

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

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

2. Vide our detailed judgment of today, connected 25 pages, in connected Service Appeal No. 7659/2021 titled "Shahid Ali Khan Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others, we allow this appeal and direct the respondents to consider the appellant for promotion against the vacant post. The DPC shall be held at the earliest possible, but not later than a month of receipt this judgment. Copies of this judgment be placed on all the connected appeal files. Consign.

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



(KALIM ARSHAD KHAN)  
Chairman

(ROZINA REHMAN)  
Member (J)

01.04.2022

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

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



Chairman

14.04.2022

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

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



Rozina Rehman  
Member (J)



Chairman

25

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7661/2021  
Mr.Wajahat Hussain  
Sub Divisional Officer (OPS)

**Appellant**

Versus

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

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

**Respectfully sheweth**

**Preliminary Objections**

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

**Objections on Facts**

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

26  
against 12 Nos posts in the share quota of Graduate Sub Engineer which already exceeds by one number).

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

**OBJECTIONS ON GROUNDS**

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

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

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

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

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

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**BEFORE THE KHYBER PAKHTUNHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Appeal.No.7661/2021  
Mr.Wajahat Hussain Sub Divisional Officer (OPS)

**Appellant.**

Versus

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

**Respondents .**

**COUNTER AFFIDAVIT**

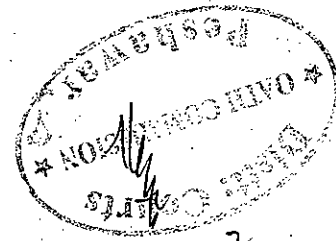
We do hereby solemnly affirm and declare that contents of the parawise comments in Service Appeal No.7661/2021 filed by Mr.Wajahat Hussain Sub Divisional Officer (OPS) are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.

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

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

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

**ATTESTED**



21/4/2022

POWER OF ATTORNEY

1328

Mr.Faizul Haq Superintendent Office of the Chief Engineer (South) Irrigation Department is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the Respondents in connection with appeal No.7661/2021 filed by Mr.Wajahat Hussain Sub Divisional Officer (OPS) Versus Government of Khyber Pakhtunkhwa Irrigation Department.

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Versus

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

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Appeal.No.7661/2021  
Mr.Wajahat Hussain Sub Divisional Officer (OPS)

**Appellant.**

Versus

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

**COUNTER AFFIDAVIT**

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**BEFORE THE KHYBER PAKHTUNHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Appeal.No.7661/2021  
Mr.Wajahat Hussain Sub Divisional Officer (OPS)

**Appellant.**

Versus

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3. Chief Engineer (South) Irrigation Deptt: Warsak Road  
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**Respondents**

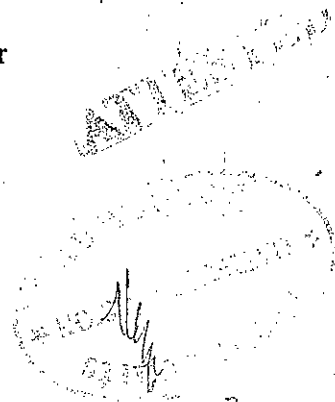
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Chief Engineer (South)  
Irrigation Department Peshawar  
(Respondent No.3)



Appeal No. 7659/21  
Shahid A.R. vs Govt

13.12.2021

Counsel for the appellant present. Preliminary arguments heard.

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

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

Appellant Deposited  
Security Process Fee

13/12/21

(Mian Muhammad)  
Member(E)

22.02.2022

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

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 9.04.2022 for the same as before.

Reader

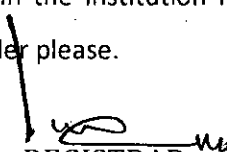
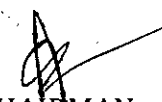
Reader

Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7659/2021 \_\_\_\_\_

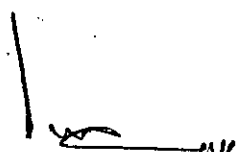
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2021	<p>The appeal of Mr. Shahid Ali Khan resubmitted today by Mr. Amin-ur-Rehman Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>13/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Wajahat Hussain S/O Malik Ur Rehman, SDO Irrigation And Hydel Power Sub Division, Orakzai received today i.e. on 18.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures of the appeal may be attested.

No. 2079 /S.T,


Dt. 18/10 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

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

Resubmit-

Sir, All the objection cleared  
Please received the case.

  
25/10

Clerk Noman Kamal

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## CHECK LIST

Case Title: \_\_\_\_\_

v/s \_\_\_\_\_

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

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

Name: Mr. Amin ur Rehman Yusufzai  
Advocate

Signature: \_\_\_\_\_

Dated: 18-10-21

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

Service Appeal No. 7661/2021

Wajahat Hussain, Sub Divisional Officer.....Appellant

....VERSUS....

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

**INDEX**

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3.	Addresses of the parties		6
4.	Copy of detailed CV	A	7
5.	Copy of offer of appointment dated: 19.10.2020	B	8
6.	Copy of recommendations dated: 13.10.211 of the Khyber Pakhtunkhwa Public Service Commission	C	9
7.	Copy of up-gradation Notification dated: 07.03.2018	D	10
8.	Copy of OPS promotion Notification dated: 07.02.2020	E	11-14
9.	Copy of last posting notification dated: 14.09.2021	F	15
10.	Copy of Office Order dated: 06.08.2014 (Grade-B Exam)	G	16-17
11.	Copy of Office Order dated: 15.10.2020 (Grade-A Exam)	H	18-20
12.	Copy of Rules of Service with all amendments upto date	I	21-24
13.	Copy of working paper alongwith ancillary documents, including panel of eligible Graduate Sub Engineers	J	25-30
14.	Copy of minutes of the DPC meeting held on 23.06.2021	K	31-34
15.	Copy of Departmental Appeal dated: 13.07.2021	L	35-39
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APPELLANT  
Through

Amin ur Rehman Yusufzai

Sajjad Ahmad Mehsud

Khalid Khan Mohmand

&

Muhammad Kareem Afridi

Advocates, Peshawar

3-A, Park Avenue, Bhattani Plaza,

University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 14.10.2021



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Diary No. 7752

Dated 18/10/2021

S-Appeal No: 7661/2021

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

**Wajahat Hussain S/O Malik ur Rehman**

Sub Divisional Officer, Irrigation & Hydel Power Sub Division,  
Orakzai.....

**Appellant**

....VERSUS....

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

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

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

**PRAYER-IN-APPEAL:**

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

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

Filed to-day

Registrar  
18/10/21

**Respectfully Sheweth:**

1. That appellant is law abiding peaceful citizen of Pakistan and permanent resident of Hangu. He passed examinations of:
  - i. Diploma in Associate Engineer (DAE), in the year 2009, (67.31%), from Government College of Technology Rasul, Mandi Bahaud Din.
  - ii. B.Sc. (Civil Engineering), in the year 2019 (81%), from Iqra National University, Peshawar.

**(Copy of detailed CV is attached as Annexure "A").**

2. That appellant, being qualified, was appointed as Sub Engineer (BPS-11), in Respondent Department, by the Competent Authority, vide Office Order No.458-63/IBA/3-E, dated: 19.10.2020, on the recommendations dated: 13.10.2011 of the Khyber Pakhtunkhwa Public Service Commission.

**(Copies of offer of appointment dated: 19.10.2020 & recommendations dated: 13.10.2011 of the Khyber Pakhtunkhwa Public Service Commission, are attached as Annexures "B" & "C" respectively).**

3. That Respondent Department, in pursuance of recommendation of the Up-gradation Committee and approval granted by the Competent Authority, accorded sanction to the up-gradation of the post of Sub Engineers, from BPS-11/12 to BPS-16 (one time), as personal to the incumbents, having ten years or more service to their credit, in the same scale in all the Government Departments of Khyber Pakhtunkhwa, vide Notification No.FD/SO(FR)7-13/2017/6253, dated: 07.03.2018.  
**(Copy of up-gradation Notification dated: 07.03.2018 is attached as Annexure "D")**
4. That, keeping in view eligibility coupled with excellent performance of appellant, Respondent Department posted/appointed him as Sub Divisional Officer (OPS), vide Notification No.SO(E)/4-10/77/Vol-III, dated: 07.02.2020 and presently posted as Sub Divisional Officer (OPS) Irrigation & Hydel Power Sub Division Orakzai, on the strength of Notification No.SO(E)/IRR/4-10/77/Vol-VII, dated: 14.09.2021 and having more than 11 years spotless career at his credit.  
**(Copies of OPS promotion Notification dated: 07.02.2020 and last posting Notification dated: 14.09.2021, are attached as Annexures "E" & "F" respectively).**
5. That appellant gone, successfully, through Departmental Grade-B & Grade-A Examinations, evident from Office Orders dated: 06.08.2014 and 15.10.2020 respectively, therefore, in view whereof, coupled with length of service, he became eligible for promotion to the post of Assistant Engineer / Sub Divisional Officer (BS-17), as per rules in vogue.  
**(Copies of Office Orders dated: 06.08.2014 (Grade-B Exam), 15.10.2020 (Grade-A Exam) & Rules of Service with all amendments upto date, are attached as Annexures "G", "H" & "I" respectively).**
6. That Respondent Department initiated case of appellant, alongwith other eligible employees, for promotion to the post of Assistant Engineer (BS-17) and prepared working paper, alongwith panel of eligible Graduate Sub Engineers, for consideration against 12 % quota, reserved for B.Sc. Engineering Degree holders.  
**(Copy of working paper alongwith ancillary documents, including panel of eligible Graduate Sub Engineers is attached as Annexure "J").**
7. That synopsis of appellant, alongwith others, was put before DPC, in its meeting held on 23.06.2021, under Agenda Item No.III, but astonishingly appellant, alongwith other Graduate Engineers, has not been recommended for promotion and deferred the Agenda Item No.III ibid, on the pretext to seek guidance from Establishment Department, on the following:
  - i. As per amended service rules of irrigation department notified on 25.06.2012, 12 posts of Assistant Engineers (BS-17) comes under 12% share quota of Graduate Sub Engineers alongwith passing of Departmental Grade-B & Grade-A Examinations against which six officers are working on regular basis while seven officers, included in the panel at Sr.No.1 to 6 & 9 are working as Assistant Engineers (BS-17) acting charge basis since 2011.
  - ii. Before 25.06.2012 the passing of Grade-B & A examination was not mandatory for promotion to the post of Assistant Engineers and the above mentioned 7 graduates Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.
  - iii. The departmental B & A examination is conducted after every two year. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at Serial No.1 to 6 & 9 (except serial No.4 B & A passed) have passed their mandatory Grade-B Examination and will appear in the A Examination in 2022.
    - a. As to whether the amended rules notified on 25.06.2012 are applicable to the above employees who were appointed in the year 2011 on acting charge basis or the present recruitment rules will be applicable in the instant case?

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

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

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

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

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

### **GROUND:**

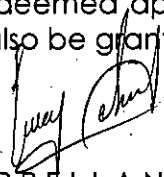
- A. That appellant is performing duties as Sub-Divisional Officer, since 07.02.2020, against vacant post, with the entire satisfaction of the superiors. Furthermore, department has also recommended him to be promoted as Sub-Divisional Officer on regular basis, but has been deferred, which has caused grave miscarriage of justice.
- B. That appellant has been deprived from his due right of promotion as Assistant Engineer, without any deficiency, which attracts jurisdiction of this Hon'ble Tribunal to ensure fair-play and justice.
- C. That Respondent Department has no lawful authority to keep pending case of promotion of appellant for indefinite period, that too, on the basis of no cogent reason, which is equated to discrimination in service within the meaning of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- D. That appellant has neither been treated in accordance with law nor extended him equal protection of law, enshrined in Articles 4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That Respondent Department/Departmental Selection Committee has very conveniently departed from normal course of law, which speaks volumes of malafide on their part.
- F. That some blue-eyed employees of the Respondent Department, who have not yet completed/passed Grade-B & Grade-A Departmental Examinations, were not eligible for promotion as Assistant Engineer, therefore, DPC delayed promotion case of appellant to deprive him from his right of seniority as Assistant Engineer, which is not permissible under the law of the land.
- G. That appellant is eligible from all aspects:
- i. Seniority-cum-fitness
  - ii. Length of service
  - iii. Qualification
  - iv. Passed Departmental Training B & A Examinations

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

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

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

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

  
APPELLANT

Through

  
Amin ur Rehman Yusufzai

Sajjad Ahmad Mehsud

  
Khalid Khan Mohmand

&

  
Muhammad Kareem Afridi

Advocates, Peshawar

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

Cell No.0321-9022964, 0333-9981464

Dated: 14.10.2021

**VERIFICATION:**

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

  
Respondent

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

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

**Wajahat Hussain**, Sub Divisional Officer..... **Appellant**


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

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

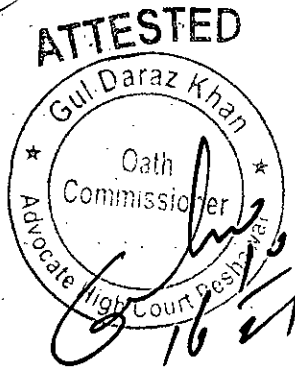
**AFFIDAVIT**

I, **Wajahat Hussain S/O Malik ur Rehman** Sub Divisional Officer, Irrigation & Hydel Power Sub Division, Orakzai, do hereby solemnly affirm declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.

Identified By:

  
DEPONENT  
CNIC #: 37405-6719779-5

  
**Amin ur Rehman Yusufzai**  
Advocate, Peshawar



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

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

**Wajahat Hussain**, Sub Divisional Officer..... **Appellant**

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

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

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

**Wajahat Hussain S/O Malik ur Rehman**  
Sub Divisional Officer,  
Irrigation & Hydel Power Sub Division, Orakzai.

**RESPONDENTS:**

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

  
APPELLANT

Through

**Amin ur Rehman Yusufzai**

**Sajjad Ahmad Mehsud**

**Khalid Khan Mohmand**

&

**Muhammad Kareem Afridi**

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

Cell No.0321-9022964, 0333-9981464

Dated: 14.10.2021

# CURRICULUM VITAE

Annex="A"

7

## WAJAHAT HUSSAIN

### PERSONAL INFORMATION

Permanent Address: P/O Ganjanu Kaly Railway Road Hangu.  
Present Address: House No. CB-764/2 Street P.I.A Colony Misrial Road Rawalpindi  
Phone Number: +92-302-5671234  
E-mail Address: [wajahatbangashpk@gmail.com](mailto:wajahatbangashpk@gmail.com)

### OBJECTIVE

To establish myself as a competent Engineer and Professional, equipped with latest tools, techniques and enhance my knowledge along with professional ethics that will enable me to handle emerging technologies and prove myself as a valuable resource for the market.

### EDUCATIONAL HISTORY

2015-2019	Department of Civil Engineering, IQRA National University, Peshawar BSc - Civil Engineering	81%
2006-2009	Govt College of Technology Rasul M.B.Din DAE (Civil Engineering)	67.31%
2006	BISE KOHAT SSC (Science)	63.04%

### PERSONAL BIO-DATA

Full Name : WAJAHAT HUSSAIN  
Father's Name : MALIK UR REHMAN  
NIC # : 37405-6719779-5  
Nationality : Pakistan  
Domicile : HANGU  
Religion : Islam.

### COMPUTER SKILLS

Sap2000  
Auto cad  
Excel, word, power point etc:

### Reference

Engr. Hassan Jalil 0342-8505099

ATTESTED

Annex = "B"

8

OFFICE OF THE CHIEF ENGINEER (O&M) WING  
IRRIGATION DEPARTMENT KHYBER PAKHTUN KHWA PESHAWAR

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

Dated Peshawar the 19/10/2010.

Mr. Wajahat Hussain S/O Malik-ur-Rehman  
House No. CB-764/2, Street No. P-I-A, Colony  
Misrial Road Rawalpindi.

APPOINTMENT OF SUB ENGINEER (BS-11) IN IRRIGATION  
DEPARTMENT ON CONTRACT BASIS.

Consequent upon the recommendations of the Khyber Pukhtunkhwa Public Service Commission letter No. KPK-PSC-SR-VI /43711, dated 13-10-2010 received through Secretary to Govt. of Khyber Pukhtunkhwa Irrigation Department letter No. SO(E)Irr/4-14/73, dated 15-10-2010, you are hereby offered the post of Sub Engineer BS-11 purely on contract basis subject to the following conditions:-

- 1) Your service will be governed under the Govt. of Khyber Pukhtunkhwa contract policy 2002 issued vide Secretary to Govt. of Khyber Pukhtunkhwa Finance Deptt: NO. FD(SOSR-II) 12-1/2002 dated 26-10-2002 and E&A Deptt: Circular letter No. SR-VI(E&AD)1-13/2005 dated 10-8-2005.
- 2) You will be granted the minimum of BS-11 (4115-275-12365) with usual allowance as admissible under the Govt. of Khyber Pukhtunkhwa contract Policy 2002.
- 3) The appointing authority can terminate the contract on two months notice or two months salary in lieu thereof.
- 4) You will be provided facilities of contribution of provident fund as admissible under the contract policy.
- 5) You will not contribute GP fund and shall not be entitled for pension and gratuity.
- 6) Any terms and conditions issued by the Govt. hereafter in this regard will also be binding upon you.
- 7) You will remain on probation for the period of one year, extendable for another one year.

If you are willing to accept this offer of appointment on the above terms and conditions of appointment you should report for duty to office of the Director General Small Dams Organization Peshawar not later than 02-11-2010 positively. The offer of appointment shall stand cancelled if you fail to report by the stipulated period.

You will have to submit the following original certificates alongwith attested photo state copies for joining the department.

- a) Domicile Certificate.
- b) Medical Fitness Certificate.
- c) Educational Qualification Certificate.
- d) That you are not a dismissed Govt. Servant.
- e) Character Certificate.
- f) An undertaking on stamp paper of Rs.30/- duly attested by the Oath Commissioner to the effect that the offer of appointment is accepted on all the above terms and condition

In case the above noted documents and your reply to the acceptance of this offer is not received within stipulated period (i.e. 02-11-2010) the offer of appointment shall stand automatically null and void.

*Self*  
Superintending Engineer  
(Head Quarter)

Copy of the above is forwarded to the:-

- 1) Secretary to Govt. of Khyber Pukhtunkhwa, Peshawar with reference to his letter No. SO(E)Irr/4-14/73, dated 15-10-2010 for information.
- 2) Accountant General, Khyber Pukhtunkhwa, Peshawar.
- 3) Director General Small Dams Organization, Peshawar.
- 4) Deputy Secretary-II Khyber Pukhtunkhwa Public Service Commission 2 Fort Road Peshawar Cantt. (Near Governor House) w/r to his letter No. KPK-PSC-SR-VI/43711, dated 13-10-2010.
- 5) Personal file

For information & necessary action.

*[Signature]*  
Superintending Engineer  
(Head Quarter)

ATTESTED



Annex="C"

**CONFIDENTIAL**

9

PUBLIC SERVICE COMMISSION  
Peshawar Cantt. (Near Governor House)



No. K.P.K-PSC-SR-VI/43073  
Dated 13/11/2010

PS/Secy Irrigation  
Diary No: 5824  
Date: 14/11/10

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

Subject: - RECTT: OF (05) POSTS OF SUB ENGINEERS (CIVIL) (BPS-11) IN IRRIGATION DEPARTMENT. ADVT: NO.07/2009. S.NO.41.

Dear Sir,

With reference to our letter No.K.P.K-PSC-SR-VI/43073 dated 06.09.2010 on the subject noted above and to state that the Commission recommends the following to the Government for appointment against the subject cited post: -

1<sup>st</sup> Block

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	Domicile/ Zone
9 <sup>th</sup> Vacancy	Zone-4	03	Wajahat Hussain S/O Malik Ur Rehman	Hangu
10 <sup>th</sup> Vacancy	Zone-5	19	Abrar Ahmad S/O Gulzar Ahmad	Abbottabad
11 <sup>th</sup> Vacancy	Zone-1	08	Javed Ullah Khan S/O Asad Malook Khan	F.R Bannu
12 <sup>th</sup> Vacancy	Zone-2	01	Ziarat Gul S/O Mumir Khan	Peshawar
13 <sup>th</sup> Vacancy	Zone-3	05	Tayeeb Saeed S/O Dil Khuram Said	Dera

Up-to-date zonal state is as under:

	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share:	01	01	01	01	01	05
Adjusted:	01	01	01	01	01	05
Balance	-	-	-	-	-	-

Recommendation in favour of the recommendees is provisional subject to their Medical fitness.

Original applications (with enclosures) of the recommendees are sent here-with for your record.

Immediate pd.  
15/11/10

on 14/11/10  
AS

11/10/2010

Yours Faithfully,

(SYED ILYAS SHAH)  
SECRETARY-II

ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

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

NOTIFICATION

NO.FD/SO(FR)7-13/2017/6253 In pursuance of recommendations of the upgradation committee and approval granted by Competent Authority, sanction is hereby accorded to the upgradation of the post of Sub-Engineers from BPS-11/12 to BPS-16 (one time) as personal to the incumbents having 10 years or more service at their credit in the same scale in all the Government Departments of Khyber Pakhtunkhwa with immediate effect.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst No. & Date-even.

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

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. Registrar, Service Tribunal Khyber Pakhtunkhwa.
11. The Treasury Officer, Peshawar.
12. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
13. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
14. PS to Finance Secretary.
15. All Section Officers/Budget Officers in Finance Department.

SECTION OFFICER (FR)

*Sppl Secy*  
*11. Circulate*

*11. Circulate*

*[Signature]*

*Steph*

*[Signature]*

12-03-17

12/3/17



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT  
(Establishment Section)

Annex="E"

11

Dated Peshawar the 07<sup>th</sup> February, 2020

**NOTIFICATION**

**No. SQ(E)/4-10/77/Vo-III**

The Competent Authority is pleased to order posting/transfer of the following officers of Irrigation Department with effect from 10.02.2020, in the public interest:-

S.#	Name of Officer	From	To
1.	Engr. Javed Iqbal, Executive Engineer (BS-18 Personal)	Director Irrigation & Hydle Power Merged Areas Secretariat in his own pay and scale	Report to Secretary Office for further adjustment.
2.	Engr. Samiullah Khan, Executive Engineer (BS-18)	Executive Engineer Warsak Canal Irrigation Division Peshawar	Executive Engineer, Peshawar Canal Irrigation Division against the vacant post
3.	Engr. Sher Zaman, Deputy Director (BS-18) (on deputation from PDA)	Executive Engineer Tube Wells Irrigation Division, Peshawar	Executive Engineer Warsak Canals Irrigation Division Peshawar vice Sr.No.02
4.	Engr. Muhammad Tahir, Executive Engineer (BS-18)	Executive Engineer, Paharpur Irrigation Division, D.I.Khan	Technical Officer (North) o/o the Chief Engineer North vice Sr.No.09
5.	Engr. Syed Shaukat Hussain Shah, Executive Engineer (BS-18)	Executive Engineer Hazara Irrigation Division, Abbottabad	Deputy Director Small Dams Abbottabad vice Sr.No.06
6.	Engr. Muhammad Zubair Executive Engineer (BS-18)	Deputy Director Small Dams Abbottabad	Executive Engineer Hazara Irrigation Division, Abbottabad vice Sr. No. 05
7.	Engr. Waheedullah, Executive Engineer (BS-18)	Executive Engineer Chitral Irrigation Division	Deputy Director (Planning) o/o the Chief Engineer North against the vacant post
8.	Engr. Javed Iqbal, Assistant Engineer (BS-17)/XEN (OPS)	Waiting for posting	Executive Engineer Tubewells Irrigation Division Peshawar in his own pay and scale vice Sr.No.63
9.	Engr. Muhammad Aqeel Azhar, Executive Engineer (BS-18)	Technical Officer o/o the Chief Engineer North	Executive Engineer Paharpur Irrigation Division D.I.Khan vice S.No.04
10.	Engr. Ali Ahmad, Assistant Engineer (BS-17)	SDO Irrigation Sub Division Chitral Lower	Executive Engineer Chitral Irrigation Division in his own pay and scale vice Sr. No.07
11.	Engr. Fazle Maula Assistant Engineer (BS-17)	Assistant Director RWCS Project Peshawar	Deputy Director Siran Right Bank Canal Project Manserha in his own pay and scale against the vacant post
12.	Engr. Mumraiz Khan, Assistant Engineer (BS-17)	SDO Civil Canals Sub Division Peshawar	Executive Engineer, Irrigation & Hydle Power, Khyber District in his own pay and scale against the vacant post.
13.	Engr. Ayesha Aamir, Assistant Engineer (BS-17)	Planning Officer, PMC Irrigation Department	Technical Officer o/o the Chief Engineer (South) vice Sr. No.14
14.	Engr. Muhammad Naeem, Assistant Engineer (BS-17)	Technical Officer o/o the Chief Engineer (South)	Executive Engineer Mechanical Irrigation Division Peshawar in h's own pay and scale agains the vacant post.

Handwritten notes and signatures on the left side of the table, including dates like 10/2/2020 and various initials.

ATTESTED

15.	Mr. Sherin Jan, Assistant Engineer (BS-17)	Assistant Engineer office of Chief Engineer (North) Irrigation Department.	Assistant Director Small Dams Kohat vice Sr.No.39
16.	Mr. Inamullah, Sub Engineer/SDO (OPS)	Awaiting posting	Planning Officer PMC Irrigation Department in his own pay and scale vice Sr.No.13
17.	Mr. Farid Ullah Khan Assistant Engineer (BS-17)/Acting Charge Basis	SDO, Civil Canal Sub Division, Bannu	SDO, Jani Khel Sub Division, Bannu vice Sr.No. 18
18.	Mr. Naqeeb-ur-Rehman, Sub Engineer (BS-16)/SDO (OPS)	SDO, Jani Khel Sub Division, Bannu in his own pay and scale	Sub Divisional Officer, CRBC Irrigation Division, D.I. Khan. Vice Sr. No. 19
19.	Mr. Hidayat Ullah, Assistant Engineer (BS-17)	Sub Divisional Officer, CRBC Irrigation Division, D.I. Khan.	SDO, Civil Canal Sub Division, Bannu. Vice Sr. No.17
20.	Mr. Noora Jan Sub Engineer (BS-16)/SDO (OPS)	SDO, Irrigation Sub Division Tajori, Bannu in his own pay and scale	SDO Head Works Sub Division Bannu in his own pay and scale against the vacant post
21.	Mr. Ismail Khan, Sub Engineer/SDO (OPS)	SDO, Canal-II Serai Naurang Sub Division, Bannu in his own pay and scale	SDO, Irrigation Sub Division Tajori, Bannu in his own pay and scale vice Sr.No.20
22.	Mr. Jehanzeb, Sub Engineer/SDO (OPS)	Under transfer to Head Works Sub Division Bannu	SDO Hydrology Irrigation Sub Division Peshawar in his own pay and scale against the vacant post
23.	Mr. Saifullah, Assistant Engineer (BS-17)	SDO Irrigation Sub Division Drainage Peshawar	SDO Irrigation Sub Division Charsadda vice Sr.No.25
24.	Mr. Farid Gul, SDO (ACB) BS-17	SDO Irrigation Sub Division Kabul River Canals Peshawar	SDO, Irrigation Sub Division, Shabqadar. Vice Sr. No.26
25.	Mr. Amanullah, Assistant Engineer (BS-17)	SDO Irrigation Sub Division Charsadda	SDO Irrigation Sub Division Drainage Peshawar vice Sr.No.23
26.	Mr. Muhammad Iqbal, Sub Engineer/SDO (OPS)	SDO Irrigation Sub Division Shabqadar, Charsadda in his own pay and scale	SDO Irrigation Sub Division Kabul River Canals Peshawar in his own pay and scale vice Sr.No.24
27.	Mr. Sabir Hussain, Sub Engineer (BS-16)/SDO (OPS)	SDO, Warsak Pump House in his own pay and scale	SDO Civil Canals Sub Division Peshawar in his own pay and scale vice Sr.No.12
28.	Mr. Inayat Ullah Jan, Assistant Engineer (Acting Charge)	SDO Mechanical Sub Division Peshawar	SDO, Warsak Pump House vice Sr.No.27
29.	Mr. Yahya Hameed Sub Engineer (BPS-16)/SDO (OPS)	SDO-I, Flood Irrigation Division, D.I.Khan in his own pay and scale	SDO Mechanical Sub Division D.I.Khan in his own pay and scale vice Sr.No.30
30.	Mr. Khawar Nadeem, Sub Engineer/SDO (OPS)	SDO Mechanical Sub Division D.I.Khan in his own pay and scale	SDO, Drainage Sub Division, D.I. Khan in his own pay and scale vice Sr.No.33
31.	Mr. Muhammad Ashraf Sub Engineer (BS-16)/(SDO OPS)	SDO, Rod Kohi, Irrigation Sub Division D.I.Khan in his own pay and scale	SDO-II Gomal Zam Irrigation Sub Division, D.I.Khan in his own pay and scale vice Sr.No.32
32.	Mr. Muslim Din, Sub Engineer (BPS-16)/SDO (OPS)	SDO-II Gomal Zam Irrigation Sub Division, D.I.Khan in his own pay and scale	SDO, Rod Kohi, Irrigation Sub Division D.I.Khan in his own pay and scale vice Sr.No.31
33.	Mr. Jamsheed Ahmad (D.A.E) Assistant Engineer (BS-17)	SDO, Drainage Sub Division, D.I. Khan	SDO-I, Flood Irrigation Division, D.I.Khan vice Sr.No.29
34.	Mr. Rooh-ul-amin Assistant Engineer BS-17(Acting Charge)	SDO Jaganath Irrigation Sub Division, Swabi-II.	Assistant Director, Pehur High Level Canal Extension Project, against the vacant post
35.	Mr. Javed Ahmed, Assistant Engineer (BS-17)	SDO Haripur Irrigation Sub Division Haripur	SDO Jagganath Irrigation Sub Division Swabi-II vice Sr.No.34

ATTESTED

36.	Mr. Nisar Ahmad, Sub Engineer/SDO (OPS)	Awaiting posting	SDO Irrigation Sub Division Haripur in his own pay and scale vice Sr.No. 35
37.	Mr. Waqar Ali Shah, SDO (ACB) BS-17	Assistant Director RWCS Project Peshawar	Assistant Director Small Dams Peshawar vice Sr.No. 38
38.	Mr. Wahid-ur-Rehman, Assistant Engineer (BS-17)	Assistant Director Small Dams Peshawar	Assistant Director RWCS Project Peshawar vice Sr.No.37
39.	Mr. Daud Khan, Sub Engineer/SDO (OPS)	Assistant Director Small Dams Kohat in his own pay and scale	SDO Irrigation Sub Division Kohat in his own pay and scale vice Sr.No.41
40.	Mr Aftab Alam, Sub Engineer/SDO (OPS)	Assistant Director Small Dams Kohat in his own pay and scale	Assistant Director RWCS Project Peshawar in his own pay and scale vice Sr.No.11
41.	Engr. Murtaza Ali Assistant Engineer (BS-17)	SDO Irrigation Sub Division Kohat	Assistant Director Small Dams Kohat vice Sr.No.42
42.	Mr. Wajahat Hussain, Sub Engineer	Sub Engineer Tube Wells Sub Division Pabbi	Monitoring Officer PMC Irrigation Department in his own pay and scale against the vacant post.
43.	Mr. Qudratullah, Sub Engineer/SDO (OPS)	Assistant Engineer o/o the Chief Engineer (South) in his own pay and scale	SDO Mechanical Sub Division Peshawar in his own pay and scale vice Sr.No.28
44.	Mr. Azeem Ullah, Sub Engineer	Sub Engineer Swat Irrigation Division	SDO Irrigation Sub Division Chitral Lower in his own pay and scale against the vacant post.
45.	Mr. Gohar Ali, Deputy Collector (BS-17)	Deputy Collector, Peshawar Irrigation Circle	Deputy Collector, Peshawar Canal Irrigation Division vice Sr.No.46
46.	Mr. Arshad Ali, Deputy Collector (BS-17)	Deputy Collector Peshawar Canal Irrigation Division	Deputy Collector, Peshawar Irrigation Circle vice Sr.No.45
47.	Mr. Muhammad Ajmal, Deputy Collector (BS-17)	Deputy Collector Mardan Irrigation Circle	Deputy Collector Mardan Irrigation Division vice Sr.No.48
48.	Mr. Sher Muhammad, Deputy Collector (BS-17)	Deputy Collector Mardan Irrigation Division,	Deputy Collector Mardan Irrigation Circle, Mardan. Vice Sr. No. 47
49.	Mr. Muhammad Ilyas, Deputy Collector,	Deputy Collector Malakand Irrigation Division	Deputy Collector, Marwat Canal Division, Bannu. Vice Sr. No.50 (attached with Charsadda Irrigation Division.)
50.	Mr. Fazle Anin, Deputy Collector (BS-17)	Deputy Collector, Marwat Canal Division, Bannu (attached with Charsadda Irrigation Division)	Deputy Collector, Malakand Irrigation Division vice Sr.No.49
51.	Mr. Anwar Shah, Hydrogeologist (BS-17)	Hydrogeologist Irrigation & Hydle Power Division District Kurram	Hydrogeologist, Ground Water, Directorate of Irrigation & Hydle Power Merged Areas Secretariat against the vacant post.
52.	Mr. Habibullah, Hydrogeologist (BS-17)	Awaiting posting	Hydrogeologist Ground Water Directorate of Irrigation & Hydle Power, Merged Area against the vacant post.
53.	Mr. Muhammad Muneer	Sub Engineer Kohat Irrigation Division	SDO Irrigation Sub Division Chitral Upper in his own pay and scale against the vacant post
54.	Mr. Zia-ud-Din Sub Engineer (BS-11)	Irrigation & Hydle Power Division District Kurram	Assistant Engineer Irrigation & Hydle Power Sub Division Wazir Area Wanna District South Waziristan in his own pay and scale against the vacant post.

ATTESTED

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55.	Mr. Yasir Mehsud, Assistant Engineer (BS-17) on deputation basis from P&D	Awaiting posting	Executive Engineer Irrigation & Hydle Power Division District Kurrām in his own pay and scale vice Sr.No.56
56.	Mr. Mumraz Khan, Assistant Engineer (BS-17)	Executive Engineer Irrigation & Hydle Power Division District Kurrām in his own pay and scale	Report to PSU (Small Dams Section) FDA for further adjustment


Note: Engr. Mujahid Saeed, DG Small Dams Irrigation Department is authorized to hold additional charge of the post of Director Irrigation & Hydle Power Merged Areas Secretariat in addition to his own duties, till further orders.

Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department

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

Copy of the above is forwarded to:-

- 1- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 3- PS to Chief Secretary, Khyber Pakhtunkhwa
- 4- The Chief Engineer (North/South), Irrigation Department, Peshawar.
- 5- The Director General Small Dams Irrigation Department
- 6- The Director Irrigation & Hydle Power Merged Areas Secretariat
- 7- The Superintending Engineer (H/Q) (South/North) Irrigation Department.
- 8- PS to Minister for Irrigation, Khyber Pakhtunkhwa.
- 9- All Superintending Engineers of Irrigation Department
- 10- All Executive Engineers of Irrigation Department
- 11- District Accounts officer concerned.
- 12- The Officers concerned.
- 13- PS to Secretary Irrigation Department.
- 14- PA to Additional Secretary, Irrigation Department.
- 15- Personal Files of the officers.

  
(Abdul Rauf)  
Section Officer (Estt:)

**ATTESTED**

(4)







Annex = 'G'

No. 752 IB/33-G

(Dated Peshawar the 12/03/2014)

16

OFFICE ORDER

(Result of the Departmental Grade-B examination held on 11, 12 and 13 March 2014 is as under:-)

Sl. No.	Name	Office to which attached	Paper (Grade-B)					Total	Remarks
			Professional	Accounting & office	Survey Civil	Practical	Viva		
				Procedure					
1	Mr. Saifur Naz Sub Engineer OPS	PHI Irrigation Division	(100)	(100)	(100)	(150)	(450)		
2	Mr. Fawad Hussain G Reader	Swat Irr Division	Passed in 2002	65	75	93	27	Passed in all papers	
3	Mr. Shahid Ghani Gauge Reader	PHI Irr. Divn/DJKhan	Passed in 2012	Passed in 2012	Passed in 2012	100	23	Passed in all papers	
4	Mr. Faraz Ali Canal Inspector	Warsak Remodelling	Passed in 2012	65	Passed in 2009	Passed in 2009		Passed in all subject	
5	Mr. Ijaz Ahmad Work Munshi	Banno Canal Division	60	62	64	90	25	Passed in all subjects	
6	Mr. Irfanullah Gauge Reader	Kohat Irrigation Divn	71	68	Passed in 2012	Passed in 2012		Passed in all subjects	
7	Mr. Bashir Khan Canal Inspector	Malakand Divn.	Passed in 2009	Passed in 2006	77	Passed in 2009		Passed in all subjects	
8	Mr. Jamshid Akram Sub Engineer	-do-	94	60	79	75	30	Passed in all subjects	
9	Mr. Saadullah Work Munshi	CRBC Divn	Already passed	14	Already passed	Already passed		Failed in Accounting	
10	Mr. Javid Shah Work Munshi	-do-	0	21	10	50	10	Failed in all subjects	
11	Mr. Samullah Gauge Reader	-do-	10	16	63	63		Failed in professional Accounts and Practical	
12	Mr. Saeed Gul Sub Engineer	Bazai Project	60	65	45	90	22	Failed in Survey	
13	Roshal Qudus Work Munshi	T/Well Divn.	9	12	14	80	7		
14	Tariq Mehmood Work Munshi	-do-	3	11	9	Passed in 2009		Failed in all subjects	
15	Mohammad Mumtaz Sub Engineer	-do-	36	23	60	95	15	Failed in professional accounts and survey	
16	Abdur Rehman Work Munshi	Dir Divn.	15	14	4	60	15	Failed in Professional and Accounting	
17	Mr. Suleman Work Munshi	Charsada Divn.	14	7	48	85	10	Failed in professional accounts and survey	
18	Mr. Nazam Gul Canal Inspector	Mechanical Divn.	17	25	6	60	17	Failed in all subjects	
19	Mr. Nazar Mohd Work Munshi	Swabi Divn.	0	4	1	20	20	Failed in all subjects	
20	Mr. Fazli Subhan Work Munshi	-do-	Absent	Absent	Absent	Absent		Failed in all subjects	
21	Mohammad Hilal Gauge Reader	-do-	20	14	15	Already passed		Failed in Professional, Accounting & Survey	
22	Mr. Saleh Mohammad Canal Inspector	-do-	7	11	20	60	15	Failed in professional, accounts and survey	
23	Mr. Inam Akbar Work Munshi	-do-	10	27	67	78	15	Failed in Professional And Accounts	
24	Mr. Ghaffar Ali Work Munshi	-do-	17	5	45	60	17		
25	Mr. Mohammad Shafi Work Munshi	-do-	0	0	13	30	16	Failed in all subjects	
26	Mr. Mazhar Ali Gauge Reader	T/Well Division	8	60	60	64	27	Failed in professional	
27	Mr. Iqbal Canal Inspector	P.C. Divn.	24	Already passed	Already passed	Already passed			
28	Mohammad Naqib Work Munshi	-do-	62	Absent	69	30	23	Failed in Professional	
29	Mr. Shah Jehan Work Munshi	M.C. Divn	12	60	73	80	21	Failed in Accounting And Practical	
30	Mr. Qaseem Jan Work Munshi	Flood Divn	5	10	32	65		Failed in Professional	
31	Adil Nawaz Work Munshi	-do-	20	09	Already passed	Already passed		Failed in all subjects	
32	Mr. Shukat Ali Work Munshi	-do-	0	9	7	80	18	Failed in Professional And Accounting	
33	Mr. Larooq Work Munshi	Mardan	31	13	60	88	9	Failed in professional accounts and survey	
34	Mr. Abrar Ahmad Sub Engineer	P.C. Divn.	0	60	16	95	18	Failed in Professional and Accounting	
35	Mr. Naveed Ahmad Canal Inspector	P.C. Divn	12	8	62	25	Absent	Failed in Professional And Survey	
36	S Islam Hussain Surveyer	W.C. Divn	0	10		81	17	Failed in Professional Accounting & Practical	

ATTESTED

37	Mr. Gul Sand Work Munshi	-do-	Absent	Absent	Absent	103	18	Failed in Professional Accounting & Survey
38	Mr. Zainullah Work Taker	-do-	Already passed	62	Absent	97	7	Failed in Survey
39	Mr. Inadad Khan Work Munshi	-do-	0	0	2	Already passed		Failed in Professional Accounting & Survey
40	Mohammad Irfan Haidar Work Munshi	PIIP Divn:	08	24	32	76	15	Failed in professional, accounts and survey
41	Mr. Amin Khan Work Munshi	Kohat Divn:	07	14	25	10	18	Failed in all subjects
42	Mohammad Shafiq Gauge Reader	-do-	10	22	08	98	16	Failed in Professional And Accounting
43	Mr. Khurshid Gul Work Munshi	-do-	12	18	42	60	16	Failed in all subjects
44	Mr. Zainul Akbar Canal Inspector	Chitral Divn:	07	64	04	50	10	Failed in Professional, Survey and practical
45	Mohammad Saeed Surveyor	Hydrology Divn:	16	10	45	35	17	Failed in all subjects
46	Mohammad Alam Sub Engineer	-do-	34	22	48	83	25	Failed in all subjects
47	Mr. Alamzeb G/Reader	Banou Division	19	14	38	65	17	Failed in all subjects
	Mr. Hidayatullah Work Munshi	Flood Division	13	15	15	35	16	Failed in all subjects
48	Mr. Habibur Rehman	-do-	25	27	22	75	12	Failed in all subjects
49	Mr. Rehmatalah Work Munshi	-do-	26	17	41	75	16	Failed in professional, accounts and survey
50	Mr. Farooq Shah Work Munshi	-do-	15	15	60	55	07	Failed in Professional, Accounting & Practical
51	S. Jalal Haidar Work Munshi	PIIP Division	10	07	60	25	17	Failed in Professional, Accounting & Practical
52	Mr. Iqbal Rawan Surveyor	Swat Divn:	43	22	62	Already passed		Failed in Professional & Accounts
53	Mr. Jehangir Sub Engineer	-do-	36	46	Absent	105	18	Failed in Professional, Accounting & Survey
54	Mr. Taceb Saeed S/Eng	Dir: Divn:	61	27	63	103	18	Failed in Accounting
55	Mr. Luqman	Charsada Divn:	60	08	18	73	8	Failed in Accounting Survey and Practical
56	S. Maqsood Ali Shah Work Munshi	Swabi	2	0	39	15	Absent	Failed in all subjects
57	Mohammad Tariq Work Munshi	Swabi Divn:	30	20	52	83	25	Failed in professional, accounts and survey
58	Mr. Inamullah Work Munshi	Swabi Divn:	08	07	42	0	28	Failed in all subjects
59	Mr. Wajahat Hussain Sub Engineer	P.C. Divn:	60	60	76	86	21	Passed in all subjects

Grade-B Sub Engineers (E&M) Results

St.No.	Name	office to which Attached	Paper (Grade-B)			Total (300)	Remarks
			Professional (100)	Accounting & Office Procedure (100)	Practical Electrical & Mechanical (150)		
1	Mr. Yousaf Imran G/Reader	Gomal Zam	Already passed	Already passed	25	5	Failed in Practical
2	Mujeebur Rehman Work Munshi	-do-	Already passed	17	36	5	Failed Accounting and Practical
3	Mr. Adil Khan Work Supdt:	Charsada Divn:	60	28	60	48	Failed in accounts
4	Mr. Hameedullah Sub Engineer	Marwat Canal Division	11	26	Already passed		Failed in Professional And Accounting

C.C

- Secretary to Governor Secretarial FATA Peshawar.
- Chief Engineer (North) Irrigation Deptt: Peshawar.
- Director General Small Dams Irrigation Deptt: Peshawar.
- Project Director Remodelling of Warsak Canal System Peshawar.
- Project Director Bazai Irr: Project Mardan.
- All Superintending Engineers Irrigation Deptt:
- All Executive Engineer Irrigation Deptt:

CHIEF ENGINEER

07/01/14

ATTESTED

Annex = "H"

18



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

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

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

Dated Peshawar 15/10/2020

**OFFICE ORDER**

The following candidates of Irrigation Department Khyber Pakhtunkhwa have  
Passed the Departmental Grade A Examination held on 13, 14 and 15 July 2020:-

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

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

The following candidates have failed in the subject noted examination


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

Eid-ul-Qadri of year A 1391

**ATTACHED**

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

  
SUPERINTENDING ENGINEER  
(HEADQUARTERS)

CC

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

  
SUPERINTENDING ENGINEER  
(HEADQUARTERS)

ATTESTED 

Annex = I

(21)

EXTRAORDINARY

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT,

**NOTIFICATION**

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

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

Secretary to Government of the Khyber Pakhtunkhwa Province  
Irrigation Department.

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

ATTESTED

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

APPENDIX

Sl	Nomenclature of Post	Qualification for appointment	Age Limit	Method of recruitment
1	2	3	4	5
<b>PART-I-ENGINEERING STAFF</b>				
1.	Chief Engineer/ Director General (BPS-20)			By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3.	Executive Engineer/ Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional of Revenue Examination under the prescribed rules.
4.	Assistant Engineer/Sub Divisional Officer/ Assistant Director (BPS-17)	B.E/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<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) &amp; (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>
5.	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	<p>a. Eighty percent by initial recruitment; and</p> <p>b. twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma or Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized institute or Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.</p>

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EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. 2311  
G A Z E T T E

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 25TH JUNE, 2012.

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

**NOTIFICATION**

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

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

**AMENDMENTS**

In the Appendix,

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 1<sup>st</sup> appointment as Sub Engineer.

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

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

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

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

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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 or 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.

Printed and published by the Manager,  
Stacy. & Ptg. Deptt., Khyber Pakhtunkhwa, Pesh.

ATTESTED

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Annex = J

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PROFORMA-I

Subject:- WORKING PAPER FOR DEPARTMENTAL PROMOTION COMMITTEE

Department IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA

1. Nomenclature of the post Assistant Engineer/Sub Divisional Officer BS-17  
 2. Service Cadre Engineering cadre (Graduate) ✓

3. Sanctioned strength of Regular cadre  
 (i) Irrigation Department = 80  
 (ii) Merged Area = 21  
 Total:- = 101

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

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

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

(vi) Recruitment Rules

- 65% by initial recruitment.
- Twelve percent by promotion on the basis of seniority cum fitness from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized University and have passed departmental Grade B&A examinations with five year service as such:

Note:- For the purpose of clause(b) a joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer or from the date of acquiring degree whichever is later.

- Eight percent by promotion on the basis of seniority cum fitness from amongst the Sub Engineers having degree in B.Tech: (Hons) and have passed departmental Grade B and A examinations with five years' service as such and.

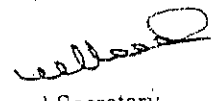
Note:- For the purpose of clause(c) a seniority list of the Sub Engineers having Degree in B.Tech: (Hons) shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer or from the date of acquiring degree, whichever is later.

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

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

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

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



Additional Secretary  
Irrigation Department

ATTESTED 

PROFORMA-II

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Panel of Graduate Sub Engineers for consideration

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

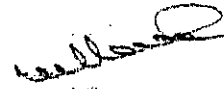
ATTESTED

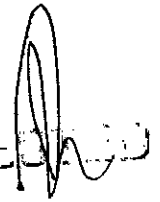
9	Musharaf Shah	17-11-2006	5 years	Not eligible	Not yet passed Grade A Examination Working as SDO on acting Charge basis Since 13-12-2011
10 ✓	Mr. Shahid Ali Khan	16-9-2013	5 years	Eligible	Passed Grade B & Grade A Examinations
11 ✓	Mr. Rizwan	16-9-2013	5 years	Eligible	Passed Grade B & Grade A Examinations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

Certificates

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

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

  
 Additional Secretary  
 Irrigation Department



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quota of each promotion of each categories are as under:-

II/ SHARE QUOTA IN SERVICE/PRE SERVICE DEGREE HOLDERS  
PROMOTE @ 12% = 12.12 SAY 12

S.NO.	NAME OF ASSISTANT ENGINEER	REMARKS
1	Amir Mohammad	
2	Akbar Khan	
3	Khushal Khan	
4	Fazli Maula	
5	Mr. Abdul Sadiq	
6	Aftab Alam	

III/ SHARE QUOTA OF DIPLOMA HOLDERS 15% = 15.15 Say 15

S.NO.	NAME OF ASSISTANT ENGINEER	REMARKS
1	Hassan Zulqarnain	
2	Alamzeb	
3	Tahir Said	
4	Jamshid Ahmad Races	
5	Sherin Jan	
6	Mr. Farid Gul	
7	Mr. Inayatullah Jan	
8	Mr. Fatehullah	

IV 8% = 8.08 say = 08 B. TECH HONS

S.NO.	NAME OF ASSISTANT ENGINEER	REMARKS
1	Amanullah	
2	Niaz Badshah	
3	Saifullah	
4	Muhammad Younas	
5	Jehanzeb	
6	Javid Ahmad	

STATEMENT SHOWING DETAIL OF ASSISTANT ENGINEERS WORKING  
 IN EACH CATEGORY  
 IN DEGREE HOLDERS UNDER SHARE QUOTA OF DIRECT  
 Total posts 101 share quota of direct 65% = 65.65 Sav. 66

S.NO.	NAME OF ASSISTANT	REMARKS
1	Javid Iqbal	
2	Zar Gul	
3	Muhammad Arif	
4	Muhammad Jawad Khan	
5	Ghulam Rasool	
6	Eakhre Aham	
7	Elafiz Muhammad Yasir	
8	Suleman Daud	
9	Muhammad Idrees	
10	Imranullah	
11	Masood Ahmad	
12	Sohail Khan	
13	Timiaz Khan	
14	Ali Ahmad	
15	Miss Rabinda Nausheen	
16	Fahim Zahid	
17	Anwarullah	
18	Syed Ahmad Amin Shah	
19	Mamroz Khan	
20	Ayesha Amer	
21	Mustafa Ali	
22	Hassan Khan	
23	Mozhar Hussain	
24	Sherin Khan	
25	Qamar Shehzad	
26	Syed Sulman	
27	Rajab Ali	
28	Rahim Abbasi	
29	Abdul Shakoor	

APPROVED

Annex = "B"

31

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

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

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

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

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

**Item No. I**

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

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

- Mr. Noor Rehman.
- Mr. Farid Ullah.
- Mr. Muhammad Saad Jan.
- Mr. Nabi Rehmat.
- Mr. Abdul Wadood.

ATTESTED



**Item No. II**

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

6. After examining all the relevant record of the Assistants (BS-16)/Senior Scale Stenographers, the forum was informed that the official included in the panel at Sr. No. 4 i.e. Mr. Nusrat Noor has not submitted his PERs. The forum agreed to defer his promotion. After detailed discussion, the committee unanimously recommended the following (03) eligible Assistants (BS-15) to the post of Superintendent (BS-17) in Irrigation Department on regular basis:-

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

**Item No. III**

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

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

ATTESTED

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

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

**Item No. IV**

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

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

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

**Item No. V**

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

**ATTESTED**

14-311-

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

- I. Mr. Khurshid Ahmad.
- II. Mr. Muhammad Shoalb.

**Item No. VI**

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

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

**Item No. VII**

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

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

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

Secretary/Irrigation  
Chairman

Chief Engineer (South)  
Irrigation Department (Member)

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

Additional Secretary  
Irrigation Department  
(Secretary/Member)

Section Officer (SR-II)  
Finance Department (Member)

ATTENDED

To

The Chief Secretary  
Government of Khyber Pakhtunkhwa,  
Peshawar.

(L)  
Annex = "L"

15/7  
2021

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

Respectfully Submitted:

1. That, I am serving in Irrigation Department and have been appointed as Sub Engineers on the basis of Diploma of Associates Engineer (DAE) through Public Service Commission.
2. That, I improved our academic qualification during service and acquired B.Sc degree in Civil Engineering. The aim behind acquiring higher engineering education was to better acquired my self with advance knowledge in the field of Engineering and also to avail the opportunity of promotion to the next higher post as per promotion rules of the department.
3. That, I have passed the departmental Grade-B and Grade-A examinations, which are mandatory to have been passed by a Sub Engineer for promotion to the post of Assistant Engineer BPS-17.
4. That, I fulfill the pre-requisite promotion criteria for the Post of Assistant Engineer BPS-17 and the basis of the same, I am working as Assistant Engineer in Own Pay Scale since pretty long time and have been performing our duties to the entire satisfaction of the department.
5. That, as per service rules, 12% promotion quota is reserved for Sub Engineer having B.Sc Degree in Engineering, on the basis of seniority-cum-fitness and I fully satisfy the promotion criteria and have legal rights to be promoted on the basis of qualification and seniority-cum-fitness and practice in vogue in the department. (Copies of working paper, subsequent promotion notifications and seniority lists of Assistant Engineers promoted form the category of Graduate

ATTESTED

Engineers in 2020 are attached as **annex-I, annex-II and Annex-III** for ready reference).

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6. That, some post of Assistant Engineers BPS-17 have become vacant which are to be filled by promotion from the Sub Engineers having B.Sc Engineering and being fit for promotion, the Department vide their letter No.1820/IB/A/3-E, dated 07-04-2021, directed the to submit my ACRs (copy of **annex-IV**). Similarly, Copy of working paper for the DPC is attached as **annexure - V**. Accordingly, my synopsis were put before the DPC in its meeting held on 23.06.2021 under agenda item No. III, but it is very astonishing to note that none of the graduate engineer has been recommended for promotion. The committee has deferred this agenda item with no reason and have recommended to seek guidance from Establishment Department for the rules amended in 2012 and thereafter in 2020 merely to make it controversial and pave the way for promotion of some of their blue-eyed sub engineer who not only do not fulfill the promotion criteria at the present but even will not be able to acquire the promotion criteria by 2022 refer Minutes of the DPC meeting dated 23-06-2021.
7. That, vide minutes of the meeting of the DPC, dated: 23.06.2021, it has been recommended to seek clarification from the Establishment Department on the following:
  - i. As per amended service rules of Irrigation Department notified on 25.06.2012, twelve (12) posts of Assistant Engineer (BS-17) comes under 12% share quota of Graduate Sub Engineers along with passing of departmental grade B and A examination against which six (06) officer are working on regular basis while Seven (07) officers, included in the panel at Sr. No. 1 to 6 & 9 are working as Assistant Engineers (BS-17) acting charge basis since 2011.
  - ii. Before 25.06.2012 the passing of Grade B&A examination was not mandatory for promotion to the post of Assistant Engineer and the above mentioned seven graduate Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.
  - iii. The Departmental B&A Examination is conducted after every two years. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at Sr. No. 1 to 6 & 9 (except S.No 4 "B&A passed) have passed their mandatory Grade B examination and will appear in the A examination in 2022.

ATTESTED

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

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- a) As to whether the amended rules notified on 25.06.2012 are applicable to the above employees who were appointed in the year 2011 on acting charge basis or the present service recruitment rules will be applicable in the instant case.
  - b) If the present service rules are applicable upon the officers appointed on acting charge basis then before completion of mandatory examination by these officers, the officers junior to them can be promoted to the post of Assistant Engineer on regular basis or otherwise.
8. That, the Department have deliberately kept the DPC in dark from the fact that promotion of seven (07) officers at Sr. No. 1 to 6 & 9 were appointed on acting charge basis against the project posts ( copy of working paper of DPC dated: 16.11.2011 is **annexed at VI**). The numbers of project posts have increased many fold due to currency of numerous mega projects and to full this gap, Department should have appointed deserving candidates on acting charge basis as per provisions in ESTA CODE (**copy attached as annex-VII**) to make them entitled for drawing pay and allowances according to post they actually works on rather it post the engineers on OPS, just to keeps its employee deprived of its due incentives in violation of Finance Department Government of Khyber Pakhtunkhwa (Regulation Wing) Notification No. FD (PRC) 1-1/2012 dated 01.01.2013 (**copy attached as annex-VIII**). However, as per Esta Code 9 (6) "acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis".
9. That, before 25.06.2012 amendments in service rules (Copy attached as **annex-IX**), the B.Sc degree holders had two sub-categories on the basis of pre-service & during service engineering with promotion quotas as 5% and 10% respectively, which have been abolished and created a single category of graduate engineers, with 12% promotion quota to the post of Assistant Engineer vide amended rules, dated 25-06-2012 (copy attached as **annexure-X**) and subsequent amended rules 10-07-2020 (copy attached as **annex-XI**). The department on one side accept the latest amended rules with 12% promotion quota under single category of B.Sc Graduate Engineers but on the other hand confused the DPC as to whether Departmental B&A examination are mandatory, for sub engineers who were appointed on acting charge basis in 2011. It is pertinent to mention

ATTESTED

that even departmental grade B&A examination are mandatory for promotion as permanent sub engineer vide Para 84 of PWD Code (copy attached as **annex-XII**).


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10. That, the department has changed its rules on 25.06.2012 & then on 10.07.2020, since 2012, departmental grade B&A examination have been held four times, but the sub engineers on acting charge basis don not accept the rules and intentionally do not participate in the exams, either they are incapable to pass it or they blackmail the department on their acting charge appointment rather they should had improved themselves according to obligatory criteria for the post they are working on and seeking future permanent promotion as per prevailing rules. According to PWD Code a member of NWFP service of Engineers, who has not passed departmental examination by the end of sixth year of his service shall not, except with special sanction of the Government, receive any further increment or increase of pay until he has passed the departmental examinations. Owing to the above, the sub engineers in whose favour the department has stop promotions under their category are not even entitled to remain on the post of Assistant Engineer on acting charge basis. Similarly, as per Recruitment, Appointment, Seniority and Promotion Rules (Civil Servant Rules) 1973, 8-A "No promotion on regular basis shall be made to posts in basic pay scales 17 to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and **passed such departmental examinations**, as may be prescribed from time to time (copy enclosed as **annex-XIII**).
11. That, the department was never in doubt about its clear service rules as it has been promoting its graduate engineer who met the promotion criteria as explained vide para-6 above, but this time it is trying to make the rules controversial to merely to deprive me from my due, just and legitimate rights of promotion.
12. Non recommendation of appelland case under 12% quota reserved for Graduate sub engineers of their category is injustice & violation of laid down rules.
13. That, if the department were feeling ambiguity in the service rules and its interpretation / clarification of its own framed rules, were necessary it should had been sought before conducting its earlier DPCs in May 2018, January 2020 & September 2020, but it didn't, it clearly transpires that the department is doing all this to benefit some of his blue eyed.

ATTESTED

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

39

  
Engr. Wajid Hussain  
Sub Divisional Officer (OPS)  
Kohat Irrigation Division Kohat

Copy of the above is forwarded for similar action to:

1. Secretary to Govt; of Khyber Pakhtunkhwa Irrigation Department
2. Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar

  
ATTESTED



## وکالت نامہ

بعدالت جناب سروس لٹریبیونل، P.O. پشاور

وجاہت حسین بنام گورنمنٹ

منجانب دعویٰ اجرم

تھانہ ایف آئی آر تاریخ

### باعث تحریر آنکہ

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

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

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

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے کسی اور جگہ یا بکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام بکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرواختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ذگری و نظر ثانی اپیل و مگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذگری کے اجراء کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سیردہاشی و راشنی نامہ کو فیصلہ بر خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ذگری یا طرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ذگری بھی موصوف کو بشرط ادا ایلی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹریکٹ کو بجائے اپنے یا اپنے امراء مقرر کریں۔ اور ایسے شیرت قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواہ پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند رہے مورخہ 14-4-21 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yusufzai  
Advocate High Court

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

Sajjad Ahmad Mehsud  
Advocate High Court  
Peshawar

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

وجاہت حسین

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**BEFORE THE KHYBER PAKHTUNHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal.No.7661/2021  
Mr. Wajahat Hussain  
Sub Divisional Officer (OPS)

**Appellant**

Versus

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

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

**Respectfully sheweth**

**Preliminary Objections**

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

**Objections on Facts**

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

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

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

**OBJECTIONS ON GROUNDS**

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

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

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

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

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

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**BEFORE THE KHYBER PAKHTUNHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Appeal.No.7661/2021  
Mr.Wajahat Hussain Sub Divisional Officer (OPS)

**Appellant.**

Versus

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

**Respondents .**

**COUNTER AFFIDAVIT**

We do hereby solemnly affirm and declare that contents of the parawise comments in Service Appeal No.7661/2021 filed by Mr.Wajahat Hussain Sub Divisional Officer (OPS) are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.

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

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

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

POWER OF ATTORNEY

Mr. Faizul Haq Superintendent Office of the Chief Engineer (South) Irrigation Department is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the Respondents in connection with appeal No. 7661/2021 filed by Mr. Wajahat Hussain Sub Divisional Officer (OPS) Versus Government of Khyber Pakhtunkhwa Irrigation Department.

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

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

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

27

**BEFORE THE KHYBER PAKHTUNHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Appeal.No.7661/2021  
Mr.Wajahat Hussain Sub Divisional Officer (OPS)

**Appellant.**

Versus

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

**Respondents**

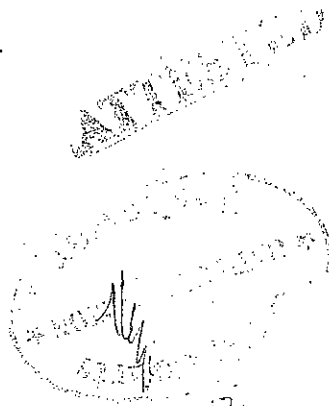
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Irrigation Department Peshawar  
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11/10/2022