

26.05.2022

Petitioner alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice be issued to the respondents to positively produce implementation report on 27.06.2022 before the S.B at Camp Court D.I.Khan.

(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

27th June, 2022

1. Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muslim Din, SDO, CRPC Irrigation for respondents present.

2. In compliance with judgment of the Tribunal, representative of the respondents has submitted the seniority list subject to final decision of the august Supreme Court of Pakistan. ~~In the case in this matter,~~ The learned counsel for the petitioner and petitioner himself are satisfied with the list provided by the SDO, therefore, this petition is filed. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 27th day of June, 2022.*

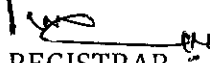




(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 362/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.12.2021	<p>The execution petition submitted by Mr. Ashraf Khan through Mr. Ahmad Ali Advocate may be entered in the relevant register and put up to the Court for proper order please</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14.12.2021	<p>This execution petition be put up before touring S. Bench at D.I. Khan on <u>13/12/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present. Notices be issued to the respondents. Case to come up for implementation report on 27.01.2022 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;"> Chairman Camp Court, D.I.Khan</p> <p><i>27.01.2022</i> Bench is not available, case is adjourned to 26.5 for the same as before Reader.</p>

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

Implementation Petition No. 362 /2021 in
Service Appeal No. 6704 of 2021

Ashraf Khan Vs. Govt. of KPK through C. Secretary etc

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3.	Copy of judgment passed in Service Appeal	B	20-26
4.	Copy of Application to Chief Secretary, Irrigation Department dated 12.10.2021	C	27
5.	Vakalatnama	---	28

Yours Humble Petitioner

(Ashraf Khan)
Through Counsel



Dt. 23.11.2021

AHMAD ALI
Advocate Supreme Court

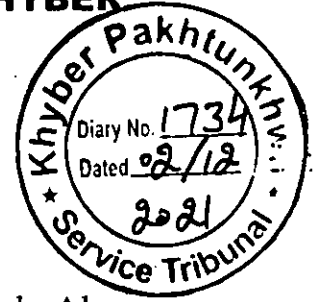


Khalid Mahmood Sigar
Advocate, D.I.Khan

①

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

Implementation Petition No. 362 /2021 in
Service Appeal No. 6704 of 2021



Ashraf Khan, son of Nadir Khan, resident of Mohallah Alam Sher, Tehsil & District, D.I.Khan, Sub Divisional Officer (OPS), Gomal Zam Irrigation Division, D.I.Khan.

Petitioner/Appellant

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. **Secretary** to Government of Khyber Pakhtunkhwa, Irrigation Department Peshawar.
3. **Chief Engineer (South)**, Khyber Pakhtunkhwa Irrigation Department, Peshawar.
4. **Superintending Engineer**, D.I.Khan Irrigation Circle, D.I.Khan.
5. **Executive Engineer**, Irrigation Department, D.I.Khan.

Respondents

APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 29.9.2021 PASSED IN SERVICE
APPEAL NO. 6704/2021 WHEREBY THE APPEAL OF
APPELLANT/PETITIONER WAS ALLOWED.

PRAAYER

**On acceptance of this Implementation Petition
this Hon'ble Tribunal may please be directed**

the respondents to make compliance of the Judgment dated 29.9.2021 of this Honourable Tribunal in the letter & spirit without any further delay.

Respectfully Sheweth,

Concise Facts

1. That earlier the appellant filed an appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 before this Hon'ble Tribunal against the letter bearing No. SO(E) IRR:/23-5/73/Vol-VI dated 21.4.2021 and Notification dated 10.7.2020, whereby he sought the relief in the following manner:-

On acceptance of present service appeal and by setting aside letter bearing No. SO(E) Irr:/23-5/73/Vol dated 21.4.2021 as to dismissal of the departmental representation/review of the appellant and also by cancelling impugned Notification No. SO(E) Irr:/23-5/73/Vol dated 10th July, 2020 as to the change in seniority criteria for the purpose of promotion, the seniority of the appellant may please be directed to be reckoned from the date of his promotion on the present post (i.e. Sub-Engineer).

Copy of the Service Appeal of appellant/petitioner is enclosed as Annexure-A.

2. That this Tribunal after providing the parties an opportunity of hearing disposed of accepted the service Appeal of

petitioner/appellant, the operative part of the judgment is reproduced as under:

In view of the foregoing discussion, the instant as well as connected appeal bearing No. 6703/2021 titled Syed Meher Ali shah versus Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar and four others" are accepted. Provisions of impugned notification dated 10.7.20200 pertaining to amendments determining the seniority from the date of acquitting prescribed qualification is declared null and void with direction to the respondents to draw the seniority list from the date of regular appointment of the incumbents to the post of Sub-Engineer. Parties are left to bear their own costs.

Copy of the judgment passed in Service Appeal No. 6704/2021 is enclosed as Annexure-B.

3. **That** it is far-fetched to mention here that despite clear and well explained judgment in favour of petitioner/appellant, the respondents/Department without any lawful reason have lurk in hesitation to implement the judgment of this Hon'ble Tribunal, whereas the law prohibit them to do as such, but the department/respondents in careless manner, flatly denying the judgment of this Tribunal rather delaying the matter just for nothing and in respect of which, they may be dealt with in accordance with law.



4. **That** after passing the judgment dated 29.9.2021 by Khyber Pakhtunkhwa Service Tribunal, at camp Court, D.I.Khan, the appellant also moved an application to the Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa, Peshawar for implementation of the judgment *supra*, but no desire goal was achieved, even not yet responded by the Chief Engineer (South). Copy of the application dated 12.10.2021 is enclosed as Annexure-C.
5. **That** the judgment dated 29.9.2021 in service Appeal No. 6704/2021, the Department/respondents have not complied so far respondents/Department in true essence and spirit, despite various resorts of appellant/petitioner to the authorities concerned, therefore, the petitioner/appellant approaches this Honourable Tribunal for implementation of judgment on inter-alia the following grounds

G R O U N D S

- a. **That** the Judgment dated 29.9.2021 in Service Appeal No. 6704/2021 is self-contained wherein it was specifically stated that *“provisions of impugned notification dated 10.7.20200 pertaining to amendments determining the seniority from the date of acquitting prescribed qualification is declared null and void with direction to the respondents to draw the seniority list from the date of regular appointment of the incumbents to the post of Sub-Engineer”* But direction of this august Court has not yet been implemented.

b. That the Judgment dated 29.9.2021 in Service Appeal No. 6704/2021 of this august Court are self-explanatory, simple and clear and it did not require any further interpretation. But respondents tactfully, illegally and unlawfully twisted the same on technical grounds to smash the essence of judgment in order to sabotage the rights of petitioner/appellant. As, *Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est* which means "so long as there is no ambiguity in the words, there should be no interpretation contrary to the words" therefore, respondents have no lawful authority to go beyond the specific verdict of the ibid judgment.

c. That the scheme of the Service Laws is that in one proceeding the court determines the liability of a party and the corresponding right of the other party and incorporates them in the judgment/order and in another proceeding it executes the said order/judgment, i.e., at the instance of one party specifically enforces the liability against the other. There can be no execution or specific enforcement of a liability without a previous determination of the liability by a court/Tribunal and incorporated in a formal document called a judgment. In the instant matter, the liability and corresponding rights of the parties have rightly been determined and after passing more than 30 days, the respondents/department have not honoured the decision of this august Tribunal which act of respondents is nullity in the eye of law.



d. That the respondents/department without any lawful reason willfully not implementing the order of this Hon'ble Tribunal, albeit, in so doing this Tribunal while exercising its jurisdiction may deal with the matter with iron hands because the matter of honour and integrity of order of Tribunal.

e. That it may not be out of place to mention here that order/judgment of any Court or Tribunal shall be implemented/executed by the Tribunal concerned in its true essence and its implementation by the department/authority concerned is the moral duty of that authority to obey it accordingly. For the sake of harmony amongst the functionaries of the State, it is imperative for all concerned to honour the order/judgment of competent Court/Tribunal. In such view of the matter, denial of respondents to implement the judgment passed in service appeal is beyond the settled parameters of jurisprudence.

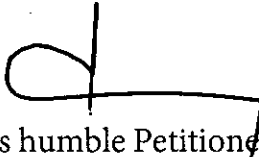

f. That as no ambiguity in the judgment passed by this Hon'ble Tribunal and all the issues relating to the seniority in the light of provision in the Act/Rules and judgments of apex Courts were discussed properly, whereby it was held that seniority reckons from the date of regular appointment to a post, service or cadre and the reckoning/fixing seniority with acquiring the prescribed qualification is illegal, hence is liable to be set at naught, as statutory provisions regarding seniority would have overriding effect on such notification. When this being the position in the

~~AA~~

judgment passed by this Tribunal, just to prolong the matter on one or other reason by the respondents is highly unjust and unwarranted under the law.


- g. That it is confined to determining all questions arising between the parties to the service appeal and relating to the execution, discharge or satisfaction of the said order passed therein. The said judgment enjoins that all the material questions shall be determined by this august Tribunal exact in line with section 8 of Civil Servant Act, 1973 and Section 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, so what promoted the respondents by not accepting the well enshrine judgment of this august Tribunal. Any reservation that does not relate to the execution, discharge or satisfaction of the judgment passed by this Hon'ble Tribunal is thus within the jurisdiction of this august Tribunal.
- h. That the respondents are not going to redress the grievances of the petitioner/appellant and making lame excuses because if they would have been sincere and vigilant then despite the lapse of almost two months the Department could have done the needful strictly in accordance with law and directions of this Honourable Tribunal but no as such implementation of the order has to be made.
- i. That Counsel of the appellant may please be allowed to raise additional grounds at the time of arguments.

It is, therefore, humbly prayed that respondents may please be directed to make compliance of the Judgment dated 29.9.2021 of this Honourable Court in the letter & spirit without any further delay


← Yours humble Petitioner
Through Counsel



Dated 23/11/2021

Ahmad Ali Khan
Advocate, Supreme Court


Khalid Mahmood Sagar
Advocate, Dera Ismail Khan


AFFIDAVIT

I, **Ashraf Khan**, son of Nadir Khan, resident of Mohallah Alam Sher, Tehsil & District, D.I.Khan, Sub Divisional Officer (OPS), Gomal Zam Irrigation Division, D.I.Khan, **the petitioner**, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this **Petition** have been prepared under my instructions and all its Para-wise contents are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above petition is false and nothing material has been deliberately concealed.


Identified by Counsel:
Ahmad Ali, ASC.



24/11/21


Deponent
-12101-1720241-3

(9)

(A)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. _____ of 2021

Ashraf Khan, son of Nadir Khan, resident of Mohallah Alam Sher, Tehsil & District D.I.Khan. Sub Divisional Officer (OPS), Gomal Zam Irrigation Division, D.I.Khan.

APPELLANT

VERSUS

1. **Government of Khyber Pakhtunkhwa**, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

2. **Secretary to Govt of Khyber Pakhtunkhwa**, Irrigation Department, Peshawar.

3. **Chief Engineer (South)**, Khyber Pakhtunkhwa Irrigation Department, Peshawar.

4. **Superintending Engineer**, D.I.Khan Irrigation Circle D.I.Khan.

5. **Executive Engineer**, Irrigation Department, D.I.Khan.

RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE K.P.

SERVICE TRIBUNALS ACT, 1974, AGAINST THE

LETTER BEARING NO. SO(E) IRR:/23-5/73/VOL- (1 Dismiss) (43) page

VI DATED 21.04.2021 AS TO DISMISSAL OF THE

DEPARTMENTAL REPRESENTATION/REVIEW OF

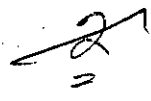
THE APPELLANT (RECEIVED TO THE APPELLANT ON

03.05.2021) AND ALSO AGAINST NOTIFICATION

No. SO(E)/IRRI/23-5/73/VOL-VI DATED 10TH (35) page

JULY, 2020 AS TO CHANGE IN THE SENIORITY

CRITERIA FOR THE PURPOSE OF PROMOTION.

**PRAYER:**

On acceptance of present Service Appeal and by setting aside letter bearing No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal of the Departmental Representation/Review of the appellant and also by cancelling impugned Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 as to the change in Seniority Criteria for the purpose of promotion, the Seniority of the Appellant may please be directed to be reckoned from the date his promotion on the present post (i.e. sub-Engineer).

Note:

The impugned order received/communicated to appellant on 03.05.2021, therefore, this appeal is within time.

Respectfully Sheweth,

1. That appellant was appointed in the irrigation department on 15.11.1992 on contract basis as Work Munshi, whereafter he was regularized on the said post vide office order No.8062-63/5-E dated 25.10.1994. The appellant was then promoted to the post of sub-Engineer w.e.f. 14.01.2004 on the basis of Departmental Grade-B Exam, and accordingly posted as Sub-Engineer vide Office Order dated 11.02.2004.

Copy of the regularization order of appellant is enclosed as Annexure A.

(14 page)

Copies of the promotion order to the post of Sub-Engineer and posting order as sub-Engineer are enclosed as Annexure B & C. (15 pgs)

Copy of the Departmental Grade-B Exam Result is enclosed as Annexure D. (12 pgs)

2. That due to efficiency, competency and eligibility of appellant, presently he has been posted as Sub-Divisional Officer (OPS), vide office order dated 01.03.2010. Presently the appellant is posted as S.D.O. Gomal Zam Irrigation Division, D.I.Khan.

Copy of the posting order of appellant as S.D.O. is enclosed as Annexure E. (17 pgs)

3. That the appellant also passed Departmental Grade-A Exam vide Office Order dated 28.05.2012. Thereafter, the appellant obtained B.Tech (Honours) Degree.

Copies of the degrees of appellant in B.Tech (Hons.) and D.A.E. are enclosed as Annexure F. (29 pgs)

Copy of the Departmental Grade-A Exam is enclosed as Annexure G. (30 pgs)

4. That the Govt. of Khyber Pakhtunkhwa, vide Notification No.SO(E)/IRRI/ 23-5/2010-11 dated 25th June, 2012 circulated amendments in the service rules governing method of promotion on the post of Sub-divisional Officer from amongst the holders of the posts of sub-engineers. Per Clause (b) (c) of Serial No.4, in Column No.5, of the Appendix, the seniority was to be reckoned on the basis of seniority-cum-fitness. The relevant excerpt runs as under:

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AMENDMENTS:

In the Appendix,

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

(b) -----

- (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 joint 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.

Copy of the Notification No.SO(E)/ IRR/ 23-5/2010-11 dated 25th June, 2012, is enclosed as **Annexure H.** (32 page)

5. That on 03.03.2021, the appellant submitted an application to the Chief Engineer (South), Irrigation Department, KPK, Peshawar, for inclusion his name in the Seniority List of B. Tech (Hons) Sub-

5/2/21

S

(13)

Engineers. The "Superintending" Engineer forwarded the said application to the Chief Engineer (South) vide letter No.736/ DIC/1-E dated 03.03.2021.

Copies of application of appellant with letter No.736/ DIC/1-E dated 03.03.2021 are jointly enclosed as Annexure I.

6. That, in the meanwhile, the Respondents changed the method of recruitment/promotion vide Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 whereby the seniority of sub-engineers having B.Tech degree for the purpose of promotion to the post of S.D.O. has been notified to be reckoned from the date of acquiring said degree.

Copy of the Notification No. SO(E)/IRRI/23-5/73/Vol-VI dated 10th July, 2020 is enclosed as Annexure J.

7. That after getting knowledge of the said Notification dated 10th July, 2020, the appellant preferred a Departmental Representation/ Review seeking cancellation of the said notification and to restore the previous notification of 2012 as to the Seniority-cum-Fitness. However, the said Representation/Review of appellant has been dismissed vide Letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021.

Copy of the Departmental Representation/ Review of appellant is enclosed as Annexure K.

Copy of the letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal of the departmental Representation/ Review is enclosed as Annexure L.

8. That aggrieved of the letter No. SO(E) Irr:/23-5/73/Vol-VI dated 21.04.2021 as to dismissal of departmental Representation/

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

✓ (4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retain their inter-seniority as in the lower post.

(5) The Seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year preferably in the month of January.

Thus, amendment in the K.P. Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, with regard to the Irrigation Department vide Notification dated 10th July 2020, is violative of the basic law i.e. Civil Servants Act, 1973.

iv. That similarly, Section 9(2)(b) of the Civil Servants Act, 1973, in unequivocal words states that in case of promotion, the post is to be filled on the basis of seniority cum fitness. The Section 9 runs as under:

9. Promotion:- (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rule for departmental

promotion in the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

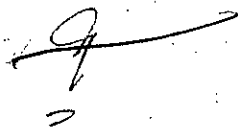
On this score too, the impugned Notification/amendment is unwarranted.

v. That the in fact the K.P. Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, also provide that the seniority shall be reckoned from the length of service and not otherwise. The Rule 17 of the *ibid* Rules in this regard is reproduced hereunder for ready reference, please.

APT Rules 1989

— 17. Seniority :- (1) The seniority inter se of civil servants appointed to a service, cadre or post) shall be determined:-

- (a) In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or as the case may be, the Department Selection Committee; provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for



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promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned Notification as to the change in criteria for seniority, may kindly be cancelled and as result thereof the seniority of appellant may please be ordered to be reckoned from the date of his promotion in the present cadre.

Yours Humble Appellant

(Ashraf Khan)

Through Counsel

Dt. 31.05.2021

Ahmad Ali

Advocate Supreme Court

Miss Shumaila Awan

Advocate High Court, D.I.Khan.

VERIFICATION: I, the appellant, on this day of May-2021, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.

Appellant

AFFIDAVIT: I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

Identified by Counsel:
Ahmad Ali ASC.

Deponent

(B)

(20)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I. KHAN**

Service Appeal No. 6704/2021

Date of Institution 31.05.2021

Date of Decision 29.09.2021

Ashraf Khan, son of Nadir Khan, resident of Mohallah Alam Sher, Tehsil & District
D.I. Khan, Sub Divisional Officer (OPS), Gomal Zam Irrigation Division, D.I. Khan.
(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa Peshawar and four others. (Respondents)

AHMAD ALI
Advocate

For Appellants

USMAN GHANI
District Attorney

For Respondents

SALAH-UD-DIN
ATIO-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)



JUDGMENT

ATIO-UR-REHMAN WAZIR, MEMBER (E):- This judgment shall dispose of
the instant service appeal as well as the connected service appeal bearing No.
6703/2021 titled Syed Meher Ali Shah Versus Government of Khyber Pakhtunkhwa
through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and four others", as
common question of law and facts are involved therein.

02. Brief facts of the case are that the appellants being employees of
Irrigation Department, were promoted to the post of Sub-Engineer with effect from
14-01-2004 on the basis of departmental Grade-B examination and in due course
were posted as Sub-Divisional Officer in Own Pay & Scale vide order dated

01-03-2010. The appellant namely Ashraf Khan also passed Departmental Grade-A exam as well as obtained B-Tech (Hons.) degree in due course and the appellant namely Syed Meher Ali Shah has not yet obtained B-Tech degree. The respondents vide notification dated 25-06-2012 brought certain amendments in service rules dated 17-02-2011 governing the method of promotion to the post of Sub-Divisional Officer from amongst the holders of the posts of sub-engineers, where inter-alia, provision for segregated seniority list of the sub-engineers having degree in B-Tech and Sub-Engineers holding diploma was to be maintained and their seniority was to be reckoned from the date of their 1st appointment as Sub-Engineer. The respondents vide another notification dated 10-07-2020 brought further amendments in the service rules, which made the seniority conditional with acquiring the prescribed qualification, against which the appellants filed departmental appeals, which were dismissed vide order dated 21-04-2021. Feeling aggrieved, the appellants filed the instant appeals with prayers that the impugned order dated 21-04-2021 may be set aside and the amendment notification dated 10-07-2020 may also be cancelled to the extent of change in seniority criteria for the purpose of promotion and seniority of the appellants may be reckoned from the date of their regular promotion to the post of Sub-Engineers.

03. Learned counsel for the appellants has contended that the impugned order dated 21-04-2021 and notification dated 10-07-2020 are the outcome of malafide, result of political victimization, without jurisdiction and having no binding effect upon rights of the appellants accrued to them by dint of their seniority; that seniority of the appellant shall be reckoned from the date of regular appointment to the post of Sub-Engineer as per Section-8 of Khyber Pakhtunkhwa, Civil Servant Act, 1973 and Rule-17 of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989; that such amendments in service rules are violative of the basic law and rules; that in light of section-9(2)(b) of Civil Servant Act, 1973, the impugned notification is

unwarranted; that any new policy as to the change in the service structure disadvantageous to the right of an in-service civil servant cannot affect the rights of such civil servant rather such changes can be given prospective effect only for those civil servants who are appointed after the said amended rules; that terms and conditions of service could not be unilaterally altered by the employer to the disadvantage of the employee. Reliance was placed on 2018 PLC (C.S); that seniority could not be fixed higher than the other regular employees who had already been working in the cadre. Reliance was placed on 2013 PLC (C.S) 987.

04. Learned District Attorney for the respondents has contended that the appellant has passed departmental Grade A & B examinations and also acquired degree of B-Tech (Hons.) on 21-07-2020; however the subject amendments were brought in service rules vide notification dated 10-07-2020; that in the light of such amendments, ~~seniority will be reckoned from the date of acquiring the prescribed qualification~~ that the appellant obtained the prescribed qualification on 21-07-2020; therefore his name was placed at appropriate place according to the existing service rules; that such amendments were brought through standing service rules committee, which is a proper forum to safeguard the rights of promotion of the existing degree holders; that it was for the government to place a particular post in any grade or prescribe certain term and conditions thereof, as per its policy and incumbents of a particular post could not claim as of right for settlement of prescription or provision of certain terms and conditions according to their own choice. Reliance was placed on 2009 SCMR 980; that neither promotion nor the criteria set out to aspire for promotion could be categorized as a "right" that could be justiciable. Reliance was placed on 2015 PLC (CS) 962.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that the respondents brought amendments in service rules dated 17-02-2011 vide notification dated 25-06-2011, where provision for separate seniority of B-Tech Degree holders and Diploma holders have been given 8% and 15% quota respectively for their further promotion to the post of Sub-Divisional Officer and their seniority was to be reckoned from the date of their regular appointment to the post of Sub-Engineer. Record is silent as to whether such segregated seniority lists were prepared or not in the light of such amendments, but after amendments in service rules vide notification dated 10-07-2020, two seniority lists have been drawn in respect of degree holders and diploma/non diploma holders separately vide final seniority lists issued on 31-12-2020. The segregated seniority list of degree holders would suggest that such seniority has been drawn from the date of acquiring the prescribed qualification and those who had obtained such degree earlier has been placed senior to those who has obtained such degree in later dates, thereby ignoring their seniority from the date of their regular appointment to that post, hence the respondents deviated from the set principle of determination of seniority. The correct course would have been to maintain their joint seniority as per their dates of regular appointments to that post and to make the condition of prescribed qualification as eligibility criteria for such promotion, which however was not done.

07. The appellants are mainly aggrieved of the above-mentioned amendments made in the service rules, which has made the prescribed qualification a condition for determination of seniority, which on the one hand would render the appellants junior to those, who had acquired the prescribed qualification earlier and on the other hand would keep the appellants deprived of further promotion due to their low position in the seniority list. We have observed that the previous service rules amended vide notification dated 25-02-2012 had correctly prescribed determination of seniority of the sub-engineers from the date of their regular appointment to that post, but the

amended notification dated 10-07-2020 changed the criteria for determination of seniority from the date of acquiring the prescribed qualification, which is in total contravention to Section-8 of Civil Servant Act, 1973 and Section-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, relevant provisions of which are reproduced as under for ready reference:

Section-8(4) of Civil Servant Act, 1973: Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post. Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Section-17-1(b) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989: seniority in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

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08. In view of the provision contained in the Act/Rules ibid and in light of the judgments of Supreme Court of Pakistan reported as 2015 PLC (CS) 1231, 2010 SCMR 1584 and 2019 SCMR 349 undoubtedly seniority reckons from the date of regular appointment to a post, service or cadre and the reckoning/fixing seniority with acquiring the prescribed qualification is illegal, hence is liable to be set at naught, as statutory provisions regarding seniority would have overriding effect on such notification. Reliance is placed on 2010 SCMR 1584. It however is worth to mention that prescribed qualifications can be made a condition for promotion, but not for fixation of seniority.

09. We have observed that the appellant namely Ashraf Khan obtained the prescribed qualification on 21-07-2020 and is placed at the bottom of seniority list being the last one obtaining the prescribed qualification, thereby ignoring his seniority accrued to him by virtue of his first entry into the post of Sub-Engineer in

2004. The other appellant namely Syed Meher Ali Shah has not yet obtained the prescribed B-Tech Degree, hence he is placed in the seniority list of Diploma holders. It is also worth to mention that separate quota for promotion is fixed for degree holders and diploma holders, but the moot question before this Tribunal is as to whether the respondents made such amendments in conformity with the Act/Rules ibid or not. Available record and arguments of learned counsel for the parties would suggest that such amendment for determination of seniority from the date of acquiring the prescribed qualification are in clear violation of law and rule and not sustainable in the eye of law. The question of jurisdiction as to whether such appeal challenging vires of rules/notification would be competent before this Tribunal, it is added that judgment of a larger bench of this Tribunal in Service Appeal No. 868/2019 announced on 14-01-2021 has categorically explained jurisdiction of this Tribunal in such cases and such judgment is based upon judgments of the superior courts reported in 1991 SCMR 1041, PLD 2004 SC 317, 2002 PLC (C.S) 94, 2012 PLC (C.S) 142, 2012 PLC (C.S) 1211, 2015 PLC (C.S) 215, 2018 PLC (C.S) 40, 2019 PLC (C.S) 995, PLD 1980 Supreme Court 153 and 1991 SCMR 1041. In almost all the aforementioned judgments it has been held that vires of any rule or law touching the terms and condition of civil servant can be decided by this tribunal, hence the issue of jurisdiction is holding no force.

10. In view of the foregoing discussion, the instant as well as connected appeal bearing No. 6703/2021, titled Syed Meher Ali Shah Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and four others", are accepted. Provisions of the impugned notification dated 10-07-2020 pertaining to amendments determining seniority from the date of acquiring prescribed qualification is declared null and void with direction to the respondents to draw the seniority list from the dates of regular appointment of the incumbents to

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the post of Sub-Engineer. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
29.09.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT, D.I. KHAN

(ATIQ-UR-REHMAN-WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT, D.I. KHAN

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To,

The Chief Engineer (South)
Irrigation Department Khyber Pakhtunkhwa
Peshawar.

**SUBJECT: IMPLEMENTATION OF JUDGMENT DATED 29/9/2021
IN SERVICE APPEAL # 6704/2021 TITLED ASHRAF KHAN
VERSUS GOVT. OF KHYBER PAKHTUNKHWA & OTHERS**

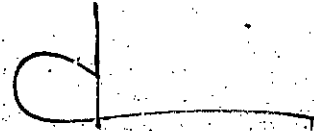
Respected Sir,

With due respect, it is stated that I have filed above titled Service Appeal in Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar regarding my seniority in the cadre of B.Tec Degree Holder and Honourable Service Tribunal accepted my Service Appeal. The copy of Judgment dated 29/9/2021 in Service Appeal # 6704/2021 is attached for ready reference.

Therefore kindly implement the judgment dated 29/9/2021 of Service Tribunal in true letter & spirit without any further delay.

Thanks

Dated: 12/10/2021





ASHRAF KHAN /

Sub Engineer

(B.Tech Degree holder)

working as Sub Divisional Officer,
Rod Kohi Irr: Sub Division DIKhan

Attested



Ahmad Ali
Advocate



President

M. Aslam
Secretary

کورٹ
فیس

حیدر ٹیڑھ سروس ٹریڈنگ ایسوسی ایشن

اسٹریٹ کارنامہ گورنمنٹ

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

محمد مندرجہ بالا عنوان میں اپنی طرف واسطے میری جواب دہی برائے پیشی یا تصفیہ مقدمہ بنام احمد علی خان ایڈووکیٹ اسٹریٹ کارنامہ گورنمنٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا کچھ بذریعہ رو برو عدالت حاضر ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تائلی یا راضی نامہ و فیصلہ برحلقہ کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیروی از بکھری صدر بیروی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا مشورتی ذگری یک طرفہ یا درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ محتاجیرو دی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 23 مارچ 2011

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

اسٹریٹ کارنامہ
د

محمد مندرجہ

Accepted

محمد مندرجہ

03364330001

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT
OFFICE OF THE CHIEF ENGINEER (NORTH) IRRIGATION DEPARTMENT PESHAWAR

In pursuance of the Section 8 of the Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule -17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules 1989 and judgment of KPK Service Tribunal dated 29-9-2021 in Appeal No.6703 & 6704 Syed Meher Ali Shah and Ashraf Khan Versus Govt. of KPK and advice contained in Secretary Irrigation letter No.SO(Lit)Irr:3-439/2021, dated 13-6-2022, the tentative Seniority list of B.Tech: (Hons) Sub Engineers as stood on 31-12-2021 is hereby notified/circulated subject to final decision of Supreme Court of Pakistan for information of all concerned

NOTIFICATION

S.No	Name of Sub Engineer with education qualification	Date of birth with domicile	Date of acquiring degree	Date of entry into Govt: service	First regular appointment to the service/cadre			Promotion to present Grade/Cadre		Present place of posting	Remarks
					Date	BPS	Method of Rectt:	BPS	Date		
1	2	3	4	5	6	7	8	9	10	11	12
1	Mr. Naveed Khan Passed Grade B Exame on 5/2002 & Grade -A- Exame on 5/2009 B.Tech (Hon) from Sarhad University Peshawar	12-04-1969 Abbotabad	15-10-2016	19-3-1992	19-3-1992	11	By initial recruitment	16	19-3-1992	Hazara Irr: Divn: Abbotabad.	Working as Sub Engineer
2	Mr. Zahid Jamal B.Tech: (Hons) Passed Grade B Examination on 28-7-2016 Passed Grade A on 27-8-2018	31-7-1972 Abbotabad	16-09-2020	4-3-1996	4-3-1996	11	By initial recruitment	16	4-3-199	SIRAN Project A/Abad	Working as SDO(OPS)
3	Mr. Naqib ur Rehman B.Tech (Hons) from Sarhad University Peshawar Passed Grade B Exame on 6/2000 Passed Grade A Exame on 6/2004	05-03-1966 N.W Agency	10/12/2013	4-3-1996	4-3-1996	11	-do-	16	4-3-1996	Raising of Baran Dam	Working as SDO (OPS)
4	Mr. Surat Khan Passed Grade B Exame 06-6-2000. Passed Grade A Exame on 31-1-2006	01-10-1972 FR Bannu	10/1/2015	4-3-1996	4-3-1996	11	-do-	16	4-3-1996	Hydrology Irr: S/Divn: Bannu	Working as SDO (OPS)
5	Mr. Ashraf Khan DAE Civil From Govt: Poly Tech: Institute DIKhan, Passed Grade Exmn: on 12-6-2004 and Grade Examination on 28-5-2012	1-12-1968 DIKhan	21-7-2020	15-11-1992	14-1-2004	12	By promotion	16	14-1-2004	Rod Kohi Sub Divn: DIKhan	Working as SDO (OPS)

6	Mr. Aamer Mehmood B.Tech (Hon) from Preston University Karachi. Passed Grade B exam on 6/2004 Passed Grade A exam on 05/2009	01-01-1967 DIKhan	30-05-2012	As Canal Inspector. 14-12-1991	03/8/2005	5	By promotion	16	08-03-2005	PSU Small Dam
7	Mr. Nizamul Haq B.Tech (Hon) from Preston University Kohat. Passed Grade B exam on 2004 Passed Grade-A exam on 1-1-2014	09-05-1965 Malakand Agency	16-04-2012	As Tracer 5-8-1992	As Tracer 5-8-1992	5	-do-	16	8-3-2005	PHLC Swabi
8	Mr. Tayeeb Saeed B.Tech: (Hons) from Sarhad University Peshawar. Passed Grade B Examination On 28-7-2016 & Grade A on 15-10-2020	21-7-1977 Dir	12-2-2020	19-10-2010	19-10-2010	12	By initial recruitment	16	19-10-2010	Dir Irrigation Divn:
9	Muhammad Ismail B.Tech(Hons) UET Peshawar Passed Grade B exam on 07/2016	05-05-1987 Bajor Agency	03-2-2012	19-11-2011	19-11-2011	11	By initial recruitment	12	19-11-2011	Dir Irrigation Division Dir
10	Muhammad Munir B.Tech(Hons) UET Peshawar. Passed Grade B Exam on 07/2016. Passed Grade A Exam on 07/2018	12-08-1988 Hangu	03/02/2012	19-11-2011	19-11-2011	11	-do-	12	19-11-2011	Kohat Irr: Divn: Kohat
11	Mr. Saddam B.Tech (Hon) from Sarhad University Peshawar. Passed Grade B exam on 6-8-2018 and Grade A 15-10-2020	29-2-1991 Haripur	15-10-2016	19/11/2011	19/11/2011	11	-do-	12	19-11-2011	Hazara Irr: Divn: Abbottabad.
12	Asad Ali B.Tech (Hon) Sarhad University Peshawar. Passed Grade B exam on 16-8-2018 and Grade A on 15-10-2020	23-11-1991 Peshawar	31/12/2015	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Warsak Canal Division Peshawar
13	Mr. Noor Mohammad B. Tech: (Hons) from Sarhad University of science and information technology passed Grade B Examination on 16-8-2018 and Grade A on 15-10-2020	06-02-1990 MKD Agency	8-11-2015	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Swat Irr: Divn: Swat
14	Mr. Asghar Ali B. Tech: Hons from new port Institution Passed Grade B examination on 16-8-2018 and Grade A on 15-10-2020	07-02-1978 S.W. Agency	30-3-2007	16-9-2013	16-9-2013	12	-do-	12	16-9-2013	Mech: Divn: Peshawar

15	Azimullah. B. Tech (Hons) Sarhad University Peshawar. Passed Grade B exam on 16-08-2018. and Grade A on 15-10-2020	02-07-1991 Dir Upper	01/12/2015	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Chitral Irr: Division	Working as SDO (OPS)
16	Mr. Asad Zia B. Tech: (Hons) from UET Peshawar Passed Grade B Examination on 16-08-2018	15-03-1991 Mardan	12/01/2015	16-09-2013	16-9-2013	11	By initial recruitment	12	16-09-2013	Mech: Divn: Peshawar	Working as Sub Engineer
17	Mr. Ahmad Jamil B. Tech: (Hons) from Sarhad University Peshawar Passed Grade B Examination on 16-8-2018	22-6-1989 Swat	15-10-2016	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Swat Irr: Divn: Swat	Working as SDO (OPS)
18	Mr. Imtiaz Ali B. Tech: (Hons) from UET Peshawar Passed Grade B Examination on 16-8-2018 And Grade A on 15-10-2020	14-3-1992	10-2-2016	16-9-2013	16-9-2013	11	-do-	12	16-9-2013	Malakand Divn:	Working as Sub Engineer
19	Muhammad Zeeshan Zahir. B. Tech (Hons) UET Peshawar Passed Grade B Exam on 16-8-2018 and Grade A on 15-10-2020	24-04-1990 Peshawar	13-01-2014	16-09-2013	16-09-2013	11	-do-	12	16-09-2013	Peshawar Canal Divn:	Working as SDO (OPS)
20	Imran Khan B. Tech: (Hons) from Sarhad University Peshawar. Passed Grade B Examination on 16-8-2018 and Grade A on 15-10-2020	15-8-1988	16-9-2013	20-5-2014	16-9-2013	1	-do-	12	16-9-2013	Swat Irrigation Divn:	Working as Sub Engineer
21	Mr. Sardar Gul B. Tech (Hons) Sarhad University Peshawar. Passed Grade B exam on 16-08-2018 and Grade A on 15-10-2020	15-5-1980 Mohmand Agency	02/10/2016	16/9/2013	16/9/2013	11	-do-	12	16-9-2013	Mardan Irr: Division	Working as Sub Engineer
22	Mr. Safdar Naz B. Tech: (Hons) from college of Science and Technology Peshawar Passed Grade B on 6-8-2018, & Grade-A exam on 23-7-2016 and Professional examination on 3-3-2017.	5/15/1980 DIKhan	15-11-2017	28/10/2008	17-2-2017	5	By promotion	12	17-2-2017	Paharpur Irr: Divn: DIKhan	Working as Sub Engineer
23	Mr. Adil Khan B. Tech: (Hons) preston University Kohat Passed Grade B Examination 16-8-2018 and Grade A on 15-10-2020	4-7-1989 Swabi	15-1-2013	03/09/2017	09/03/2017	12	By absorption	12	Sub Engineer	Tubewell Divn: Peshawar	Working as Sub Engineer

	Mr. Rizwan Khan Passed B.Tech (Hons) from UET Peshawar, Passed Grade B on 16-08-2018 and Grade A on 15-10-2020	15-4-1994 Charsadda	8-3-2015	18-9-2017	18-9-2017	12	By promotion	12	18-9-2017	Swat Irr: Divn: Swat	Working as Sub Engineer
25	Muhammad Manan B.Tech: (Hons) from UET Peshawar Passed Grade B Examination on 16-08-2020 and Grade A on 15-10-2020	10-09-1994 Charsadda	08/03/2018	18-9-2017	18-9-2017	12	by initial recruitment	12	18-9-2017	Charsadda Irr: Division	Working as Sub Engineer
26	Mr. Munir Ahmad B.Tech: (Hons) from UET Peshawar	1-02-1997 Bannu	7-5-2020	18-9-2017	18-9-2017	12	By initial recruitment	12	18-9-2017	Kohat Irr: Divlvr:	Working as Sub Engineer
27	Muhammad Taeab B.Tech: (Hons) from UET Peshawar	14-3-1992 Khyber	10/02/2016	18-9-2017	18-9-2017	12	By initial recruitment	12	18-9-2017	Small Dams P&C Kohat	Working as Sub Engineer
28	Muhammad Zahir Shah B.Tech: (Hons) Abaseen University Peshwar, Passed Grad B Examination on 15-10-2020	1-8-1990 Dir Lowewr	14-10-2016	20-7-2018	20-7-2018	12	By initial recruitment	12	20-7-2018	Swat Irr: Divn: Swat	Working as Sub Engineer
29	Mr. Zeeshan B.Tech: (Hons) from Cecos University Peshawar, Passed Grade B on 15-10-2020	30-4-97 Nowshera	18-11-2017	20-7-2018	20-7-2018	12	-do-	12	20-7-2018	Small Dams (P&C) Peshawar	Working as Sub Engineer
30	Mr. Bakht Munir B.Tech: (Hons) from preston University Peshawar	2-4-1991 Mohmand Agency	30-3-2015	20-7-2018	20-7-2018	12	-do-	12	20-7-2018	Swat Irr: Divn: Swat	Working as Sub Engineer
31	Muhammad Awais, B.Tech: (Hons) from Abaseen University Peshawar	20-7-1990 Malakand	16-10-2016	20-7-2018	20-7-2018	12	-do-		20-7-2018	Malakand Division	Working as Sub Engineer

32	Mr. Noor Faraz B.Tech (Hons) B.Tech:(Hons) from CECOS University Peshawar, passed Grade B on 15-10-2020	15-4-1993 NW Agency	13-01-2017	20-7-2018	20-7-2018	12	-do-	12	20-7-2018	Irr. & Hydel SW	Working as SDO (OPS)
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No. 2445 /North/

Dated Peshawar the 23 /06/2022

CHIEF ENGINEER

Copy forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Irrigation Department Peshawar w/r to above for information..
 2. Chief Engineer (South) Irrigation Department .
 3. Chief Engineer (Merged Area) Irrigation Department Peshawar.
 4. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
 4. Project Director Remodeling/PHLC/Rehabilitation/Jabba Dam /Raising of Baran Dam and Siran Right Bank Canal.
 5. All Superintending Engineers in Irrigation Department.
 6. All Executive Engineers Irrigation Department .
- The are requested to note the seniority list from all concerned and appeal if any against the seniority list may be submitted to this office for further disposal please.

CHIEF ENGINEER