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- (a) Maintenance of a Register of person qualified to practice 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 of names which have been removed;
- (d) laying down of standards of conduct for the members;
- (e) safeguarding the interest 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 studies in consultation with the Universities;
- (i) levy and collection of fees from applicants for registration or temporary licences and members;
- (j) exercise of such disciplinary powers over the members and servants of the Council as may be prescribed;
- (k) formation of such committees as may be prescribed; and
- (l) performance of all other functions connected with, or ancillary or 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 persons qualified to practice as professional engineers and consulting engineers and not persons who are employed in the Government or semi-Government organisations. If the Government employs a professional engineer as defined in the Act for performing professional engineering work as envisaged by the Act in above clause (k) of section 2, the provisions of the Act would be attracted and not otherwise.

10. Reverting to the merits of the present case, as pointed out hereinabove, that the petitioner pursuant to the above decision of the Government of Pakistan dated 26.10.1973 passed his B.Tech (Pass) in 1977 and B.Tech (Honours) in March, 1981, from the NED University Karachi, and, therefore, acted upon the above representation of the Government. In this view of the matter, it is not just and fair not to consider the petitioner

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for 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 have been promoted by the departments/organisations concerned. In this behalf, it may be pertinent to refer to the case of 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). The fact of the above case were that the persons possessing the qualifications mentioned in Rule 7 of the West Pakistan Agricultural Engineering Service (Class II) Rules, 1963 were not available. The Government launched a scheme for training of Assistant Agricultural Engineers, whereunder 46 Graduates in B.Sc. Agriculture were to be selected for appointment as Assistant Agricultural Engineers after their successful completion of two years' diploma course 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 the 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

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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.A. Sherwani 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 15.03.1985, 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 Registrar's above letter dated 24.4.1984 stated that there was typographical error in the above-quoted portion of its Registrar's letter dated 30.04.1981. 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 Azim Jamali (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.

*view of Govt :-
entrusted to delegate
its power to any other authority
no discrimination.*

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 25 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."

17. Next case is a judgment of two members bench of this Court in the case of MUHAMMAD YOUNUS AARAIN V/S PROVINCE OF SINDH THROUGH CHIEF SECRETARY, SINDH, KARACHI & 10 OTHERS (2007 SCMR 134). The case before the Court was of promotion to BS-20 by a Diploma holder employee. The Court dealt with the subject and observed as follows:

7. The basic qualification for a professional engineer under the law is B.Sc. degree in engineering from a recognized institution in Pakistan and diploma in engineering is not a recognized qualification for a professional engineer in terms of PEC Act, 1976. The service rules governing the service of the petitioner (SCUG Service Rules, 1982) and the promotion policy of the Government of Sindh, would neither override the provisions of the above Act nor relax the requirement of basic qualification of professional engineer for a promotion to BPS-20 in the engineering branch of Government of Sindh. The relevant provision of SCUG Service Rules, 1982, is reproduced hereunder:--

"V-Engineering Branch.

1. Grade 20 By selection on merit from among the members of the service in Grade-19 of the Engineering Branch with at least 17 years experience as such in Grade-17 and above."

Case to DAE
Not to B-Tech

8. The above rule envisages clearly that a person can be considered for promotion to BPS-20 in the Engineering Branch of Government of Sindh, subject to fulfilment of the condition of basic qualification of a professional engineer prescribed under Pakistan Engineering Council Act, 1976 and a diploma holder being not a professional engineer in terms of PEC Act, 1976 cannot hold a post carrying responsibilities of a qualified professional engineer. The eligibility of a person for promotion from BPS-19 to BPS-20 in the Engineering Department of Government of Sindh is subject to the fulfilment of the requirement of basic qualification with requisite experience as provided in SCUG Service Rules, 1982 in the relevant field therefore, neither any concession could be given to the petitioner in the matter of his eligibility to hold the post in BPS-20 nor the requirement of basic qualification could be relaxed by the Court or by Selection Board. The careful examination of rules on the basis of which petitioner asserted the claim of promotion to BPS-20 against the post carrying responsibilities of a professional engineer, would show that his claim was without any substance and that a diploma holder on the basis of his experience alone, would stand at par to a person registered as professional engineer with Pakistan Engineering Council."

18. The other case is a judgment of three members bench of this Court in the case of NAZIR-UL-HASAN & 2 OTHERS V/S SYED ANWAR IOBAL & OTHERS (2014 SCMR 1827). In this case, respondent No.1 was working as an Assistant Director BS-17. The petitioners were senior to him and were promoted to BS-18 despite the fact that petitioners were holding qualification of Diploma whereas respondent

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No.1 was Bachelor of Engineering (Electrical). The respondent No.1 challenged the promotions of petitioners in the High Court. The High Court set aside all promotions of petitioners on the ground that they did not hold valid engineering degree. This Court in the reported judgment has dealt with the matter and observed as follows:-

6. Admittedly the petitioners were Assistant Directors in the respondent Authority with at least 5 years service in the relevant field and hence in our opinion they fulfill the requirement. It would be seen that when the petitioners were considered for promotion in 2012 the rules in force were the Pakistan Standards Institution Recruitment Rules for class one posts wherein per rule 5 the post of deputy Directors to be filled in by promotion could be done from amongst Assistant Directors category one with at least 5 years service in the Institution. Nowhere in the said rules was it provided that they would be professional engineers or for that matter even diploma holders. If fact such condition is prescribed in rule 6 which provides for direct appointments whereby per the schedule to the same an Assistant Director must hold a Master's Degree in Science or Bachelors Degree in Engineering in the specified field from a recognized university with at least 3 years experience in that field etc. Admittedly, the petitioners were appointed by promotion and hence in our opinion no such condition can be placed upon them as in the case of a direct appointees. Insofar as the case of Muhammad Younus Aarain (supra) is concerned, the same is distinguishable on facts as therein it was found that under Sindh Council Unified Grades Services Rules the basic qualification for promotion to BS-20 was that the candidates should have B.Sc. Degree in Engineering. As observed above this is not the case in the present matter. It would further be seen that now per section 26 of the Pakistan Standards and Quality Control Authority Act, 1996 rules have been framed which have been notified in the official gazette on 15th May, 2013. Under Rule 5 promotion to the post in BS-1 to 19 shall be made on the basis of seniority-cum-fitness etc. and he or she should also fulfil the conditions contained in schedule to the rules according to which for promotion to the post of Deputy Director Technical the eligible person would be an Assistant Director Technical and he should have 5 years experience in BS-17 in technical matters. Nowhere has it been prescribed that he or she should be a qualified engineer.

7. In the circumstances, we find that the impugned order has unnecessarily been influenced by the comments of the Pakistan Engineering Council that no post carrying any Engineering responsibility could be entrusted to non-engineering graduates. In our opinion, it is for the department/institution itself to determine as to whether the persons in its service are fit to hold a particular position. In the present case it has been done by the

authority and rules have been framed thereunder which have been followed by the promotes/petitioners. Consequently the Impugned order is set aside and the promotion of the petitioners is upheld."

19. On examination of above case law, we note that nowhere in the judgments, the government power to prescribe for qualification and other conditions of service for promotion to a post has been assailed nor the judgments have put any sort of embargo on the government in prescribing the qualification and other conditions of service for a post for the purpose of promotion. Having said this, the judgments as discussed above, have rather focused on the government power in this regard to be unfettered to the extent that it is not in derogation of any law or provisions of the Constitution.

20. Further, the main principle that is deductible from the above judgments of this Court is that it is the domain of the Government 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 Engineering Council to decide 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 qualification cannot be promoted from a particular grade to a higher grade. Thus on the basis of above pronouncements of this Court, it is clear that the notification dated 19.03.2014 cannot be validly or justifiably challenged on the ground that it impinges or infringes upon any of the provisions of PEG Act, 1976 and thus would be ultravires. No such finding can justifiably be recorded in that as it has been laid down quite empathetically that the government exercises its own power under the domain of law with regard to promotion of civil

servants/employees under Sindh Civil Servants Act, 1973 and Rules made thereunder while PEC Act does not overreach or put an embargo upon the government in the matter of prescribing of qualification and other conditions of service of civil servants/employees for their promotion to higher grade. Yet again, we note that although the vires of notification dated 19.03.2014 has been challenged but we observe that this very notification has been issued under sub-rule (2) of Rule 3 of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, which rules have been made under section 26 of Sindh Civil Servants Act, 1973. Neither rule 3(2) of said rules nor section 26 of the Act, 1973 have been challenged nor their vires called in question before us. Thus from this also it is quite apparent that the petitioner does not challenge the government power for prescribing qualification and conditions of service of civil servants/employees for their promotion to higher grade. In any case, we note that the provisions of PEC Act nor the rules and regulations made under it will operate as bar on government to prescribe for qualification and other conditions of service of civil servants/employees for promotion to higher grade.

21. The PEC Act as its preamble itself shows so also reading of the whole Act shows that it essentially deals with regulations of engineering profession. In it, *inter alia*, it prescribes for qualification of professional engineers, maintenance of register of professional engineers and accrediting of engineering universities etc and not as a regulator of employment be that be of government service or in the private service. The reasons for it could be found that all sort of engineering work could not be and may not be a professional engineering work for performance of which professional engineers are required. For example, technician, mechanic, draftsman, foreman,

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supervisor and overseer etc at best could be a skilled workman who may work independently or under the supervision of professional engineer and for such technician, mechanic, draftsman, foreman, supervisor and overseer, ^{the} employer may not require holding of professional engineering degree. However, if the person is required to perform any of professional engineering work as defined under the PEC Act, the provisions of this Act will come into operation for ensuring as the work of professional engineer can and only be performed by professional engineer as recognized by PEC Act. The professional engineering work has been clearly defined under section 2(xxv) of the PEC Act which has already been reproduced above and lays down in sufficient details the works which are noted to be as professional engineering works and such works as mandatorily required by the PEC Act to be performed by a professional engineer possessing accredited engineering qualification from accredited engineering institutions in Pakistan and abroad with experience and passing of test of the Council and no other person is allowed to perform professional engineering works be that be a diploma holder or B.Tech. degree holder. This aspect of the matter has been substantially addressed by the PEC Act itself when making provision of section 27(5A) that "no person shall unless registered as a registered engineer or professional engineer, hold any post in an engineering organization where he has to perform professional engineering work." Thus professional engineering work can only be performed by a person who is registered as registered engineer or professional engineer and both registered engineer and professional engineer in terms of the PEC Act are by law required to possess accredited engineering qualification as prescribed by the PEC Act from accredited engineering institution.

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(j) any other work which the Council may, by notification in the official Gazette, declare to be an engineering work for the purposes of this Act;"

v. S. 27 of the PEC Act provides for penalties for a person who undertakes any professional engineering work if he does not possess an accredited engineering qualification from an accredited engineering institution and is not registered as a 'registered engineer' or 'professional engineer'.

vi. Furthermore, s. 27 of the PEC Act also provides a penalty for an employer who employs for any professional engineering work any person who does not possess accredited engineering qualification from an accredited engineering institution and is not registered as a 'registered engineer' or 'professional engineer' under the PEC Act. For sake of convenience, s. 27 is reproduced as follows:

"27. Penalties and procedure.—

(1) After such date as the Federal Government may, after consultation with the Council, by notification in the official Gazette, appoint in this behalf, whoever undertakes any professional engineering work shall, if his name is not for the time being borne on the Register, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

(2) After the date appointed as aforesaid, whoever employs for any professional engineering work any person whose name is not for the time being borne on the Register shall be punishable, on first conviction, with imprisonment for a term which may extend to six months; or with fine which may extend to five thousand rupees, or with both, and on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(3) Whoever willfully procures or attempts to procure himself or itself to be registered under this Act as a registered engineer, professional engineer, consulting engineer, constructor or operator by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, and any person who assists him therein shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(4) Whoever falsely pretends to be registered under this Act, or not being registered under this Act, uses with his name of title any words or letters representing that he is so registered, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(5) No person undertaking any professional engineering work shall, unless he is registered under this Act, be entitled to recover before any court or other authority any sum of money for services rendered in such work.

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12 JAN 2021

Examination
Section
Authorised
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Shariat
Islamabad High Court
Islamabad

(5A) No person shall, unless registered as a registered engineer or professional engineer, hold any post in an engineering organization where he has to perform professional engineering work.

(6) No court shall take cognizance of any offence punishable under this Act save on complaint made by, or under the authority of, the Council.

(7) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act." [emphasis added]

vii. Therefore, a bare look at the scheme of PEC Act brings to light the legislative wisdom thereof to the effect that where a post requires an incumbent to perform professional engineering work as defined in PEC Act, such a post must only be filled by a person who:

- i. possesses accredited engineering qualification from an accredited engineering institution; and
- ii. is registered as a "registered engineer" or "professional engineer" under the PEC Act.

C. It is necessary to mention that the august Supreme Court of Pakistan has vide its judgement dated 03.10.2018 in *Maula Bux Shaikh and others v. Chief Minister, Sindh and other*, reported as 2018 SCMR 2098, held:

"...however with note of caution that government shall not allow or permit any person to perform professional engineering work as defined in the PEC Act, who does not possess accredited engineering qualification from the accredited engineering institution and his name is not registered as a registered engineer or professional engineer under the PEC Act." [Emphasis Added]

D. Furthermore, in the judgement rendered by the august Supreme Court supra, it has also been held that:

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18 JAN 2021

Author:
Danooon-
Islamabad

It is common ground that neither Diploma nor B.Tech (Hons) Degree are accredited engineering qualification for the reason that there is no reference to the Diploma and B.Tech (Hons) Degree in the accredited engineering qualification provided in the first and second schedule of the PEC Act." [Emphasis Added]

E. In the case of *Muhammad Younus Aarin v. Province of Sindh and others* reported as 2007 SCMR 134, the Honourable Supreme Court of Pakistan has held that:

".....a diploma holder being not a professional engineer in terms of PEC Act, 1976 cannot hold a post carrying responsibilities of a qualified professional engineer." [Emphasis added]

F. The august Supreme Court has, while interpreting the PEC Act, in *Pakistan Diploma Engineers Federation (Regd.) v. Federation of Pakistan* reported as 1994 SCMR 1807 held that:

"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 Organization, if they are called upon to undertake any professional engineering work, as defined under the Act." [Emphasis added]

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(G). It may be noted that the honourable Islamabad High Court has in the case of *Muhammad Asghar Zaidani v. Capital Development Authority*, reported as 2008 PLC (C.S) 1219, passed a direction to the effect of restraining employers not to consider Diploma-holders and those who possess B.Tech (Hons) degree for promotion against posts which require its incumbents to carry out professional engineering work. The relevant excerpt from the judgement is reproduced for the sake of convenience as follows:

"... the respondent No. 1 is directed not to consider Diploma holders/B. Tech (Hons) for promotion against the post specified for professional engineers....." *(Emphasis Added)*

→ II. Insofar as equivalence of B. Tech (Hons) and B.E/B.Sc (Engineering) is concerned, please note that both disciplines are distinct in their nature as well as require different set of preparatory courses (i.e. F.Sc and DAE). Main-stream of DAEs being the real seedling for Technology Programs and thus should be the eligibility for admission. Whereas, F.Sc/A-levels are more focused on basic sciences (i.e. Physics, Math and Chemistry), which is crucial/requisite for Engineering Programs. In addition, please note that B. Tech (Hons) and B.E/B.Sc (Engineering) degrees prepares aspirants for two distinguished jobs; the former engineers generally operate in conceptual design, innovate solution and product development while technologists generally work in applied nature of jobs like testing, construction, field work, operations, etc.

FACTS:

1. As to paragraphs 1 and 2, its contents are denied. It is contended that where a post requires an incumbent to perform professional engineering work as defined in PEC Act, such a post must only be filled by a person who possesses accredited engineering qualification from an accredited engineering institution and is registered as a "registered engineer" or "professional engineer" under the PEC Act. It is pertinent to mention that B. Tech (Hons) is not recognized as an accredited engineering qualification under the purview of PEC Act. Thus, B. Tech (Hons) degree holders can neither be considered for promotion, nor possess any post, that requires performing professional engineering work. The same has also been upheld by the apex courts of Pakistan. Report may kindly be read as an integral part of comments to paragraphs 1 and 2 of the captioned petition.

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→ 2. As to paragraph 3, its contents are denied as misleading. Insofar as equivalence of Technology and Engineering Degrees is concerned, please note that this controversy is transpiring from last four decades. To gain complete insight into the issue, it is pertinent to direct the attention of the Hon'ble court to the following facts. University Grants Commission ("UGC") - predecessor of Respondent No. 3 - in the 39th Meeting of its Equivalency Committee held on 12.02.1998 concluded that "the degree of B.Tech (Hons) is not similar to B.E/B.Sc Engineering degree. Both the degrees of B.E/B.Sc Engineering and B.Tech (Hons) should parallel to each other. However, B.Tech (Hons) may be treated at par and compatible with B.E/B.Sc Engineering degree holders as far as grades, pay and promotions and other benefits are concerned. The Committee further noted that it is up to the employer to determine the type of qualification required for a particular job." Note that Higher Education Commission's National Curriculum Revision Committee ("NCRC") had developed a curriculum for B.Tech (Hons) in the year 2010. The Committee also recommended that Letter issued by Respondent No. 3 regarding equivalency/compatibility of B.Tech (Hons) with B.Sc Engineering be withdrawn immediately since B.Tech (Hons) courses are implementation oriented while B.Sc

18 JAN 2021
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Qanoon
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NO. AG- 3313 OF 2019
 OFFICE OF THE
 ADVOCATE GENERAL SINDH
 3rd FLOOR, ADMINISTRATIVE BLOCK
 HIGH COURT NEW ANNEXE BUILDING

PH: 99203220

FAX: 99203174

Karachi, dated: 18.05.2019

To,

The Secretary,
 Law Department,
 Government of Sindh,
 Karachi.

MR
 18/5/19
 2 PM 15:30

SUBJECT:-

CMA NO.10514, 10517, 10520, 10524, 10688, 10984 OF 2018
AND CRP NO.524/2018 & COP NO.11/2019 (FOR REVIEW
OF JUDGMENT DATED 03.10.2018 PASSED BY SUPREME
COURT OF PAKISTAN IN C.P. NO.78-K/2015.

Dear Sir,

I write with reference to your letter No. OP: 5(105)/2019/285 dated 20.05.2019 and note that, to the extent relevant for the present purpose, the Supreme Court's judgment dated 26.04.2018 passed in C.P.No.78-K of 2015 held as follows:

- i. There is no embargo of any sort on the government in prescribing the qualification and other conditions of service for a post for the purpose of promotion;
- ii. The government's power in this regard is unfettered provided it is not in derogation of any law or provisions of the Constitution;
- iii. It is the Government's prerogative to decide whether a particular academic qualification of a civil servant is sufficient for promotion from one grade to another higher grade;
- iv. The government exercises its own power under the domain of law with regard to promotion of civil servants/employees under the Sindh Civil Servants Act, 1973 and Rules made thereunder while the Pakistan Engineering Council Act (the PEC Act) does not overreach or put an embargo upon the government in the matter of prescribing of qualification and other conditions of service of civil servants/employees for their promotion to a higher grade; and

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- v. All sort of engineering work could not be and may not be professional engineering work within the meaning of PEC Act for performance of which professional engineers are required. Thus technicians , mechanics, draftsmen, foremen, supervisor and overseers etc, could be skilled workmen who may work independently or under the supervision of a professional engineer and for such technicians, mechanics, draftsmen, foremen, supervisors and overseers etc, the government is free not to require that they hold a professional engineering degree.

Having regard to the foregoing I am of the view that there is no embargo on the posting of B.Tech (Hons.) degree holders as engineers in Government Department, nor is there any embargo on their being promoted or their being assigned field posts provided the nature of the work to be performed by them is not as falls within the meeting of professional engineering work within the meeting of the PEC Act.

SALMAN TALIBUDDIN
Advocate General Sindh.

(9)
(II) SUPERINTENDING ENGINEER. (p-38-48) ✓

38. The administrative unit of the deptt: is the circle, in charge of a Superintending Engr., who is responsible to the C.Engr. for the administration and general professional control of public works in charge of officers of the department within his circle.

39. It is the duty of the S.Engr. to inspect the state of the various works within his circle, and to satisfy himself that the system of management prevailing is efficient and economical, that the different articles in stock are duly verified according to the rules laid down, and that there is no accumulation of stock in any division beyond its requirements. He is also responsible that no delay is allowed to occur in the submission of completion reports or statements in accordance with the rules.

40. The S.Engr. will inspect the Divl: offices at least once a year and record the results of such inspection in the prescribed form and forward the same for information of the C.Engr. He is also required to satisfy himself, from time to time, that the staff employed in each divn: is efficient & is actually necessary and adequate for its management.

41. The Audit Officer and the Superintending Engr. should assist one another in rendering the management of the accounts of the deptt: as perfect as possible.

The Superintending Engineer should also examine the books of Divisional Officers and their subordinates, and see that matter relating to the primary accounts are attended to personally by the Divnl: & Sub-Divnl: Officers and that the accounts fairly represent the progress of each work. It will also be his duty to examine the register of works, so as to keep a vigilant watch over the rates of work, and, when he considers it, necessary, he may require a Divnl: Officer to report to him monthly or at longer intervals, on a works slip P.W.A. Form No. 39, the total expenditure to date under each sub-head of a work compared with the sanctioned estimate. It will thus be seen that it rests with the Superintending Engr. to investigate excesses over sub-heads with a view to deciding whether or not a revised estimate will be required for the work. When a revised estimate is required it will also devolve on the Superintending Engineer to see that it is submitted in due time to the sanctioning authority.

42. The transfers and postings within his circle of establishment, other than of Divnl: Officers, Accountants and sub-Assistant Surgeons in charge of Canal dispensaries, may be made, by S.Engrs. Removals and transfer of gazetted officers from their circles may be recommended to the Chief Engineer.

43. S.Engrs. may fix the h/quarters of Engg: subordinates not in Sub-Divnl: charge and of Zilladars. They should see that the circle and Divisional scales of office and petty establishment are not exceeded without proper authority.

44. S.Engrs. are responsible for the Engg: character of every work which they approve, and in submitting any report, design, estimate, or other documents to the Chief Engineer will invariably state their own opinion and recommendations on the subject, in particular as to the suitability of the design and the reasonableness of rate. They should also have estimates checked and compared with the drawings.

45. Besides regular tours of inspection, it is the duty of S.Engrs. to proceed to any place, in their circles to report on any important design or work, or any serious accident or threatened danger connected with the works within their charge. They should further, so far as may be possible, inspect periodically all public buildings and other works within their jurisdiction.

46. The S.Engr. is required to make it his special duty during his tours to see that measurement books are carefully kept and measurements properly recorded, and that they are complete records of the actual measurements of each kind of work done for which certificates have been granted. He should also see that orders of the Provincial Govt. regarding check measurements are duly observed.

47. The supervision and control of the assessment of revenue from Irrigation works within his Circle will rest with the Superintending Engineer.

48. A Superintending Engineer is authorised to correspond with any of the local authorities, civil, or Military within the area of his jurisdiction.

(III) DIVISIONAL OFFICER. (b 49-65)

49. The Executive unit of the deptt: is the divn: in charge of a Divnl: Officer who is responsible to the Superintending Engineer for the execution and management of all works within his Division.

50. A Divisional Officer can receive positive orders only from his own departmental superiors, the head of the administration, or other Civil Officers duly authorised.

51. The Divnl:officer is required to inspect, at least once a year, the more important buildings and works in his Divn: and is responsible that proper measures are taken to preserve them and to prevent encroachment on Government lands in his charge. He should keep accurate plans of all such lands and take care that his subordinates make themselves acquainted with the boundaries and see that they are respected.

52. A Divnl:Officer is required to report immediately direct to the Chief Engr and also to the S.Engr. any important accident or unusual occurrence connected with his Divn. and to state how he has acted in consequence. Divnl:Officers will use their discretion as to the method of sending such information but normally a telegram will be despatched and this will be followed by a letter giving the detailed information. Where the Divnl:Officer considers it advisable he can supplement his telegram by telephone message. He will inform the Military authorities direct as above where he considers it to be necessary. All break-downs to roads and bridges should be reported to the following by telegram in the first instance and should be followed up by an express letter giving further details:-

- 1) H/quarters Northern Command, Rawalpindi and Murree in summer.
- 2) H/quarters Peshawar District, Peshawar.
- 3) H/quarters Kohat District, Kohat, Fort Lockhart in summer.
- 4) H/quarters Waziristan Distt: D.I. Khan & Razmak in summer.
- 5) H/quarters Rawalpindi district, Rawalpindi and Murree in summer.

b If the information is available the telegraphic report will state the probable period required for repairing and whether the road or bridge is impassable and if it is not totally impassable what type of traffic can pass.

As regards accident at electric installations a report should be made to the Electric Inspector within 48 hours of the occurrence of the accident. (See paragraph - 32 also).

53. Divnl:Officers may transfer establishment other than Sub-Divnl:Officers, Accountants, and Sub-Asstt: Surgeons in charge of Canal Dispensaries within their respective Divns: without reference to higher authority. Such transfers will be reported in the ordinary course to the Superintending Engineer.

54. Divnl:Officers are immediately responsible for the proper maintenance of all works in their charge and for the preparation of projects and of designs and estimates, whether for new works and repairs. It is also a part of their duties to organize and supervise the execution of works and to see that they are suitably and economically carried out with materials of good quality.

55. Divnl:Officers are strictly prohibited from commencing the construction of any work or expending public funds without the sanction of competent authority; also from making or permitting any material deviations from any sanctioned design in the course of execution without specific authority, or in case of emergency, when the change should be forthwith reported to the Superintending Engineers.

56. The Divisional Officer is required to take the necessary steps for obtaining cash for the works under his control, to keep accounts, and to submit them punctually to the Audit Officer under the rules for the time being in force. He is responsible for the arrangements for account keeping, in which matter he will be assisted by his Divnl:Accountant, and he must see that his accounts are posted from day to day and that the Accountant carries out his duties regularly and punctually. The responsibility for the correctness, in all respects, of the original records of cash and stores, receipts and expenditure and also for seeing that complete vouchers are obtained rests with the Divnl:Officer, who will before submitting the monthly accounts, carefully examine the books, returns and prepare from which the same are compiled.

57. Immediately a work is finished, it is the duty of the Divnl:Officer to close the accounts of it & to prepare the completion report as required by the rules in paragraph - 142.

58. The Divisional-accountant is responsible to the Divnl:Officer for the correct compilation of the accounts of the Division from the data supplied to him. The relative position of the Divnl:Acctt: to the Divnl:Officer in respect of accounts is analogous to that of a Sub-D.O. to a Divnl:Officer in r/o works, and the responsibilities of the latter for the work of the Divnl:Acctt: are similar to those which attached to him in r/o the execution of the work in the charge of his other subordinates.

59. The Divisional Officer is responsible for the detailed assessment of the revenue to be obtained from irrigation works within his Division, and will maintain such records and accounts for the purpose as may be prescribed. He is also responsible for equitable distribution of canal water.

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60. The Divnl:Officer is held primarily responsible for affording information in cases of probability of excess of actual over estimated cost of work, and should report any such probability to the Superintending Engineer at once, describing the nature and the cause of the excess and asking for orders. This report should be made on the "Works Slip" form P.W.A.No.39. Divnl:Officers must also submit the "Works Slip" with such explanation as will enable the S. Engr. to pass orders on the case, on the occurrence, or the probability of the occurrence, of any irregularity in the rate or cost of a sub-head. All important liabilities not brought to account should also be noted on the works slip.

NOTE:- It is unnecessary for the Divisional Officer to submit the works slip in cases in which he can pass finally: excesses over estimate.

61. The Divnl. Officer is responsible that the surveying and mathematical instruments in his Division are properly cared for, and will report on their condition to the S. Engr. at the end of each working season. Any injury to the instruments due to neglect or carelessness should be made good at the expense of the officer or subordinate responsible for the damage.

62. It will be the duty of the Divnl:Officer to furnish Treasury and Sub-treasury officers after due inspection with the certificate prescribed in Article-9 of the Resource Manual as to the security of strong rooms used or proposed to be used for the storage of coin.

An extract of article-9 referred to above is as given below:-

"9. The following are the rules regarding the security of strong rooms:-

a) Without the special permission of the Provincial Govt., no place shall be used as a strong room unless it is first certified to be secure and fit for use as such by an officer of the PWD not under the grade of an Executive Engineer. The Inspecting officer in certifying the room, may prescribe any necessary conditions as to the manner of storing the coin, as e.g., "that it must not be piled on trestles, but must be in boxes that no bags or boxes be placed within a prescribed distance of the wall or in any particular part of the room." The Inspecting officer must specially examine the condition of any of the enclosing walls which are so situated that they are not, on the outside, under observation of the guard.

b) Existing strong rooms will be inspected annually by the Xen, or by an experienced Asstt: Engr. or an upper Subordinate holding Sub-Divnl: charge deputed by the Xen, for the purpose.

In those districts in which the provincial buildings have been handed over to the Distt: Boards the Distt: Engr. may be ordered to undertake the annual inspections.

The Inspecting Officer will grant a certificate of safety and it is the duty of the Treasury Officer to obtain such a certificate annually.

c) The Distt: Superintendent of Police, or the Commanding Officer of the Guard, if a Military one, shall record an order prescribing the position of the sentries, and may also require any additional precautions to be taken in the strengthening of fastenings, burning and lights etc., but the responsibility for the security of the building and its fixtures shall remain with the Xen and that for the security of chests and other treasury furniture not being part of the building or fixtures shall remain with the officer in charge of the treasury."

63. It is the duty of the Divnl:Officer to administer the grant made for public works in his Divn: and with this object, to keep a close watch over the progress of expenditure against it with a view to seeing that no excess is permitted to occur and that, if additional funds are necessary, application for the same is made.

64. The Divnl. Officer will be required to inspect and suggest measures for the protection of any public monument or building of Architectural or Historical interest in his division, whether public or private property, which appears likely to fall into decay. In the case of private property it will be for the Provincial Govt. to decide what steps, if any, are to be taken to obviate further destruction.

65. The Divnl. Officer in addition to his other duties, will consider himself to be ex-officio the professional adviser of all departments of the administration within the limits of his charge. He is required to inspect his Sub-Divnl: Offices annually and forward the inspection report to the S. Engr. for perusal and orders.

66. The Divn: is divided into Sub-Divns: in charge of Sub-D. Os. who are responsible to the Divnl: Officer for the management and execution of works within their Sub-Divns:

(1) (IV) SUB-DIVISIONAL OFFICER. (P 66-67)

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GOVERNMENT OF SINDH
WORKS & SERVICES DEPARTMENT

Karachi, dated the 2nd February 2021

NOTIFICATION

No.EI(W&S)1-7/2007: On the recommendations of Departmental Promotion Committee and with the approval of Competent Authority i.e Chief Secretary, Sindh Mr Bashir Ahmed Shaikh, B.Tech (Hons) Assistant Engineer (BS-17) (Civil) is hereby promoted as Executive Engineer (BS-18) (Civil) on regular basis with immediate effect.

II

His posting Notification will be issued separately

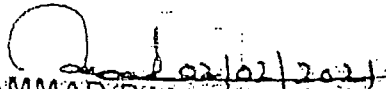
IMRAN ATTA SOOMRO
SECRETARY TO GOVT. OF SINDH

No.EI(W&S)1-7/2007

Karachi, dated the 2nd February, 2021

A copy is forwarded for information and necessary action to:-

1. The Accountant General, Sindh, Karachi.
2. The Secretary (Services), Services, General Administration & Coordination Department, Government of Sindh, Karachi.
3. The Chief Engineers Works & Services Department (All).
4. The Superintendent Engineers (concerned).
5. The Section Officer (E-II) Works & Services Department.
6. The District Accounts Officer (concerned).
7. The Publisher Sindh Government Gazette, Karachi.
8. PS to Secretary Works & Services Department.
9. PA to D.S (Admn) Works & Services Department
10. Officer concerned.
11. Office order file.


(MUHAMMAD RAMZAN SOLANGI)
SECTION OFFICER-I
FOR SECRETARY TO GOVT. OF SINDH

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GOVERNMENT OF SINDH
WORKS & SERVICES DEPARTMENT

Karachi, dated the 27th January, 2021

NOTIFICATION

No.EI(W&S)1-7/2007: On the recommendations of Departmental Promotion Committee and with the approval of Competent Authority i.e. Chief Secretary, Sindh Mr. Nasir Ali Siddiqui, Diploma holder, Assistant Engineer (BS-17) (Civil) is hereby promoted as Executive Engineer (BS-18) (Civil) on regular basis with immediate effect.

II

His posting Notification will be issued separately.


IMRAN ATTA SOOMRO
SECRETARY TO GOVT. OF SINDH

No.EI(W&S)1-7/2007

Karachi, dated the 27th January, 2021

A copy is forwarded for information and necessary action to:-

1. The Accountant General, Sindh, Karachi.
2. The Secretary (Services), Services, General Administration & Coordination Department, Government of Sindh, Karachi
3. The Chief Engineers Works & Services Department (All).
4. The Superintendent Engineers (concerned).
5. The Section Officer (E-II) Works & Services Department.
6. The District Accounts Officer (concerned).
7. The Publisher Sindh Government Gazette, Karachi.
8. PS to Secretary Works & Services Department.
9. PA to D.S (Admn) Works & Services Department
10. Officer concerned.
11. Office order file.


(MUHAMMAD RAMZAN SOLANGI)
SECTION OFFICER-I
FOR SECRETARY TO GOVT. OF SINDH

Better copy

Government of Khyber Pakhtunkhwa
Local Government & Rural Development Department
LOCAL COUNCIL BOARD

Dated Peshawar, the 13th May 2016

NOTIFICATION;

No. LG/LCB/ESTT:/2-5 /2016: The provincial government in local government election & rural development department, with the approval of the board in its meeting held on 1/3/2016 is pleased to amend the criteria provided under rule-9(1) (c) of the khyber Pakhtunkhwa LCs-PUGI (service) Rules, 1981 for the LCs-PUGI (Eng- cadr)

AMENDMENTS

" In column no.5 of s#2 as under
After the word " by selection on merit from among persons and in the matter specified in clause (e) of sub rule (1) of rule -9 with at least having 5 years service in BPS-17 the following formula;

- | | |
|-------------------|--------|
| (a) B.Sc/ BE | = 70 % |
| (b) B.Tech (Hons) | = 20 % |
| (c) DAE | = 10 % |

Chairman
Local Council Board
Khyber Pakhtunkhwa

Copy forwarded to the

1. Director Local Fund Audit Khyber Pakhtunkhwa
2. All Deputy Secretaries LCB, Khyber Pakhtunkhwa
3. Chief Engineer, LCB, Khyber Pakhtunkhwa
4. Section Officer (Estab) LGE&RDD, Khyber Pakhtunkhwa
5. All Town / Tehsil Municipal Officers in this Province for information
6. PA to all Additional Secretary, LGE&RDD, Khyber Pakhtunkhwa
7. PS to Secretary, LCB, Khyber Pakhtunkhwa
8. Office Notifications/ Master file

-----SD-----
Deputy Secretary(A)
Local council board
Khyber pakhtunkhwa



Sau Na to Corruption



No. OP-5(105)/2019/29
GOVERNMENT OF SINDH
LAW, PARLIAMENTARY AFFAIRS
& CRIMINAL PROSECUTION
DEPARTMENT

Karachi, dated 16th June, 2019

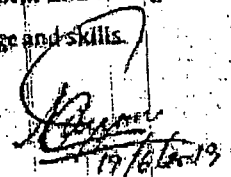
To,

1. The Secretary Works & Services Department, Govt. of Sindh.
2. The Secretary, Local Government Department, Govt. of Sindh.
3. The Secretary, School Education & Literacy Dept., Govt. of Sindh.
4. The Secretary, Agriculture Department, Government of Sindh.
5. The Secretary, Industries Department, Government of Sindh.
6. The Secretary, Public Health Engineering Dept., Govt. of Sindh.
7. The Secretary, Irrigation Department, Government of Sindh.

SUBJECT: CMA NO. 10514, 10517, 10520, 10524, 10688, 10984 OF 2018 AND CRP NO. 874/2018 & COP NO. 11/2019 (FOR REVIEW OF JUDGMENT DATED 03.10.2018 PASSED BY SUPREME COURT OF PAKISTAN IN CP NO. 78-K/2015)

I am directed to refer to the above subject and to enclose herewith a copy of the advice bearing No. AG-3312 of 2019, dated 18th June, 2019, tendered by Advocate General Sindh, for acting upon the subject orders. By this advice, the learned Advocate General has provided elaboration to his earlier advice dated 16.01.2019. The present advice has addressed many points about admissibility of posting B. Tech (Hons.) degree holders as Engineers in the field and considering them for their subsequent promotions.

The opinion tendered by this Department and its legal team is the interpretation of laws, rules as per best of knowledge and skills.


19/6/2019

(ABDUL QAYYUM)
SECTION OFFICER (OPINIONS)
FOR SECRETARY TO GOVERNMENT OF SINDH

Encl. as above.

C.C to PS to Secretary, Law and Parliamentary Affairs Department, Govt. of Sindh.

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GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT
(REGULATIONS WING)

Dated Lahore, the 4th September, 2021

NOTIFICATION

SOR-III(S&GAD)1-11/2020(A). In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), Governor of the Punjab is pleased to make the following amendment in the Punjab Communication & Works Department (Engineering Posts Qualifications and Conditions for Recruitment) Rules, 1985:

AMENDMENT

the Punjab Communication & Works Department (Engineering Posts Qualifications and Conditions for Recruitment) Rules, 1985, in the Schedule, for the post of Executive Engineer / Deputy Director (BS-18), in column No. 7, the following shall be substituted:-

- a) 95% by promotion on the basis of seniority-cum-fitness from amongst Assistant Engineers / Sub-Divisional Officers / Assistant Directors (BS-17) having five years' service as such and who:
- (i) possesses qualification prescribed for initial recruitment to the post of Assistant Engineer / Sub-Divisional Officer / Assistant Director (BS-17);
 - (ii) have passed departmental professional examination; and
 - (iii) have successfully completed in-service training prescribed for Junior Engineers from Government Engineering Academy Punjab, Lahore; and
- b) 5% by promotion on the basis of seniority-cum-fitness from amongst Assistant Engineers / Sub-Divisional Officers / Assistant Directors (BS-17) with eight years' service as such and who have:
- (i) B.Tech (Hons) or BS Engineering Technology from a university recognized by Higher Education Commission;
 - (ii) passed departmental professional examination; and
 - (iii) successfully completed in-service training prescribed for Junior Engineers from Government Engineering Academy Punjab, Lahore.

SECTION OFFICER (R-III)
GOVERNMENT OF THE PUNJAB
S&GAD

AHMAD ALI KAMBOH
SECRETARY (REGULATIONS), S&GAD

SOR-III(S&GAD)1-11/2020(A)

Dated Lahore, the 8th September, 2021

A copy is forwarded for information and necessary action to:-

1. The Secretaries, Government of the Punjab,
 - i) Finance Department.
 - ii) Law & Parliamentary Affairs Department.
 - iii) Management & Professional Development Department.
 - iv) Communication & Works Department.
2. The Accountant General Punjab, Lahore.
3. The Secretary, Punjab Public Service Commission, Lahore.
4. The Deputy Secretary (PC), Finance Department, Lahore.
5. The Deputy Director (Legis.), Law & Parliamentary Affairs Department.
6. The Private Secretaries to the Governor Punjab / Chief Minister / Chief Secretary / Additional Chief Secretary, Secretary (Services), S&GAD and Secretary

60-66

60. The Divl:Officer is held primarily responsible for affording information in cases of probability of excess of actual over estimated cost of work, and should report any such probability to the Superintending Engineer at once, describing the nature and the cause of the excess and asking for orders. This report should be made on the "Works Slip" form P.W.A.No.39. Divnl:Officers must also submit the "Works Slip" with such explanation as will enable the S. Engr. to pass orders on the case, on the occurrence, or the probability of the occurrence, of any irregularity in the rate or cost of a sub-head. All important liabilities not brought to account should also be noted on the works slip.

NOTE:- It is unnecessary for the Divisional Officer to submit the works slip in cases in which he can pass finally excesses over estimate.

61. The Divnl.Officer is responsible that the surveying and mathematical instruments in his Division are properly cared for, and will report on their condition to the S. Engr. at the end of each working season. Any injury to the instruments due to neglect or carelessness should be made good at the expense of the officer or subordinate responsible for the damage.

62. It will be the duty of the Divnl:Officer to furnish Treasury and Sub-treasury officers after due inspection with the certificate prescribed in Article-9 of the Resource Manual as to the security of strong rooms used or proposed to be used for the storage of coin.

An extract of article-9 referred to above is as given below:-

"9. The following are the rules regarding the security of strong rooms:-

- a) Without the special permission of the Provincial Govt., no place shall be used as a strong room unless it is first certified to be secure and fit for use as such by an officer of the PWD not under the grade of an Executive Engineer. The Inspecting officer in certifying the room, may prescribe any necessary conditions as to the manner of storing the coin, as e.g., "that it must not be piled on trestles, but must be in boxes that no bags or boxes be placed within a prescribed distance of the wall or in any particular part of the room." The Inspecting officer must specially examine the condition of any of the enclosing walls which are so situated that they are not, on the outside, under observation of the guard.
- b) Existing strong rooms will be inspected annually by the Xen, or by an experienced Asstt:Engr. or an upper Subordinate holding Sub-Divnl: charge deputed by the Xen, for the purpose.
In those districts in which the provincial buildings have been handed over to the Distt:Boards the Distt:Engr. may be ordered to undertake the annual inspections.
The Inspecting Officer will grant a certificate of safety and it is the duty of the Treasury Officer to obtain such a certificate annually.
- c) The Distt:Superintendent of Police, or the Commanding Officer of the Guard, if a Military one, shall record an order prescribing the position of the sentries, and may also require any additional precautions to be taken in the strengthening of fastenings, burning and lights etc., but the responsibility for the security of the building and its fixtures shall remain with the Xen and that for the security of chests and other treasury furniture not being part of the building or fixtures shall remain with the officer in charge of the treasury."

63. It is the duty of the Divnl:Officer to administer the grant made for public works in his Divn: and with this object, to keep a close watch over the progress of expenditure against it with a view to seeing that no excess is permitted to occur and that, if additional funds are necessary, application for the same is made.

64. The Divnl.Officer will be required to inspect and suggest measures for the protection of any public monument or building of Architectural or Historical interest in his division, whether public or private property, which appears likely to fall into decay. In the case of private property it will be for the Provincial Govt. to decide what steps, if any, are to be taken to obviate further destruction.

65. The Divnl.Officer in addition to his other duties, will consider himself to be ex-officio the professional adviser of all departments of the administration within the limits of his charge. He is required to inspect his Sub-Divnl:Offices annually and forward the inspection report to the S. Engr. for perusal and orders.

(IV) SUB-DIVISIONAL OFFICER: (P 66-67)

66. The Divn: is divided into Sub-Divns: in charge of Sub-D. Os. who are responsible to the Divnl:Officer for the management and execution of works within their Sub-Divns

67 - 71

67.

Sub-Divisional Officers are responsible :-

- i) that proposals for new services are dealt with promptly and correctly,
- ii) that no service is ordered until an estimate has been prepared, the necessary approval obtained and funds are available, except in emergent cases when there are special orders to the contrary;
- iii) for the constructional fitness, accuracy and economy of all designs and estimates prepared and submitted to higher authority.
- iv) for using the funds placed at their disposal in such a manner as to maintain in the best interests of Govt. the condition of their property.
- v) for the proper execution and good quality of a work including supervision of the work of contractors;
- vi) for observing the procedure prescribed for designs, plans, estimates and measurements, keeping of records preparation and passing of contractors bills.
- vii) that no departure from regulations, approved general designs and specifications, or the orders of superior authority is permitted without the approval of competent authority.
- viii) for reporting promptly to the administrative officer concerned and to superior Engineer authority any important defects, serious accidents, unusual occurrences, serious departures from regulations, or orders, probability of excesses over estimates or allotments, or the insufficiency of grants for allotments;
- ix) for carrying out such inspection as may be necessary within his charge
- x) for the safe custody of cash, stocks of engineering stores, furniture, etc. and their verification in accordance with the rules laid down, and for preventing unnecessary accumulations;
- xi) that in the making of contracts or in the placing of orders, the interests of Govt. are safeguarded and that the rates for work are reasonable;
- xii) for the prompt investigation and report to superior authority, if necessary of all losses, claims, etc.
- xiii) that prompt action is taken to secure early payment for labour, materials on work done;
- xiv) for the upto date compilation and submission of all records that they are ordered to maintain;
- xv) that the construction and maintenance is in efficient order, of all means for carrying and distributing water;
- xvi) for the economical distribution of water in order to secure the greatest amount of irrigation and the measuring and recording of the area irrigated
- xvii) for the efficiency of all installations, workshops, etc., in his charge.

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ALLOWANCES, ADVANCES & COMPENSATION ALLOWANCES

JUNGLE ALLOWANCE. (68 & 71)

68. Jungle allowance may be drawn by officers of NWFP service of Engineers, Class I, in charge of irrigation Divns: and sub-Divns, at places other than those mentioned in the margin:-

- | | | |
|---------------|-----------------|---|
| 1). Dikhan. | 5). Abbottabad. |) The excepted places are those which are considered to be favourably situated and the list of such may be added to hereafter by the Provincial Govt. |
| 2). Mardan. | 6). Daska. | |
| 3). Malakand. | 7). Kohat. | |
| 4). Peshawar. | | |

69. The allowance may only be drawn by officers, in Divisional & sub-Divnl. charge at Rs. 100, and Rs. 50 per mensem respectively. The allowance will not be drawn on leave of any sort or at hill stations.

NOTE:- An Officer, who is permitted by the Provincial Govt. to take his work to a hill station will not be considered as at hill station for the purpose of this condition.

70. Officers in charge of Irrig: Divns. & sub-Divns. and also Engg: Subordinates and Zilladars in charge of Irrig: sections should keep horses. Other subordinates and officers whose duties necessitate touring should keep a conveyance.

71. A member of the Subordinate Engineering service when placed in charge of a Sub-Division will be entitled to a special pay of Rs. 30 a month subject to the condition that the total pay drawn by a subordinate does not exceed the minimum of the s...

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71 - of pay of an Asstt: Engineer or the stage of pay on that scale next above his substantive pay whichever is greater. To qualify for the special pay, the subordinate must have definite charge directly under a Divnl. Officer of a duly authorised sub-division. The charge of more than one sub-divn: does not entitle the holder to an allowance of more than that admissible for the charge of a sub-divn.

A D V A N C E S .

72. 1) In very special circumstances, e.g., if an Officer's camp be burnt down, an advance of one month's substantive pay, may with the sanction of the Provincial Govt. be allowed to him. Such an advance is ordinarily to be recovered in three equal monthly instalments.

2) A Chief Engr., S. Engr. or Divnl. Officer may grant an advance upto a limit of one month's substantive pay, plus travelling allowance admissible under the Rules, to any officer (whether temporary or permanent) in his Circle or Division including himself, under orders of transfer. The advance should be recorded on the officer's last pay certificate. The advance of pay should be recovered from the pay of the Officer in three equal monthly instalments, beginning with the month in which a full months pay is drawn after the transfer. The advance of travelling allowance should be recovered full on submission of the officers travelling allowance bill.

C O M P E N S A T I O N .

73. No public Officer is entitled to compensation for loss of property caused by an accident of any kind, merely because such accident may have happened to him while he was employed in the service of the State. This rule, may, however, be relaxed in certain cases, and the Chief Engr. may sanction compensation not exceeding one month's pay of the officer concerned or Rs. 1000 whichever is less. For amounts in excess of Rs. 1000 a reference to Finance Department will be necessary.

74. Casual leave may be granted to Govt. Servants for short periods by a competent authority provided that :-

- 1) it must in no case, exceed at a time to days or such longer period as may, by general or special orders, be prescribed by the Provincial Government,
- 2) it must, in no case, exceed 20 days in all in one calendar year.

NOTE:- As exception to the above rule:-

- (a) A Govt. Servant, who has been bitten by a rabid animal or who is prohibited from attending his duties on account of some infectious disease, in his family or on account of detention in plague camp will be granted leave in accordance with the rules laid down in the Civil Account Code and the Fundamental Rules.
- b) Except in cases, where previous reference would cause real inconvenience, a Govt. servant should not, without previous permission, come on casual leave to headquarters, or the place where the Governor is residing, for the purpose of making a representation to the Governor.

75. The following concessions for hot weather casual leave will be granted to Officers of the Public Works Department between the dates of the 15th April and 15th October.

- a) Provided that the situation permits casual leave may be taken in either (1) a Single stretch of 25 days of (2) two spells of 15 days each.
- b) Two extra days will be allowed in the case of the districts of Bannu and Dera Ismail Khan (i.e.,) one day up and one day down.
- c) Casual leave will run from the day on which an officer leaves his station and no holiday may be added thereto.
- d) Except in Kashmir, officers must be within 24 hours recall of their stations (subject to the further concession permissible under-b).
- e) Casual leave will be granted on the sanction of the Head of department in each case.
- f) These concessions are granted to officers in plains stations only. Officers in the Malakand Agency or in the Hazara distt: should make separate application to the Provincial Government.

NOTE:- Officers permitted to recess at hill stations should not be allowed casual leave between the 15th April and 15th October save for exceptional reasons. The Head of the deptt: should decide in each case whether the reasons put forward are exceptional or not.

76. All members of the deptt: proceeding on leave overseas should, before leaving India, send their addresses or those of their agents in England, to the Chief Engr.

76 - 79

76. and report to the Provincial Govt. the date of their embarkation. On return from such leave they should report the date of their debarkation.

77. Officers who receive no orders at the port of debarkation should proceed to Peshawar and report themselves at the public works secretariat for orders.

TRAINING OF ENGINEERS.

78. 1) An officer appointed to the deptt: as Asstt:Engineer or temporary Engr. shall be required during the first two years of his service, to write up the accounts of a Sub-Divn.himself for three months, and he shall shortly, thereafter, be posted to a Divisional Office for a short period to learn how the Sub-Divnl. accounts are dealt with there and consolidated in the accounts of the Division.

2) The Chief Engineer may exempt an Officer, who before appointment to the deptt:, had previous experience in the procedure relating to initial accounts sufficient to justify exemption.

3) Officers already in the deptt: are exempt from the operation of Rule:(I) above, and also who hve been promoted from the Subordinate Engineering Service.

EXAMINATIONS

PROFESSIONAL EXAMINATION .

79. 1) The Departmental professional examination is intended to show that officers are acquainted with the processes of preparing materials and modes of construction; that they have a good knowledge of the resources of the distts:in which they have been employed as to materials; the best mode of applying them and their cost, and that they understand the management of labour and have made themselves acquainted with the account rules and procedure of the department. No theoretical point should be introduced, such as would in practice be met by resort to ordinary books of reference.

2) The following rules and procedure are laid down in regard to the professional Examination to be passed by members of the NWFP service of Engineers and by temporary Asstt:Engrs. in the PWD. NWFP, within three and a half years of joining the appointment. In the case of a candidate undergoing training for appointments in the NWFP service of Engrs. the period of three and a half years will count from the date of appointment as Asstt:Engineer.

NOTE:(1). Electrical & Mechanical Engrs.(whether on permanent or temporary Establishment)are only required to sit for and pass in subjects (b) & (c) of this examination.

(2). An officer will not ordinarily be allowed an increase of pay after completing three and a half years of service unless and until he passes this examination.

(3) Member of the Subordinate Engg:service will be eligible to sit for this examination provided they are confirmed in their appointment as permanent Grade-A Overseers.

EXAMINATION CENTRES.

3) The examination will be held in Peshawar or as otherwise directed by the Chief Engineer, Public Works Department, North West Frontier Province.

SUPERVISION .

4) The Chief Engr. will nominate a S.Engr.as a Supervising Officer to supervise the examination who will have power to co-opt two Divnl:Officers from within his Circle to assist him.

PAPERS

5) Papers will be set by a S.Engr, selected by the Chief Engr, to whom the question papers should first be submitted for approval. The Sup:Engr. will have power to co-opt two Divnl:Officers to assist him, special care being exercised that the spirit of paragraph - 1 above is observed.

Candidates papers are to be examined and marked by the officer actually setting the paper, the marks being subject to revision after scrutiny by the Examiner.

6) Candidates shall be examined in the following subjects to which the maximum number of marks, shown against each shall be allotted, viz.:-

	Marks.
a) Professional, including the irrigation Hand Book of professional orders and Materials and construction.(Written)	120
b) Accounts.	100
c) Irrigation Manual of orders and public Works Deptt:Code.	120
Total:-...	340