Sc. Engineering Degree holders vis-à-vis PEC recognition.

5 The Law Department representative was of the view that Supreme Court of Pakistan vide judgment in writ petition No. 52 and Lahore High Court decision dated 03.10.2011 in write petition No. 5040/2010 (Annexure-II&III) have directed to treat B.Tech (Hons) at par with B.E/BSc (Engineering) Degree. However the chair observed that the recommendations of the committee seems more practicable, therefore 8% quota is to be reserved for Sub Engineers holding B.Tech (Hons). Representative of Establishment Department objected to clubbing of in-service and pre-service degree holder sub engineers as this will eliminate promotion rights of two separate streams of degree holders sub engineers. The chair was of the view that the very distinction between the in-service and pre-service degree holder is discriminatory and is required to be done away with. Similarly there is no length of service prescribed for none of the category which is also discriminatory as promotion for diploma holder sub engineers is subject to 10 years service and grade-A exam. Therefore by inserting 05 years service length for degree holder sub engineers, this discrimination is now being eliminated. Furthermore, there is hardly any need to discriminate sub engineers on the basis of a qualification which is not prescribed for their original initial recruitment as Sub Engineer. The Secretary of the committee informed the forum that 03% quota of degree holder and 5% from diploma holder sub engineers has been apportioned for B.Tech Hons sub engineers which is their own category of cadre.

6- The representative of the Law Department pointed out that we should straightaway go for equal status of B.Tech Hons and make amendments in all vertical columns as well by inserting the words "or equivalent qualification" after the words "degree in B.E/B/.Sc. Engg.; Civil or Mechanical" wherever occurring in the existing service rules. The Chief Engineer Irrigation pointed out that certain litigations are still in the court, therefore we should restrict ourselves to the view point of the chair for the time being till final decision upon Write Petition filed by one of the stake holder. The forum agreed to the above amendments.

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II. Change in method of recruitment for the post of Admn: Officer/Budget & Accounts Officer

Nomenclature		Method of Recruitment	
Existing	Proposed	Existing	Proposed
Administrative Officer / Budget & Accounts Officer (BS-16)		By promotion on the basis seniority-cum-fitness from amongst the Superintendent of the Department having at least 03 year service.	By promotion on the basis seniority-cum-fitness from amongst the Superintendent having at least 01 year service as such.

7- The forum was told that only change is being made to delete the scale as the post has been reflected in Budget Book with BS-17, so as to harmonize them with Establishment Department instruction and to remove bottleneck in promotion of existing incumbents. The forum was informed that such posts are to be filled from amongst the Superintendant having got promoted after a lengthy trail of promotion, to which that usually reaches at the stage near superannuation due to some very few posts beneath. Therefore, the prescribed length of service as Superintendant needs to be reduced from 03 to 01 year. The forum agreed.

III. Change in method of recruitment for the post of Sub Engineer (BS-11)

Existing	Method of Recruitment	
	Existing	Proposed
<p>A. 80% by initiate recruitment; and</p> <p>B. 20% 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 Govt. with at least 10 years service, and have passed the departmental grade-B and grade-A examination</p>	<p>A. 80% by initiate recruitment; and</p> <p>B. 15% 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 Institute of Pakistan / Board of Technical Education, having passed the departmental grade-B and grade-A examination with at least 07 years service as such and;</p> <p>C. 5% by promotion on the basis of seniority-cum-fitness, from amongst the members of service holding posts of Canal Inspectors, Work Taker, Work Munshi, Surveyor and work Superintendent, having passed the departmental grade-B exam and with at least 10 years service as such.</p>	

8 The forum was informed that the existing employees mentioned at Serial No. (C) in the proposed column, are being considered for promotion without any qualification of DAE in C&W Department vide their Service Rules, being attached to the minutes (Annexure-IV). The Chair however, pointed out that there must be a longer service for non-diploma holder Canal Inspectors etc, which was proposed seven (07) years for diploma holder and ten (10) years for non-diploma holder canal inspectors, work munchies, work taker, surveyors and work superintendents and have passed the departmental grade-B exam as such. The representative of Establishment Department pointed out missing of Gauge Reader and Surveyor against at Serial No. (C), in the working paper from the

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benefit of promotion as Sub Engineer. The forum accepted inclusion of Surveyor, whereas in case of the Gauge Reader, the Chief Engineer, Irrigation clarified that nature of the job of Gauge Reader is not technical as compared to other categories, hence it has been excluded. The forum agreed with the amendments.

IV. Change in qualification for the post of Senior Scale Stenographer (BS-15)

Existing	Qualification	
	Proposed	
A. Bachelor's Degree / B.Com from a recognized university; and	A. Bachelor's Degree or equivalent qualification from a recognized University and	
B. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing.	B. A speed of 80 WPM in short-hand in English & 40 WPM in English typing.	

9- The Chief Engineer Irrigation said that the shorthand speed is being curtailed from 100 wpm to 80 wpm on the recommendation of the Khyber Pakhtunkhwa Public Service Commission which was exhibited to the forum and is being attached with the minutes (Annexure-V). Representative of the Establishment Department observed that the Junior Scale Stenographers are being deprived from promotion in the case of circle cadre. However, the Chief Engineer informed that there is only one post of Senior Scale Stenographer in each circle, whereas Junior Scale Stenographer does not exist in the circle cadre, therefore, neither anyone will be deprived from promotion nor split of single seat is possible.

V. Change in method of recruitment for the post of Junior Clerk (BS-7)

Existing	Method of Recruitment	
	Proposed	
(a) Sixty Seven percent by initial recruitment; and	(a) Sixty Seven percent by initial recruitment; and	
(b) Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and are under 45 years of age and have at least two years service as such in the respective. Regional and Circle Office Cadre.	(b) Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and have at least two years service as such in the respective regional and Circle Office Cadre	
Note For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate whichever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.	Note For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate whichever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.	

B

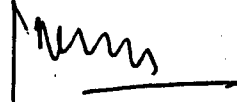
10. The forum was apprised that restriction of age limit of forty five (45) year in 33% promotion quota meant for Secondary School Certificate holders Daftaries, Record Lifters, Naib Qasids and Chowkidars is not justified, therefore it must be deleted. The forum agreed.


VI. Change in the age limit for initial appointment of Bildar

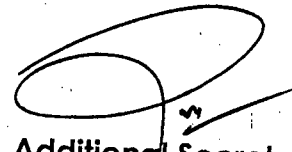
Existing	Age Limit	
	Proposed	
18-30 years	18-32 years	


11. The word "30" is being replaced with the word "32" as per approval by the Governor, Khyber Pakhtunkhwa and instruction conveyed by the S&GAD vide notification No. SOR-I(S&GAD)4-1/80 Vol-III dated 12.06.1999.


12. After detailed discussion, the Standing Service Rules Committee recommended the amendments in the Service Rules for appointment against the posts in the Irrigation Department as per details given above and are also being attached separately as appendix-A.



Secretary Irrigation
Chairman



Chief Engineer (South)
Irrigation Department
(Member) *(Each page initials?)*


Additional Secretary
Irrigation Department
(Member)


Deputy Secretary (Reg-III)
Establishment Department
(Member)


Superintending Engineer,
Peshawar Irrigation Circle, Peshawar
(Member)


Assistant Legal Drafter,
Law Department
(Member)


Section Officer (SR-III),
Finance Department
(Member)

32

		Admn Officers, Statistical Investigator and M&E Officers as per Inter-se-seniority will be maintained. (b) 20% from amongst the Accountants; and Provided that if no suitable candidate is available for promotion, then by initial recruitment. 50% by initial recruitment.
--	--	--

(3) Deputy Demographer (BPS-17)

The post of Deputy Demographer, BPS-17 excluded from the nomenclature of AD / TPWO / DDPWO (NT) / Instructor (NT) / Accounts Officer. Hence fresh Service Rules for the post have been proposed. The committee unanimously agreed to the following amendments:-

Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment	Age limit for initial recruitment	Method of appointment
Deputy Demographer (BPS-17)	Second Class Master's Degree or 04 years BS Degree or equivalent qualification in Economics, Statistics, Demography, Population Studies, or Sociology from a recognized University	22-30 years	100% by initial recruitment.

(4) Assistant Director (Litigation), BPS-17

Three years' experience needs to be reduced to one year in the Service Rules for providing opportunities to large number of candidates. Hence amendments are proposed. The committee unanimously agreed to the following amendments:-

Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment	Age limit for initial recruitment	Method of appointment
Assistant Director (Litigation) (BPS-17)	i. LLB or BS Law (five years) from a recognized University; ii. Having being enrolled as practicing Lawyer with the Bar Council; and iii. One year standing experience at the Bar.	--	--

(5) Women Medical Officer / Deputy District Population Welfare Officer (Tech) / Instructor (Tech) / NSV Surgeon, BPS-17

In the existing Service Rules for the said cadre "Completion of House Job Training" is missing as compared with Health Department Service Rules (Annex-III). Therefore to bring it at par with Health Department Service Rules it is proposed that minimum qualification prescribed for appointment by initial recruitment for the post of WMO / DDPWO (Tech) / Instructor (Tech) / NSV Surgeon (BPS-17) shall be amended accordingly and eligibility may also be added. The committee unanimously agreed to the following amendments:-

Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment	Age limit for initial recruitment	Method of appointment
Women Medical Officer / Deputy District Population Welfare Officer (Tech) / Instructor (Tech) / NSV Surgeon, BPS-17	a. MBBS or equivalent qualification from recognized University; and b. Completion of House Job Training. Eligibility: Female for WMO / DDPWO (Tech) / Instructor (Tech) and Male for NSV Surgeon.	--	---

(6) Database Administrator (BPS-17)

The proposed amendment withdrawn by the Department.

(7) Web Administrator (BPS-17)

The proposed amendment withdrawn by the Department.

(8) Sister Tutor, BPS-17

In the existing Service Rules, 50% posts are reserved for promotion from amongst Assistant Sister Tutor, BPS-15 with five years' service as such and 50% for initial recruitment to the post of Sister Tutor, BPS-17. It is further stated that the post of Sister Tutor, BPS-17 may be reserved 100% for share of promotion of Assistant Sister Tutor, (BPS-15), as no candidate is ready to join this Department as Sister Tutor after advertisement of the post through Public Service Commission. A need was felt to revise the existing method of recruitment and minimum qualification to avoid wastage of time and resources of the government and provide quality faculty to the Institutes. The committee unanimously agreed to the following amendments:-

Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment	Age limit for initial recruitment	Method of appointment
Sister Tutor (BPS-17)	--	--	100% by promotion on the basis of seniority-cum-fitness from amongst the Assistant Sister Tutor with five years' service as such; and Provided that if no suitable candidate is available for promotion, then by initial recruitment.

			<p>and Aya / Helper / Dai with three years' service as such, who has successfully completed FWW Training from RTIs or B.Sc. Nursing duly registered with Pakistan Nursing Council or Lady Health Visitor Training course from Government Public Health School. Joint eligibility list will be maintained from amongst Family Welfare Assistant (Female) and Aya / Helper / Dai; and</p> <p>ii. Seventy percent (70%) by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
--	--	--	---

(15) Operation Theatre Technician, BPS-12

The post of Operation Theatre Technician, BPS-12 was advertised several times but very few candidates applied for the post due to the reason that required qualification for the post is not compatible with current candidates available in the market. Therefore amendments in Service Rules were proposed as at par with Junior Clinical Technician (Surgical); BPS-12, Health Department. After detailed discussion, the Committee agreed to the proposed amendment in the minimum qualification for the post of Operation Theatre Technician, BPS-12 as per analogy of Health Department.

Method of appointment
<p>i. At least Second Division Secondary School Certificate with Science from a recognized Board; and</p> <p>ii. 02 years Diploma in the field of Surgical Technology from Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical & Allied Health Sciences) or 02 years Diploma in the field of Surgical Technology from any recognized Institute registered with Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical & Allied Health Sciences).</p>

(16) Male Motivator cum Theatre Assistant, Bps-8

The post of Male Motivator cum Theatre Assistant, BPS-8 was advertised several times but no candidate applied for the post due to reason that required qualification for the post not compatible with current candidates available in the market. Therefore amendment in Service Rules for the said post were proposed as at par with Junior Clinical Technician (Surgical) BPS-12, Health Department. Hence amendments in minimum qualification prescribed for appointment by initial recruitment for the post of Male Motivator cum Theater Technician (BPS-08) were proposed. After detailed discussion, the Committee agreed to the following proposed amendment in the minimum qualification for the post of Male Motivator cum Theater Technician (BPS-08).

Method of appointment
<p>i. At least Second Division Secondary School Certificate with Science from a recognized Board; and</p> <p>ii. 02 years Diploma in the field of Surgical Technology from Khyber Pakhtunkhwa Medical</p>

[Handwritten signatures and initials]

38 38

Faculty (Faculty of Paramedical & Allied Health Sciences) or 02 years Diploma in the field of Surgical Technology from any recognized Institute registered with Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical & Allied Health Sciences).

(17) Qasid / Naib Qasid / Chowkidar, BPS-3

Since Qasid post does not exist in the Directorate General Population Welfare, therefore it needs to be deleted from the nomenclature. After detailed discussion, the Committee agreed to the following proposed amendment in the nomenclature of the said post.

Nomenclature of the post

Niab Qasid / Chowkidar


(18) Cook, BPS-3

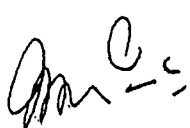
The existing minimum qualification required for the post of Cook is literate which is not the desirable qualification to meet the requirement of the post. Keeping in view the nature of the post, the amendments were proposed by the Department to review the existing minimum qualification and add experience for qualification of cooking. After detailed discussion, the Committee agreed to the following proposed amendment in the minimum qualification prescribed for appointment by initial recruitment.


Minimum qualification for initial recruitment

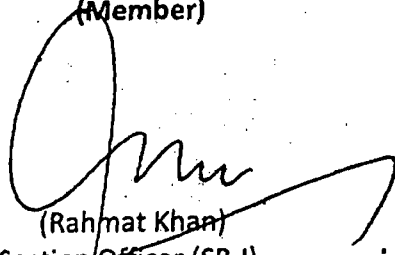
- i. Primary Pass;
- ii. 2 years relevant experience.

The meeting ended with mutual vote of thanks.


(Muhammad Yousaf Khan)
Deputy Secretary (Reg-III)
Establishment Department
(Member)


(Lal Saeed Khattak)
Section Officer (Estt)
Population Welfare Deptt:
(Member)


(Hidayat Khan)
Director (A&P), PW, KP
(Member)


(Rahmat Khan)
Section Officer (SR-I),
Finance Department, Khyber Pakhtunkhwa
(Member)



(Asghar Ali)

08.01.21

Secretary to Govt; of Khyber Pakhtunkhwa
Population Welfare Department
CHAIRMAN

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA
Published by Authority

PESHAWAR, FRIDAY, 23rd APRIL, 2021.

GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

NOTIFICATION

Dated Peshawar, the 30th March, 2021.

SOE(PWD)4-10/2018/SSRC: 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 Population Welfare Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notification No. SOE(PWD)4-10/06/Vol-II, dated 19th February 2009, the following further amendments shall be made, namely:

AMENDMENTS

the Appendix,-

- (i) against Serial No. 5 in Column No. 5, after the words and comma "Assistant Directors." wherever accruing the words, brackets and comma "Assistant Director (Litigation)." shall be inserted, namely:
- (ii) against Serial No.7, for the existing entries, the following shall be substituted, in the respective columns namely:

7	Assistant Director / Tehsil Population Welfare Officer / Deputy District Population Welfare Officer (Non-Technical) / Instructor (Non-Technical) and Accounts Officer.	<p>(i) At least Second Class Master's Degree or four (4) years BS Degree or equivalent qualification from a recognized University in the subject of Sociology, Social Work, Anthropology, Psychology, Business Administration (MBA), Public Administration (MPA), Economics, Statistics, Political Science, Chemistry, Population Studies; or</p> <p>(ii) MBBS or equivalent qualification from a recognized University with completion of House Job Training.</p>	22 to 35 years	<p>(i) Fifty percent (50%) by promotion on the basis of seniority-cum-fitness, from amongst the Assistant District Population Welfare Officers, Superintendents, Private Secretaries, Admn Officers, Statistical Investigators, Monitoring and Evaluation Officers and Accountants, having at least Second Class Bachelor's Degree from a recognized University with three years' service as such, in the following manner, namely:</p> <p>(a) thirty percent (30%) from amongst the Assistant District Population Welfare Officers, Superintendents, Private Secretaries, Admn Officers, Statistical Investigators and Monitoring and Evaluation Officers:</p> <p>Note: For the purpose of promotion, a joint seniority list of the Assistant District Population Welfare Officers, Superintendents, Private Secretaries, Admn Officers, Statistical Investigators and Monitoring and Evaluation Officers as per inter-se-seniority shall be maintained.</p> <p>(b) twenty percent (20%) from amongst the Accountants:</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment; and</p> <p>(ii) fifty percent (50%) by initial recruitment.</p>
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(iii) after Serial No.7, the following new entries shall be inserted, in the respective columns, namely:

Deputy Demographer.

At least Second Class Master's Degree or BS Degree four (4) years or its equivalent qualification in the subject of Economics, Statistics, Demography, Population Studies, or Sociology from a recognized University.

22 - 30
years.

By initial recruitment."

v) against Serial No.8. in Column No.5. for the existing entries, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sister Tutor with five years service as such:

Provided that if no suitable candidate is available for promotion, then by initial recruitment."

v) against Serial No.10. in Column No.3. for the existing entries, the following shall be substituted, namely:

"At least Second Class MBBS Degree or its equivalent qualification from a recognized University with Completion of House Job Training."

(vi) against Serial No.11D. in Column No.3. for the existing entries the following shall be substituted, namely:

"(i) at least Second Class LLB or BS Law (five years) Degree from a recognized University with practicing Lawyer license from the Bar Council; and

(ii) one year standing experience at the Bar."

(vii) against Serial No.18AA, in Column No.3, for the existing entries, the following shall be substituted, namely:

"At least Second Class Master Degree or four (04) years BS Degree in Information Technology or Computer Science or its equivalent qualification from a recognized University.";

(viii) against Serial No.26, for the existing entries, the following shall be substituted, in the respective columns namely:

(i) at least Second Class B.Sc. Nursing (four years) Degree duly registered with Pakistan Nursing Council; or (ii) at least Second Division General Nursing Diploma three years and one year Midwifery or in lieu of Midwifery one year specialized post basic Diploma duly registered with Pakistan Nursing Council.	21-35 Years.	By initial recruitment.";
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(ix) against Serial No.27, in Column No.5, for the existing entries, the following shall be substituted, namely:

"(i) thirty percent (30%) by promotion, on the basis of seniority-cum-fitness, from amongst the Family Welfare Assistants (Female), Aya's, Helper and Dais with three years service as such, who has successfully completed Family Welfare Worker Training from Regional Training Institutes or B.Sc. Nursing Degree duly registered with Pakistan Nursing Council or having Lady Health Visitor Training course from the Government Public Health School:

Note: For the purpose of promotion, joint seniority list of the Family Welfare Assistants (Female), Aya's, Helpers and Dais, shall be maintained:

Provided that if no suitable candidate is available for promotion, then by initial recruitment; and

(ii) seventy percent (70%) by initial recruitment.";

43 43

against Serial No.28. in Column No.3. for the existing entries, the following shall be substituted, namely:

- (i) at least Second Division Secondary School Certificate with Science from a recognized Board; and
- (ii) at least Second Division two (2) years Diploma in the field of Surgical Technology from the Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical and Allied Health Sciences) or two (2) years Diploma in the field of Surgical Technology from any recognized Institute registered with the Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical and Allied Health Sciences).";

(xi) against Serial No.29. in Column No.3, for the existing entries, the following shall be substituted, namely:

- (i) at least Second Division Secondary School Certificate with Science from a recognized Board; and
- (ii) at least Second Division two (2) years Diploma in the field of Surgical Technology from the Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical and Allied Health Sciences) or two (2) years Diploma in the field of Surgical Technology from any recognized Institute registered with the Khyber Pakhtunkhwa Medical Faculty (Faculty of Paramedical and Allied Health Sciences).";

(ii) against Serial No.31. in Column No.3. for the existing entries, the following shall be substituted, namely:

"At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University with Diploma in Computer or Information Technology from the Board of Technical Education.";

(iii) against Serial No.32, for the existing entries, the following shall be substituted, in the respective columns namely:

*23	Junior Clerk.	(i) At least Second Division Intermediate School Certificate or its equivalent qualification from a recognized Board; and (ii) a speed of thirty (30) words per minute in typing.	18-30 years.	(i) Forty percent (40%) by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids, Chowkidars, Duplicating Machine Operator, Aya's, Helpers, Dais, Malis, Cooks, Sweepers, Sweepress, Drivers and other equivalent posts, with two years' service as such who have passed Intermediate examination with second division or its equivalent qualification from a recognized Board. (ii) sixty percent (60%) by initial recruitment.
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Note: For the purpose of promotion a joint seniority list shall be mentioned of the Naib Qasids, Chowkidars, Duplicating Machine Operators, Aya's, Helpers, Dais, Malis, Cooks, Sweepers, Sweepress, Drivers and other equivalent posts with reference to dates of their acquiring the Intermediate Certificate or its equivalent qualification from a recognized Board:

Provided that,-

(a) if two or more officials have acquired the Intermediate Certificate or its equivalent qualification in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;

(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials:

Provided further that the condition of Intermediate Certificate or its equivalent qualification from a recognized Board as laid down at clause (i) shall not apply for a period of four years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Naib Qasids, Chowkidars, Duplicating Machine Operators, Aya's, Helpers, Dais, Malis, Cooks, Sweepers, Sweepress and Drivers for promotion to the post of Junior Clerk:

Provided also that if no suitable candidate is available for promotion, then by initial recruitment.

65

against Serial No.37, in Column No.2, for the existing entries, the following shall be substituted, namely:

“Naib Qasid Chowkidar” and

(iv) against Serial No.41, in Column No.3, for the existing entries, the following shall be substituted, namely:

- (i) Primary Pass; and
- (ii) 100 (2) years relevant experience.”

Sd/xxx
SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaris, Record Lifters, Daffadars, Barkandazs, Nalb Qasids and Chowkidars with reference to the date of their acquiring the F.A/F.Sc or equivalent qualification.

Provided that:

- (I) If two or more officials have acquired the F.A/F.Sc or equivalent qualification in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;
- (II) where a senior official does not possess the requisite qualification at the time of filling up a vacancy the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official."

The representative of Establishment Department advised that on the analogy of Establishment Department, further provision that the condition of F.A/F.Sc or its equivalent qualification from a recognized board as laid down at clause (a) above shall not apply for a period of four years from the date of issuance of amendment's notification to the existing matriculate incumbents of Daftaris, Record Lifters, Daffadars, Barkandazs, Nalb Qasids and Chowkidars including holders of the equivalent posts for promotion to the post of Junior Clerk (BS-11), may also be included in the amendments.

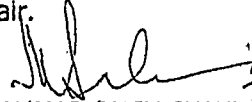
After detailed consideration, the forum agreed to the proposed amendments alongwith advice of representative of the Establishment Department.


Non-agenda Item:

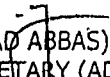
5. **AMENDMENTS IN THE EXISTING SERVICE RULES OF BUDGET & ACCOUNTS OFFICER/ADMINISTRATIVE OFFICER:**


The SSRC was informed that according to existing service rules of the Department, the post of Budget & Accounts Officer/Administrative Officer is to be filled in by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least five years' service as such. The Department proposed that the required length of 05-years' service may be curtailed to 03-years as the posts of Superintendent, Budget & Accounts Officer/Administrative Officer are in the same Basic Pay Scale i.e. BPS-17. The forum agreed to the proposal.


5. The chairman, appreciated efforts and cooperation extended by the participants for streamlining the service rules. The meeting ended with a note of thanks from the chair.


 (MUHAMMAD SALIM SHAH) 03/11/2020
 SECTION OFFICER (R-V)
 E&A DEPARTMENT
 (MEMBER)


 (FAZAL HUSSAIN) 6/11/2020
 DEPUTY SECRETARY (Reg-I)
 FINANCE DEPARTMENT
 (MEMBER)


 (MUHAMMAD ABBAS)
 DEPUTY SECRETARY (ADMN)
 PHE DEPARTMENT
 (MEMBER/SECRETARY)


 (ENGR. NEMAT ULLAH KHAN)
 CHIEF ENGINEER (SOUTH)
 PHE DEPARTMENT
 (MEMBER)


 (ENGR. BAHRAMAND KHAN) 6-21-2020
 SECRETARY
 PHE DEPARTMENT
 (CHAIRMAN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the 14 / 12 / 2020

49

NOTIFICATION

No.SO(Estt)/PHED/1-9/2019-20: 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 Public Health Engineering Department, in consultation with the Establishment Department and Finance Department, hereby directs that in this Department's Notification No.SO(Estt)/PHED/1-9/2010, dated 06-03-2010, the following further amendments shall be made, namely:


AMENDMENTS

In the APPENDIX:-

(1) Under the heading "Engineering Cadre":

- (i) against Serial No.4, in Column No.5 in clause (b), after the brackets and word "(Civil)", the oblique and word "/Electronics" shall be inserted; and
- (ii) against Serial No.5, in Column No.3 and 5 for the existing entries the following shall respectively be substituted namely;

3	5
(a) At least Second Division Diploma of Associate Engineering in Civil Technology, from a recognized Board of Technical Education; or	(a) Five Percent, by promotion, on the basis of seniority-cum-fitness, from amongst the Draftsmen having qualification mentioned in clause (a) of Column No.3 with five years service as such;
(b) At least Second Division Diploma of Associate Engineering in Mechanical Technology, from a recognized Board of Technical Education; or	(b) one percent, by promotion, on the basis of seniority-cum-fitness from amongst the Works Superintendents, having any of the qualification prescribed for initial recruitment in Column No.3, with five years' service as such;
(c) At least Second Division Diploma of Associate Engineering in Electrical or Electronics Technology, from a recognized Board of Technical Education.	(c) eighty-eight percent by initial recruitment having qualification reflected at clause (a) of Column No.3;
	(d) three percent by initial recruitment having qualification reflected at clause (b) of Column No.3;
	(e) three percent by initial recruitment having qualification reflected at clause (c) of Column No.3;
	Note: For the purpose of promotion the seniority of Works Superintendents shall be reckoned from the date of their regular appointment as Works Superintendent.


D. P. Man

(2) Under the heading "Ministerial Establishment",

- (i) against Serial No.6, in column No.5, for the words "five years", the words "three years" shall be substituted; and

(II) against serial No.13, for the existing entries, the following shall be substituted, namely:-

1	2	3	4	5
13	Junior Clerk	(a) At least second division Intermediate Certificate or its equivalent qualification from a recognized Board; and (b) a speed of thirty (30) words per minute in English typing."	18 to 30 years	(a) Thirty-three percent by promotion, on the basis of seniority-cum-fitness from amongst the Daftaris, Record Lifters, Barkandazs, Daffadars, Naib Qasids and Chowkidars including holder of equivalent posts who possess at least second division Intermediate Certificate or its equivalent qualification from a recognized Board with at least two years' service as such; and (b) sixty-seven percent by initial recruitment Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaris, Daffadars, Record Lifters, Barkandazs, Naib Qasids and Chowkidars including holder of equivalent posts with reference to the date of their acquiring the Intermediate Certificate or its equivalent qualification from a recognized Board. Provided that: (a) if two or more officials have acquired the Intermediate Certificate or its equivalent qualification in the same session, the inter-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and (b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official. Provided further that the condition of Intermediate Certificate or its equivalent qualification from a recognized Board as laid down at clause (a) above shall not apply till the expiration of a period specified in the Establishment Department Notification No.SOE-IV/(E&AD)/1-35/2014 dated 18 th July, 2019 to the existing matriculate incumbents of the posts of Daftaris, Record Lifters, Daffadars, Barkandazs, Naib Qasids and Chowkidars for promotion to the post of Junior Clerk."

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT

No.SO(Estt)/PHED/1-9/2019-20:

Dated Peshawar, the 14 / 12 / 2020.

Copy forwarded to the:-

- 1) All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 2) Secretary to Governor Khyber Pakhtunkhwa.
- 3) Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 4) Accountant General Khyber Pakhtunkhwa.
- 5) Chief Engineer (North/South/Merged Areas/SRU) PHE Khyber Pakhtunkhwa Peshawar.
- 6) Secretary Public Service Commission Khyber Pakhtunkhwa Peshawar
- 7) Registrar Peshawar High Court / Service Tribunal Peshawar.
- 8) All Superintending Engineers PHE / XENs PHE Department Khyber Pakhtunkhwa.
- 9) Manager Government Stationary & Printing Department.
- 10) PS to Chief Secretary Khyber Pakhtunkhwa Province.
- 11) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
- 12) Office Order File.

SECTION OFFICER (ESTT)

14.12.2020

Subject:

**MINUTES OF THE SSRC MEETING HELD ON 16-12-2021 REGARDING
AMENDMENTS/INCLUSIONS IN PHE DEPARTMENT'S (RECRUITMENT &
APPOINTMENT) RULES 2010.**

A meeting of the Standing Service Rules Committee (SSRC) was held on **16-12-2021** at 1400 hours under the chairmanship of Secretary PHE Department at his office, to discuss the proposed amendments in the PHE Department's (Recruitment & Appointment) Rules, 2010.

2. The following attended the meeting:-

- | | | |
|----|---|------------------|
| 1. | Mr. Muhammad Idrees Khan,
Secretary PHE Department | In-chair |
| 2. | Engr. Gul Shahid Khan,
Chief Engineer (Center) PHE | Member |
| 3. | Mr. Saeed Ullah,
Additional Secretary,
Establishment Department, Peshawar | Member |
| 4. | Mr. Muhammad Ilyas Khattak,
Section Officer (SR-II),
Finance Department | Member |
| 5. | Mr. Ghani Rehman,
Section Officer (Estt), PHED | Member/Secretary |

3. The chairman welcomed the participants and explained the agenda for amendments in the PHE Department's existing Service Rules, notified earlier on 06-03-2010.


4. The following agenda items were discussed and decisions made accordingly:

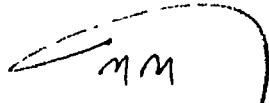
Item No. i **AMENDMENTS IN THE EXISTING SERVICE RULES OF PHE DEPARTMENT REGARDING ENHANCEMENT OF RESERVED QUOTA FOR PROMOTION OF B. TECH (HONS) DEGREE HOLDER SUB ENGINEERS TO THE POST OF ASSISTANT ENGINEER (BPS-17).**

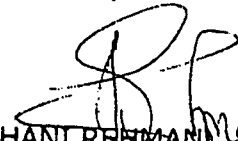
5. The SSRC was informed that according to existing Service Rules of PHE Department (**Annex-I**), 3% quota is reserved for promotion of B. Tech (Hons) Degree holder Sub Engineers to the post of Assistant Engineer/SDO (BPS-17), which is very limited and creates a big gap between the cadres of Sub Engineer and SDO, consequently many Sub Engineers appointed in BPS-12 retire in the same grade. Thus, B. Tech (Hons) Degree holder Sub Engineers have submitted a joint application (**Annex-II**) requesting therein for enhancement of reserved quota for promotion of B.Tech (Hons) Degree holder Sub Engineers to the post of Assistant Engineer/SDO (BPS-17) from 3% to 10% on the analogy of C&W and Irrigation Departments as the C&W and Irrigation Departments have reserved 10% and 8% quota respectively for promotion of B.Tech (Hons) Degree holder Sub Engineers to the post of Assistant Engineer/SDO (BPS-17) on regular basis. They have further added that the Peshawar High Court Peshawar, vide judgment dated 22-09-2021 (**Annex-III**), has directed the respondents to allow in the selection process for the posts of Sub Engineers only those candidates who possessed with the qualification of Diploma in Associate Engg: (Civil).


The forum was informed that the posts of Lab Assistant exists on the strength of the Department, however, no service rules for the said post have been framed so far. Hence, the PHE Department proposed that (i) 25% posts of Lab Assistant may be filled in by way of promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Lab Technician possessing prescribed qualification of at least second class Secondary School Certificate or equivalent qualification form a recognized Board with two years Diploma in Laboratory technician from a recognized Medical Faculty, with 5-years service as such and (ii) 75% posts of Lab Assistant may be filled through initial recruitment. **The SSRC agreed to the proposal.**

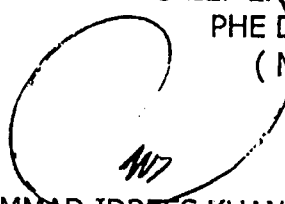
15. The chairman, appreciated efforts and cooperation extended by the participants for streamlining the service rules. The meeting ended with a note of thanks from the chair.


(SAEED ULLAH)
ADDITIONAL SECRETARY (REG:).
E&A DEPARTMENT
(MEMBER)


(MUHAMMAD ILYAS KHATTAK)
SECTION OFFICER (SR-II)
FINANCE DEPARTMENT
(MEMBER)


(GHANI REEMAN)
SECTION OFFICER (ESTTT)
PHE DEPARTMENT
(MEMBER/SECRETARY)


(ENGR. GUL SHAHID KHAN)
CHIEF ENGINEER (CENTER)
PHE DEPARTMENT
(MEMBER)


(MUHAMMAD-IDREES KHAN)
SECRETARY
PHE DEPARTMENT
(CHAIRMAN)



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 07th FEBRUARY, 2022

GOVERNMENT OF KHYBER PAKHTUNKHWA PUBLIC HEALTH ENGINEERING DEPARTMENT

NOTIFICATION

Dated Peshawar, the 31st January, 2022.

No.SO(Estt)/PHED/1-9/2020-21: 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 Public Health Engineering Department, in consultation with the Establishment Department and Finance Department, hereby directs that in this Department's Notification No.SO(Estt)/PHED/1-9/2010, dated 06-03-2010, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX:-

(1) Under the heading "Engineering Cadre":

(i) against Serial No.03, in Colum No.02, for the existing entry, the following shall be substituted, namely:

"Executive Engineer/Design Engineer/Deputy Director (Technical)/Deputy Director (Labs/Projects) (BPS-18)

(ii) after Serial No.03, the following new entries shall be inserted in the respective Columns, namely:

3-A	Technical Officer/Deputy Director (M&E) (BPS-18)		"By promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Engineers/Assistant Design Engineers/ Sub Divisional Officers/Assistant Director (Tech)/ Assistant Technical Officer/Assistant Director (M&E)/Assistant Director (Labs)/Assistant Director (Projects), who possesses Degree of B.Tech (Hons) or Diploma of Associate Engineering from a recognized University/ Board with five years' service as such." Note: For the purpose of promotion, joint seniority of B.Tech (Hons) & Diploma holders shall be reckoned from the date of promotion to BPS-17.
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- (iii) against serial No.04, in column No.05,
- (a) in clause (a), for the words "Five percent", the words "Two percent" shall be substituted;
 - (b) in clause (b), for the words "Five percent", the words "Three percent" shall be substituted;
 - (c) in clause (c), for the words "Three percent", the words "Eight percent" shall be substituted; and
 - (d) after clause (c), as so amended, the following Note shall be inserted; namely:

"Note: for the purpose of promotion, the seniority of B.Tech (Hons) Degree holders shall be reckoned from the date of appointment or acquiring the Degree, whichever is later; and

(2) Under the heading "Water Quality (WQ) Laboratory's Technical Staff":

- (i) against Serial No.26, in column No.05, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Research Officer (Water Quality) with five years service as such."

- (ii) against Serial No.28, in column No.05, for the existing entry, the following shall be substituted, namely:

- (a) Twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Assistant who possess at least second class B.Sc Degree in Microbiology or Chemistry from a recognized University, with 5-years service as such; and
- (b) Seventy-five percent by initial recruitment.

- (iii) after Serial No.28, the following new entries shall be inserted, in the respective Columns, namely;

28-A	Laboratory Assistant (BPS-08)	At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Diploma in Laboratory Technician from a recognized Medical Faculty.	18 to 30 years	<ul style="list-style-type: none"> (a) Twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Technician with 5-years service as such. (b) Seventy-five percent by initial recruitment; and
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(iv) Against Serial No.29, in Column No.05, for the existing entry, the following shall be substituted namely:

- (a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Attendant who possess at least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board and two years Diploma in Laboratory Technician from a recognized Medical Faculty, with 5-years service as such; and
- (b) Fifty percent by initial recruitment.

SECRETARY TO
GOVT: OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

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Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

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**MINUTES OF THE SSRC MEETING HELD ON 09.06.2021 REGARDING
AMENDMENTS IN THE EXISTING SERVICE RULES, 2010 OF C&W DEPARTMENT**

A meeting of the SSRC was held on 09.06.2021 at 1100 hours under the chairmanship of Secretary Communication & Works Department. The following attended the meeting:

- | | | |
|---|------|----------------------|
| 1. Engr Ejaz Hussain Ansari,
Secretary C&W | ---- | In Chair |
| 2. Engr. Muhammad Uzair
Chief Engineer (Centre) C&W | --- | Member |
| 3. Mr. Muhammad Ilyas
Section Officer (SR-II)
Finance Department
(Representative of FD) | --- | Member |
| 4. Mr. Muhammad Jamshid
Deputy Secretary (Reg-III)
Establishment Department
(Representative of ED) | --- | Member |
| 5. Muhammad Taufique
Deputy Secretary (Admin)
C&W Department | --- | Member-cum-Secretary |

2. The chair welcomed all the participants and discussed the following agenda items one by one, and made recommendations:-

Item-No. 1: AMENDMENTS IN THE EXISTING SERVICE RULES, 2010 OF C&W DEPARTMENT FOR THE POST OF JUNIOR CLERK

The forum was briefed about the existing Service Rules of the post of Junior Clerk in C&W Department which is Secondary School Certificate with a speed of 30 words per minutes in English typing, age limit is 18-28 and quota to the post of Junior Clerk from the lower cadre (Daftris, record lifter, Naib Qasids, Chowkidar and other equivalent posts) possessing Secondary School Certificate (SSC) having at least two years service in the Department.

Sequel to the up-gradation of the post of Junior Clerk from BPS-7 to BPS-11, the Establishment Department has enhanced the required qualification from SSC to FA/FSc second division or equivalent qualification. Moreover, the age limit for this post in the Service Rules of Establishment Department is 18-30 whereas, in C&W is 18-28.

DECISION: After thorough discussion, the forum unanimously agreed to enhance the required qualification for the post of Junior Clerk from SSC to FA/FSc second division or equivalent qualification along with a certificate in MS Office, from any institute recognized by concerned board. The forum further agreed to enhance the age limit for the post of Junior Clerk from 18-28- to 18-30, with a note that the condition of FA/FSc shall not apply for a period of four years from the date of commencement of notification to this effect to existing matriculate incumbents for promotion to the post of Junior Clerk.

Item-No. 2. AMENDMENTS IN THE EXISTING SERVICE RULES, 2010 OF C&W DEPARTMENT REGARDING WITHDRAWAL / CANCELLATION THE AMENDMENT VIDE NOTIFICATION DATED 14.10.2014 AND CRITERIA FOR FIXING SENIORITY ON THE BASIS OF DATE OF ACQUIRING DEGREE BESIDE ELIMINATION THE TIME LIMIT OF 05 YEARS FOR PROMOTION TO THE RANK OF ASSISTANT ENGINEER /SDO (BS-17)

As per existing Service Rules notified on 14.10.2014, the seniority of in-service graduate to the post of Assistant Engineer / SDO (BPS-17) is determined on the basis of initial recruitment. Some of the concerned officials made a representation to the department that the instant provision may be cancelled / withdrawn and restore the determination of seniority on the

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basis of acquiring degree. They have further requested to reduce the length of service (5 years) for promotion to Assistant Engineer / SDO (BPS-17). The same was referred to concerned Chief Engineer for examination. The Chief Engineer concerned recommended to reconsider the existing provision referring at par with sister department in the province like Irrigation Department.

DECISION: The forum after threadbare discussion, unanimously recommended to determine the seniority of in-service graduate Sub-Engineer for the purpose of promotion to the rank of Assistant Engineer / SDO (BPS-17) from the date of the attaining degree in BE/BSC (Civil / Mechanical / Electrical from recognized university). The forum further recommended to reduce the length of service of direct graduate /in-service graduate Sub-Engineers from 5 years to 3 years for promotion to the rank of Assistant Engineer / SDO (BPS-17).

Item-No. III: AMENDMENTS IN THE EXISTING SERVICE RULES, 2010 OF C&W DEPARTMENT (ARCHITECTURAL WING)

The forum was briefed about the existing Service Rules of the post of Senior Architectural Draftsman / Senior Computer Aided Design (CAD) Operator and Junior Architect Draftsman/Junior Computer Aided Design (CAD) Operator in C&W Department. In the referred case, the Principal Consulting Architect C&W Department has forwarded proposal with regard to amendment in the existing qualification as well as in the existing method of recruitment of the referred posts.

Moreover, Principal Consulting Architect C&W Peshawar has also submitted proposal with regard to insertion of method for filling the newly created posts i.e. AutoCAD Assistant and 3Ds' Assistant in the existing service rules of C&W Department, 2010.

DECISION: After thorough discussion, the forum unanimously recommended that:

Nomenclature of Post	Existing Minimum Qualification	Proposed Minimum Qualification	Existing Method of appointment	Proposed Method of appointment
Senior Architectural Draftsman Senior Computer Aided Design (CAD) Operator (BPS-14)	<p>Three years Diploma in Architectural Technology from recognized Institute/ Board of technical Education with AutoCAD knowledge;</p> <p>OR</p> <p>Two years Certificate Course in Civil Draftsmanship from a recognized Institute/Board of Technical Education with AutoCAD knowledge</p>	<p>a. Three Years Diploma in Architectural Technology from recognized institute/Board of Technical Education with AutoCAD, 2-D, 3-D, 3D Studio MAX, Adobe Photoshop, Power Point knowledge and production of quality work</p> <p>OR</p> <p>b. Two years Certificate course in Civil Draftsmanship from recognized Institute/Board of Technical Education Auto CAD, 2-D, 3-D, 3D Studio MAX, Adobe Photoshop, Power Point knowledge and production of quality work</p>	<p>a. Fifty percent (50%) by Initial Recruitment; and</p> <p>b. Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator, with at least 5 (five) years service as such</p>	<p>a. fifty percent (50%) by initial recruitment</p> <p>AND</p> <p>b. Fifty percent (50%) by promotion on the basis of seniority cum-fitness amongst the Junior Architectural Draftsman/Junior Computer Aider Design (CAD) Operator with at least 3 (three) year service as such</p>

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Junior Architectural Draftsman / Junior Computer Aided Design (CAD) Operator(BPS-12)	Two years Certificate Course in Civil Draftsmanship from a recognized Institute/ Board of Technical Education with AutoCAD knowledge	DAE OR two years certificate course in Civil Draftsmanship from recognized Institute/Board of Technical Education Auto CAD, 2-D, 3-D, 3-D Studio Max, Adobe Photoshop, Power Point knowledge and production of quality work	By Initial Recruitment	<p>a. Thirty three percent (33%) by initial recruitment and</p> <p>b. Sixty Seven percent (67%) by promotion on the basis of seniority -cum- fitness amongst the auto CAD Assistant & 3-Ds Assistant with at least five (05) years service as such;</p> <p>Note: For the purpose of promotion a joint seniority list of AutoCAD Assistant and 3-Ds Assistant shall be maintained</p>
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New insertion

Sl. No.	Nomenclature of the Post	Minimum Qualification for Appointment	Age Limit	Method of Recruitment
1	2	3	4	5
1	AutoCAD Assistant (BPS-07)	Secondary School Certificate with two years Certificate Course in Civil Draftsmanship from recognized Institute/ Board of Technical Education and Auto CAD, 2-D, Power Point knowledge and experience of work/ Architecture design drawings on AutoCAD	18-30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Daftari, Survery Cooli, Naib Qasid, Chowkidars, who have Secondary School Certificate with two years Certificate Course in Civil Draftsmanship from recognized Institute/ Board of Technical Education and at least 03 (three) years service/work experience in AutoCAD 2-D, Power Point knowledge and preparing detail architectural drawings in office of Principal Consulting Architect/Central Design Office Note: If no suitable candidates are available for promotion, then by Initial Recruitment
2	3D Assistant (BPS-07)	Secondary School Certificate with two years Certificate Course in Civil Draftsmanship from recognized Institute/ Board of Technical Education and Auto CAD, 3-D, 3-D Studio MIX, Adobe Photoshop, Power Point knowledge and experience of work/ Architecture design drawings on AutoCAD	18-30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Daftari, Survery Cooli, Naib Qasid, Chowkidars, who have Secondary School Certificate with two years Certificate Course in Civil Draftsmanship from recognized Institute/ Board of Technical Education and at least 03 (three) years service/work experience in AutoCAD 3-D, 3-D Studio MIX, Abobe Photoshop, Power Point knowledge in office of Principal Consulting Architect/Central Design Office Note: If no suitable candidates are available for promotion, then by Initial Recruitment

Item-No. IV: INSERTION /ADDITION OF POSTS OF MIS/GIS IN THE EXISTING SERVICES RULES, 2010 OF COMMUNICATION & WORKS DEPARTMENT

The Provincial Government of Khyber Pakhtunkhwa regularized the employees of the Projects including the project "Database Development, based on Electronic Tools, using MIS/GIS for C&W Department" through Khyber Pakhtunkhwa Regularization Act, 2018. Sequel to the refereed regularization, the department approached Finance Department for creation of posts for the Project Employees regularized under the Ibid Act, 2018. Accordingly the Finance Department sanctioned the posts vide letter dated 25.6.2018 and 27.11.2018. Hence proper Service Rules are expedient for these posts.

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Item-No. V: AMENDMENTS IN THE EXISTING SERVICE RULES, 2010 OF C&W DEPARTMENT REGARDING DELETION THE WORD i.e. "PROMOTION" FROM COLUMN-3 OF THE IBID SERVICE RULES OF C&W DEPARTMENT

The forum was apprised that in the existing Service Rules 2010 of C&W Department the word i.e. "PROMOTION" has erroneously been reflected in Column-3; rather the Law Department had vetted the said Service Rules of C&W Department without word "promotion" in Column-3; hence the same requires deletion.

DECISION: The forum agreed and recommended deletion of the word i.e. "PROMOTION" from Column-3 of the existing service rules of C&W Department 2010.

ADDITIONAL AGENDA ITEMS

Item No.1 AMENDMENTS IN THE EXISTING SERVICE RULES, 2010 OF C&W DEPARTMENT FOR THE POST OF SUB-ENGINEER

The forum was apprised that before splitting the quota of (25%) into 5% & 5% to each cadre, in the past 25% quota was reserved in toto to the "Work Superintendents/Work Supervisors/Surveyors & Road Inspectors". And as such promotion had been made on whole basis and the Road Inspectors were thus promoted on regular as well as appointment on acting charge basis. In the ibid Service Rules of C&W Department 2010, the same 25% quota has been splitted into six (06) sub categories. The Department observed that the quota under Rule-5(d) remain unfilled due to non-availability of the candidates under this sub-category whereas under the Rule-5(c) sufficient number of eligible candidates are available for promotion. To cope up the situation the following proposals were recommended.

DECISION: The forum after threadbare discussion unanimously agreed with the following proposals.

b. Fifteen percent (15%) by promotion on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Surveyors and Road Inspectors with at least five (05) years service as such; having three years Diploma in Civil/Electrical/Mechanical Technology from a recognized Board.

Note-1 For the purpose of promotion, a joint seniority list of Work Superintendent/Work Supervisors/ Surveyors and Road Inspectors with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-12 shall rank senior. The seniority shall be determined from the date of appointment or acquiring the Diploma whichever is later.

c. Two point five percent (2.5%) by promotion from amongst the Draftsmen with at least seven years service as such, having three years Diploma in Civil/Electrical/Mechanical Technology from a recognized Board; and

d. Two point five percent (2.5%) by promotion from amongst the Tracers, with seven years service as such; having Diploma in Civil/Electrical/Mechanical Technology from a recognized Board;

Note-2. (i) The Seniority shall be determined from the date of appointment or acquiring the Diploma whichever is later.

e. Five percent (5%) by promotion from amongst the Work Superintendents/ Work Supervisors & Road Inspectors, who have passed "B" Grade Departmental Examination with seven years service as such;

Note-3 for the purpose of promotion, a joint seniority list of Work Superintendents/Work Supervisors & Road Inspectors, with reference to their regular appointment to the post shall be maintained, in case the two dates are similar, the official in BS-12 shall rank senior.

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DECISION: The forum after threadbare discussion unanimously agreed with the following proposed Service Rules to be incorporated in the existent appoint / recruitment rules, 2010 of C&W Department.

New Insertion

Sl. No.	Nomenclature of the Post	Minimum Qualification for Appointment	Age Limit	Method of Recruitment
1	2	3	4	5
1	Assistant Director IT (BS-17)	BS Computer Science (04 years) from recognized University OR 2 nd Class Mater Degree or equivalent qualification in Computer Science from recognized University	22-35 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers and Computer Operators having 05 years service as such. Note: If no suitable candidates are available for promotion, then by Initial Recruitment
2	Assistant Director GIS (BS-17)	2 nd Class BS (Hons) in Geometric from recognized University OR 2 nd Class Mater Degree or equivalent qualification in Geography, Physical and Numerical Science with one year GIS Diploma from recognized University	22-35 years	By promotion, on the basis of seniority-cum-fitness, from amongst the GIS Analyst, having 03 years service as such. Note: If no suitable candidates are available for promotion, then by Initial Recruitment
3	Economist (BS-17)	BS in Economics (04 years) from recognized University OR 2 nd Class Mater Degree in Economic/Statistic/MBA/M-Com in Commerce from recognized University	22-35 years	By Initial Recruitment
4	Assistant Programmer (BS-16)	2 nd Class B.Sc Degree in Computer Science from recognized University OR 2 nd Class BCS Degree or equivalent qualification from the recognized University	22-30 years	By Initial Recruitment
5	Computer Operator (BS-16)	2 nd Class Bachelor Degree in Computer Science Information Technology (BCS/BIT Hons 04 years) from recognized University OR 2 nd Class Bachelor Degree from the recognized University with one year Diploma in Information Technology from recognized Board of Technical Education	22-30 years	By Initial Recruitment
6	GIS Analyst (BS-16)	2 nd Class B.A/B.Sc Degree from the recognized University with one year Diploma from recognized Institute OR 2 nd Class BS (Hons) in Geometric from recognized University	22-30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the GIS Data Collector, having 03 years service as such. Note: If no suitable candidates are available for promotion, then by Initial Recruitment
7	GIS Data Collector (BS-12)	2 nd Class BS (Hons) in Geometric from recognized University OR 2 nd Class B.Sc Degree from recognized University with one year Post Graduate Diploma in GIS from recognized Institute	22-30 years	By Initial Recruitment

(iii) after Serial No.16, as so amended, the following new entries shall be inserted, in respective Columns, namely:

1	2	3	4	5
"16A.	AutoCAD Assistant.	At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Certificate Course in Civil Draftsman from a recognized Board/ Institute of Technical Education alongwith knowledge and experience of Architecture design drawings on AutoCAD, AutoCAD 2-D and Power Point.	18-30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Daftari, Survey Cooli, Naib Qasid and Chowkidar with at least three years service, who possesses Secondary School Certificate or its equivalent qualification from a recognized Board alongwith two years Certificate Course in Civil Draftsman from a recognized Board/Institute of Technical Education having knowledge of AutoCAD 2-D, Power Point and work experience of preparing detail architectural drawings in the office of Principal Consulting Architect/Central Design Office: Provided that if no suitable persons are available for promotion, then by initial recruitment.
16B.	3D Assistant.	At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Certificate Course in Civil Draftsman from a recognized Board/ Institute of Technical Education alongwith knowledge and experience of Architecture design drawings on AutoCAD 3-D, 3-D Studio MAX, Adobe Photoshop and Power Point.	18-30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Daftari, Survey Cooli, Naib Qasid and Chowkidar with at least three years service who possesses Secondary School Certificate or its equivalent qualification from a recognized Board alongwith two years Certificate Course in Civil Draftsman from a recognized Board/Institute of Technical Education and having knowledge of AutoCAD 3-D, 3-D Studio MIX, Adobe Photoshop and Power Point with work experience in the office of Principal Consulting Architect/ Central Design Office: Provided that if no suitable persons are available for promotion, then by initial recruitment.

Section Officer (Estab)
Govt. of Khyber Pakhtunkhwa
CSW Department

(c) under the heading "MINISTERIAL ESTABLISHMENT";-

(i) against Serial No. 21, in Column No. 5, in clause (b), for the words "five years", the words "three years" shall be substituted;

(ii) against Serial No.24, in Column No. 3, 4 and 5 for the existing entries, the following shall respectively be substituted, namely:

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3	4	5
<p>“(a) at least Second Division Intermediate Certificate or its equivalent qualification from a recognized Board; and</p> <p>(b) a speed of thirty (30) words per minute in English typing.</p>	<p>18 to 30 years.</p>	<p>a) Thirty three percent (33%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Daftari, Record Lifter, Naib Qasid and Chowkidar including holders of other equivalent posts with two year service as such, who have passed Intermediate Examination or its equivalent qualification from a recognized Board; and</p> <p>b) Sixty Seven percent (67%) by initial recruitment.</p> <p>Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Record Lifters, Naib Qasids and Chowkidars, including holders of other equivalent posts with reference to the dates of their acquiring the Intermediate Certificate or its equivalent qualification from a recognized Board:</p> <p>Provided that-</p> <p>(i) if two or more official have acquired the Intermediate Certificate in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(ii) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials:</p> <p>Provided further that the condition of Intermediate Certificate or its equivalent qualification, as laid down at clause (a) shall not be applied till the expiration of period as specified in Column No. 5 against Serial No. 4 of the Establishment Department's Notification No. SOE.IV(E&AD)/1-35/2014, dated 18th July, 2019 to the existing matriculate incumbents of the posts of Daftaries, Record Lifters, Naib Qasids and Chowkidars, including holders of other equivalent posts for promotion to the post of Junior Clerk (BPS-11).”; and</p>

Govt. of Khyber Pakhtunkhwa
 C&M Department
 Senior Officer (Estab)
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- (iii) against Serial No. 26, in Column No. 5, after the word and comma “Chowkidars”, the word “Sweeper” shall be inserted; and
- (d) after Serial No.35, the following new entries shall be inserted, in the respective Columns, namely:

“INFORMATION TECHNOLOGY SERVICE

S. No.	Nomenclature of the Post	Minimum Qualification for Appointment	Age Limit	Method of Recruitment
1	2	3	4	5
36.	Assistant Director IT.	<p>(a) At least Second Class Master's Degree in Computer Science or its equivalent qualification from a recognized University; or</p> <p>(b) at least Second Class Bachelor of Science Degree (BS Hons 4 years) in Computer Science from a recognized University.</p>	22-35 years.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant Programmer and Computer Operator with five years service as such:</p> <p>Provided that if no suitable persons are available for promotion, then by initial recruitment.</p>

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37.	Assistant Director GIS.	(a) At least Second Class Master's Degree in Geography or Physical and Numerical Sciences or its equivalent qualification with one year Post Graduate Diploma in GIS from a recognized University; or (b) at least Second Class Bachelor of Science Degree (BS Hons 4 years) in Geomatics from a recognized University.	22-35 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of GIS Analyst, having three years service as such: Provided that if no suitable persons are available for promotion, then by initial recruitment.
38.	Economist.	(a) At least Second Class Master's Degree in Economics or Statistics or Master in Business Administration (MBA) or Master in Commerce (M-Com) from a recognized University; or (b) at least Second Class Bachelor of Science Degree (BS Hons 4 years) in Economics from a recognized University.	22-35 years.	By initial recruitment.

Section Officer (Estab)
 Govt. of Khyber Pakhtunkhwa
 CRW Department

39.	Assistant Programmer.	(a) At least Second Class Bachelor's Degree in Computer Science (BCS Hons 4 years) or its equivalent qualification from a recognized University; or (b) at least Second Class B.Sc Degree in Computer Science from a recognized University.	22-30 years.	By initial recruitment.
40.	Computer Operator.	(a) At least Second Class Bachelor's Degree in Computer Science or Information Technology (BCS/BIT Hons 04 years) from a recognized University; or (b) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	22-30 years.	By initial recruitment.

41.	GIS Analyst.	(a) At least Second Class Bachelor's of Science Degree (BS Hons 4 years) in Geomatics from a recognized University; or (b) at least Second Class Bachelor's Degree with one year Post Graduate Diploma in GIS from a recognized University.	22-30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of GIS Data Collector, with three years service as such. Provided that if no suitable persons are available for promotion, then by initial recruitment.
42.	GIS Data Collector.	(a) At least Second Class Bachelor's of Science Degree (BS Hons 4 Years) in Geomatics from a recognized University; or (b) at least Second Class B.Sc Degree with one year Post Graduate Diploma in GIS from a recognized University.	22-30 years	By Initial Recruitment

Naam

Section Officer (Estab)
Govt. of Khyber Pakhtunkhwa
C&W Department

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Department
5. Managing Director PKHA Peshawar
6. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
7. All Superintending Engineers C&W Circles
8. Superintending Engineer Maintenance Peshawar
9. Superintending Engineer C&W Circle North Waristan at Bannu
10. Superintending Engineer Mega Projects
11. All Executive Engineers C&W/Building/Highway Divisions
12. Section Officer (R-V) Establishment Department, Peshawar
13. Deputy Legistation Officer-IV, Law Department, Peshawar
14. Managing Printing Press for publication in the issue of next Govt gazette
15. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
16. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for C&W Department
17. PS to Secretary, C&W Department, Peshawar
18. PA to Addl: Secretary, C&W Department, Peshawar
19. PA to Deputy Secretary (Admn), C&W Deptt, Peshawar
20. Office File

Naam

26.01.2022

(ZAHOR SHAH)
SECTION OFFICER (Estb)

70

SUBJECT: MINUTES OF SBRC MEETING REGARDING AMENDMENTS IN SERVICE RULES OF IRRIGATION DEPARTMENT, KHYBER PAKHTUNKHWA

A meeting on the above captioned subject was held under the chairmanship of Secretary Irrigation, Khyber Pakhtunkhwa on 21.05.2012 at 11.00 am in his office.

The following attended the meeting:

- (i) Secretary Irrigation Department,
- (ii) Chief Engineer (South),
- (iii) Reps of Establishment and Finance Departments,
- (iv) Section Officer (Estb) Irrigation Department,
- (v) Administrative Officer (South), Chief Engineer (S) office.

The meeting started with the recitation from the Holy Quran.

Agenda Item No. 01:-

AMENDMENTS IN THE SERVICE RULES OF IRRIGATION DEPARTMENT PERTAINING TO SENIORITY LIST OF SUB ENGINEERS.

Section officer (Estt:) apprised the forum that there is an anomaly in the service rules of Irrigation Department's appendix to the notification no. dated 25.05.2012 at column 5 of Sr.No4 in clause (b), and (c) where it is mentioned that:-

- (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 1st 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 date of their 1st appointment as Sub Engineer.

In order to resolve this anomaly, it was proposed that against Sr.No.04 in Column No.05 at clause (b) after the words "their 1st appointment as Sub Engineer" the words "or from the date of acquiring degree whichever is later" be added and at clause (c) after the words "their 1st appointment as Sub Engineer" the words "or from the date of acquiring degree whichever is later" be added. The members of the SBRC unanimously agreed to the proposed amendments.

Agenda Item

AMENDMENTS IN THE SERVICE RULES OF DRAWING ESTABLISHMENT (DRAFTSMAN BS-11) IN IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA.

Irrigation Department notified service rules vide notification No. No. So(E)/Irr/23-5/73 dated 17-2-2011 wherein criteria for initial recruitment/promotion of Draftsman (BS-11) is enunciated as below:-

- a. Fifty percent by initial recruitment
- b. Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having Certificate of Civil Draftsman course or two years duration from a recognized Board of Technical Education with three years' service as such; and
- c. Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman and having three years service as such.

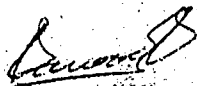
Note: If no suitable candidate is available for promotion against the quota at (b) then the vacancy shall be filled-in by the way as prescribed at (c) and Vice Versa.

Amendments regarding the method of recruitment for the post of Draftsman at Sr No.26 (part-V) of appendix to the notification No. So(E)/Irr/23-5/73 dated 17-2-2011 was explained in detail by Section Office (Estt.). The following amendments were put forward by the Department:-

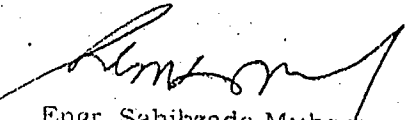
- a. Twenty percent by initial recruitment.
- b. Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman and having three years service as such.


The Committee deferred the agenda item No.02 for clarification that whether these posts have been advertised in past or otherwise.


7- The meeting ended with a vote of thanks to and from Chair.



Mr. Dawood Khan

Secretary Irrigation Department (Chairman)


Engr. Sahibzada Muhammad Shabir
Chief Engineer (South) (Member)


Mr. Muhammad Yousaf Khan
Deputy Secretary (Reg-III) Estt.
Department (Member)


Mr. Barkat Khan
Section Officer (SR-III)
Finance Deptt. (Member)


Mr. Abdul Raul
Section Officer (Estt.)
Irrigation Deptt. (Secretary/Member)



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

1096-98

No. A.O(Lit) Misc S.A. 7917/2021 Engr. Imtiaz Khan
Dated Peshawar the _____, 2022

The Secretary to Govt. of Khyber Pakhtunkhwa,
Law Department

Section Officer (Lit)

SERVICE APPEAL NO. 7917/2021 TITLED ENGR. IMTIAZ KHAN
VERSUS CHIEF SECRETARY, KHYBER PAKHTUNKHWA &
OTHERS

I am directed to refer to your letter No. SO(Lit)/lrr/3-489/2022 dated
20.04.2022 on the subject noted above and to return herewith Joint Parawise Comments duly
signed by Secretary Law Department (in original) for further course of action, please.

Yours faithfully,

(Naid Wali Afridi)
Assistant Law Officer

Encl: N/A & Para Form

...

Secretary Law Department Khyber Pakhtunkhwa,
Law Department

g/c

Assistant Law Officer

GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
Litigation Section

101 912444
Dated Perwar 04 April, 2022

NO. SO. 1417-13-489/2022

SECRETARY
GOVT. ENGINEER

1417
04/04

Secretary to Govt. of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights Department,
Subject: **SERVICE APPEAL NO. 2917/2021 TITLED ENGR. IMTAZ KHAN VS
CHIEF SECRETARY, KHYBER PAKHTUNKHWA & OTHERS.**

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith
your case-wise comments duly vetted by the Additional Advocate General, Services
Tribunal Khyber Pakhtunkhwa and signed by Secretary Irrigation for signature of
Secretary L&A, Parliamentary Affairs & Human Rights Department in capacity of
Respondent No.04.
After doing the needful, the comments may be sent to this Department, at
the earliest, please

Yours faithfully,

Section Officer (Litigation)

End: As above.
End: No and date even
Copy for information is forwarded to:-

- 1. PS to Secretary Irrigation, Khyber Pakhtunkhwa.
- 2. PA to Additional Secretary Irrigation, Khyber Pakhtunkhwa.

Section Officer (Litigation)

Put up
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9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. **7917/2021**

Mr. Iqbal Khan.....Appellant

Versus

Chief Secretary, Khyber Pakhtunkhwa and others Respondents

JOINT PARA-WISE COMMENTS ON BEHALF OF THE RESPONDENT NO. 01 to 06

RESPECTFULLY SHEWETH:

Preliminary objections:

1. That the appellant has got no cause of action/locus standi.
2. That the appellant has not come to this court with clean hands.
3. That the appellant has concealed some material facts from this Hon'ble Court.
4. That the appellant is disentitled for the relief claimed.
5. That the appeal of the appellant is badly time barred.
6. That the appeal is bad for misjoinder and nonjoinder of necessary parties.

ON FACTS

1. **Pertains to record.**
2. **Correct** to the extent that the appellant is a civil engineer and not mechanical engineer. It is further added that the service rules quoted in paragraph were applicable till 24.08.2021 and after word the Irrigation Department vide notification no. SOE/Irr/23-5/73/Vol-VI dated 24.08.2021, in consultation with Establishment Department, Finance Department and Law Department, has allocated 12% quota for promotion of SDOs having B-Tech Honor Degree Holder and 08% quota for promotion of Diploma Holder SDOs through proper procedure of Standing Service Rules Committee (SSRC) (Annex-II).
3. **Incorrect.** The Law Department is not a member of the standing service rules committee as clarified by the Law Department (Annex-III), the B-Tech and Diploma Holder SDO's were granted quota for promotion to BS-18 through proper SSRC in consultation with Establishment, Finance Departments and properly vetted by Law Department. It is also clarified that the Civil Servants are governed under Civil Servant Act, 1973 and not under PEC Act, 1976.
4. **Incorrect,** to the extent that B-Tech and Diploma Holder Sub Engineers of Irrigation Department were granted quota for promotion to BS-17 in 2011. It is also clarified that the Civil Servants are governed under Civil Servant Act, 1973 and not under PEC Act 1976.
5. **Incorrect.** The appeal of the appellant was properly examined and filed being devoid of merit.
6. **No comments.**

Grounds:-

1. **Incorrect.** The SSRC was convened in accordance with law.
2. **Incorrect.** No violation of Constitution of Pakistan has been done.
3. **Incorrect.** In light of the amendment in service dated 24.08.2021, the B-Tech and Diploma Holder SDOs are also eligible for promotion to BS-18.
4. **Incorrect.** Para-03 of the facts is reiterated.
5. **Correct** to the extent that the committee was constituted, however, in consultation with Establishment Department, Finance Department and Law Department, has allocated 12% quota for promotion of SDOs having B-Tech Honor Degree Holder and 08% quota for promotion of Diploma Holder SDOs through proper procedure of Standing Service Rules Committee (SSRC)

