

Appeal No, 31/2018
Titled "Shah Nawaz Khan-vs-Establishment Department and others"

ORDER:

4th Oct, 2022

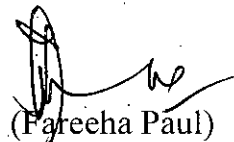
1. Appellant alongwith his counsel present. Syed Naseer Ud Din Shah, Assistant Advocate General for respondents present.

2. At the very outset, learned Asst: AG refers to the last line of para-4 of the reply of the respondents and submitted that the case of the appellant for the desired relief had been taken up by the respondents with the previous department of the appellant, which was still under process and the respondents, at the Khyber Pakhtunkhwa, were waiting for the response from the Pak PWD Islamabad. Learned counsel for the appellant submits that if the department undertakes that they would send the reminder and try to get response from the Pak PWD Islamabad within thirty days of receipt of this order the appellant would be satisfied with that and in case the appellant was aggrieved of the response he may adopt the proper legal procedure for that. Disposed off in the above terms. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 4th day of October, 2022.*



(Kalim Arshad Khan)
Chairman



(Fareeha Paul)
Member(Executive)

06.12.2021

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Former seeks adjournment being not prepared for arguments today. Adjourned. Case to come up for arguments on 10.03.2022 before the D.B.


(Salah-ud-Din)
Member (J)


Chairman

10-3-22

*Due To Retirement of the Hon'ble
Chairman the case is adjourned to come
up for the same as before on
27-6-22*

*Yaqub
Reader*

27.06.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 04.10.2022 before the D.B.

*Counsel was
informed telephonically
for the date
fixed 04/10/2022*


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

04.02.2021

Due to COVID-19, the case is adjourned for the same on 03.05.2021 before D.B.

3.5.21


READER

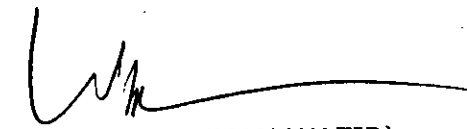
Due to COVID-19, the case is adjourned to 1.9.2021 for the same.


READER

01.09.2021

Mr. Saeed Khattak, Advocate for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he is not feeling well. Adjourned. To come up for arguments before the D.B on 06.12.2021.

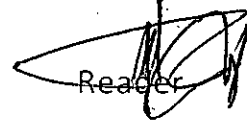

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.5.2020

Due to COVID19, the case is adjourned to

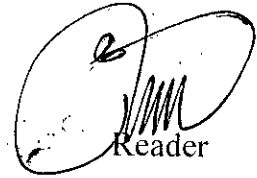
5/8/2020 for the same as before.



Reader

05.08.2020

Due to summer vacation case to come up for the same on 06.10.2020 before D.B.




Reader

06.10.2020

Representative of appellant on behalf of appellant present.
Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, the case is adjourned to 24.11.2020 for arguments, before D.B.



(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

24.11.2020

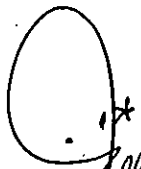
Due to non-availability of D.B, the case is adjourned to 04.02.2021 for the same as before.



Reader

13.03.2020

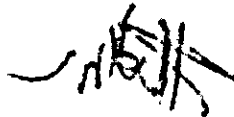
Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. {Adjourned. To come up for arguments on 13.05.2020 before D.B.



Member



Member



23.09.2019 Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Mr. Zia Ullah learned Deputy District Attorney for the respondents present Adjourned. To come up for arguments on 28.11.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.11.2019 Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 23.01.2020 before D.B.


Member

Member

23.01.2020 Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 13.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

11.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Abbas Khan, Senior Clerk on behalf of respondents no. 1 and 2 present. Neither anyone present on behalf of respondent no.3 nor his written reply submitted. Notices be issued to respondent no.3 for submission of written reply/comments. Case to come up written reply/comments on behalf of respondent no.3 on 08.07.2019 before S.B.

(Ahmad Hassan)
Member

08.07.2019

Counsel for the appellant and Addl: AG for respondents No. 1 and 2 present. Despite notice to respondent No. 3 written reply/comments has not been submitted on behalf of said respondent. To come up for arguments before the D.B on 23.09.2019. The appellant may submit rejoinder to the joint parawise comments uof respondents No. 1 & 2 within a fortnight, if so advised.

Chairman

Service Appeal No. 31/2018

03.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents No. 1 & 2 already submitted. Representative of respondent No. 3 is not present nor written reply submitted therefore, notice be issued to respondent No. 3 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondent No. 3 on 14.03.2019 before S.B.


Muhammad Amin Khan Kundi
Member

14.03.2019

Learned counsel for the appellant present. Written reply on behalf of respondents No.1 & 2 already submitted. Representative of respondent No. 3 absent. He be summoned with the direction to furnish written reply/comments. Last opportunity is granted. Adjourn. To come up for written reply/comments on 17.04.2019 before S.B


Member

17.04.2019

Learned counsel for the appellant present. Written reply on behalf of respondent No.3 is still awaited. Khurshid Ali Executive Engineer representative of respondent No.3 present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on behalf of respondent No.3 on 11.06.2019 before S.B.

Member

07.08.2018

Neither appellant nor his counsel present. Mr. Naraish Kumar, Senior Clerk alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of respondents no. 1 and 2 submitted which is placed on file. To come up for written reply of respondent no.3 on 28.09.2018 before S.B.

28.09.2018

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents No. 1 & 2 present who already submitted written reply. Fresh notice be issued to respondent No. 3 through registered post for submission of comments on 15.11.2018 before S.B by way of last chance.

Chairman

15.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 03.01.2019. Written reply not received.

Reader

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days therefore, notice be issued to the respondents for written reply/comments for 16.04.2018 before S.B.

MA
(Muhammad Amin Khan Kundi)
Member

16.04.2018 Counsel for the appellant and Addl: AG for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 02.05.2018 before S.B.

Member

02.05.2018 None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 25.06.2018.


Reader

25.06.2018 Neither the appellant nor his counsel present. Mr. Muhammad Jan, DDA alongwith Mr. Abbas Khan, Junior Clerk representative of the respondent No. 1 present. None present on behalf of respondents No. 2 & 3. Therefore, fresh notices be issued to the respondents No. 2 & 3 for attendance. Written reply not submitted on behalf of respondents. Representative of the respondent department requested for adjournment. Granted. To come up for written reply/comments on 07.08.2018 before S.B.

S
Chairman

09.02.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 02.03.2018 before S.B.


(Ahmad Hassan)
Member(E)

02.03.2018

Counsel for the appellant present. Learned counsel for the appellant submitted application alongwith some additional documents for placing the same. The same is placed on record. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was in Federal Government Department Pak PWD and during service some posts were advertised under the Government of Khyber Pakhtunkhwa in C&W Department through Public Service Commission. It was further contended that the appellant applied for the said post through proper channel and he was selected for the post under the Government of Khyber Pakhtunkhwa and in order to join new post he tendered resignation from Federal Government the appellant then resigned his post and join his new post on 07.11.2011. It was further contended that C&W Department is reluctant to count his previous service although the said C&W Department is bound in view of CSR 418 (b) to count the previous service for the purpose of pensionary benefits. It was further contended that earlier the appellant filed service appeal since there was no original or appellate order therefore, this Tribunal treated that service appeal as departmental appeal and the department was directed to dispose the said departmental appeal with in a period of two months otherwise it shall be presumed that the departmental appeal has been dismissed. It was further contended that since the department has not decided that departmental appeal therefore, the appellant has filed the present service appeal and requested that the C&W Department may be directed to count the pervious service of the appellant.

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Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 31/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	8/1/2018	<p>The appeal of Mr. Shah Nawaz presented today by Mr. Muhammad Saeed Khattak Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 21/1/18</p>
2-	11/01/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/01/18.</u></p> <p style="text-align: right;">CHAIRMAN</p>
	22.01.2018	<p>Counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary on <u>09/02/18</u> before S.B.</p> <p style="text-align: right;">(Muhammad Hamid Mughal) Member (J)</p>

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 31 /2018

Shah Nawaz Khan

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa & Others.....

(Respondents)

I N D E X

S.No.	Description of Documents	Annexure	Pages
01	Memo of Service Appeal		
02	Copies of the relevant documents	A	
03	Copy of the appointment order in NES Pak	B	
04	Copies of the relevant documents	C	
05	Copy of the departmental appeal	D	
06	Copies of the Service Appeal	E	
07	Copies of comments	F	
08	Copies of the order/ judgment dated 29.09.2017	G	
08	Copies of the representation dated 13.10.2017	H	
09	Copies of Service Appeal No. 124/2004 and judgment dated 10.05.2004.	I	
10	Copy of the letter from Public Service Commission Office	J	
11	Wakalatnama		

Dated:- 05.01.2018

Appellant

Through

Muhammad Saeed Khattak

Advocate, Peshawar.

Mob. 03336272753

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①

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 31 / 2018

Shah Nawaz Khan S/O Said Bahadar (Assistant Executive Engineer) C & W R/O village Wartair Tehsil Dargai Malakand Agency.

..... (Appellant), Pakhtunkhwa
Service Tribunal

Diary No. 16

Dated 08-01-2018

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Communication & Works Department
2. Secretary, Establishment both at Civil Secretariat Peshawar.
3. Secretary Pakistan Public works Department, Islamabad.

..... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF RESPONDENT NO.1 WHEN EARLIER SERVICE APPEAL BEARING NUMBER 69 /2015(WHICH WAS TREATED AS SERVICE APPEAL VIDE ORDER DATED 29.09.2017) WAS NOT RESPONDED IN TIME PERIOD OF TWO MONTHS AS DIRECTED BY THIS HON'BLE TRIBUNAL.

PRAYER – IN – APPEAL

ON ACCEPTANCE OF THE INSTANT APPEAL THE RESPONDENT CONCERNED MAY VERY GRACIOUSLY BE DIRECTED TO EXTEND THE APPELLANT THE BENEFIT OF HIS PREVIOUS SERVICE WITH NESPAK i.e. FROM 14.08.2005 TO 23.08.2006 & PAK PWD i.e. FROM 09.07.2007 TO 10.01.2011 FOR THE PURPOSE OF SENIORITY / INCREMENTS/ PENSION/ PROMOTION ETC AS WELL DIRECTING THE RESPONDENT NO. 1 TO PLACE THE APPELLANT'S NAME AT APPROPRIATE PLACE IN THE SENIORITY LIST AFTER DOING THE

NEEDFUL.

Respectfully Sheweth;

1. That the appellant is serving as Assistant Executive Engineer in BPS 17 in the department under the kind command of respondent No. 1 since 11th January

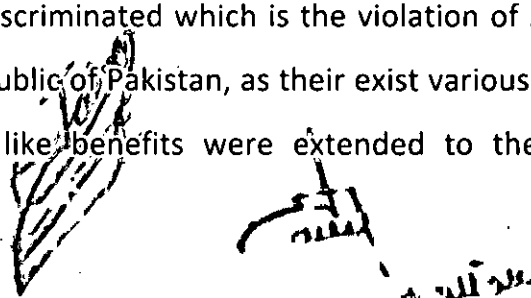
Filed to-day
Registrar
8/1/18

2011 after his appointment on the recommendations of KPK Public Services Commission. (Copies of the relevant documents are attached as annexure A)

2. That prior to the above mentioned post the appellant, the appellant soon after completion of his graduation in Civil Engineering from University of Peshawar joined National Engineering Services of Pakistan (pvt) limited as Engineer Grade – 8(a) GT & GE division vide appointment order having No. 7894/1201/KN/E/17914-17 dated February, 2006 from August 23, 2005 to August 23, 2006. (Copy of the appointment order in NES Pak is attached as annexure B)
3. That consequent upon the recommendation of the Federal Public Service Commission the appellant was appointed and posted to Central Civil Division No. II Pak PWS Peshawar, whereby he joined the same on 09.07.2007. (Copies of the relevant documents are attached as annexure C)
4. That the appellant applied for the post of Assistant Executive Engineer through proper channel and before joining the same he brought the question of his previous service in the knowledge of Respondent No. 1 and he was assured that his previous service will be counted towards seniority and pension etc after assuming the duties.
5. That the appellant, thereafter, time and again requested the authorities for counting his previous service in other departments having the same nature responsibilities in the same basic pay scale, but every time his request was not heard on one pretext or the other.
6. That after getting no positive response the appellant preferred a departmental appeal to respondent No. 1 on 01.10.2014, which was not decided in the statutory period. (Copy of the departmental appeal is attached as annexure D)

- (13)
7. That the appellant, then filed a Service Appeal in the Hon`ble KPK Service Tribunal which was numbered as 69/2015. (Copies of the Service Appeal are attached as annexure E)
 8. That the respondents No. 1 & 2 filed there written comments. (Copies of comments are attached as annexure F)
 9. That vide order/ judgment dated 29.09.2017 this Hon`ble Service Tribunal was pleased in considering the same as departmental appeal and further observed that in case the departmental appeal is not decided within two months it shall be presumed that the departmental appeal has been dismissed. (Copies of the order/ judgment dated 29.09.2017 is attached as annexure G)
 10. That after getting the copies of the order/ judgment dated 29.09.2017; the appellant presented the same before respondent No. 1 along with representation on 13.10.2017. (Copies of the representation are attached as annexure H)
 11. That having on other alternate remedy the appellant prefers the instant Service Appeal, inter alia, on the following amongst others;

GROUNDS

- A. That the appellant has not been treated in accordance with law nor equal protection of law has been extended to him.
 - B. That the appellant has been discriminated which is the violation of Article 25 of the Constitution of Islamic Republic of Pakistan, as their exist various examples in the department where such like benefits were extended to the concerned officials.
- 

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Office of Service Address No. 12/12

12/12/12

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C. That this Hon`ble Tribunal vide its judgment dated 10.05.2004 in Service Appeal No. 124/2004 having a title as Syed Daud Jan Vs Government granted the appellatnt the benefits of his previous service which he rendered in any other department. Furthermore that judgment was not challenged before the apex court. This act of the respondent concerned of not extending the benefits of previous service to the appellatnt is in the violation of the precedent established by the Hon`ble Supreme Court of Pakistan in a case law reported as 2009 SCMR 1.

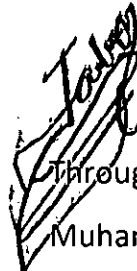

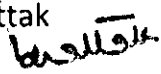
~~(Copies of the appeal No. 124/2004 and judgment dated 10.05.2004 are attached as annexure J)~~

D. That the appellatnt applied for the post in the department under the kind control of respondent No. 1 through proper channel and submitted Departmental Permission Certificate in the Public Service Commission Office on their demand. (Copy of the letter from Public Service Commission Office is attached as annexure J)

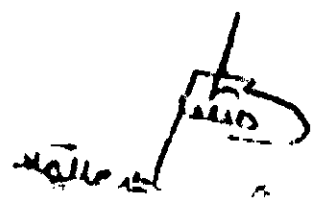
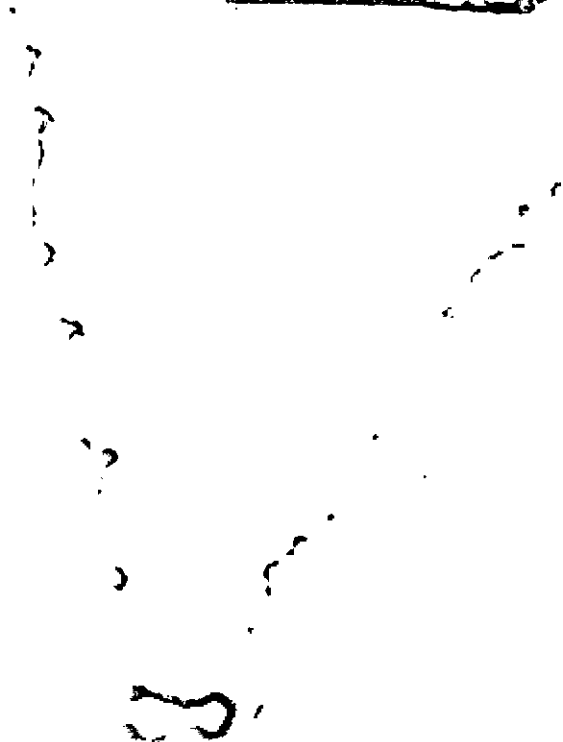
E. That there is no break in the service of appellatnt. He joined the service in the department of C & W on 11.01.2011 and relinquished charge in Pak PWD w.e.f. 10.01.2011. Therefore in the light of Civil Service Regulation (C.S.R.) regulation No. 418(b) Resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the public service.

F. That any other ground can also be taken during the arguments with permission of this Hon`ble Service Tribunal.

It is therefore most humbly prayed that the instant service appeal may kindly be allowed as per prayer and any other relief which has not been specifically asked for and deems fit in the circumstances of the case may also be granted to the appellatnt.


Appellant
Through

Muhammad Saeed Khattak
Advocate, Peshawar. 

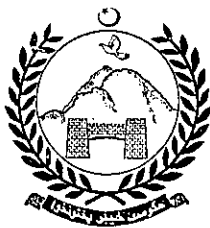
(11)



30.1.2011

11.11.11

MOST IMMEDIATE



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-14/79
Dated Peshawar, the October 07, 2010

TO

All Concerned Candidates

Subject: RECRUITMENT OF ASSISTANT ENGINEERS CIVIL (BS-17) IN
COMMUNICATION AND WORKS DEPARTMENT

I am directed to refer to DG Health Services Khyber Pakhtunkhwa letter No. 8030/Medical dated 07.10.2010, whereby he has informed to direct 53 Nos newly recruited Assistant Engineer (BS-17) C&W Department to appear before the Medical Superintendents Police/Services Hospital Peshawar for medical examination to be carried by the Standing Medical Board Committee on 20.10.2010 at 9.00 AM alongwith National Identity Card.

2. You are, therefore, hereby informed to appear before the Medical Superintendents Police/Services Hospital Peshawar for medical examination on the above mentioned date, time and venue.


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to the:

- 1) Director General Health Services Khyber Pakhtunkhwa, Peshawar w/r to this letter referred above
- 2) PS to Secretary C&W Department

SECTION OFFICER (ESTT)

6

MOST IMMEDIATE



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-14/79
Dated Peshawar, the October 01, 2010

TO

The Director General
Health Services
Khyber Pakhtunkhwa
Peshawar

Subject: RECRUITMENT OF ASSISTANT ENGINEERS CIVIL (BS-17) IN
COMMUNICATION AND WORKS DEPARTMENT

I am directed to refer to the subject noted above and to state that following candidates have been recommended by the Khyber Pakhtunkhwa Public Service Commission for appointment as Assistant Engineers (BS-17) in the C&W Department:

Sl. No.	Name with Father's Name	Address
1)	Ghulam Moin-ud-Din S/O Abdul Rehman	Flat No.14-A, Karachi market, Khyber Bazar, Peshawar City
2)	Zeeshan Ahmad S/O Hamesh Gul	House No.175, Street No.6, Sector F-7, Phase-6, Hayatabad, Peshawar
3)	Naveed Khan S/O Karim Khan	House No.1762, Street Fazl-e-Haq Shahibzada, Yakatooth, Peshawar
4)	Sami Ullah S/O Inayatullah Kundi	House No.81, Street No.1, Sector N-2, Phase-IV, Hayatabad, Peshawar
5)	Eid Badshah S/O Abdul Munir Khan	Directorate General Excise & Taxation Khyber Pakhtunkhwa, Peshawar
6)	Fawad Ahmad Abbasi S/O Nisar Ahmad	House No.118, Main Street, Phase-I, Fazal Town, Airport Road, Rawalpindi
7)	Arsalan Zeb S/O Alam Zeb	Mohallah Allah Dad Khel, Village & P.O. Marghuze District & Tehsil Swabi
8)	Muhammad Naveed Khan S/O Rehman Sher	House No.E-03, Postal Colony, Kohat Road, Peshawar
9)	Muhammad Imran S/O Fazal Ali	Room #126, Hostel No.6, Agriculture University, Peshawar
10)	Muhammad Irfan S/O Muhammad Subhan	C/O Dr. Professor Muhammad Subhan Khattak, Islamia College, University Peshawar
11)	Shahab Khan S/O Muhammad Akram Khan	House No.3, Sector K-I, Phase-III, Hayatabad, Peshawar
12)	Waqas Arshad Tanoli S/O Muhammad Arshad Tanoli	Mohallah Committee, Committee Street Tehsil Havalian, District Abbottabad
13)	Muhammad Riaz Khan S/O Zarbaft Khan	House No.22, Lalazar Street, Arbab Road, Tehkal Bala, Peshawar

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-2-

14)	Waqas Ali Shah S/O Mohib Ali Shah	House No.5331, Nusrat Shah Mangal, Lakar Mandi, Dabgari, Shah Qabool Peshawar City
15)	Muhammad Shoaib S/O Badshah Noor	Village & P.O. Dallon Tehsil Thall, District Hangu
16)	Fazli Wahab S/O Fazli-Rehman	House No.135, Sector E-7, Phase-7, Hayatabad, Peshawar
17)	Abdul Wadood S/O Mehboob-ur-Rehman	C/O Nasrullah Khan Khattak House No. G-4, Old Jamrud Road, University Town, Peshawar
18)	Safeer Gul S/O Gul Rehman	Village & P.O. Bherkund, Mohallah Swatian, Tehsil & District Mansehra
19)	Zarak Farooq S/O Farooq Anwar	House No.14, Last Street, Old Jamrud Road, University Town, Peshawar
20)	Akhtar Gul S/O Tamma Gul	Department of Civil Engineering, Campus-III, Bannu-DIKhan Road, Bannu
21)	Azam Amir S/O Amir Ali	House No.88, Street No.04, Saeed Abad No.02, Zaryab Extension, Dalazak Road, Peshawar City.
22)	Syed Hakim Shah S/O Syed Naimat Shah	House No.S-1/17, Civil Quarters Peshawar Cantt.
23)	Muhammad Kamal S/O Gul Payao	Village & P.O. Tajazai, District Lakki Marwat.
24)	Mehdi Raza S/O Kifayat Hussain	House No.147, Sector J/I, Street No.7, Phase-II, Hayatabad, Peshawar
25)	Babar Majeed S/O Abdul Majeed	House No.146, near Ziarat Wali Muhammad Nothia Qadeem, Peshawar Cantt.
26)	Muhammad Zahid S/O Saif-ur-Rehman	C/O Jamil-ur-Rehman House No.46/3D, Street No.5, near Masjid Rooh-i-Sakoon, Habibullah Colony, Abbottabad
27)	Rafi Ullah S/O Ghulam Nabi	Dr Ghulam Nabi House, Muhallah Saeed Khel, Tehsil & District Lakki Marwat.
28)	Muhammad Naeem S/O Muhammad Yaqoob	Muhallah Pathana Wali village & P.O. Sarai Salah Tehsil & District Haripur
29)	Abid Ali S/O Khurshid Ali	House No.298, Sector E-6, Phase-7, Hayatabad, Peshawar
30)	Inayat-ur-Rehman S/O Saeed-ul-Mastan	Village & P.O. Qazi Abad, District & Tehsil Mardan
31)	Aamir Javaid S/O Javaid Iqbal	C/O Genial Pharma 2 ND Floor, USM Plaza, Khyber Super Market, Peshawar Cantt.
32)	Muhammad Umair Anwar S/O Muhammad Anwar Tahir	H.M. Umair Anwar C/O Liaqat Ali Khan Postman, Tehsil and District Battagram
33)	Muhammad Afaq Khalid S/O Khalid Shah	House No.537, Sector K4, Phase-III, Hayatabad, Peshawar
34)	Muhammad Bilal Afzal S/O Sher Afzal Khan	House No.3, opposite Pine Way Model School Jhangi Syedian, Abbottabad
35)	Haseeb-ur-Rehman S/O Siddiq-ur-Rehman	Rehman Street, Kaghan Colony, P.O. Mandian, Abbottabad
36)	Waqas Khan S/O Pervaiz Khan	House No.B-79, Sikandar Town, Peshawar
37)	Mohsin Zafar S/O Zafar Iqbal	House No.1325, Aziz Building Tipu Sultan Road, Peshawar Cantt

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38)	Sayed Nasir Jahan S/O Shah Jehan	SD House No.129, Defence Officer's Colony, near Gora Qabristan, Peshawar Cantt.
39)	Farman Ullah S/O Zaif Khan	Village Dabli Lawagher, Post Office Karak, Tehsil and District Karak.
40)	Sifat Ullah Khan S/O Feroz Khan	Karak Wazir Painda Khel, Kotka Haji Jee Khan P.O. Al-Markaz-ul-Islami, Ghoriwala, District & Tehsil Bannu
41)	Azmat Ullah S/O Ali Marjan	C/O Dr Mir Khadim Khan Masood, East Circular Road Tank
42)	Maqbool-e-Azam S/O Sher Azam	C/O MS Peshawar Pipes and Construction Company, 4-B Madni Market, Khyber Bazar Peshawar
43)	Zia-ul-Islam S/O Atta Muhammad	House No.11, Civil Officer's Mess, SAQ Road, Peshawar Cantt
44)	Muhammad Nisar Khan S/O Mir Sahib Khan	Engineering Staff Hostel near PDA Phase-V, Hayatabad, Peshawar
45)	Abdul Tahir Jamil S/O Abdul Jameel	House No.592, Street No.18, Sector-5, Sheikh Maltoon Town, Mardan
46)	Shah Nawaz Khan S/O Said Bahadar	Village Wartair, P.O. & Tehsil Dargai Malakand Agency
47)	Muhammad Usman Yousaf Shinwari S/O Amir Azam	House No.613, Street No.69, Sector I-8/3, Islamabad
48)	Farman Ullah S/O Farid Gul	House No.44, Sector No.3, Street No.3, Phase-IV, Hayatabad, Peshawar
49)	Javed Iqbal Khan S/O Haji Mir Sarwar Khan	House No.101, Sector No.K-1, Street No.4, Phase-III, Hayatabad, Peshawar
50)	Zain-ul-Abidin S/O Sultan Hussain	Mohallah Nura Khel, Village & P.O. Gujar Garhi, Tehsil & District Mardan
51)	Imad Ahmad S/O Sajjad Ahmad	House No.251, Street No.1, Sector J-4, Phase-II, Hayatabad, Peshawar
52)	Abid Khan S/O Naik Amal Khan	Village & P.O. Totakan, Tehsil Batkhela Malakand Agency
53)	Nouman Bashir S/O Muhammad Bashir	House No.5256, Sadiqia Street, Opposite Abu zer Ghafari Mosque; Eid Gah, DIKhan.

2. It is requested that Special Medical Board may please be constituted to medically examine the above candidates and furnish report to this Department immediately, so proceed further in the case.

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy forwarded to the:

- 1) Candidates mentioned above for information and necessary action
- 2) PS to Secretary C&W Department


SECTION OFFICER (ESTT)







NATIONAL ENGINEERING SERVICES PAKISTAN (PVT) LIMITED

NESPAK HOUSE: 1-C, Block-N, Model Town Extension, Lahore 54700, Pakistan



Established Since
1973

7894/1201/KN/E/ 17914-17

February 22, 2006

✓ Mr. Shah Nawaz Khan
Engineer Grade-8(a)
GT&GE Division

To supersede letter No.
21/1201/UA/M/2172-76
dated August 08, 2005

APPOINTMENT LETTER

Dear Sir,

This is with reference to your application dated January 02, 2005 and your subsequent interview on February 24, 2005 in National Engineering Services Pakistan (Pvt.) Limited (the "Company") for temporary appointment as Engineer. You have represented to the Company that you have adequate experience, expertise and skill with regard to the temporary nature of services required by the Company.

Relying on the representation made by you, the Company hereby offers you employment on temporary basis for the post of Engineer in its Geotechnical & Geo-environmental Engineering Division.

The terms and conditions of the said employment will be as under:

1. Your employment with the Company is of temporary nature and shall be only for one year commencing on August 24, 2005 and ending on August 23, 2006 on completion of the tenure of one year.
2. Your services with the Company are co-terminus on one month's notice or one month's salary in lieu of notice by either side if it is not required by the Company before the completion of one year or you decide to leave the job.
3. You will perform such tasks and undertake such responsibilities as may be assigned to you by the Company.

ZAFAR/Asif/Shahnawaz
Telephone : 92-42-5209000 Fax : 0092-42-5160509
E-mail : <info@nespak.com.pk>, <nespak@wol.net.pk>
P.O.Box : 1351 Lahore
Web Site: www.nespak.com.pk



Certificate No: 9603539

GOVERNMENT OF PAKISTAN
PAKISTAN PUBLIC WORKS DEPARTMENT

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16

NO. AI-717/700 (1653).

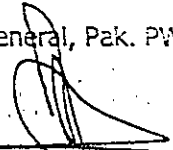
Islamabad the 14/06/2007.

3009
22/6/07

OFFICE ORDER

Consequent upon his selection by the Federal Public Service Commission for appointment as Assistant Executive Engineer (Civil) (BS-17) and on acceptance of terms and conditions of offer of appointment contained in Ministry of Housing & Works Memo NO.F.2 (7)/2005-Admn.III, dated 24.05.2007, Mr. Shah Nawaz Khan, S/O Said Bahadar is hereby posted to Central Civil Division NO.II, Pak. PWD, Peshawar against existing vacancy w.e.f the date of he actually joins duties. On his joining the department, he will first remain on practical training for a period of three months and will not be entitled to TA/DA.

2. This issues with the approval of Director General, Pak. PWD.


(M.B.KHATTAK)
Joint Administrative Officer
u Tele: - 9261157

Distribution: -

1. Mr. Tahir Mehmood Qureshi, Section Officer (Admn.III), Ministry of Housing & Works, Islamabad.
2. Chief Engineer (North), Pak. PWD, Islamabad. It is requested that: -
 - (i). Assumption charge report on TR.I form be sent to this office.
 - (ii). The practical training for three months be arranged and on completion of the training, training report of the above named Assistant Executive Engineer may be sent to this office with comments. Moreover, at the end of the training the Chief Engineer and Superintending Engineer concerned should jointly interview the trainee for oral test and convey their assessment whether the trainee is fit to be posted at site or in the office.
3. Directorate of Budget & Accounts, Pak. PWD, Islamabad. It is requested that payment of salary may not be made to the above named Assistant Executive Engineer until and unless the event of joining is notified by the Ministry of Housing & Works.
4. Superintending Engineer, Central Civil Circle, Pak. PWD, Peshawar.
5. Executive Engineer, Central Civil Division NO.II, Pak. PWD, Peshawar. Further necessary action as stated in the endorsement of S.NO.2 above be taken.
6. Mr. Shah Nawaz Khan, S/O Said Bahadar, Village Wartair, P.O. Dargai, Malakand Agency, NWFP. He is advised to report for duty in Central Civil Division NO.II, Pak. PWD, Peshawar immediately. He is further advised to furnish following documents to this office immediately: -
 - (i). Original medical fitness report issued by the Central Health Establishment.

gac

gac

ED/SA

GOVERNMENT OF PAKISTAN
PAKISTAN PUBLIC WORKS DEPARTMENT

(11)

NO.AI-717/700(1653)

Islamabad the, 31/08/07

To,

Mr. Tahir Mehmood Qureshi,
Section Officer (Admn.III),
Ministry of Housing & Works,
Islamabad.

3980
30/8/07

Subject:- RECRUITMENT TO THE POST OF ASSISTANT EXECUTIVE ENGINEER (CIVIL) (BPS-17), IN THE PAKISTAN PUBLIC WORKS DEPARTMENT, ON THE RECOMMENDATION OF FEDERAL PUBLIC SERVICE COMMISSION.

Dear Sir,

Kindly refer to the Ministry of Housing & Works, Islamabad letter No.F.2(7)/2005(Admn-III), dated 24.05.2007, on the subject noted above and to state that Mr. Shah Nawaz Khan S/O Said Bahadar, has accepted the offer for appointment to the post of Assistant Executive Engineer (Civil) (BPS-17), and has reported for duty in Central Civil Division No.II, Pak. PWD, Peshawar on 09.07.2007. The following documents are sent herewith: -

- (i). Assumption charge report on TR-I Form.
- (ii). Medical fitness certificate issued by the Directorate of Central Health Establishments, Islamabad, dated 14.06.2007.

2. It is requested that the event of joining of above named Assistant Executive Engineer may kindly be notified at an early date.

Yours faithfully,

Encl: - As above.

(M.B.KHATTAK)
JOINT ADMINISTRATIVE OFFICER
PH:9261157

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

- (1). The Chief Engineer (North), Pak. PWD, Islamabad. It is requested that on completion of training, training notes may be sent to this office with comments.
- (2). The Director of Budget & Accounts, Pak. PWD, Islamabad.
The following documents are sent herewith: -
 - (i). Assumption charge report on TR-I Form.
 - (ii). Medical fitness certificate issued by the Directorate of Central Health Establishments, Islamabad, dated 14.06.2007.
- (3). ✓ The Superintending Engineer, Central Civil Circle, Pak. PWD, Peshawar.
- (4). The Executive Engineer, Central Civil Division No.II, Pak. PWD, Peshawar.
- (5). Mr. Shah Nawaz Khan S/O Said Bahadar, Assistant Executive Engineer, Central Civil Division No. II, Pak. PWD, Peshawar.

Encl: - As above.

JOINT ADMINISTRATIVE OFFICER

PE
EF
USA

of

of

(12)

5864
03/12/07

GOVERNMENT OF PAKISTAN
PAKISTAN PUBLIC WORKS DEPARTMENT

No.CCDP-II/A-9/ 2165

Dated 2-11/2007

OFFICE ORDER.

In accordance with Chief Engineer (North) Pak PWD Islamabad's Office Order No. CEN/Estt/PF/507/5550 dated 13-11-2007, Mr Shah Nawaz Assistant Executive Engineer, has joined his duty in this Division on 15-11-2007, and posted in Sub Division No.-I under this Division against the existing vacancy.

(MUHAMMAD ASIF)
Executive Engineer
Central Civil Division No.II
Pak.P.W.D, Peshawar.

Copy to:-

1. The Chief Administrative Officer Pak PWD Islamabad.
2. The Chief Engineer (North), Pak PWD Islamabad with reference to office Order No. referred to above.
3. The Superintending Engineer, Central Civil Circle, Pak PWD Peshawar.
4. CH: Moeen-ud-Din Assistant Executive Engineer-IV under this Division. He is directed to handover the complete charge of Sub Division-I to Mr. Shah Nawaz Assistant Executive Engineer.
5. Mr. Shah Nawaz Assistant Executive Engineer. He is directed to takeover charge of Sub Division-I from Ch: Moeen-ud-Din Assistant Executive Engineer-IV.
6. The Divisional Accounts Officer Under this Division.
7. The Master file.


Executive Engineer-II

S/A

CTC

CTC

13

INCUMBANCY STATEMENT (TECHNICAL / NON TECHNICAL STAFF) FOR THE MONTH OF 07/2008 IN RESPECT OF CENTRAL CIVIL DIVISION.NO.II. PAK PWD. PESHAWAR.

S. No	Name of Officer/ Official	Designation with BS	Date of Birth	Date of Appott:	Date of Promotion to present post	Date of Posting in office	Domicile with District	Central /Sub Ordinate Cadre	Post/ Address with Phone No.	Work Entrusted
1	Muhammad Asif	Executive Engineer (16)	14/10/1958	1987	06/2005	3/3/2007	Punjab Gujranwala	Central	950 St.95 I-10/1 Islamabad	Incharge of Divisional Office.
2	Shah Nawaz Khan	Asstt Executive Engineer (17)	7/4/1980	09/07/2007	Direct	9/7/2007	NWFP Dargai	Central	Village Wartair P.O & Tehsil Dargai Malakand Agency NWFP Ph: No. 0932-302291 Mob: No. 0346-62699826	Incharge of Sub Division-I
3	Noor Zada Khan Wazir	Asstt Executive Engineer (17)	06/04/1957	13/04/2005	Direct	20/08/2005	FATA	Central	Vill: Seerkaf North Waziristan Agency	Incharge of Sub Division-II
4	Muhammad Tahir	Asstt Executive Engineer (17) / Asstt. Quantity Surveyor	04/01/1952	20/05/1974	23/03/1994	25/04/2003	Punjab Toba Tek Singh	Central	H.No.8-D, CGE Colony Hassan Garhi, Shami Road, Peshawar.	Incharge of Sub Division-III
5	Ch. Moeen-ud-Din	Asstt Executive Engineer (17)	21/11/1953	19/05/1975	Promotion	12/12/2006	Punjab Sialkot	Central	F-31 PFI Peshawar.	Incharge of Sub Division-IV
6	Muhammad Iqbal Kausar	Divisional Accounts Officer (16)	1/12/1953	23/05/1974	13/02/1985	7/3/2006	Punjab Lahore	Central	H.No-58 Street.No.2 Mohallah Mustafabad Tob-Tek Singh	Incharge of the Accounts Branch of Divisional Office
7	Vacant	Stenotypist (14)								
8	Muhammad Nisar	Sub Engineer (11) (Sub Division-I)	01/04/1962	16/03/1983	Direct	30/11/1995	NWFP Malakand Agency	-do-	Bannu. Qtr.No.D-102-FG Colony PH-V Hayatabad, Peshawar.	i)KPP-I, NA-33 & 34 (Upper / Lower Dir) completed worksii) R.T.I building at hayatabad Peshawar. (iii) F.P.S.C Branch H/Abad Pesh. iv) T & P Charges
9	Aftab Ahmed	Sub Engineer (11) (Sub Division-I)	14-08-1980	25-07-2005	Direct	25-09-25-09-2007	NWFP Karak	-do-	Village and P.O Ghundi Mir Khan Khel Tehsil & Distt: Karak.	ii) Up-gradation strengthening of Seismological Net work of PMD Ph.I, Basic Component of Tsunami Earth Warning System (New work) iii)Const:of FIA Police Station at Peshawar. iv) Const: of 12 Room Hostel at RMC
10	Atta-ur-Rehman	Sub Engineer (11) (Sub Division-IV)	01/04/1966	20/11/1989	Direct	27/09/2004	NWFP Malakand Agency	-do-	Qtr.No.51-E,CGE Colony Hassan Garhi, Shami Road, Peshawar.	i)AR & MO PFI, Complex at Peshawar.
11	Muhammad Nisar	Sub Engineer (11) (Sub Division-III, dual charge)	01/04/1962	16/03/1983	Direct	30/11/1995	NWFP Malakand Agency	-do-	Qtr.No.D-102-FG Colony PH-V, Hayatabad, Peshawar.	i)AR & MO CGE Colony, Welfare office and Federal Government Dispensary at Hassan Garhi Peshawar. ii)Pak PWD, Office Complex.
12	Noor Zaman	Sub Engineer (11) (Sub Division-IV)	01/12/1974	28/05/2004	Direct	28/02/2007	NWFP	-do-	Mohallah Jaji Purdil Khan Janglel Khel Kohat.	Renovation and Improvement / Special Repair at PFI.

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To

The Secretary to Govt of
Khyber Pakhtunkhwa
C&W, Department, Peshawar

Subject:

Request for continuing of Previous Service in Pak PWD From
09.07.2007 to 10.01.2011 for the purpose of increments/pension.

Secretary
C&W Departme
Peshawar

Dear Sir,

It is submitted that I have served as Assistant Executive Engineer/SDO in BS-17 (Regular) in Pakistan Public Works Departments (Pak PWD) from 09.07.2007 to 10.01.2011 selected through Federal Public Service Commission. I joined C&W Department on 11.01.2011 as Assistant Engineer/SDO BS-17 and relinquished the charge in Pak PWD w.e.f. 10.01.2011 (A.N).

Being of Federal Government employee from 09.07.2007 to 10.01.2011, I am entitled for counting my previous service for the purpose of increments/pension w.e.f. 09.07.2007 as per rules as few others officers have already given the benefit of previous service.

In view of above, it is humbly requested that my request for counting my previous service rendered in Pak PWD as Assistant Executive Engineer/SDO BS-17 may be considered to be counted for the purpose of increments and pension, being qualified of M.Sc (Civil) and obliged.

Your's faithfully,

Dated: 24.07.2015

(Engr. Shan Nawaz Khan)
SDO C&W Sub Division
Shangla

cc
C&W

Annex II

Amended

As

P. examine 35
under rules
a p.v.

14

30.7.15

BEFORE THE HON'BLE K.P.K. SERVICE TRIBUNAL, PESHAWAR

Annex- F
15

Service Appeal No. ----- 2015

Shah Nawaz S/O Said Bahadar (Assistant Executive Engineer) Village
Wartair P/O & Tehsil dargai Malakand Agency.
..... (Appellant)

VERSUS

1. Government of KPK through Secretary Communication & Works
Department.
2. Secretary Establishment , Both at
Civil Secretariat, Peshawar.
3. Secretary Pakistan Public Works Department,
Islamabad..... (Respondents)

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974.**

Respectfully Sheweth.

1. That the appellant is serving as Assistant Executive Engineer in BPS- 17
in department under the kind command of Respondent No.1, since has
taking charge/assuming duties on 11th January 2011. It is pertinent to
mention that appellant along with others was appointed on the
recommendation of the KPK Public Service Commission. (Copies of the
relevant documents are attached as annexure A)
2. That prior to the above mentioned post, the appellant soon after
completion of his graduation degree in Civil Engineering from University
of Peshawar joined National Engineering Services of Pakistan (pvt)
limited as Engineer Grade – 8(a) GT & GE division vide appointment order
having No 7894/1201/KN/E/17914-17 dated February 22, 2006 from

cc
↓
cc

August 24, 2005 to August 23, 2006. (Copy of appointment order is attached as annexure B)

3. That consequent upon the recommendation by the Federal Public Service Commission the appellant was appointed and posted to Central Civil Division No. II, Pak PWD Peshawar, whereby he joined the same on 09-07-2007. (Copies of the relevant documents are attached as annexure C)
4. That the appellant before joining the duties in the department of Respondent No.1 brought the question of his previous service in the knowledge of his superiors and he was assured that his previous service will be counted after assuming the duties.
5. That the appellant, thereafter, time and again requested the authorities for counting his previous in other departments on the same post in the same basic pay scale but due to ill will or due to habitual delaying tactics his genuine request was delayed one way or the other.
6. That after failing in getting any response the appellant, then submitted departmental appeal before respondent No.1, with request for counting his previous service in PAK PWD from 09-07-2007 to 10-01-2011 for the purpose of seniority/increments//pension etc on 01-10-2014, which has not been decided within the statutory period envisaged by the law. (Copy of the departmental appeal is attached as annexure D)
7. That the appellant being aggrieved and dissatisfied with the aforesaid conduct of the respondents concerned seeks indulgence of this Hon'ble Tribunal on the following amongst others

GROUND

- A. That the appellant has not been treated in accordance with law nor has equal protection of law been extended to him.

etc
C-11

- B. That the appellant has been discriminated which is the violation of Article 25 of the constitution, as there exist various precedents in various departments of the province where the benefits of previous services have been extended to the employees concerned.
- C. That this Hon'ble Tribunal too, in Service Appeal No.124/2004 having a title Syed Daud Jan vs Govt. vide its judgment dated 10-05-2004 granted the appellant the benefit of his previous service in any other department. (Copies of the memo of appeal and judgment on the same are attached as annexures E & F respectively)
- D. That the act of the respondents concerned for not counting the appellant's previous similar nature job in same basic pay scale is in violation of the case law cited as 2009 SCMR 1, whose relevant portion is reproduced for the kind perusal of this Hon'ble Tribunal "If a Tribunal or the Supreme Court decided a point of law relating to terms and conditions of a civil servant who litigated and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of said decision be extended to other civil servants also who may not be parties to that litigation instead of compelling them to approach the tribunal or any other legal forum. All citizens are equal before law and entitled to equal protection of law as per Art. 25 of the constitution."
- E. That the appellant even before assuming the charge of his new responsibilities was assured about extending him benefit of his previous towards pensiiinary benefits/seniority/promotion/increments etc. that was the reason the appellant resigned to his previous service and joined the present post in the department under the kind command of respondent No.1.

CPC
[Signature]

Annex - F
19

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 69 OF 2015

Shah Nawaz S/O Said Bahadar
Assistant Executive Engineer
Village Wartair Tehsil Dargai
District Malakand

--- Appellant

VERSUS

1. Secretary to Govt of Khyber Pakhtunkhwa --- Respondents
C&W Department, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department, Peshawar
3. Secretary Pakistan Public Works Department
Islamabad

Joint Para-wise Comments on behalf of Respondents No. 1 & 2

Respectfully Sheweth

Preliminary Objections

- i. That the appeal is not maintainable in its present form.
- ii. That the appellant has never challenged in time any order in which his right were ignored
- iii. That the appeal is pre-mature
- iv. That the appellant has no cause of action and locus standi to file appeal.
- v. That the appeal is time barred

Facts

1. Correct to the extent, that Competent Authority on the recommendations of Khyber Pakhtunkhwa Public Service Commission, appointed the appellant along-with others) as Assistant Engineer (BS-17) in C&W Department on 04.01.2010 (Annex-I). On his arrival, the applicant along-with others was placed at the disposal of Chief Engineers, Superintending Engineer and Executive Engineers for undergoing 04 months practical training/posting against the existing vacancies. The appellant was posted as SDO Building Sub Division Shangla on 06.01.2011 (Annex-II) and after completion of 04 months practical training, the applicant (along-with others) declared passed in VIVA taken by the committee (Annex-III).
2. Pertains to record, need no reply
3. Pertains to record, need no reply
4. Correct to the extent, that the appellant forwarded an application, requested therein for continuing of his previous service for the purpose of increment/pension rendered as Assistant Executive Engineer/SDO in BS-17 (Regular) in Pakistan Public Works Departments (Pak PWD) from 09.07.2007 to 10.01.2011 selected through Federal Public Service Commission and he joined C&W Department on 11.01.2011 as Assistant Engineer/SDO BS-17 and relinquished the charge in Pak PWD w.e.f. 10.01.2011 (A.N) (Annex-IV). The case was processed and referred to Director General Pak PWD Islamabad for comments / views (Annex-V). In response, Pakistan Public Works

C/O
A

20

Department (Pak PWD has informed that Engr. Shah Nawaz was selected through Federal Public Service Commission as AEE (Civil) and he joined their department on 09.07.2007. He tendered his resignation on 07.01.2011 which was accepted by M/O Housing & Works Islamabad w.e.f. 10.01.2011 and there is no break between his service in Pak PWD and C&WD (Annex-VI). The case was processed and as per advice of Establishment Department (Annex-VII) referred to Finance Department as well as Pak PWD Islamabad. The Finance Department has advised that the observations raised by the Establishment Department in their letter under reference dated 12.10.2013 may be clarified first and then take up the case with Establishment Department as well as Finance Department (Annex-VIII). However the response of Pak PWD is awaited. The case is therefore under process in the Department and will further be considered as and when response received from Pak PWD Islamabad.

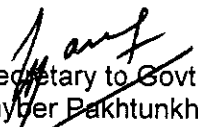
5. Incorrect. As explained in para-above, the case of appellant is under consideration, therefore, no delay tactics occurs by the Respondent Department.
6. Incorrect. As explained in paras 4 & 5 of the facts.
7. No comments


GROUNDS

- R/S
- A. Incorrect and mis-conceived. All relevant rules have been followed and action taken is within the prescribed law as explained in para-4 of the facts.
 - B. Incorrect. There is no mala-fide, no discrimination and no violation of rights of the appellant was done. The instant case processed according to law, rules and regulations.
 - C. Incorrect. Engr. Syed Daud Jan was inducted in C&W Department as Assistant Engineer (BS-17) on 06.01.1988 on adhoc basis and his services were regularized through Assembly Act w.e.f. 23.01.1988. Moreover the officer filed Service Appeal in Service Tribunal for counting his previous service rendered in Local Council Board. The court decided the case in his favour on the basis that he was properly relieved w.e.f. 13.01.1988. In compliance with court orders, the Department re-fixed his seniority, while in the case of Engr. Shah Nawaz Pak PWD Islamabad has clearly mentioned in their letter dated 25.08.2015 (Annex-VI), that Engr. Shah Nawaz had tendered resignation on 07.10.2015, which was accepted by Ministry of Housing & Works Islamabad w.e.f. 10.01.2011 after his selection in C&W Department as Assistant Engineer (BS-17), meaning thereby that the appellant had not applied through proper channel to the post of Assistant Engineer/SDO (BS-17) in C&W Department, therefore the appellant case is different in nature, having no similarity with the case of Engr. Syed Daud Jan.
 - D. Incorrect. No discrimination to any individual, including the appellant was made nor any rules or principal of law infringed. The apprehension of the appellant is mis-leading.
- 7-1-2011
- CFC

- E. Incorrect. There is no mala-fide intention of the respondents, no discrimination and no violation of rights of the appellant has been made. The respondents dealt the case strictly in accordance with law/regulation.
- F. Incorrect. The case of appellant is under consideration in the Finance Department and Establishment Department as well as Pak PWD Islamabad. In this regard it is clarified that the Department has not made any commitment for provision of benefits to the appellant; rather his case is only taken up with referred departments for advice. Otherwise the appellant has not been applied to the Public Service Commission through proper channel for his recruitment against the existing post. Moreover, the Pak PWD has categorically stated that the appellant has tendered his resignation from the post of Assistant Executive Engineer (AEE) Pak PWD Islamabad instead of relieving him properly from the post, as he had not applied for the post of Assistant Engineer in C&W Department through proper channel.
- G. The respondents would like to seek permission of the Hon'able Tribunal in advance more grounds during the time of arguments.

In view of the above, it is humbly prayed that the instant appeal may kindly be dismissed with cost.


 Secretary to Govt of
 Khyber Pakhtunkhwa
 C&W Department
(Respondents No.1)
 Secretary
 C&W Department
 Peshawar


 Secretary to Govt of
 Khyber Pakhtunkhwa
 Establishment Department
(Respondent No. 2)

QC
 C&W

Appeal No. 69/2015

Date of Institution .. 21.01.2015

Date of Decision ... 29.09.2017



Shah Nawaz S/OP Said Bahadar (Assistant Executive Engineer),
Village Wartair P/O & Tehsil Dargai Malakand Agency.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Communication &
Works Department and 2 others.

... (Respondents)

MR. RIZWANULLAH,
Advocate

--- For appellant.

MR. KABIR ULLAH KHATTAK,
Assistant Advocate General

--- For respondents

MR. NIAZ MUHAMMAD KHAN
MR. AHMAD HASSAN

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the
learned counsel for the parties heard and record perused.

FACTS

2. The appellant was initially recruited in the Federal Government
Department namely PAK PWD on 24.05.2007. During the course of his
employment some posts were advertised under the Government of Khyber
Pakhtunkhwa in the C&W Department through Khyber Pakhtunkhwa Public
Service Commission. The appellant applied for the said post through proper

Handwritten initials/signature.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

channel. He was selected for the post under the Government of Khyber Pakhtunkhwa and in order to join his new post he tendered resignation from Federal Government. The appellant then resigned from his post and joined his new post on 07.11.2011. The grievance of the appellant is that his previous service is not being counted by the C&W Department. He filed departmental appeal on 01.10.2014 which has hitherto been not responded, hence the present appeal.

ARGUMENTS

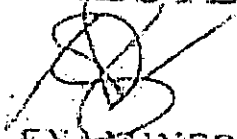
The learned counsel for the appellant argued that the appellant applied for the post under Government of Khyber Pakhtunkhwa through proper channel and in this regard an NOC was also issued by the PAK PWD. That in order to join his new assignment he tendered resignation but in view of CSR 418(b) the C&W Department is duty bound to count his previous service for the purpose of pension. In this regard counsel for the appellant relied upon a judgment reported as 2003 SCMR 686.

On the other hand learned Assistant Advocate General argued that this Tribunal has no jurisdiction as no original or appellate order is there and he relied upon a judgment reported as 2006 SCMR 1630. He further argued that tendering of resignation does not tantamount to joining service through proper channel and in such event his service shall be deemed to be broken.

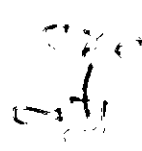
CONCLUSION.

There is no original or appellate order where upon this Tribunal would be able to assumed jurisdiction, therefore this Tribunal is not in a position to decide the case on merit. However in the interest of justice this Tribunal directs the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar





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action to peruse the legal remedy under the law. In case the departmental appeal is not decided within two months it shall be presumed that the departmental appeal has been dismissed. The appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

Announced

29.09.2017 SD/- Niaz Muhammad Khan,
Chairman

SD/- Ahmad Hassan,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Present	02-10-17	
Number of Pages	1200	
Copying Fee	8-	CFC
Urgent		
Total	8-	ST
Name of Case	<i>[Signature]</i>	
Date of Case	04-10-17	
Date of Delivery	04-10-17	

CFC
ST

SUBJECT

FIXATION OF APPLICANT'S PREVIOUS SERVICE IN PAK PWD
TOWARDS SENIORITY, SALARY & PENSION ETC

28

1

1. That the applicant is a retired employee of the Government of NWFP (now KPK) and is seeking the benefit of previous service in Pak PWD for the purpose of fixation of seniority, salary & pension etc.

2. That the applicant has filed an appeal before the Hon'ble Bench and was disposed of vide order/judgment dated 29.09.2017 in the following terms, there is no original order where upon this Tribunal would be able to assume jurisdiction, therefore the Tribunal is not in a position to decide the case on merit. However in the interest of justice the Tribunal directs the department to disposed of the departmental appeal within a period of two months after receipt of this judgment. (Copy of the judgment is attached)

3. That the applicant's main reliance in his Service Appeal before the Hon'ble Service Tribunal is/was on a case having a number as Service Appeal No. 1201/2002 having a title as Syed Daud Jan Vs Govt of NWFP (now KPK), which was allowed by this Hon'ble Tribunal vide order/judgment Dated 10.05.2004. (Copies of memo of appeal and order/judgment on the same are attached)

4. That the relief sought by the applicant is/was granted to one Syed Daud Jan (Ibid) by the C & W Department which has been narrated by him in para 2 of Service Appeal which is as under

CFE
[Signature]

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When I was in the United Kingdom I visited the appellant's Sylhet Hotel in Sylhet and the hotel is well established by the Allah Ue Supreme Court of Pakistan in case law reported as 2009 SCMR 1 whose concluded para 10 is quoted here as follows:

It is a well established principle of law that a person is entitled to the property and possession of his or her own property and there were other civil servants, who may not have been any legal practitioners in such a case dictates of justice and rule of good governance demand that the benefit of the said property be extended to other civil servants also who may not be parties to that application, instead of compelling them to approach the tribunal or any other legal forum. Citizens are equal before law and entitled to equal protection of law as per Art 23 of the constitution (Copy attached)

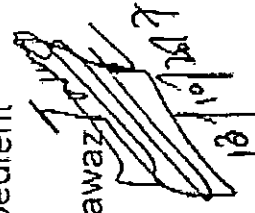
It is therefore most humbly prayed that in the light of the attached order, judgment of Hon'ble Service Tribunal, as well as the memo of Appeal and judgment on the same in Syed Daud Jan case and also the reported judgment of the Hon'ble Supreme Court of Pakistan, your kind Honor may be pleased to pass an appropriate order in the best interest of justice, fair play and equity.

Dated

13.10.2017

Your's obedient

Shah Nawaz



REGISTERED

Annex-I 257

31042

K.P.K PUBLIC SERVICE COMMISSION
2 Fort Road, Peshawar Cantt, (Near Governor House)
PH No. 9213563
Fax No. 9211795



No.K.P.K-PSC-SR-VI/

Dated: 10/6/11

To

531

Shah Nawaz Khan S/O Said Bahadar
Village Wartair, P/O & Tehsil Dargai Malakand Agency NWFP.

Subject: - RECTT: OF ASSISTANT ENGINEERS (CIVIL) (BPS-17) IN C & V DEPARTMENT.ADVT:NO.02/2010.S.NO.29.

1. In response to your application for the subject cited post, you are provisionally called for interview in the Commission's Office at 2 Fort Road, Peshawar Cantt, Near Governor House at 08:30 a.m hours on 29.06.2010. Please bring original certificates, degrees and testimonials that will be returned to you on conclusion of your interview.



2. You should rectify the following deficiencies three days before interview positive failing which the Commission will reject your application and shall not interview you for the above post: -

- | | |
|----|---|
| A. | Departmental Permission Certificate |
| B. | Original Degree of (B.Sc Civil Engineering) & All Parts of DMC'S. |
| C. | Valid Registration of PEC. |
| D. | |
| E. | |

Note :- Result of your interview will be displayed at our website WWW.NWFPPSC.gov.Pk very soon after the last date of the interview.

cc

SUPERINTENDENT

قیمت 50 روپے	 	21476
ایڈوکیٹ: محمد سعید گل	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر: 1889-11-11		
رابطہ نمبر: 03336272783		

بعدالت جناب:

منجانب: ساجد	دعوی:
	علت نمبر:
لساہ نواز خان بنام حکومت گلبرہ	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام جسے سر کیلئے محمد سعید گل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی کو پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

8-1-2018

المرقوم:

المقام بد گواہ شد العبد

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

محمد سعید گل

original

BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.31 OF 2018

Shah Nawaz S/O Said Bahadar

VERSUS


--- Appellant

Secretary to Govt. of Khyber Pakhtunkhwa
C&W Department, Peshawar & others

--- Respondents.

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5	Notification No.SOE/C&WD/4-14/79 dated 17-06-2011	III	10-12
6	Request for counting of previous service in Pak PWD from 09-07-2007 to 10-01-2011 for the purpose of seniority / increments/ pension etc	IV	13
7	Letter No.SOE/C&WD/1-63/2010 dated 03-08-2015	V	14
8	Letter No. AI-717/700(1653) dated 25-08-2015	VI	15
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13	Letter No.PSC/SR-I/01418, dated 11.1.2018	XI	22


Deponent

(1)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 31 OF 2018

Shah Nawaz S/O Said Bahadar --- Appellant
Assistant Executive Engineer.
Village Wartair Tehsil Dargai
District Malakand

VERSUS

1. Secretary to Govt of Khyber Pakhtunkhwa --- Respondents
C&W Department, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department, Peshawar
3. Secretary Pakistan Public Works Department
Islamabad

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2

Respectfully Sheweth

PRELIMINARY OBJECTIONS

- i. That the appeal is not maintainable in its present form.
- ii. That the appellant has never challenged in time any order in which his right was ignored
- iii. That the appeal is pre-mature
- iv. That the appellant has no cause of action and locus standi to file appeal
- v. That the appeal is time barred
- vi. That the appeal is liable to be dismissed for non-joinder of necessary parties

FACTS

1. Correct to the extent, that Competent Authority on the recommendations of Khyber Pakhtunkhwa Public Service Commission, appointed the appellant along-with others) as Assistant Engineer (BS-17) in C&W Department on 04.01.2010 (**Annex-I**). On his arrival, the appellant along-with others was placed at the disposal of Chief Engineers, Superintending Engineer and Executive Engineers for undergoing 04 months practical training/posting against the existing vacancies. The appellant was posted as SDO Building Sub Division Shangla on 06.01.2011 (**Annex-II**) and after completion of 04 months practical training, the applicant (along-with others) declared passed in VIVA taken by the committee (**Annex-III**).
2. Pertains to record, need no reply
3. Pertains to record, need no reply
4. Correct to the extent, that the appellant forwarded an application, requested therein for continuing of his previous service for the purpose of increment/pension rendered as Assistant Executive Engineer/SDO in BS-17 (Regular) in Pakistan Public Works Departments (Pak PWD) from 09.07.2007 to 10.01.2011 selected through Federal Public Service Commission and he joined C&W Department on 11.01.2011 as Assistant

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Engineer/SDO BS-17 and relinquished the charge in Pak PWD w.e.f. 10.01.2011 (A.N) **(Annex-IV)**. The case was processed and referred to Director General Pak PWD Islamabad for comments / views **(Annex-V)**. In response, Pakistan Public Works Department (Pak PWD has informed that Engr. Shah Nawaz was selected through Federal Public Service Commission as AEE (Civil) and he joined their department on 09.07.2007. He tendered his resignation on 07.01.2011 which was accepted by M/O Housing & Works Islamabad w.e.f. 10.01.2011 and there is no break between his service in Pak PWD and C&WD **(Annex-VI)**. The case was processed and as per advice of Establishment Department **(Annex-VII)** referred to Finance Department as well as Pak PWD Islamabad. The Finance Department has advised that the observations raised by the Establishment Department in their letter under reference dated 12.10.2013 may be clarified first and then take up the case with Establishment Department as well as Finance Department **(Annex-VIII)**. However the response of Pak PWD is awaited. The case is therefore under process in the Department and will further be considered as and when response received from Pak PWD Islamabad.

5. Incorrect. As explained in para-above, the case of appellant is under consideration.
6. Incorrect. As explained in paras 4 & 5 of the facts.
7. Correct to the extent that the appellant filed service appeal No.69/2015 in the Khyber Pakhtunkhwa Service Tribunal. The Tribunal disposed of the appeal with the remarks that "there is no original or appellate order where upon the Tribunal would be able to assume jurisdiction, therefore this Tribunal is not in a position to decide the case on merit. However in the interest of justice this Tribunal directs the department to dispose of departmental appeal within a period of two months" **(Annex-IX)**.


Pursuant to the judgment of Service Tribunal dated 29.09.2017 the case was taken up with Law Department and Public Service Commission for advice. In response, Law Department informed that the case is not fit for filing of appeal/CPLA before the Supreme Court of Pakistan. To implement the judgment of the Tribunal, this department sought advice of Public Service Commission as to whether the officer (appellant) has applied through proper channel for the post of Assistant Engineer/SDO (BS-17) in C&W Department or otherwise **(Annex-X)**. In turn it was informed that necessary entries of previous service in Pak PWD from 09.07.2007 to 10.01.2011 may be confirmed from the original application/ documents and process the case further under the rules **(Annex-XI)**. After then the Department submitted a Note to Competent Authority with the opinion that the Departmental Appeal of the Appellant (Engr. Shah Nawaz) is liable to be rejected as no departmental permission certificate is available with documents, received from Public Service Commission, which is essential for an in-service candidate to apply for the posts through proper channel. As in the whole process, different departments were involved, therefore his appeal could not decide within the time frame given in the Tribunal judgment.

8. Correct. The respondents have defended the case by submitting para-wise reply.
9. As explained in para-7 above.
10. As explained in para-7 above. However after checking the record received from KP Public Service Commission, the departmental permission certificate of the appellant was not found attach with original documents.
11. No comments

GROUND

- A. Incorrect and mis-conceived. All relevant rules have been followed and action taken is within the prescribed law as explained in para-4 of the facts.
- B. Incorrect. There is no malafide, no discrimination and no violation of rights of the appellant was done. The instant case ^{was} processed according to law, rules and regulations.
- C. Incorrect. Engr. Syed Daud Jan was inducted in C&W Department as Assistant Engineer (BS-17) on 06.01.1988 on adhoc basis and his services were regularized through Assembly Act w.e.f. 23.01.1988. Moreover the officer filed Service Appeal in Service Tribunal for counting his previous service rendered in Local Council. Board. The court decided the case in his favour on the basis that he was properly relieved w.e.f. 13.01.1988. In compliance with court orders, the Department re-fixed his seniority, while in the case of Engr. Shah Nawaz Pak PWD Islamabad has clearly mentioned in Pak PWD letter dated 25.08.2015 (**Annex-VI**), that Engr. Shah Nawaz had tendered resignation on 07.10.2015, which was accepted by Ministry of Housing & Works Islamabad w.e.f. 10.01.2011 after his selection in C&W Department as Assistant Engineer (BS-17), meaning thereby that the appellant had not applied through proper channel to the post of Assistant Engineer/SDO (BS-17) in C&W Department, therefore the appellant case is different in nature, having no similarity with the case of Engr. Syed Daud Jan.
- D. Incorrect. From perusal of the record it transpired that no departmental permission certificate was found attach with application form, received from Public Service Commission, which is required for an in-service candidate to apply through proper channel for the posts published by the Public Service Commission.
- E. Incorrect. The case of appellant is under consideration in the Finance Department and Establishment Department as well as Pak PWD Islamabad. Moreover, the appellant has not been applied to the Public Service Commission through proper channel for his recruitment against the existing post. The Pak PWD has categorically stated that the appellant has tendered his resignation from the post of Assistant Executive Engineer (AEE) Pak PWD Islamabad instead of relieving him properly from the post, as he had not applied for the post of Assistant Engineer in C&W Department through proper channel.
- F. The respondents would like to seek permission of the Hon'able Tribunal in advance more grounds during the time of arguments.

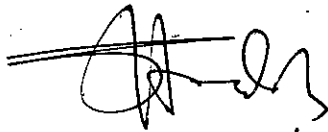
In view of the above, it is humbly prayed that the instant appeal may kindly be dismissed with cost.


 Secretary to Govt of
 Khyber Pakhtunkhwa
 C&W Department
 (Respondents No.1)


 Secretary to Govt of
 Khyber Pakhtunkhwa
 Establishment Department
 (Respondent No. 2)

D DAI

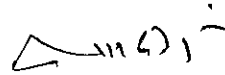
kindly go through the record
and vet the comments as per
law.



03/7/18.

①

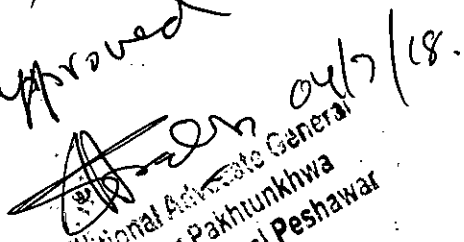
Vetted subject to corrections, attachment
of all referred ~~to~~ annexures, affidavit and
approval of learned AAC



04/07/2018

AAC

approved


Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.31 OF 2018

Shah Nawaz S/O Said Bahadar
Assistant Executive Engineer
Village Wartair Tehsil Dargai
District Malakand,

Appellant

VERSUS


Secretary to Govt. of Khyber Pakhtunkhwa
C&W Department, Peshawar & others

Respondents.

AFFIDAVIT

I, Mr. Noor Wazir Section Officer (Litigation) C&W Department hereby affirms and declare that all the contents of the reply are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent


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

Annex-I

5/31

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the January 04, 2010

NOTIFICATION:

No.SOE/C&WD/4-7/2010: On their selection by the Khyber Pakhtunkhwa Public Service Commission, Peshawar, the Provincial Govt is pleased to appoint the following as temporary Assistant Engineers in the Communication & Works Department, Khyber Pakhtunkhwa in BS-17 plus other allowances as admissible under the rules with immediate effect.

1.	Ghulam Moin-ud-Din	2.	Zeeshan Ahmed
3.	Naveed Khan	4.	Samiullah
5.	Fawad Ahmad Abbasi	6.	Arsalan Zep
7.	Muhammad Irfan	8.	Shahab Khan
9.	Muhammad Riaz Khan	10.	Waqas Ali Shah
11.	Muhammad Shoaib	12.	Abdul Wadood
13.	Safeer Gul	14.	Zarak Farooq
15.	Syed Hakim Shan	15.	Muhammad Kamal
17.	Mehdi Raza	18.	Bahar Majeed
19.	Muhammad Zahid	20.	Rafiullah
21.	Muhammad Naeem	22.	Abid Ali
23.	Aamir Javed	24.	Hafiz Muhammad Umair
25.	Muhammad Bilal Afzal	26.	Haseeb-ur-Rahman
27.	Waqas Khan	28.	Mohsin Zafar
29.	Sayed Nasir Jehan	30.	Farmanullah
31.	Azmatullah	32.	Maqbool-e-Azam
33.	Zia-ul-Islam	34.	Muhammd Nisar Khan
35.	Abdul Tahir Jamil	36.	Shah Nawaz Khan
37.	M.Usman Yousaf Shinwari	38.	Zain-ul-Abidin
39.	Imad Ahmed	40.	Abid Khan
41.	Nouman Bashir	42.	Nadia Bashir
43.	Shahab-ud-Din	44.	Riaz Wali Shah
45.	Shaukatullah	46.	Khalid Mehmood
47.	Farmanullah		

2. Their seniority will be determined in accordance with the merit assessed by the Khyber Pakhtunkhwa Public Service Commission.

3. On their appointment the services of the following temporary Assistant Engineers are hereby placed at the disposal of Chief Engineer (North/CDO) Superintending Engineers/Executive Engineers noted against each for undertaking 4-months practical training/posting against the existing vacancies. They will also pass the prescribed test on completion of 4-months training.

S#	Name	Services placed at the disposal of/Posted as	Remarks
1.	Ghulam Moin-ud-Din AE (BS-17)	Junior Engineer (R&B), O/O Chief Engineer (CDO) C&W Peshawar	Against Vacant post
2.	Zeeshan Ahmed AE (BS-17)	Services placed at the disposal of FATA Sectt.	

S#	Name	Services placed at the disposal of/Posted as	Remarks
3	Maveed Khan AE (BS-17)	SDO (PBMC) C&W Peshawar	Against Vacant post
4	Samiullah AE (BS-17)	SDO (PBMC) O/O XEN PBMC, C&W Peshawar	Against Vacant post
5	Fawad Ahmad Abbasi AE (BS-17)	SDO (Building-I) Sub Division Abbottabad	Against Vacant post
6	Arsalan Zeu AE (BS-17)	SDO (PBMC) C&W Peshawar	Against Vacant post
7	Muhammad Irfan AE (BS-17)	SDO Building Sub Division Karak	Against Vacant post
8	S. Shah Khan AE (BS-17)	SDO Building, Sub Division DIKhan	Against Vacant post
9	Muhammad Riaz Khan AE (BS-17)	Services placed at the disposal of FATA Sectt:	-----
10	Waqas Ali Shah AE (BS-17)	SDO O/O XEN PBMC, C&W Peshawar	Against Vacant post
11	Muhammad Shoab AE (BS-17)	SDO Building Sub Division Shangla	Against Vacant post
12	Abdul Warfooo AE (BS-17)	SDO Building Sub Division Lakki Marwat	Against Vacant post
13	Safeer Gul AE (BS-17)	SDO (B&R) Sub Division Mansehra	Against Vacant post
14	Zarak Farooq AE (BS-17)	SDO Road, Sub Division Nowshera	Against Vacant post
15	Syed Hakim Shah AE (BS-17)	SDO (Road-I) Sub Division Abbottabad	Against Vacant post
16	Muhammad Kamal AE (BS-17)	SDO Road Sub Division Lakki Marwat	Against Vacant post
17	Mehdi Raza AE (BS-17)	SDO Building O/O XEN Division No.II, Peshawar	Against Vacant post
18	Babar Majeed AE (BS-17)	SDO O/O XEN Building Division No.I, Peshawar	Against Vacant post
19	Muhammad Zahid AE (BS-17)	SDO (B&R) Sub Division Haripur	Vice No.51
20	Rafiullah AE (BS-17)	SDO Building Sub Division Tank	Against Vacant post
21	Muhammad Iqbal AE (BS-17)	Assistant Research Officer Road Research & Material Testing Lab O/O SE C&W Circle, Battagram	Against Vacant post
22	Abid Ali AE (BS-17)	Services placed at the disposal of FATA Sectt:	-----
23	Munir Javed AE (BS-17)	SDO Building Sub Division O/O XEN C&W Division No.I, Peshawar	Against Vacant post
24	Hafiz Muhammad Umar Anwar AE (BS-17)	SDO C&W Sub Division Battagram	Vice No.47
25	Muhammad Bilal Afzal AE (BS-17)	SDO C&W sub Division Nowshera	Against Vacant post
26	Haseeb-ur-Rahman AE (BS-17)	SDO (B&R) Sub Division Kohistan	Against Vacant post
27	Waqas Khan AE (BS-17)	SDO Buildings, Sub Division Malakand	Against Vacant post
28	Monsin Zafar AE (BS-17)	SDO C&W Sub Division Dir Upper	Against Vacant post
29	Sayed Nasir Jehan AE (BS-17)	SDO Roads, Sub Division Buner	Against Vacant post
30	Farranullah AE (BS-17)	SDO Building Sub Division Dir Lower	Against Vacant post

S#	Name	Services placed at the disposal of/Posted as	Remarks
31.	Azmatullah AE (BS-17)	Services placed at the disposal of FATA Sectt:	---
32.	Maqbool-e-Azam AE (BS-17)	SDO C&W, Sub Division, Chitral	Against Vacant post
33.	Zia-ul-Islam AE (BS-17)	Services placed at the disposal of FATA Sectt:	---
34.	Muhammd Nisar Khan AE (BS-17)	Services placed at the disposal of FATA Sectt:	---
35.	Abdul Tahir Jamil AE (BS-17)	SDO C&W Sub Division Chakdara, Dir Lower	Against Vacant post
36.	Shah Nawaz Khan AE (BS-17)	SDO C&W Sub Division Drosh, Chitral	Against Vacant post
37.	M.Usman Yousaf Shinwari AE (BS-17)	SDO (PBMC) O/C XEN PBMC C&W Peshawar	Against Vacant post
38.	Zain-ul-Abidin AE (BS-17)	SDO Building Sub Division Buner	Against Vacant post
39.	Imad Ahmed AE (BS-17)	Junior Engineer (F&M) O/O Chief Engineer (CDO) C&W Peshawar	Against Vacant post
40.	Abid Khan AE (BS-17)	SDO Buildings-III, Sub Division DIKhan	Against Vacant post
41.	Nouman Bashir AE (BS-17)	SDO Highway, Sub Division DIKhan	Against Vacant post
42.	Nadia Bashir AE (BS-17)	Junior Engineer (B&R) O/O CE (CDO) C&W Peshawar	Against Vacant post
43.	Shahab-ud-Din AE (BS-17)	SDO Highway Division Peshawar	Against Vacant post
44.	Riaz Wali Shah AE (BS-17)	SDO C&W Sub Division Booni, Chitral	Against Vacant post
45.	Shaukatullah AE (BS-17)	Services placed at the disposal of FATA Sectt:	---
46.	Khalid Mehmood AE (BS-17)	Services placed at the disposal of FATA Sectt:	---
47.	Farmanullah AE (BS-17)	SDO Highway Division Bannu	Against Vacant post
48.	Muhammad Nawaz (B-17) SDO H/way Sub Division Battagram	SDO Building Sub Division Swat	Against Vacant post
49.	Mian Yaqoob Shah (B-17) SDO Build: Sub Division Mardan	Assistant Research Officer Road Research & Material Testing Lab O/O SE C&W Circle, Mardan	Against Vacant post
50.	Amir Jan (B-17) Section Officer (Roads) C&W Deptt, Peshawar	SDO Building Sub Division Swat	Against Vacant post
51.	Nazeer-ud-Din (B-16) Waiting for posting	SDO Building Sub Division Mardan (OPS)	Vice No.48
52.	Zahoor Ellahi Baig (B-11) SDO (B&R) S/Divn: Haripur (OPS)	Services placed at the disposal of FATA Sectt	---

4. The Chief Engineer (North/CDO/FATA)/Superintending Engineer and Executive Engineer, C&W concerned to furnish the successful practical training certificates in respect of the Public Service Commission Selectee except No. 52, and afterward, a common test be arranged by the Administrative Department, so that their training capabilities assessed accordingly.

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

39
8

End of even number and date

Copy is forwarded to the:-

1. Special Assistant to Chief Minister Khyber Pukhtunkhwa Peshawar
2. Principal Secretary to Chief Minister Khyber Pukhtunkhwa Peshawar
3. Accountant General Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engineer (FATA) C&W Peshawar
6. Superintending Engineers C&W Circle concerned
7. Superintending Engineer (PBMC), C&W Peshawar
8. Superintending Engineer Provincial Building (Construction) Peshawar
9. Executive Engineers C&W Division concerned
10. Executive Engineers Highway Division concerned
11. Executive Engineers Provincial Building (Construction) concerned
12. Executive Engineer (PBMC), C&W Peshawar
13. District Accounts Officer concerned
14. Incharge Computer Cell, C&W Department, Peshawar
15. PS to Secretary, C&W Peshawar
16. Officers/officials concerned
17. Office order File/Personal File


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

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Annex II (9)

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the January 06, 2011

NOTIFICATION:


No.SOE/C&WD/4-7/2010: In partial Modification in this Department's Notification of even number dated 04.01.2011, the posting/4- months necessary training in respect of Shah Nawaz Khan, Assistant Engineer (BS-17) as appearing at SI.No.36, may be read as SDO Building Sub Division Shangla, instead of SDO C&W Sub Division Drosh, Chitral, with immediate, in the public interest.

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Special Assistant to Chief Minister Khyber Pukhtunkhwa Peshawar
2. Principal Secretary to Chief Minister Khyber Pukhtunkhwa Peshawar
3. Accountant General Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engineer (FATA) C&W Peshawar
6. Superintending Engineers C&W Circle concerned
7. Superintending Engineer (PBMC), C&W Peshawar
8. Superintending Engineer Provincial Building (Construction) Peshawar
9. Executive Engineers C&W Division concerned
10. Executive Engineers Highway Division concerned
11. Executive Engineers Provincial Building (Construction) concerned
12. Executive Engineer (PBMC), C&W Peshawar
13. District Accounts Officer concerned
14. Incharge Computer Cell, C&W Department, Peshawar.
15. PS to Secretary, C&W Peshawar.
16. Officers concerned
17. Office order File/Personal File.


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)



Annex - III

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the June 17, 2011

NOTIFICATION:

No.SOE/C&WD/4-14/79: On the recommendations of constituted committee for analyzing the 4-months practical training in respect of the newly recruited Assistant Engineers (BS-17) through Public Services Commission in C&W Department, the following Assistant Engineers have been declared "Passed" in viva taken by the committee, therefore, after successful completion of 4-months practical training they are hereby authorize to work as regular SDOs against the posts as mentioned against each:

Sl. No.	Name of Officer	Posting.
1	Abdus Samad	SDO Highway Sub Division Swat
2	Shahab Ahmad	Assistant Director O/O D.G (FDRD) C&W Peshawar
3	Naveed Khan	Assistant Director O/O MD, FHA Peshawar
4	Fawad Ahmad Abbassi	SDO (Building-I) Sub Division Abbotabad
5	Arsalan Zeb	SDO (PBMC) C&W Peshawar
6	Muhammad Irfan	SDO Building Sub Division Karak
7	Shahab Khan	SDO Building Sub Division D.I.Khan
8	Muhammad Riaz Khan	SDO W&S Sub Division Ghiljo Orakzai Agency
9	Waqas Ali Shah	SDO Building Sub Division Bannu.
10	Muhammad Shuaib	Assistant Director O/O PD (FAP) Peshawar
11	Abdul Wadood	SDO (E&M) O/O CE (North) Peshawar
12	Safeer Gul	SDO (B&R) Sub Division Mansehra
13	Zarak Farooq	SDO (Roads) Sub Division Nowshera
14	Syed Hakim Shah	SDO (Road-I) Sub Division Abbottabad
15	Muhammad Kamal	SDO (Roads) Sub Division Lakki Marwat
16	Mehdi Raza	SDO (Bldg) O/O XEN Building Division No.2 Peshawar.
17	Babar Majeed	Junior Engineer (E&M)O/O CE CDO C&W Pesh:
18	Muhammad Zahid	SDO (B&R) Sub Division Haripur
19	Muhammad Naeem	SDO C&W Sub Division Haripur
20	Abid Ali	ADE O/O CE (FATA) Peshawar
21	Aamir Javed	SDO (Bldg) O/O XEN Building Division No.1, Peshawar.

22	Hafiz Muhammad Umair Anwar	SDO C&W Sub Division Balakot, Mansehra
23	Muhammad Bilal Afzal	ARO O/O SE C&W Circle Battagram
24	Haseeb-ur-Rehman	SDO (B&R) Sub Division Kohistan
25	Waqas Khan	SDO (Bldgs) Sub Division Malakand
26	Mohsin Zafar	SDO C&W Sub Division, Dir Upper
27	Sayed Nasir Jehan	SDO (Roads) Sub Division Buner
28	Farmanullah	SDO (Bldgs) Sub Division Dir Lower
29	Azmatullah	SDO H/way S/Dvn No. 2, Bajuar Agency
30	Maqbool-e-Azam	SDO C&W Sub Division, Chitral
31	Zia-ul-Islam	SDO W&S Sub Division, FR Peshawar.
32	Muhammad Nisar Khan	SDO Building S/Divn: Jandola/Ladha SWA
33	Imad Ahmad	SDO, Jandool Sub Division, Dir Lower
34	Abid Khan	SDO (Roads) S/Divn: Malakand.
35	Nauman Bashir	SDO C&W S/Divn: Tank.
36	Nadia Bashir	Assistant Director O/O D.G (FDRD) C&W Peshawar
37	Shahab-ud-Din	Planning Officer O/O Director (P&M) Peshawar.
38	Riaz Wali Shah	SDO C&W S/Divn: Drosh, Chitral.
39	Shaukat Ullah	SDO W&S Sub Dvn: South Kalaya Orakzai Agency
40	Khalid Mehmood	SDO Highway S/Division Jandola SWA
41	Waqas Arshad Tanoli	SDO Building Sub Divn: Battagram
42	Fareeha Malahat	Section Officer (Bldgs) C&W Sectt: Peshawar
43	Ahmad Zeb Khan Afridi	SDO Building Sub Division (Central) Kurram Agency
44	Azam Amir	Section Officer (Roads) C&W Sectt: Peshawar
45	Javed Iqbal Khan	SDO Highway Sub Divn: Razmak NWA
46	Muhammad Riaz	SDO (Roads) Sub Division, Hangu
47	Sifatullah Khan	SDO W&S Sub Divn: FR Lakki Marwat
48	Inayat Ur Rehman	ARO O/O SE C&W Circle Mardan
49	Abdul Tahir Jamil	SDO C&W S/Divn: Chakdara Dir Lower
50	Shah Nawaz Khan	SDO (Bldgs) Sub Division Shangla
51	M. Usman Yousaf Shinwari	SDO (PBMC) C&W Peshawar

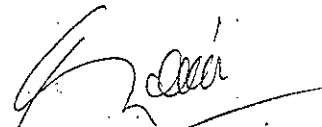
52	Zain-ul-Abidin	SDO Highway Sub Division Bannu
53	Farmanullah	Assistant Engineer (B&R) O/O CE (North) C&W Peshawar

Secretary to
Govt of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Secretary (Admn & Coord) FATA Sectt, Warsak Road, Peshawar
2. All Chief Engineers C&W Peshawar
3. Chief Engineer (FATA) W&S Peshawar
4. Managing Director FHA, Peshawar
5. Director General Flood Damages Restoration Directorate Peshawar
6. Project Director (FAP) C&W Peshawar
7. All Superintending Engineers C&W Circles, Khyber Pakhtunkhwa
8. Superintending Engineer Provincial Building (Constn) Peshawar
9. Superintending Engineer (PBMC) C&W Peshawar
10. All Executive Engineers (C&W/Highway) Divisions, Khyber Pakhtunkhwa
11. All Agency/District Accounts Officer concerned
12. All members of the Committee
13. PS to Secretary, C&W Peshawar


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Annex - IV

13 48/46

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department,
Peshawar.

Diary No: 17296
Date: 01-10-14
Secretary C&W Deptt.
Khyber Pakhtunkhwa

A.S/O.S.A

Subject: REQUEST FOR COUNTING OF PREVIOUS SERVICE IN PAK PWD FROM 09.07.2007 TO 10.01.2011 FOR THE PURPOSE OF SENIORITY/INCREMENTS/PENSION ETC

Dear Sir,

It is submitted that I have served as Assistant Executive Engineer/SDO in BPS-17 (Regular) in Pakistan Public Works Department (Pak PWD) from 09.07.2007 to 10.01.2011 selected through Federal Public Service Commission. I joined Communication & Works Department on 11.01.2011 as Assistant Engineer/SDO BPS-17 and relinquished the charge in Pak PWD w.e.f. 10.01.2011 (A.N).

2. Being a Federal Government employee from 09.07.2007 to 10.01.2011, I am entitled for counting my previous service for the purpose of seniority to be considered in Communication & Works Department w.e.f. 09.07.2007 as well as increments/pension etc as per rules as few others officers have already given the benefit of previous service.

3. In view of the above, it is humbly requested that my request for counting my previous service rendered in Pak PWD as Assistant Executive Engineer/SDO BS-17 may be considered to be counted for the purpose of seniority/increments and pension etc and obliged.

Yours faithfully,

(SHAH NAWAZ KHAN)
Assistant Engineer/SDO
Communication & Works Department

[Signature]
30/01/2014

S.P.(E)

[Handwritten initials and signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/1-63/2010
Dated Peshawar, the August 03, 2015

Annex - I

6/2/15
14

TO

The Director General
Pak PWD, Islamabad

Subject: Request for continuing of Previous Service in Pak PWD From 09.07.2007 to 10.01.2011 for the purpose of increments/pension.

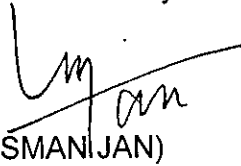
Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of an application in respect of Engr. Shah Nawaz Khan SDO C&W Sub Division Shangla (copy enclosed), mentioned therein that he has served as Assistant Executive Engineer/SDO in BS-17 (Regular) in Pakistan Public Works Departments (Pak PWD) from 09.07.2007 to 10.01.2011 selected through Federal Public Service Commission. He joined C&W Department on 11.01.2011 as Assistant Engineer/SDO BS-17 and relinquished the charge in Pak PWD w.e.f. 10.01.2011 (A.N).

2. The officer has further added that he is entitled for counting of his previous service for the purpose of increments/pension w.e.f. 09.07.2007 as per rules as few others officers have already given the benefit of previous service. Therefore he has requested for counting of his previous service rendered in Pak PWD as Assistant Executive Engineer/SDO BS-17 for the purpose of increments and pension, being qualified of M.Sc (Civil).

3. It is therefore, requested to examine the case and submit **comments/views**, so as to proceed further in the case.

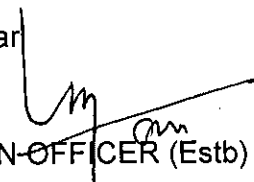
Yours' faithfully



(USMAN JAN)

SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar


SECTION OFFICER (Estb)


05/08/2015

Annex - VI

70

15336

GOVERNMENT OF PAKISTAN
PAKISTAN PUBLIC WORKS DEPARTMENT

AI-717/700(1653)

Islamabad, Dated 25/08/2015

To

✓ Mr. Usman Jan,
Section Officer (Estb),
Communication & Works Department,
Government Khyber Pakhtunkhwa,
Peshawar.

Diary No. 15336

Date 27/08/2015

Secretary, Government of Punjab
Ministry of Public Works

Subject: - REQUEST FOR CONTINUING OF PREVIOUS SERVICE IN PAK.PWD FROM 09.07.2007 TO 10.01.2011 FOR THE PURPOSE OF INCREMENTS/PENSION.

Dear Sir,

Kindly refer to your letter No.SOE/C&WD/1-63/2010, dated 03.08.2015, on the subject noted above and to say that Mr. Shah Nawaz was selected through FPSC as AEE (Civil) and he joined this department on 09.07.2007. He tendered the resignation on 07.01.2011 which was accepted by the M/O Housing & Works Islamabad w.e.f.10.01.2011 and there is no break between his service in Pak. PWD & C&WD.

2) It may be added that Mr. Shah Nawaz has requested to C&WD KPK for counting of his previous service rendered in Pak.PWD. in his present department as such, the matter is required to be examined / processed by C&WD under the rules of Provincial Government, however if any information with regard to his service in Pak PWD is required the matter may be taken up with Directorate of Budget & Accounts, Pak.PWD, Islamabad.

Yours Faithfully,

(M.B. Khattak)

Chief Administrative Officer

TELE:- 9261145

A copy is forwarded to Mr. Shah Nawaz Khan, SDO C&W Sub Division Shangla.

4/8 ✓
Jan 28/8/15

Chief Administrative Officer

SECTION OFFICER (Estb)

Annex - VII

16



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)/Gen:C&W/15
Dated October 12, 2013.

To

The Secretary to Govt. of Khyber Pakhtunkhwa
C&W Department.

Diary No: 17862
Date: 12/10/2013
Secretary C&W Deptt:
Khyber Pakhtunkhwa

AS/DSA M/12/6

Subject: REQUEST FOR CONTINUING OF PREVIOUS SERVICE IN PAK PWD
FROM 09.07.2007 TO 10.01.2011 FOR THE PURPOSE OF
INCREMENTS/PENSION.

Dear Sir,

I am directed to refer to your letter No.SO(E)C&WD/1-63/2010 dated 08.09.2015 on the subject noted above and to convey that hence the officer did not followed the laid down procedure for in-service candidates, however his request for counting of his previous service for the purpose of increment/pension, may be taken up with Khyber Pakhtunkhwa Finance Department and Pak PWD.

Yours faithfully,

(Handwritten signature)
(KASHIF IQBAL JILANI)
SECTION OFFICER (REG-V)

Endst. of even No. & Date.

Copy forwarded to the PA to Deputy Secretary (R-III) Establishment Department.

SECTION OFFICER (REG-V)

SA *(Handwritten signature)*
am 13/10

Annex VIII

AS/ SOE - 21890



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

File No: 21890
Date: 09/12/2015
Secretary C&W Deptt.
Khyber Pakhtunkhwa

NO.FD(SOSR-II)5-50/2015-16
Dated Peshawar the 07/12/2015

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Communication & Works Department.

Subject: - **REQUEST FOR CONTINUING OF PREVIOUS SERVICE IN PAK PWD
FROM 09-07-2007 TO 10-01-2011 FOR THE PURPOSE OF
INCREMENT/PENSION**

Dear Sir,

I am directed to refer to your letter No.SOE/C&WD/1-63/2010 dated 04/11/2015 on the subject noted above and to state that the observation raised by the Establishment Department in their letter under reference dated 12/10/2013 may be clarified first and then take up case with the Establishment Department as well as Finance Department.

B-77/c

AS
9/12

Yours faithfully,

SECTION OFFICER (SR.II)

SA
am 11.12

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

Annex IX

18/10/15

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 69/2015

Date of Institution ... 21.01.2015

Date of Decision ... 29.09.2017



Shah Nawaz S/OP Said Bahadar (Assistant Executive Engineer),
Village Wartair P/O & Tehsil Dargai Malakand Agency.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Communication &
Works Department and 2 others.

... (Respondents)

MR. RIZWANULLAH,
Advocate

--- For appellant.

MR. KABIR ULLAH KHATTAK,
Assistant Advocate General.

--- For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN

... CHAIRMAN
... MEMBER

ATTESTED

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN. Arguments of the

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was initially recruited in the Federal Government Department namely PAK PWD on 24.05.2007. During the course of his employment some posts were advertised under the Government of Khyber Pakhtunkhwa in the C&W Department though Khyber Pakhtunkhwa Public Service Commission. The appellant applied for the said post through proper

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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channel. He was selected for the post under the Government of Khyber Pakhtunkhwa and in order to join his new post he tendered resignation from Federal Government. The appellant then resigned from his post and joined his new post on 07.11.2011. The grievance of the appellant is that his previous service is not being counted by the C&W Department. He filed departmental appeal on 01.10.2014 which has hitherto been not responded, hence the present appeal.

ARGUMENTS

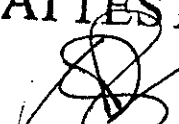
3. The learned counsel for the appellant argued that the appellant applied for the post under Government of Khyber Pakhtunkhwa through proper channel and in this regard an NOC was also issued by the PAK PWD. That in order to join his new assignment he tendered resignation but in view of CSR 418(b) the C&W Department is duty bound to count his previous service for the purpose of pension. In this regard counsel for the appellant relied upon a judgment reported as 2003 SCMR 686.

4. On the other hand learned Assistant Advocate General argued that this Tribunal has no jurisdiction as no original or appellate order is there and he relied upon a judgment reported as 2006 SCMR 1630. He further argued that tendering of resignation does not tantamount to joining service through proper channel and in such event his service shall be deemed to be broken.

CONCLUSION.

5. There is no original or appellate order where upon this Tribunal would be able to assumed jurisdiction, therefore this Tribunal is not in a position to decide the case on merit. However in the interest of justice this Tribunal directs the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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department to disposed of his departmental appeal within a period of two months after receipt of this judgment. There-after the appellant shall have fresh cause of action to peruse the legal remedy under the law. In case the departmental appeal is not decided within two months it shall be presumed that the departmental appeal has been dismissed. The appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

Announced
29.09.2017 ED/- Niaz Muhammad Khan,
Chairman

ED/- Ahmad Hassan,
Member

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Certified to be true copy
EXCISE OFFICER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation 02-10-17
Number of Words 1200
Copying Fee 8-
Urgent
Total 8-
Name of Copyist
Date of Completion 04-10-17
Date of Delivery of 04-10-17

Annex-X

62
21



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/1-63/2010
Dated Peshawar, the November 09, 2017


To
The Secretary
Public Service Commission
Khyber Pakhtunkhwa Peshawar

Subject: Request for continuing of Previous Service in Pak PWD From 09.07.2007 to 10.01.2011 for the purpose of increments/pension.

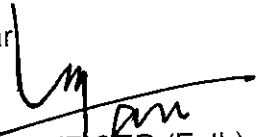
I am directed to refer to the subject noted above and to state that Registrar Service Tribunal has forwarded a copy of judgment dated 29.09.2017 in the subject Service Appeal for strict compliance. In the conclusion of the judgment, it has mentioned that there is no original or appellate order where upon this Tribunal would be able to assume jurisdiction, therefore this Tribunal is not in a position to decide the case on merit. However in the interest of justice this Tribunal directs the department to dispose of his departmental appeal within a period of two months after receipt of this judgment. There-after the appellant shall have fresh cause of action to peruse the legal remedy under the law. In case the departmental appeal is not decided within two months it shall be presumed that the departmental appeal has been dismissed. The appeal is disposed of in the above terms (copy enclosed).


2. In this regard it is submitted that the appellant (Engr. Shah Nawaz) forwarded an application requesting therein for continuing of his previous service for the purpose of seniority/increment/pension etc, rendered as Assistant Executive Engineer/SDO in BS-17 (Regular) in Pakistan Public Works Departments from 09.07.2007 to 10.01.2011 selected through Federal Public Service Commission and he joined C&W Department on 11.01.2011 as Assistant Engineer/SDO BS-17 and relinquished the charge in Pak PWD w.e.f. 10.01.2011 (A.N). The case was processed and referred to Director General Pak PWD Islamabad for comments/views. In response, Pakistan Public Works Department (Pak PWD has informed that Engr. Shah Nawaz was selected through Federal Public Service Commission as AEE (Civil) and he joined their department on 09.07.2007. He tendered his resignation on 07.01.2011 which was accepted by M/O Housing & Works Islamabad w.e.f. 10.01.2011 and there is no break between his service in Pak PWD and C&WD (copy enclosed). In this connection the advice of Establishment and Finance Departments contained in letter No.SOR-V(E&AD) Gen: C&W/15 dated 05.05.2015 and letter No.FD(SOSR-II)5-50/2015-16 dated 07.12.2015 are also enclosed for ready reference along-with Departmental permission certificate of the officer.

3. It is therefore, requested to advise this Department as to whether the aforesaid officer has applied through proper channel for the post of Assistant Engineer/SDO (BS-17) in C&W Department or otherwise, so as to proceed further in the matter.


(USMAN JAN)
SECTION OFFICER (Estb)

Endst even No. & date
Copy forwarded to PS to Secretary C&W Department, Peshawar


SECTION OFFICER (Estb)


13.11.17

Annex - XI

Phone : 091-9213551
Fax : 091-9211795
Website : www.kppsc.gov.pk

**KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-Fort Road, Peshawar Cantt.**

Handwritten initials and a circled number '29'.



No. PSC/SR-I/ 01418

Dated: 11/11/18

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Communication & Works Department,
Peshawar.

Handwritten notes: '499', '12-1-18', 'DSA', and 'Communication & Works Dept.' with a signature.

Subject: REQUEST FOR CONTINUING OF THE SERVICE IN PAK PWD
FROM 09-07-2007 TO 10-01-2011 FOR THE PURPOSE OF
INCREMENTS/PENSION.

Dear Sir,

I am directed to refer to your letter No. SOE/C&WD/1-63/2010 dated 09.11.2017 on the subject noted above and to state that the original application with all relevant documents of the recommendee namely Mr. Shah Nawaz Khan S/O Said Bahadar of District Malakand/3 have already been sent to Communication & Works Department for appointment vide this office letter.No.KPK-PSC-SR-I/45083 dated: 07-09-2010.

Handwritten note: 'P-62/c'

I am further directed to inform that necessary entries of pervious service in Pak PWD from 09-07-2007 to 10.01.2011 may be conformed from the original application/documents of the said recommendee and process the case further under the rules.

Yours faithfully,

(ABDUL LATIF)
ASSISTANT DIRECTOR-III

Handwritten note: 'SoE', '15/11', and a signature.

Handwritten note: 'SupdH: please put up.' and a signature.

Handwritten note: '12/1/18' and a signature.