

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1109 /2013.

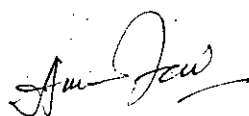
Mr. Mohammad Ishaq. VS Irrigation Deptt:

INDEX

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1 - 4
2-	Appointment order	A	5
3-	Copy of diploma.	B	6
4-	Order dt. 4.3.2011	C	7
5-	Notification 2.4.2011	D	8 - 10
6-	Notification 25.6.2012.	E	11
7-	Letter dt.15.3.2013	F	12
8-	Order 19.3.2013	G	13
9-	Covering letter	H	14
10-	Appeal.	I	15 - 16
11-	List of other officials.	J	17
12-	Vakalat nama	---	18.

APPELLANT
MOHAMMAD ISHAQ

THROUGH;


M.ASIF YOUSAFZAI
ADVOCATE.

R.SHEWETH.

- 1- That the appellant was appointed in the respondent Deptt: as Tube well Operator vide order dated. 14.2.2004 on contract basis and subsequently regularized under the Regularization Act of 2005. Copy of the order is attached as Annexure – A.
- 2- That the appellant has passed three years Diploma in Mechanical Engineering Technology and on the basis of that qualification the appellant was posted as Sub Engineer (OPS) vide order dated. 4.3.2011. Copies of certificate and order is attached as Annexure – B & C.
- 3- That the respondent Deptt: Notified Rules on 2.4.2011 wherein at S.NO the post of Sub Engineer (BPS-11) was mentioned with method of filling in the same as "80% by initial recruitment & 20% by promotion on the basis of seniority cum fitness from amongst canal inspector, work taker, gauge readers, Surveyors and other establishments having diploma of associate engineering in civil, mechanical, electrical, or auto technology from a recognized institute or board of technical education of government with at least ten years service and have passed the departmental B-Grade and Grade-A examination." It is also worth to mention that the appellant belongs to the category of "Other establishment". Copy of the rules is attached as Annexure – D.
- 4- That on 25.6.2012 the said rules were further amended where in drastic changes were introduced in S.NO.5 by eliminating the chances of promotion of the appellant altogether. The said amendments were never circulated amongst the employees. Copy of the notification is attached as Annexure – E.
- 5- That on 15.3.2013 some guide lines were issued on the basis of new amended rules wherein it was directed to revert all the OPS officials and fill those vacancies from amongst the officials of proper grade & qualification and if no suitable official is available then fill those posts on appropriate grade and seniority position. Copy of the letter is attached as Annexure – F.

- 6- That as the "Other Establishments" was deleted in new amendments, therefore the appellant was reverted vide order dated. 19.3.2013. The appellant when asked the office about the order, he was informed that the action was taken on the basis of new rules and because his cadre was no more available in new rules. Thus the appellant filed departmental appeal against the order dated. 19.3.2013 and uncirculated amended rules on 22.3.2013 and waited for ninety days but no reply has been received by appellant so far. Hence the present appeal on the following grounds amongst that others. Copies of order, covering letter and appeal are attached as Annexure – G,H&I respectively.

GROUND:

- A- That the order dated. 19.3.2013 is discriminatory, arbitrary and similarly the amendments made vide notification dated. 25.6.2012 in S.NO.5 are disadvantageous, without reasons, irrational, amounts to forfeiting rights of promotion of appellant, therefore liable to be set-aside.
- B- That the appellant has been discriminated under the garb of amendments because there are many officials who even not have Diplomas are still working as Sub Engineer (OPS) and also many diploma Holders but the appellant has been shunted out without any reasons. Copy of list is attached as Annexure – J.
- C- That in the Govt: service three "Ps" are very important i.e pay, pension & promotion, but in case of appellant his rights of promotion were eliminated altogether and that too in an arbitrary manner.
- D- That no reasons have been mentioned which might necessitated to amend the rules and that too to the disadvantageous of appellant by eliminating " other Establishments" in new rules.
- E- That neither the new amendments were circulated amongst the employees of the Irrigation Deptt; nor any chance of hearing was provided while amending the rules to the

disadvantageous to the appellant. Thus the appellant has been condemned unheard.

- F- That rules are always amended for the betterment of employees, but in the instant case, amendment were brought which were disadvantageous and disastrous for service career of appellant.
- G- That the new amendments in rules are totally in violation of Civil servants Acts and rules made there under.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT *M. Ishaq*
MOHAMMAD ISHAQ

THROUGH;

M. Asif Yousafzai
M. ASIF YOUSAFZAI
ADVOCATE.

NO.
TO,

10-11-12

1347(i)

Dated Bannu the 14/12/2004

A

5

Mr. Mohammad Ishaq Khan
S/O

Mr. Zafer Ali Village Jaagi Khan
Daud Snan Bannu.

Subject:-

APPOINTMENT AS TUBEWELL OPERATOR.

You are hereby offered a post of Tubewell operator on contract basis on minimum pay scale No.4 at Rs.2040/- per month plus usual allowances as admissible under the rules for a period of one year extendable to three years subject to the continuation of the post for subsequent years.

Your appointment in this Department will purely be on contract basis and will be governed by contract policy 2002 issued vide Govt:of Finance Department letter No.FD(SOSR-II)12-1/2002 dated 26/10/2002 with additional terms and conditions as noted below:-

1. You will have to produce:-

- i) Health and age certificate from Medical Superintendent Distt:H/Qr:Hospital concerned.
- ii) Domicile certificate/Computerized N.I.C.
- iii) Original academic certificate if any.
- iv) Character certificate.
- v) A certificate to the effect that you are not a dismissed Govt: servant.

If you accept the post on the above mentioned conditions, you should report arrival for duty to this Division as early as possible and produce all the required certificates as mentioned above.

The offer will be considered as cancelled if you failed to report arrival for duty within 15 days of receipt of this letter or no reply is received from your end.

M. Ishaq Khan
Executive Engineer,
Bannu Canal Divn:Bannu.

Copy forwarded to:-

1. The SDO Civil Canal Sub Divn:Bannu for information.
2. The Distt:Accounts Officer Bannu for information.
3. DAO(Local)/HC for information and necessary action.

Sd/-
Executive Engineer,
Bannu Canal Divn:Bannu.

ATTESTED

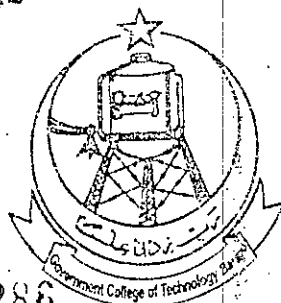
A

B 6



Government College of Technology

Bannu



286

Provisional Certificate

Examination/ Annual 2010

Serial No. _____

Session 2007-2010

Dated 22-10-2010

Roll No 218161

This is to Certify that Mr. Muhammad Khag

S/O. Mr. Zafar Ali Khan

Has Satisfactorily Completed The Three Years Programme of

D.A.E in Mechanical Technology and has Passed.


Diploma of Associate Engineer

Examination held in May 2010 Conducted by the


N.W.F.P. Board of Technical Education Peshawar.

He has Secured 2108 Marks Out of 3350 Marks

and has Placed in FIRST Division


Controller of Examination
Govt. College of Technology
Bannu

Examination
Technology Govt. College of Technology
Bannu


Principal
Govt. College of Technology
Bannu



ATTESTED





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

Phone No. 091-9212118 Fax No. 091-9212652

7

No. SH77-82-IB/A/3-12

Dated Peshawar the 4/02/2011

OFFICE ORDER

In pursuance of the office note approved by the Minister for Irrigation Khyber Pakhtunkhwa vide his diary No. 1576 dated 15-02-2011 received vide Secretary Irrigation letter No. SO(E)IRR/5-2/2010-11 dated 02-03-2011, Mohammad Ishaq Tube Well Operator attached to Bannu Canal Division Bannu is hereby transferred / posted as Sub Engineer (OPS) in Project Division for SIS Kohat against the vacant post purely on temporary basis as stop gap arrangement with immediate effect in the public interest.

SUPERINTENDING ENGINEER
(HEADQUARTER)

Copy to the:-

1. Secretary to Govt of Khyber Pakhtunkhwa Irrigation Department Peshawar w/r to above for information.
 2. Superintending Engineer Southern Irrigation Circle Bannu.
 3. Superintending Engineer Project Circle for SIS Peshawar.
 4. Executive Engineer Project Division for SIS Kohat.
 5. District Account Officer Kohat/Bannu.
 6. PS to Minister for Irrigation Khyber Pakhtunkhwa Peshawar w/r to the above for information.
 7. Executive Engineer Bannu Canal Division Bannu.
3. Official concerned.


SUPERINTENDING ENGINEER
(HEADQUARTER)

ATTESTED


EXTRAORDINARY

GOVERNMENT



D REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT,

NOTIFICATION

Dated Peshawar the 17th February, 2011

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

Secretary to Government of the Khyber Pakhtunkhwa Province
Irrigation Department.

688

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

ATTESTED

APPENDIX

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

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

9

690

PART-II-MINISTERIAL ESTABLISHMENT

6.	Geologist (BPS-17)	MSc: Geology from a recognized University with 03 years experience in the relevant field.	18 to 32 years	By initial recruitment.
7	Administrative Officer/ Budget and Accounts Officer (BPS-16)			
8	Superintendent (BS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents of the Department having at least three years service. By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants, Head Clerks and Senior Scale Stenographers with at least five years service as such. Note 1: - For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers shall be maintained. If the date of appointment of both the officials is the same, then Assistant shall rank senior. Note 2: - Promotion to the post of Superintendents in Regional Office cadre shall be considered from amongst the Assistants, Head Clerks and Senior Scale Stenographers of Regional Office cadre and that of Circle Office Cadre from the Assistants, Head Clerks and Senior Scale Stenographers of Circle Office Cadre.
9.	Senior Scale Stenographer (BPS-15)	a. Bachelor's Degree/ B.Com from a recognized University; and b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing.	18 to 30 years	a. - Forty percent by initial recruitment; and b. sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least three years service as such.
10	Assistants/Head Clerk (BPS-14)	Second Class Bachelor's Degree with Economics/ Statistics as one of the subject or B.Com, from a recognized University.	18 to 30 years	In Regional Office Cadre a. Twenty five percent by initial recruitment; and b. seventy five percent by promotion, on the basis of the seniority cum fitness, from amongst Accounts Clerks and Senior Clerks in Regional Office Cadre with at least 5 years service as such. In Circle Office Cadre By promotion, on the basis of seniority cum fitness, from among the Accounts Clerks and Senior Clerks with at least 5 years service as such, in the Circle where the vacancies occurs.

ATTESTED

[Signature]

691

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

11	Junior Scale Stenographer (BPS-12)	(a). Intermediate or D.Com From a recognized Board; and (b) A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing with computer knowledge of Microsoft Words and Excel.	18 to 30 years	By Initial Recruitment.
12	Accounts Clerk/ Senior Clerk (BPS-9)			By promotion, on the basis of seniority cum fitness, from among the Junior Clerks with atleast 5 years service in the respective regional or Circle cadre as such; Note. Promotion to the post of Accounts Clerk or Senior clerk in Regional Office cadre shall be considered from amongst the Junior Clerks of Regional Office Cadre and that of Circle Office Cadre from amongst the Junior Clerks of Circle Office Cadre).
13	Junior Clerk (BPS-7)	(a) Secondary School Certificate from a recognized Board; and (b) A speed of 30 words per minute in English typing.	18 to 30 years	(a) Sixty Seven percent by initial recruitment; and (b) Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and are under 45 years of age and have at least two years service as such in the respective Regional and Circle Office Cadre Note For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate which ever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.
PART-III COMPUTER ESTABLISHMENT				
14	Data Processing Supervisor (BPS-14)	Bachelor's Degree from a recognized University with 03 years Diploma in Computer Science, from recognize institute	18 to 30 years	(a). Twenty five percent by initial recruitment; and (b). Seventy five percent by promotion, on the basis of seniority cum fitness, from amongst the Data Entry Operators and Key Punch Operators with five years service as such.

10

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011. 692

15	Data Entry Operator/Key Punch Operator (BPS-12).	Intermediate with one year Diploma in computer science from a recognize institute with speed of 10000 key depression per hour.	18 to 30 years	By initial recruitment.
PART-IV REVENUE ESTABLISHMENT				
16	Canal Collector (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Deputy Collectors and Assistant Land Reclamation Officers with five years service as such.
17	Deputy Collector / Assistant Land Reclamation officer (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst Zilladars with atleast five years service as such.
18	Zilladar (BPS-14)	Bachelor's degree or equivalent qualification from a recognized University.	21 to 30 years	(a) Seventy percent by initial recruitment; and (b) thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Head Vernacular Clerks with six years experience and Vernacular Clerk/Revenue Inspector with ten years service and having passed Secondary School Certificate Examination from recognized Board.
Note: Promotion of Head Vernacular Clerks (BPS-7) to the post of Zilladar (BPS-14) shall be considered only in the circle where no post of Head Vernacular Clerk (BPS-10) exist				
19	Revenue Inspector (BPS-10)	Intermediate or equivalent qualification from a recognized Board.	18 to 30 years	By initial recruitment.
20	Head Vernacular Clerk (BPS-10)			By promotion, on the basis of seniority-cum-fitness, from amongst the Vernacular clerks in the circle where the vacancies occur.
21	Vernacular Clerk (BPS-7)	Secondary School Certificate, from a recognized Board.		By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris having five years service as such in the Circle where the vacancies occur.
22	Patwari (BPS-5)	Secondary School Certificate from a recognized Board with one year Patwar training in Irrigation Department and have passed Irrigation Patwar Examination.	18 to 35 years	By initial recruitment.
PART-V DRAWING ESTABLISHMENT.				
23	Chief Draftsman (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman with three years service as such.

ATTES ED

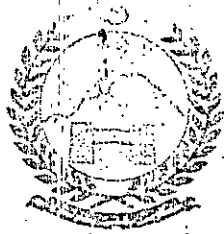
24	Circle Head Draftsman (BPS-16) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Divisional Head Draftsman with three years service as such.
25	Divisional Head Draftsman (BPS-13)			By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman, who have passed the prescribed departmental examination for appointment as Head Draftsman with three years service as such.
26	Draftsman (BPS-10)	(a) Secondary School Certificate from a recognized Board; and (b) Two years Certificate course in Civil Draftsmanship from a recognized institute/Board of Technical Education.	18 to 30 years.	a. Fifty percent by initial recruitment; b. twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having Certificate of Civil Draftsman course of two years duration from a recognized Board of Technical Education with three years service as such; and c. twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman and having three years service as such. Note: - If no suitable candidate is available for promotion against the quota at (b), then the vacancy shall be filled-in by the way as prescribed at (c) and Vice Versa.
27	Tracer (BPS-5)	(a) Secondary School Certificate from recognized Board; and (b) Tracer Course of at least six months duration from a recognized Institute or Board of Technical Education.	18 to 30 years	By Initial Recruitment.

6
PART-II-MIN
7
A

RA
AD
n am
n BP
sis c
ive y
s of
Dire
ity, A
nder
By
as a
ity
pro
ined
/ pr
old
ntal
e c
illed
ital
pro
ng
te

EXTRAORDINARY

GOVERNMENT



E (11) REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25TH JUNE, 2012.

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

NOTIFICATION

Dated: 25th June, 2012.

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

AMENDMENTS

In the Appendix,

I. Against Serial No. 4, in column No. 5, for the existing entries, in clause (b), (c) and (d), the following shall be respectively substituted, namely:

"(b) twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five year service as such.

Note- For the purpose of Clause (b), a Joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer.

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

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

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

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

ATTESTED

1213

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

ii. against serial No. 5, in column No. 5, for the existing entries in clause (b), the following shall be substituted, namely:

*in diploma
with condition
of Exam*

(b) fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors, having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Board of Technical Education, having passed the departmental Grade-B and Grade-A examination, with at-least seven years service as such; and

*work
superintendent*

(c) five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Work Munshi, Surveyors, and work superintendent having passed the departmental Grade-B examination with at-least ten years service as such;

iii. Against serial No. 7, in column No. 5, for the words "three years" the words "one year" shall be substituted;

iv. against serial No. 9, in column No. 3, for the existing entry the following shall be substituted, namely:

- a. Bachelor Degree or equivalent qualification from a recognized University; and
- b. A speed of 80 words per minute in short hand in English and 40 words per minute in English typing; and

v. against serial No. 13, in column No. 5, in clause (b), the words and figures "and are under 45 years of age" shall be deleted.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT.

Printed and published by the Manager,
State & P.W. Dept., Khyber Pakhtunkhwa, Pesh.

*for (b) - when Mech. / Elec. diploma has been
included then in the case Supervisor E/M, G-
Supervisor (E/M) should be included in
the same of Elec / Mech. diploma
then to with division and
Report to be prepared
should be prepared*



F

(12)

GOVT. OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

PHONE 9210845 & FAX: 091-9210874

No.PS/Secretary.Irrigation/2013
Peshawar the, 15th March, 2013

To

1. The Chief Engineer (South),
Irrigation Department, Khyber Pakhtunkhwa.
2. The Chief Engineer (North),
Irrigation Department, Khyber Pakhtunkhwa.
3. The Director General,
Small Dams, Khyber Pakhtunkhwa

Subject. RATIONALIZATION OF POSTINGS/TRANSFERS

All the officers/officials posted /transferred out of turn, in own pay scales, against higher positions than their grades / seniority be reverted to original positions forthwith such vacant positions be filled by officers / officials of proper grade / qualifications.

2. In case of non availability of officers/officials of appropriate grade / seniority for any particular position, adjustment in own pay scales to higher positions shall be made purely on seniority/efficiency and merit.

Khalid Pervez
(Khalid Pervez)
Secretary Irrigation

~~ATTACHED~~

[Signature]



OFFICE OF THE CHIEF ENGINEER (SOUTH)
GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT PESHAWAR
Phone No. 091-9212116 Fax No. 091-9212652

9
= 13

No. 4388-79/AB/A

Dated Peshawar the 19/03/2013

OFFICE ORDER

In pursuance of direction of Secretary to Govt. of Khyber Pakhtunkhwa vide letter No. PS/Secretary Irrigation/2013, dated 15/3/2013 the following officials who are not eligible and posted against the higher post of Sub Engineers as stop gape arrangement in (OPS) are hereby adjusted against their original position with immediate effect in the public interest.

S. No.	Name of Sub Engineers (OPS)	Present place of posting as Sub Engineer (OPS)	Repatriated to his original post	Remarks
1.	Mr. Amjad Iqbal Dafadar	Swat Irr. Divn. Swat.	Swat Irr. Divn. Swat.	Against his original post
2.	Mr. Fawad Hussain Tracer	-do-	Hazara Irr. Divn. Abbottabad.	-do-
3.	Mr. Siyyar Ahmad Operator Drilling Reg.	Swabi Irr. Divn-I	Mechanical Irr. Divn. Peshawar	-do-
4.	Mr. Abdul Ghaffar Junior Clerk	Warsak Canal Divn. Peshawar	Chief Engineer (North) office as Junior Clerk	-do-
5.	Mr. Sajid Nawaz Tracer	Kohat Irr. Divn. Kohat	Bannu Canal Divn. Bannu.	-do-
6.	Mr. Wahedullah Tracer	Marwat Canal Divn. Bannu.	Marwat Canal Divn. Bannu.	-do-
7.	Mohammad Ishaq T/Well Operator	Bannu Canal Divn. Bannu.	-do-	-do-
8.	Mr. Abdul Jabbar Electrician	PHP Irr. Divn. DIKhan	CRBC Irr. Divn. DIKhan	-do-
9.	Mr. Ghalibullah Tracer	Flood Irr. Divn. Peshawar	Chief Engineer (South) Office	-do-
10.	Mr. Zuhair Nawaz Beldar	Flood Irr. Divn. DIKhan	CRBC Irr. Divn. DIKhan	-do-
11.	Mr. Asif Kashid Computer Operator,	Warsak Canal Irr. Divn. Malakand.	Swabi Irr. Divn-II	-do-
12.	Mr. Noor Wali Mechanic (Grade-I)	T/Well Irr. Peshawar	Warsak Canal Divn. Peshawar	-do-
13.	Mr. Noor Rehman General Supervisor	T/Well Irr. Divn. Peshawar	Mechanical Irr. Divn. Peshawar	-do-

SUPERINTENDING ENGINEER
HEAD QUARTER

Copy forward to the:-

- Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar w/r to his letter quoted above.
- Accountant General Khyber Pakhtunkhwa.
- All Superintending Engineers in Irrigation Department Khyber Pakhtunkhwa.
- All Executive Engineers in Irrigation Department Khyber Pakhtunkhwa.
- All District / Agencies, Accounts Officer Khyber Pakhtunkhwa.
- Official concerned.

SUPERINTENDING ENGINEER
HEAD QUARTER

ATTESTED

H
= (14)

NO. 1087. 14ECI) Dated Bannu the 05/4/2013

The Chief Engineer,
Irrigation (South)
KPK Peshawar

Subject:-
APPEAL FOR RE-CONSIDERATION OF SERVICE
ROLLS ISSUED VIDE NOTIFICATION NO.SO(8)
IRR:1/23-5/75 DATED 17/2/2011 AND AMENDMENT
ISSUED VIDE NOTIFICATION NO.SO(8)IRR:23-5/
2010-11 DATED 02/6/2012

An appeal alongwith other documents in respect
of Mr. Mohammad Ishaq the then Sub Engineer, of Marwat Canal
Divn: Bannu is submitted herewith for further disposal please.

[Handwritten Signature]
Superintending Engineer,
Bannu Irr: Circle Bannu
9/4/13

Copy to Executive Engineer, Marwat Canal Divn: Bannu
with ref: to his No. 939/23 dated 2/4/2013 for information.

Superintending Engineer,
Bannu Irr: Circle Bannu

[Handwritten Signature]
06/4

ATTESTED
[Handwritten Signature]

OFFICE OF IRR:	
3003	04
C.E.
T.O.
S.E.
AFO	<i>[Handwritten Signature]</i>

[Handwritten Signature]
17/3

جو ایڈوائسنگ انجینئر نے مورخہ 22/3/2013 کو جو دیا گیا۔ ان کی کارروائی 28/3/2013 کو صرف اختیار ہے۔
دفتر میں ہو رہی ہے۔

محمد اسحاق خان سابق سب انسپری (ops) کے لیے کہتے

رکھ رہے ہوں، کوئی جواب کے جوابے کر دیں،

شکر۔

طوبی علی صاحبہ، نذرہ انسپری خان

ہوں،

To,

The Chief Secretary,
Khyber Pakhtunkhwa.

Through:-

Proper Channel.

Subject:-

APPEAL FOR RECONSIDERATION OF SERVICE RULES ISSUED VIDE NOTIFICATION NO. SO(E)IRR/23-5/73 DATED 17-02-2011 AND AMENDMENT ISSUED VIDE NOTIFICATION NO. SO(E)IRR/23-5/2010-11, DATED 25-06-2012.

Respected Sir, -

Most humbly it is stated that notification dated 17-02-2011 cited in the subject was issued in respect of Sub Engineer recruitment in Irrigation Department (Annexure-A) mentioned in serial No.5 of the schedule vide which Eighty % posts will be filled up by initial recruitment having diploma of Associate Engineer and twenty % by promotion on the basis of seniority/fitness amongst Canal Inspectors, Work Taker, Gauge Reader, Surveyors and other Establishment having diploma of Associate Engineer with at least ten years service and have passed Grade B and Grade A examinations.

The applicant/ appellant was serving as Tube Well Operator having diploma of Associate Engineer with ten years service experience in Irrigation Department attached with Marwat Canal Division Bannu. According to said notification dated 17-02-2011, the applicant / appellant was transferred / posted as Sub Engineer in (OPS), copy (Annexed-B) under category "other establishment".

In addition to above, the said rules were amended vide notification dated 25-06-2012, (copy Annexed-C) vide which at serial No. II Class B, fifteen percent post of Sub Engineers will be filled as mentioned in notification dated 17-02-2011, but period of service is reduced to 7 years instead of ten years, while on the other hand five % posts will be filled up mentioned as above, but employees who comes under category "other establishment" is excluded vide ammended rules and as such the applicant / appellant was repatriated to his original post (Tube Well Operator) copy of order (Annexed-C) and many others also.

In view of previous rules dated 17-02-2011 the applicant / appellant was eligible and performed his duty as Sub Engineer for two years very well to the satisfaction of his superiors. The applicant/ appellant being diploma holders according to ammended rules, his future became dark and promotion chances are blocked and as such the due rights are suffered. The rules/ policies are often made for the benefit of Govt: servants and not for their losses, but the said ammended rules are discriminatory for "others establishment" (diploma holders). The applicant / appellant was posted as Sub Engineer according to previous rules dated 17-02-2011 and the instant ammended rules are not applicable on applicant / appellant.

Keeping in view the above facts the following points in previous rules as well as in ammended rules are to be considered as under.

1. Eighty percent quota is fixed by initial recruitment having only simple diploma of Associate Engineer with out service experience and passing of Grade 'B' and 'A' examination/ service experience, vide on the other hand employees of the department i.e Work Taker, Canal Inspector, Gauge Reader, Surveyors and others establishment are made bound to have service of seven /ten years, and passing of Grade B and A examination including diploma of Associate Engineer which is injustice with the said employees of Irrigation Department, though they are well qualified than initial recruits

ATTESTED

16

- ii. [redacted] in the ammended rules dated 25-06-2012 other employees have been excluded whose promotion chances are blocked for ever, though they are well qualified and most eligible then non qualified technical employees.
- iii. the quota of initial recruitment is eighty percent which is too more while quota of department employees, who are diploma holder, having service experience and are technical hand, is decreased to 15 percent which is too lass for qualified employees of the department. The quota of initial recruitment is to be reduced and preference may be given to the employees of department (Diploma Holders) who are technical as well as have service experience.
- iv. in edition to above it is astonishing to say that according to ammended rules clause " C" five percent quota is fixed for non diploma holders having passed departmental Grade B examination with at least ten years service experience which is illegal, and basic qualification of Sub Engineer is ignored, and "other establishment", is excluded.
- v. further more the department have posted 36 Nos employees recently and often of them are non diploma holders. Now the department has started process of pick and choose, like and dislike, so the ammended rules are violated easily by the department and as such these rules are ineffective.

It is prayed that said rules may be re-considered / ammended and the applicant / appellant may please be posted as Sub Engineer (ops) and "other establishment" may be re-included in ammended rules 2012.

I shall pray for your long life and prosperity forever

Thanks

Dated ___/03/2013

Yours obediently

M. Ishaq
Muhammad Ishaq
the then Sub Engineer (OPS)
Now Tube Well Operator
Bannu Canal Division Bannu
Irrigation Department.

ATTESTED



Copy forwarded in advance to:-

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

For information

Muhammad Ishaq
the then Sub Engineer (OPS)
Now Tube Well Operator
Bannu Canal Division Bannu
Irrigation Department.

Non-Diploma Holder
Sub Engineers (ops)

Sl No.	Name	original designation
1	Mohd Sajjad	Work Munshi
2	Masood Khan	-
3	Gohar Ali	-
4	Zaimud Akber	-
5	Abdul Karim	-
6	Tasawer Ali Bagesh	-
7	Aminullah	W/Munshi
8	Nadeer Raza Shah	-
9	Shahjahan	-
10	Adil Nawaz Shah	-
11	Asadullah	W/Munshi

etc: etc:

Diploma Holder

J
17

- 1 Zainullah Work Taker
- 2 Iqbal Rawan Surveyer
- 3 Mujib Rehman W/Munshi
- 4 Hidayatullah Q/Reader
- 5 Samiullah -
- 6 Micharsad Darwood -
- 7 Zafer Canal Inspector
- 8 Inamullah Q/Reader
- 9 Shahid Khan -
- 10 Yousaf Rehman -
- 11 Sultan W/Munshi

وہاں سے اس کے لئے

ATTESTED

[Signature]

18

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Mohamma d Ishaq (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Immigration Dept (Respondent)
(Defendant)

I/We Mohammed Ishaq

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

M. Ishaq
(CLIENT)

ACCEPTED

M. Asif
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

Service Appeal No.1109/2013

Mohammad Ishaq

Tube well Operator Bannu Canal Division

(Appellant)

V/S

1. Chief Secretary Government of Khyber Pukhtunkhwa.
2. Secretary Irrigation Deptt., Govt: of Khyber Pukhtunkhwa
3. Chief Engineer (South), Irrigation Department Peshawar.
4. Superintending Engineer Irrigation Circle Bannu.

(Respondents)

Subject: - **JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 4**

Respectfully sheweth,

Preliminary objections.

- i. That the appeal is time barred.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not maintainable in its present form.
- iv. That the appeal is bad for mis joinder and non joinder of parties.

FACTS

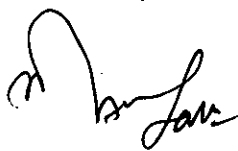
1. It is correct to the extent that the appellant has joined the Department as Tubewell Operator on 14-2-2004.
2. The appellant being Diploma holder was adjusted as Sub Engineer in his (OPS) purely on temporary basis as stop gap arrangements. However the category of Tube Well Operator has no relevancy with the job of Sub Engineer, and as per amended rules for promotion of Sub Engineers vide Notification No.SO(E)IRR:/23-5/2010,dated 25-6-2012 (Annexure-I), the categories which do not exist in the amended rules for promotion were re-adjusted to their original position/posts.
3. The Standing Service Rules Committee after due consideration of the job description of those categories which has no relevancy with the job of Sub Engineer i.e. J/Clerk ,Operator, Electrician, Patwari and Beldar etc were deleted from the Service Rules notified vide (Annexure-I) above in view of their own line of promotion.
4. The rules were circulated to the concerned sections for further action under these rules.
5. As explained in Para-I above, all those categories which are not existed in the notified Service Rules 2012 have been re-adjusted to their original position/posts.
6. As per No.5 above.

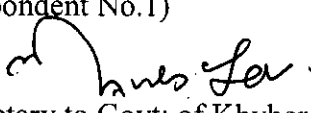
GROUNDS


31

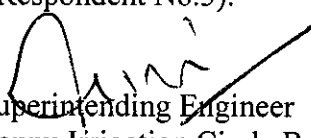
- a. In-correct the appellant has been treated according to applicable rules/regulations .
- b. In-correct the category of the appellant does not exist in the amended Service Rules 2012, therefore re-adjusted to his original post and those categories which existed as eligible for promotion had been treated as such.
- c. In-correct the appellant has been treated under the relevant rules.
- d. In-correct the amendments ~~were~~ deemed essential to cater for the promotion of staff having relevance to the post against which the promotion was considered.
- e. The rules were amended by the competent forum i.e. Standing Service Rules Committee, and no hearing/views of prospective candidates is mandatory under the process.
- f. As per above para .
- g. In-correct the amendment referred to, is on merit and does not violate any specific Civil Servants Acts /Rules.
- h. That the respondents seek permission of the Tribunal to raise additional grounds at the time of arguments.

In view of the position explained above, it is humbly prayed to dismiss the appeal with costs.

1. 
Chief Secretary Government of
Khyber Pukhtunkhwa.
(Respondent No.1)

2. 
Secretary to Govt: of Khyber Pukhtunkhwa
Irrigation Deptt: Peshawar
(Respondent No.2).

3. 
Chief Engineer (South),
Irrigation Deptt: Peshawar.
(Respondent No.3).

4. 
Superintending Engineer
Bannu Irrigation Circle Bannu
(Respondent No 4)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL

32

Service Appeal No.1109/2013

Mohammad Ishaq
Tubewell Operator Bannu Canal Divisoin.

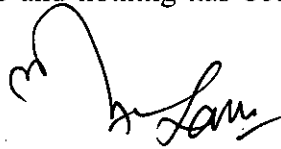
Appellant

Versus

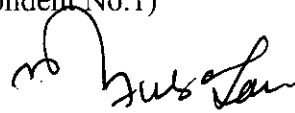
1. Chief Secretary Government of Khyber Pakthunkhwa
2. Secretary to Govt of Khyber Pakhtunkhwa.
Irrigation Department, Peshawar.
3. Chief Engineer (South), Irrigation Department, (Respondents)
Peshawar
3. Superintending Engineer Irrigation Circle Bannu

COUNTER AFFIDAVIT

We do hereby solemnly affirm and declare that contents of the para wise comments in Service Appeal No.1109/2013 filed by Mohammad Ishaq T/Well Operator are correct to the best of our knowledge and nothing has been concealed from August Service Tribunal.

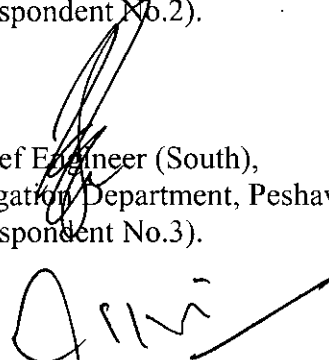


1. Chief Secretary to Government of
Khyber Pukhtunkhwa.
(Respondent No.1)



2. Secretary to Govt: of Khyber Pakhtunkhwa
Irrigation Deptt: Peshawar
(Respondent No.2).

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



4. Superintending Engineer
Bannu Irrigation Circle
(Respondent No.4).





16

Amended C



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Dated Peshawar 25th June, 2012

NOTIFICATION

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

AMENDMENTS

In the Appendix,

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

- (b) twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five year service as such.

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

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

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

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

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

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

ii. against serial No. 5, in column No. 5, for the existing entries in clause (b), the following shall be substituted, namely:

- (b) fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors, having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Board of Technical Education, having passed the departmental Grade - B and Grade- A examination, with at-least seven years service as such; and
- (c) five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Work Munshi, Surveyors, and work superintendent, having passed the departmental Grade-B examination with at-least ten years service as such;
- iii. Against serial No. 7, in column No. 5, for the words "three years" the words "one year" shall be substituted;
- iv. against serial No. 9, in column No. 3, for the existing entry the following shall be substituted, namely:
- a. Bachelor Degree or equivalent qualification from a recognized University; and
 - b. a speed of 80 words per minute in short hand in English and 40 words per minute in English typing; and
- v. against serial No. 13, in column No. 5, in clause (b), the words and figures "and are under 45 years of age" shall be deleted.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department

Indst. No. & Date as above

Copy of the above is forwarded to the:-

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary, Chief Minister, Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa.
5. Additional Accountant General (PR, Sub Office), Peshawar.
6. All Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Irrigation Department, Khyber Pakhtunkhwa.
8. All District Coordination Officers / P.As in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. Secretary, Board of Revenue, Khyber Pakhtunkhwa.
11. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. All Superintending Engineers in Irrigation Department.
14. All Executive Engineers in Irrigation Department.
15. PS to Minister for Irrigation, Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
18. Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested to supply 200 copies of the printed gazette, for further distributions.
19. Master File:

[Signature]

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

Service Appeal No. 1109/2013

Mohammad Ishaq VS Irrigation Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(i-iv) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by the respondents which means that para 1 of the appeal is correct.
- 2 It is correct that that the tube well Operator has no relevancy with the job of Sub engineer, but the appellant being Diploma holder in mechanical Engineering was posted as Sub Engineer in his Own Pay Scale.
- 3 Incorrect. this para is not relating to rules notified on 25.6.2012, but it to the rules notified on 2.4.2011 in which it was mentioned with the method of filling the post of Sub Engineer as "80% by initial recruitment & 20% by promotion on the basis of seniority cum fitness from amongst canal inspector, work taker, gauge reader, surveyors and other establishment having diploma of associate engineering in Civil, Mechanical, or Auto Technology from recognized institute or board of technical education of Government with at least teen years service and have passed the

D
29/9/11

departmental B-Grade and Grade-A examination".
The appellant belong to "other establishment" eligible to the post of Sub Engineer on the basis of this notification.

- 4 It is correct that by amending the said rules on 25.6.2012 the "other establishment" was deleted which eliminate the chances of promotion of the appellant altogether being Diploma holder, experienced and competent person. Moreover the said amendments wee never circulated amongst the employees.
- 5 In is correct that on the basis of new amended rules all OPS officials were directed to revert but such amendments are disadvantageous, without reasons, irrational as appellant rights of promotion were eliminated altogether being Diploma holder, experienced and competent person.
- 6 Not replied.

GROUND:

- A) Incorrect. While para A of the appeal is correct.
- B) Incorrect. in rules 2011 "other establishment" was present on the basis of which the appellant was eligible for promotion, but amended service rules the "other establishment" was deleted due to which the appellant right of promotion were eliminated altogether being Diploma holder, experienced and competent person. Thus the appellant has been discriminated under the grab of amendments, therefore liable to be set aside.
- C) Incorrect. The appellant has been discriminated and deprived from his right of promotion altogether on the basis of amended service rules 2012.
- D) Incorrect. The amendments were with out reasons and irrational and that too disadvantageous to the appellant by eliminating

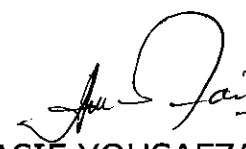
"other establishment" in the amended service rules 2012.

- E) Incorrect. the rules are always amended for the betterment of employees and when a department wanted to amendments the exciting rules they should circulate such amendments amongst the employees to show concerns before implementation of such amended rules but in such case no chance of hearing were provided to the appellant as well as other official and such amended rules was disadvantageous to the appellant by depriving him from promotion altogether.
- F) As per above para.
- G) Incorrect. While para G of the appeal is correct.
- H) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

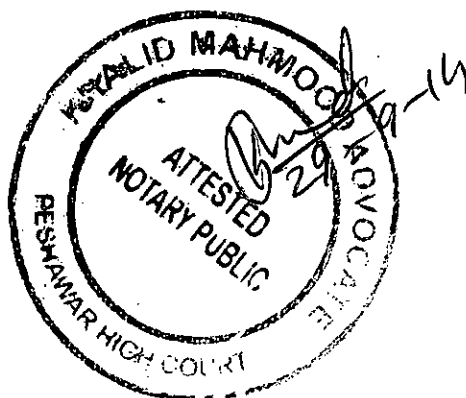
APPELLANT
Mohammad Ishaq

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.




DEPONENT