


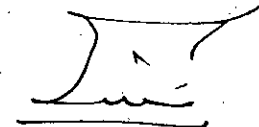
12.10.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Last opportunity given. Adjourned. To come up for arguments before the D.B on 21.11.2022.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

21<sup>st</sup> Nov, 2022

Lawyers on general strike today.

To come up for arguments on 18.01.2023 before D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

9




(Fareeha Paul)  
Member (E)

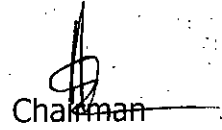
(Kalim Arshad Khan)  
Chairman

26.01.2022

Appellant present in person. Mr. Kabirullah Khattak, Addl. AG alongwith Ibrar Ahmad, Asstt. Collector for the respondents present.

Learned counsel for the appellant was stated to be busy before the Hon'ble High Court, Bannu Bench and request for adjournment is made. Adjourned. To come up for arguments on 13.05.2022 before the D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman


13-5-22

*Proper DB not available the case  
is adjourned on 26-7-22*  
*Yusuf  
Reddy*

26<sup>th</sup> July 2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 12.10.2022 before the D.B.

  
(Salah-Ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

18.03.2021

Junior to counsel for the appellant present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Granted but as a last chance.

Adjourned to 27.05.2021 before S.B.

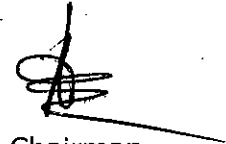


(Mian Muhammad)  
Member (E)

27.05.2021

Counsel for the appellant and Mr. Javidullah, Asstt. AG alongwith Ibrar Ahmad, Asstt. Collector for the respondents present.

Respondents have furnished Parawsie comments which are placed on file. The appeal is assigned to D.B for arguments on 14.09.2021.



Chairman

14.09.2021

Appellant in person present.

Muhammad Adeel Butt learned Additional A.G alongwith Fareed Gul S.D.O for the respondents present.

Request for adjournment was made on behalf of appellant as his counsel is not available today. Request is accorded. To come up for arguments on 26.01.2022 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

30.11.2020

Appellant is present in person. He submitted application for extending further few days for submission of security and process fee which have not been deposited within the prescribed period due to unavoidable circumstances.

The application is accepted. Appellant is directed to deposit the requisite security and process fee within three working days, thereafter, notices be issued to the respondents for written reply/comments for 20.01.2021 before S.B.

Appellant Deposited  
Security & Process Fee  
30/11/20

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

20.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Ibrar Ahmad Assistant Collector for respondents present.

Written reply was not submitted. Representative of respondents made a request for time to furnish written reply/comments; granted. To come up for written reply/comments on 18.03.2021 before S.B.

(Rozina Rehman)  
Member (J)

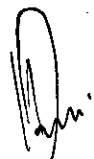
~~2020~~

30.09.2020

Counsel for the appellant present.

It is argued that in the first round this Tribunal had disposed of the appeal of appellant upon directions to the respondents for deciding the departmental appeal of appellant through a speaking order, that too, after going through the record. On the other hand, the appeal was filed/rejected solely keeping in view the contents of parawise comments submitted before this Tribunal. In his view the decision taken by the departmental appellate authority was not only cursory but in blatant disregard to the earlier judgment of this Tribunal.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.11.2020 before S.B.





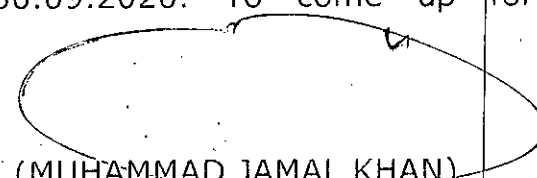
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 5883 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2020	<p>The appeal of Mr. Muhammad Khan resubmitted today by Mr. Yasir Saleem Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	21.07.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant himself is present. He submitted that maternal uncle of the learned counsel has died, therefore, requested for adjournment. Adjourned to 30.09.2020. To come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER</p>

*delg*

The appeal of Mr. Muhammad Khan son of Baz Muhammad Ex-Beldar Office of the XEN Peshawar Canal Division Peshawar received today i.e. on 16.03.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of execution petition, implementation report and rejection order dated 18.06.2019 mentioned in para-8 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexure-M of the appeal is missing.

No. 954 /S.T.

Dt. 17-03 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

*Resubmitted with Compliance*

*[Signature]*  
19/6/2020

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

Appeal No. **5883**/2020

Muhammad Khan .....(Appellant)

**V E R S U S**

Govt of KPK & others .....(Respondents)

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-6
2.	Application for condonation of delay		7-8
3.	Copy of letter dated 23.02.2015	A	9
4.	Copy of appointment order	B	10
5.	Copy of medical certificate	C	11
6.	Copy of the order dated 09.07.2015	D	12
7.	Copies of the departmental appeal dated 03.08.2015, 18.08.2015 and letter dated 21.08.2015	E,F &G	13-15
8.	Copy of service appeal and order and judgment dated 12.04.2019	H & I	16-24
9.	Copy of execution petition and implementation report alongwith rejection order dated 18.06.2019	J,K & L	25-31
10.	Copy of application of withdrawal	M	32-33
11.	Wakalatnama		34

Through  
*Yasir*  
Appellant

**Yasir Saleem**  
Advocate, High Court  
Peshawar.



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

Appeal No. **5888**/2020

Muhammad Khan S/o Baz Muhamad, Ex- Beldar (BPS-01), Office of the Executive Engineer, Peshawar Canal Division, Peshawar, R/O Pawaka, Mohullah Ali Sher Zai District Peshawar.

(Appellant)

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar.
2. Executive Engineer, Peshawar Canal Division, Warsak Road Peshawar.
3. Sub Divisional Officer, Kabul River Canal, Sub Division Peshawar.

(Respondents)

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 09.07.2015, WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT AHS BEEN WITHDRAWN AGAINST WHICH THE DEPARTMENTAL APPEAL DATED 18.08.2015 OF THE APPELLANT HAS REJECTED VIDE ORDER DATED 18.06.2019 COMMUNICATED TO THE APPELLANT TITLE APPEAL ON 13.02.2020.**

**Prayer in Appeal:**

On acceptance of this appeal the order dated 09.07.2015 & 18.06.2019, may please be set aside and the appellant may kindly be re-instated into service with all back arrears and benefits

**Respectfully Submitted:**

1. That the Finance department approved the creation of certain posts including 20 posts of Beldar (BPS-1) in the Irrigation department vide letter dated 23.02.2015, accordingly the respondent department invited applications for appointment

against those posts from desirous candidates. **(Copy of the letter dated 23.02.2015 is attached as Annexure A).**

2. That the appellant was initially as Beldar (BPS-01) against the Vacant post on the recommendation of the departmental committee in its meeting held on 29.06.2015, vide order 01.17.2015. It is pertinent to mention here that beside the appellant, as many as 19 other appointments were also made vide separate orders of even date i.e 01.07.2015 in pursuance of the recommendations of the same departmental selection committee. **(Copy of the appointment order is attached as Annexure B).**
3. That the appellant was also medically examined and when found fit he duly submitted his arrival report on 03.07.2015, and started performing his duties. The service book of the appellant was also prepared. **(Copies of the medical certificate as annexure C).**
4. That ever since his appointment, the appellant duly performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
5. That the appellant regularly performed his duty till the 3'd August, 2015, surprisingly on the day i.e 03.08.2015, he was handed over a back dated order dated 09.07.2015, whereby the appointment of the appellant was withdrawn. **(Copy of the order dated 09.07.2015 is attached as Annexure D)**
6. That the appellant submitted his departmental appeal to the Respondent No. 1, however during the pendency of his appeal the appellant was verbally informed that he may present his appeal to the respondent NO. 2 being proper authority, a letter dated 21.08.2015 in this respect was also issued to the appellant. In the

meantime the appellant also preferred his departmental appeal to the Respondent No. 2, however it has not been responded despite the lapse of 90 days statutory period. *(Copies of the departmental appeals dated 03.08.2015, 18.08.2015 and letter dated 21.08.2015 are attached Annexure E, F and G)*

7. That the appellant then preferred service appeal bearing No. 1375/2015 before this Hon'ble Tribunal, however the said appeal was remanded back to the respondent with direction to decide the departmental appeal of the appellant. *(Copy of service appeal and order and judgment dated 12.04.2019 are attached as H & I).*
8. That since the respondent were not implementing the order and judgment dated 12.04.2019, the appellant was constrained to file execution petition No 359/2019 for the implementation of the judgment. During the pendency of the implementation petition the respondent submitted its implementation report wherein the departmental appeal was said to be rejected by the departmental appellate authority vide order dated 18.06.2019. *(Copy of execution petition and implementation report alongwith rejection order dated 18.06.2019 are enclosed herewith marked J, K & L).*
9. That the appellant thereafter filed withdrawal of the execution petition in order to challenge the impugned order dated 18.06.2019. *(Copy of application of withdrawal is attached as annexure M).*
10. That the order dated 09.07.2015 and appellate order dated 18.06.2019 are illegal, unlawful against the law and facts and

without any lawful authority hence liable to be set aside inter alia on the following grounds:

**GROUND OF SERVICE APPEAL:**

- A. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under law and constitution are badly violated.
- B. That no proper procedure has been adopted before the withdrawal of his appointment. Neither any charge sheet, show cause notice has been served upon him nor has he been allowed opportunity of personal hearing. Even the impugned cancellation order seems to be issued in back date as the appellant regularly performed his duties for about a month. The impugned is thus passed in violation of the principle of natural justice.
- C. That the appellant has not been allowed the opportunity of personal hearing hence he has been condemned unheard.
- D. That no charge sheet or show cause notice has been issued to the appellant nor any inquiry has been conducted before the withdrawal of appointment order of the appellant.
- E. That the appellant has been discriminated against because similarly placed employees, those who were appointed with appellant vide the same appointment process and on the same day, they are still performing their duties whereas the appellant appointment has been withdrawn.
- F. That the appellant has never committed any act or omission which could be termed as misconduct, moreover he has never

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been proceeded against on any ground whatsoever, therefore the withdrawal order is liable to be set as de being not maintainable in the law.

- G. That the appellant having remained successful in the process of appointment, was appointed by the competent authority after observing all codal formalities, no irregularity or illegality is committed during the selection process, after the appointment he duly took charge of his post and performed duties for a considerable time, hence the order of appointment had acted upon and valuable rights have been accrued in favour of the appellant and as such his appointment cannot subsequently be withdrawn.
- H. That the appellant duly applied of the post and remained successful in the selection process, no irregularity or illegality has been committed in the process of appointment or if so committed the same cannot be attributed to the appellant, nor can he be made to suffer for the lapses if any committed by the appointing authority. Reliance is placed on page 2009 SCMR page 663.
- I. That the malafide on the part of the respondent is also evident the fact that they had adopted pick and choose formula in the sense that other similarly placed employees i.e, those who were appointed along-with the appellant in pursuant to the same selection process, but they have been left over while the appellant appointment has been cancelled.
- J. That even the departmental appellate authority did not apply its prudent mind before rejecting the departmental appeal of the appellant. Neither he called the appellant for personal hearing

6

nor appreciated any record and rejected the departmental appeal of the appellant without giving reasons for the same hence the impugned appellate order is not a speaking order under the general clauses act and liable to be set aside.

K. That the appellant is jobless since his illegal withdrawal of appointment order.

L. That the appellant seeks the permission of this Honourable Tribunal to rely on additional ground at the hearing of this appeal.

*It is, therefore, humbly requested that on acceptance of this appeal the order dated 09.07.2015, may please be set aside and the appellant may kindly be re-instated into service with all back arrears and benefits.*

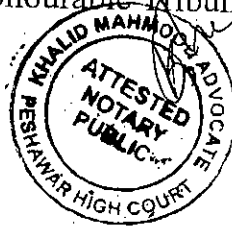
Through

Appellant

Yasir Saleem  
Advocate High Court  
Peshawar.

#### AFFIDAVIT

I, Muhammad Khan S/o Baz Muhamad, Ex- Beldar (BPS-01), Office of the Executive Engineer, Peshawar Canal Division, Peshawar, R/O Pawaka, Mohullah Ali Sher Zai District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



Deponent

(7)

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

Appeal No. \_\_\_\_\_/2020

Muhammad Khan

(Appellant)

**VERSUS**

Govt. of KPK & others

(Respondents)

***APPLICATION FOR CONDONATION OF DELAY,  
IF ANY IN FILING THE TITLED APPEAL***

***Respectfully submitted:***

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

**GROUND OF APPLICATION**

- A. That the appellant has been diligently pursuing his remedy. Though the departmental appeal of the appellant was rejected on 18.06.2019, however the same was not communicated to the appellant. During the pendency of implementation petition, the respondents submitted its implementation report and when the appellant applied for the copy of the implementation report which was accordingly provided to the clerk of the counsel for the appellant and communicated to the appellant on 13.02.2020, he came to know about the rejection order.
- B. That under the law the appellant had to file instant appeal on or before 13.03.2020, however counsel for the appellant was busy before the August Peshawar High Court Peshawar and the appellant due to fever could not come to file the appeal.
- C. That the delay if any in filing the instant appeal was neither willful nor intentional.
- D. That the applicant has a very good case of merits and valuable rights of the appellant are involved in the instant case, hence the delay if any in filing the instant case deserves to be condoned.

E. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in 2014 PLC (CS) 1014, 2003 PLC (CS) 769.

*It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.*

*[Signature]*  
Applicant

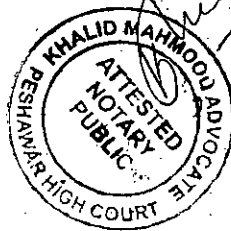
Through

*[Signature]*  
YASIR SALEEM  
Advocate, Peshawar

**AFFIDAVIT**

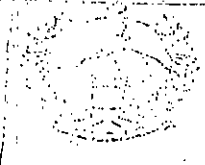
It is do hereby is solemnly affirm and declare on oath that the contents of the above implementation petition are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal

*[Signature]*  
Deponent





ANNEX 'A'



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT

No.90-IRR/2-13/IR/SNE/2012-13  
Date Peshawar the, 25.02.2015

9

The Secretary to Government of Khyber Pakhtunkhwa,  
Irrigation Department

SUBJECT: CREATION OF NEW POSTS IN PESHAWAR CANAL DIVISION, PESHAWAR & SWAT IRRIGATION CIRCLE, SWAT

Dear Sir,

I am directed to refer your letter No. 12/NO/IRR/CREATION/2014-15 dated 10.02.2015 on the subject noted above and to state that in compliance with the approval of the competent authority, Finance Department agrees to the creation of following 32 (thirty two) posts of various categories in Peshawar Canal Division, Peshawar and Swat Irrigation Circles with immediate effect:-

I: Peshawar Canal Division, Peshawar		
S#	Post	No of post
1	Canal Inspector (BPS-05)	01
2	Male (BPS-03)	04
3	Beidar (BPS-01)	20
Total		25
II: Swat Irrigation Circle, Swat		
1	Revenue Inspector (BPS-10)	03
2	Beidar (BPS-01)	04
Total		07

- I am also directed to request to prepare a bill copy incorporating therein the financial implication involve in the creation of above posts may be send to this department for approval.
- So far as the creation of posts of Driver (BPS-04) is concerned, the case may be taken up with the Finance Department when the authorization of vehicles by the Transport Committee is obtained.

Secretary Irrigation

Attested

BUDGET OFFICER



OFFICE OF THE EXECUTIVE ENGINEER,  
PESHAWAR CANALS DIVISION, PESHAWAR.  
PHONE #. 091-9210102.

ANNEX B

(10)

No. 3057 /9-E,

Dated: - Peshawar the 17/2015.

To:

Mr. Muhammad Khan S/O Baz Muhammad  
Pawaka Mohullah Ali Sherzai District Peshawar.

Subject:- OFFICE ORDER/APPOINTMENT AGAINST THE VACANT POST OF  
BELDAR (BPS-01)

Consequent upon the recommendation of the Departmental Selection Committee in its meeting held on 29-06-2015, you are hereby offered the post of Beldar in BPS-01 plus usual allowances subject to the following conditions: -

1. Your services will be governed by the Govt: of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Circular No.SOSR-III/FD/12-1/2005, dated 27-02-2013.
2. You will be granted minimum of BPS-01 (4800-150-9300) with usual allowances as admissible under the Govt: of Khyber Pakhtunkhwa Civil Servant Rules amendment Act 2013.
3. Your appointment in this Department is purely temporary/officiating and your service will be terminated without any notice and reason being assigned at any time irrespective of the fact that you are holding a post other than the one to which you are originally recruited or on the payment of 14 days salary in lieu of the notice.
4. You will have to join duty at your own expenses.
5. You will be governed by such rules and order relating to leave T.A Medical Attendance Pay/Pension/G.P Fund and Discipline etc as exist and may be issued by Govt: for the category of Govt: Servants to which you belong.
6. You will be provided same facilities under Benevolent fund as admissible to the Govt: Servants at rates to be prescribed by the Government.
7. Any other terms and conditions issued by the Govt: from time to time in this regard will also be binding upon you.

If the above order is accepted to you under the stated conditions you should report for duty to undersigned within 14 days of the receipt of this office order and produce original certificates in connection with qualification, domicile, C.N.I.C and Medical Fitness Certificate from Civil Surgeon of Police Services Hospital, Peshawar.

EXECUTIVE ENGINEER

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

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Establishment) Secretary, Irrigation Department Khyber Pakhtunkhwa, Peshawar.
3. Sub Divisional Officer Drainage Sub Division, Peshawar.
4. Divisional Accounts Officer/Head Clerk (Local).

Attested

EXECUTIVE ENGINEER

MEDICAL CERTIFICATE

11

Name of official Mr. Muhammad Khan  
 Caste or race Muslim  
 Father's name Baz Muhammad  
 Residence Pawga, Mohalee Hi Bha Zaw Peshawar  
 Date of birth 16.03.1980  
 Exact height by measurement 5.6" feet  
 Personal mark of identification NIL  
 Signature of the official [Signature]  
 Signature of head of office \_\_\_\_\_

Seal of office \_\_\_\_\_

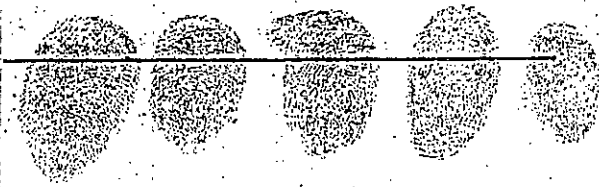
I do hereby certify that I have examined Mr. Muhammad Khan a candidate for employment in the Office of the Office of the Executive Engineer and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the office of the as above his age according to his own statement (35) year and by appearance about Thirty five year.

Attested

[Signature]  
 06/07/2015  
 MEDICAL SUPERINTENDENT,  
 Medical Superintendent  
 Civil Hospital Police Services Hospital  
 Peshawar  
[Signature]  
 06/07/15

LEFT HAND THUMB AND FINGER IMPRESSIONS





AMEN D

(12)

**OFFICE OF THE EXECUTIVE ENGINEER,**  
**PESHAWAR CANALS DIVISION, PESHAWAR.**  
PHONE #. 091-9210102.

No. 4048 / 9-E,

Dated:- Peshawar the 9/07/2015.

OFFICE ORDER.

In pursuance to the Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar letter No. 12-AO/Irr./Creation/2014-15, dated 02-07-2015, the following Beldars promoted to the post of Mate as per detail given below are hereby reverted as Beldars in the government interest with immediate effect.

S.#	Name of Beldars	Reference No. & Date
1	Mr. Umer Bakhsh	3064/9-E. dated 02-07-2015
2	Mr. Zarshad Khan	3063/9-E. dated 02-07-2015
3	Mr. Swab Gul	3062/9-E. dated 02-07-2015
4	Muhammad Ilyas	3061/9-E. dated 02-07-2015

Similarly, the following persons as appointed against the vacant posts vacated due to promotion of the above Beldars are hereby withdrawn.

S.#	Name & Father Name of Beldars	Reference No. & Date
1	Muhammad Khan S/O Baz Muhammad	3057/9-E. dated 01-07-2015
2	Bakht Buland S/O Azad Khan	3016/9-E. dated 30-06-2015
3	Rahamat ullah S/O Matlab Khan	3056/9-E. dated 01-07-2015
4	Muhammad Imran S/O Shah Jehan	3052/9-E. dated 01-07-2015

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

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Establishment), Secretary, Irrigation Department Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Officer, Kabul River Canal, Sub Division, Peshawar.
4. Sub Divisional Officer, Civil Canals, Sub Division, Peshawar.
5. Sub Divisional Officer, Drainage Sub Division, Peshawar.
6. Divisional Accounts Officer/Head Clerk Local.

EXECUTIVE ENGINEER

EXECUTIVE ENGINEER

Attested

S/o Sd/-y Irrigation  
Primary No: 5972  
Date: 3-8-15

ANNEX E

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Irrigation Department,  
Peshawar.

(13)

Subject:- APPEAL.

Dear Sir,

With due respect it is humbly stated -

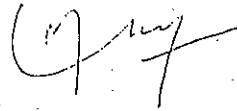
1. that I was appointed BELDAR (BPS-01) against the vacant post vide Executive Engineer, Peshawar Canals Division, Peshawar Office Order No. 3057/9-E, dated 01-07-2015 (Annx-I).
2. that subsequently I submitted my arrival report for duty on 06-07-2015 (Annx-II).
3. that now I am informed by the said office vide Office Order No. 4048/9-E, dated 09-07-2015 (Annx-III) that as the Beldars who were promoted are reverted and that the vacant posts vacated due to promotion of the above Beldars are withdrawn due to which my appointment has been cancelled.

In view of above, it is requested that the concerned office may kindly be asked as to why my appointment has been cancelled as I am a deserving and legally fit candidate and to grant me justice accordingly please.

Many thanks.

Encl: As Above

Yours faithfully



(Muhammad Khan)  
S/o Baz Muhammad,  
Ex-Beldar,  
Peshawar Canal Division,  
Peshawar.

Dated: 03-08-2015

Attested

ANNEX F

14

The Superintending Engineer,  
Peshawar Irrigation Circle,  
Peshawar.

Subject:- APPLICATION / APPEAL

Respect Sir,

With due respect it is humbly stated:-

1. That I was appointed Belder (BPS-01) against vacant post vide Executive Engineer Peshawar Canals Division Peshawar, Office Order No. 3057/9-E, dated 01-07-2015 (Annex-I)
2. That subsequently I submitted my arrival report for duty on 06-07-2015 (Annex-II).
3. That now I am informed by the said office vide office order No. 4048/9-E, dated 09-07-2015 (Annex-III) that as the Belders who were promoted are reverted and that the vacant posts vacated due to promotion of the above Beldars are withdrawn due to which my appointment has been cancelled.

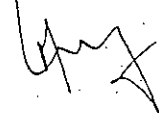
In view of above, it is requested that the concerned office may kindly be asked as to why my appointment has been cancelled as I am a deserving and legally fit candidate and to grant me justice according please.

Many Thanks.

Encl: As above

Dated: 18-08-2015

Yours Faithfully



(Muhammad Khan)  
S/O Baz Muhammad,  
E -Beldar  
Peshawar Canals Division  
Peshawar

197/9-E (ii)

18-08-2015

Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT.

Handwritten signature/initials

Handwritten number 15 in a circle

No. SO(E)/Irr/5-2/70/Vol-XII  
Dated Peshawar, the 21<sup>st</sup> August, 2015

To

Mr. Muhammad Khan S/o Baz Muhammad,  
Ex- Beldar, Peshawar Canal Division, Peshawar  
R/o Pawaka Mohallah Ali Sherzai, District Peshawar.

Subject: APPEAL

I am directed to refer to your departmental appeal dated 03.08.2015 on the subject noted above and to inform that the appellate authority in your case is the Superintending Engineer, Irrigation Circle, Peshawar, therefore, the appeal may be addressed to the quarter concerned for the purpose, if so desired.

Attested

Handwritten signature  
(MISAKHAW)  
Section Officer (Estt.)

ANNEX "H"

16

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1375/2015

S.W.F. PROVINCE  
Service Tribunal  
Diary No. 1428  
Dated 07-12-2015

Muhammad Khan S/o Baz Muhamad, Ex- Beldar (BPS-01),  
Office of the Executive Engineer, Peshawar Canal Division,  
Peshawar, R/O Pawaka, Mohullah Ali Sher Zai District  
Peshawar.

VERSUS

(Appellant)

1. Govt. of Khyber Pakhtunkhwa through Secretary Irrigation  
Department, Khyber Pakhtunkhwa Peshawar.
2. The Superintending Engineer, Peshawar Irrigation Circle,  
Peshawar.
3. Executive Engineer, Peshawar Canal Division, Warsak Road  
Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber  
Pakhtunkhwa Service Tribunal Act, 1974,  
against the order dated 09.07.2015, whereby  
the appointment order of the appellant has  
been withdrawn against which the  
departmental appeal of the appellant has not  
been responded despite the lapse of 90 days  
statutory period.

Prayer in Appeal:

~~Filed to Govt~~

~~Registrar~~

On acceptance of this appeal the order dated  
09.07.2015, may please be set aside and the  
appellant may kindly be re-instated into  
service with all back arrears and benefits

Respectfully Submitted:

Attested

~~Not submitted to Govt  
and filed.~~

~~Registrar~~

1. That the Finance department approved the creation of certain posts  
including 20 posts of Beldar (BPS-1) in the Irrigation department  
vide letter dated 23.02.2015, accordingly the respondent department  
invited applications for appointment against those posts from



(17)

desirous candidates. (Copy of the letter, dated 23.02.2015 is attached as Annexure A)

2. That the appellant was initially appointed as Beldar (BPS-01) against the vacant post on the recommendation of the departmental selection committee in its meeting held on 29.06.2015, vide order dated 01.07.2015. It is pertinent to mention here that beside the appellant, as many as 19 other appointments were also made vide separate orders of even date i.e 01.07.2015 in pursuance of the recommendations of the same departmental selection committee. (Copy of the appointment order is attached as Annexure B)
3. That the appellant was also medically examined and when found fit he duly submitted his arrival report on 03.07.2015, and started performing his duties. The service book of the appellant was also prepared. (Copies of the medical certificate as Annexure C)
4. That ever since his appointment, the appellant duly performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance.
5. That the appellant regularly performed his duty till the 3<sup>rd</sup> August, 2015, surprisingly on the day i.e 03.08.2015, he was handed over a back dated order dated 09.07.2015, whereby the appointment of the appellant was withdrawn. (Copy of the order dated 09.07.2015 is attached as Annexure D)
6. That the appellant submitted his departmental appeal to the Respondent No. 1, however during the pendency of his appeal the appellant was verbally informed that he may present his appeal to the respondent NO. 2 being proper authority, a letter dated 21.08.2015 in this respect was also issued to the appellant. In the meantime the appellant also preferred his departmental appeal to the Respondent No. 2, however it has not been responded despite the lapse of 90 days statutory period, hence the instant appeal. (Copies of the departmental appeals dated 03.08.2015, 18.08.2015 and letter dated 21.08.2015 are attached as Annexure E, F and G)
7. That the order dated 09.07.2015, is illegal unlawful against the law and facts and without any lawful authority hence liable to be set aside inter alia on the following grounds:

Attested

Engineer Inspection Peshawar Circle Peshawar to decide the departmental

appeals of the appellants through speaking orders after going to the record

within a period of 90 days from the date of receipt of copy of this judgment

with further direction to specifically mentioned that appellants had admitted

their arrival reports and there service books were prepared or otherwise. Office

is directed to send the copy of departmental appeals alongwith the copy of this

judgment to the departmental authority. The respondent-department is further

directed to communicate the decision of the departmental authority to the

appellants and in case they were aggrieved they are at liberty to file fresh

service appeal subject to all legal objections. Parties are left to bear their own

costs. File be consigned to the record room.

ANNOUNCED  
13.04.2019

*Muhammad Amin Khan Kundi*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

*Hussain Shah*  
(HUSSAIN SHAH)  
MEMBER

15-N-18

15/1

18-N-18  
18-N-18

*Alister*

18  
GROUND OF SERVICE APPEAL:

- A. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under law and constitution are badly violated.
- B. That no proper procedure has been adopted before the withdrawal of his appointment. Neither any charge sheet, show cause notice has been served upon him nor has he been allowed opportunity of personal hearing. Even the impugned cancellation order seems to be issued in back date as the appellant regularly performed his duties for about a month. The impugned is thus passed in violation of the principle of natural justice.
- C. That the appellant has not been allowed the opportunity of personal hearing hence he has been condemned unheard.
- D. That no charge sheet or show cause notice has been issued to the appellant nor any inquiry has been conducted before the withdrawal of appointment order of the appellant.
- E. That the appellant has been discriminated against because similarly placed employees, those who were appointed with the appellant vide the same appointment process and on the same day, they are still performing their duties whereas the appellant appointment has been withdrawn.
- F. That the appellant has never committed any act or omission which could be termed as misconduct, moreover he has never been proceeded against on any ground whatsoever, therefore the withdrawal order is liable to be set aside being not maintainable in the law.
- G. That the appellant having remained successful in the process of appointment, was appointed by the competent authority after observing all codal formalities, no irregularity or illegality is committed during the selection process, after the appointment he duly took charge of his post and performed duties for a considerable time, hence the order of appointment had acted upon and valuable rights have been accrued in favour of the appellant and as such his appointment cannot subsequently be withdrawn.
- H. That the appellant duly applied of the post and remained successful in the selection process, no irregularity or illegality has been committed in the process of appointment or if so committed the same cannot be attributed to the appellant, nor can he be made to suffer for the lapses if any committed by the

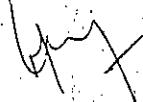
Attested

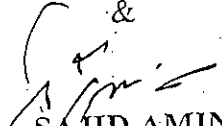
appointing authority. *Reliance is placed on 2009 SCMR page 663.*

- I. That the malafide on the part of the respondent is also evident from the fact that they had adopted pick and choose formula in the sense that other similarly placed employees i.e, those who were appointed along-with the appellant in pursuant to the same selection process, but they have been left over while the appellant appointment has been cancelled.
- J. That the appellant is jobless since his illegal withdrawal of appointment order.
- K. That the appellant seeks the permission of this Honourable Tribunal to rely on additional ground at the hearing of this appeal

*It is, therefore, humbly requested that on acceptance of this appeal the order dated 09.07.2015, may please be set aside and the appellant may kindly be re-instated into service with all back arrears and benefits.*

Through

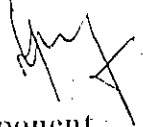
  
 Appellant  
 IJAZ ANWAR  
 Advocate, Peshawar

&  
  
 SAJID AMIN  
 Advocate Peshawar.

**Attested**

**AFFIDAVIT**

I, Muhammad Khan S/o Baz Muhammad, Ex- Beldar (BPS-01), Office of the Executive Engineer, Peshawar Canal Division, Peshawar, R/O Pawaka, Mohullah Ali Sher Zai District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

  
Deponent

Annex-I

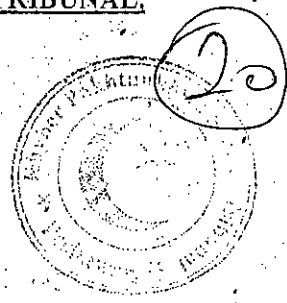
3

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

**SERVICE APPEAL NO. 1375/2015**

Date of institution ... 07.12.2015

Date of judgment ... 12.04.2019



Muhammad Khan S/o Baz Muhammad Ex-Beldar (BPS-01),  
Office of the Executive Engineer, Peshawar Canal Division, Peshawar.  
R/o Pawaka, Mohallah Ali Sher Zai District Peshawar. ... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar.
  2. The Superintendent Engineer, Peshawar Irrigation Circle, Peshawar.
  3. Executive Engineer, Peshawar Canal Division, Warsak Road Peshawar.
- ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 09.05.2015 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN AGAINST WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF 90 DAYS STATUTORY PERIOD.

*M. Amin*  
*12.4.2019*

Mr. Yasir Saleem Advocate.  
Mr. Kabirullah Khattak, Additional Advocate General

For appellant.  
For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI  
MR. HUSSAIN SHAH

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

**JUDGMENT**

**Attested**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this judgment shall dispose of aforementioned service appeal as well as Service Appeal No. 1376/2015 titled "Muhammad Imran Khan Versus Government of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar and two others" as common question of law and facts are involved in both the appeals.

**ATTESTED**  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

2. Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused. (21)

3. Brief facts of the cases are that the Finance Department approved the creation of certain posts including 20 posts of Beldar (BPS-1) in the Irrigation Department vide letter dated 23.02.2015 accordingly the respondent-department invited applications for appointment against those posts. The appellants were appointed as Belders (BPS-1) against the vacant posts on the recommendation of Departmental Selection Committee meeting held on 29.06.2015 vide order dated 01.07.2015 alongwith 18 other candidates. The appellants were also medically examined and after medical examination they were found fit for duty and accordingly they submitted their arrival report on 03.07.2015 and started performing their duties up to 3<sup>rd</sup> August 2015 and their services books were also prepared, however, on 3<sup>rd</sup> August 2015 they were surprisingly handed over the withdrawal order of their appointment vide order dated 09.07.2015 without affording the opportunity of personal hearing and without show-cause notice. The appellants filed departmental appeals but the same were not responded hence, the present service appeals.

4. Respondents were summoned who contested the appeal by filing of written reply/comments.

5. Learned counsel for the appellant contended that 20 posts of Belders were created by the Finance Department and in this respect applications were invited from suitable candidates and after recommendation of the Departmental Selection Committee the appellants alongwith 18 others were appointed as Belders by the competent authority vide order dated 01.07.2015. It was further contended that after medical examination they also submitted their arrival reports on 03.07.2015 and started performing their duties up to 3<sup>rd</sup> August 2015.

Attested

ATTESTED

*[Signature]*  
 Director  
 Service Tribunal  
 Peshawar

5

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It was further contended that their services books were also prepared but on 3<sup>rd</sup> August 2015 they were handed over withdrawal of their appointments order from the back date order dated 09.07.2015 without personal hearing and show-cause notice therefore, the appellants filed departmental appeals but the same were not responded therefore, it was vehemently contended that the impugned orders are illegal, void and corrum non judice and prayed for acceptance of appeals.

6. On the other hand, learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the Finance Department created 20 posts of Belders and after recommendation of Departmental Selection Committee, the appellants alongwith 18 others were appointed as Belders. It was further contended that the Government also created four posts of Mate (BPS-2) vide same order dated 23.02.2015 and four Belders also were promoted to the post of Mates (BPS-2) but the Government withdrawn the said posts of Mate (BPS-2) vide order dated 02.07.2015 therefore, the respondent-department reverted the promotion of Mates to Belders therefore, the respondent-department withdraw the appointment orders of four Belders including the appellant appointed vide orders dated 09.07.2015. It was further contended that the appellant neither submitted any arrival report nor submitted their medical certificates nor service books were prepared therefore, the appointment orders of the appellants were rightly withdrawn by the respondent-department and prayed for dismissal of appeals.

*M. Anwar*  
12.4.2019

*Attested*

7. Perusal of the record reveals that the Finance Department had created 20 post of Beldars (BPS1) and four posts of Mate (BPS-2) alongwith other posts vide Notification dated 23.02.2015. The record further reveals that after submitting applications by the appellants for the posts of Belders they alongwith

*Attested*  
*[Signature]*

6

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18 others candidates were recommend by the Departmental Selection Committee for the posts of Belders on 29.06.2015 and they were accordingly appointed on the posts of Belders by the competent authority vide order dated 01.07.2015. The appellant Muhammad Imran was appointed on employee son quota shown at serial No. 2 of the merit list while the appellant Muhammad Khan was appointed on merit by the respondent-department and placed his name at serial No. 14 of the merit list. However, later on the Finance Department revised the sanction of creation of various posts including four posts of Mate (BPS-3) vide notification dated 02.07.2015 therefore, the respondent-department withdraw the appointment order of the appellants alongwith two others employee namely Bakht Baland and Rahmatullah vide order dated 09.07.2015. On one hand the appellants have claimed that they have submitted their arrival reports and were performing their duties since their arrival till 3<sup>rd</sup> August 2015 and there name was also at serial No. 2 and 14 of the merit list but the respondent-department withdrawn their appointment without considering the merit list and without opportunity of personal hearing and any show-cause notice while on the other hand the respondent-department has claimed the after appointment neither the appellants submitted their arrival reports nor they submitted any medical fitness certificates nor there service books were prepared therefore, the appointment orders of the appellant was rightly withdrawn by the respondent-department without show-cause notice and personal hearing. It is also pertinent to mention here that the appellants have also filed departmental appeals but the same were not decided by the departmental authority i.e Superintendent Engineering therefore, In order to arrive the correct conclusion as to whether the appellants had submitted their arrival reports or not and their service books were prepared or otherwise we deem it appropriate to direct the departmental authority i.e Superintending

*Muhammad Imran*  
 17-14-2019

Attested

ATTESTED

*[Signature]*  
 17-14-2019



7

Engineer Irrigation Peshawar Circle Peshawar to decide the departmental appeals of the appellants through speaking orders after going to the record within a period of 90 days from the date of receipt of copy of this judgment with further direction to specifically mentioned that appellants had submitted their arrival reports and there service books were prepared or otherwise. Office is directed to send the copy of departmental appeals alongwith the copy of this judgment to the departmental authority. The respondent-department is further directed to communicate the decision of the departmental authority to the appellants and In case they were aggrieved they are at liberty to file fresh service appeal subject to all legal objections. Parties are left to bear their own costs. File be consigned to the record room.

24

ANNOUNCED  
12.04.2019

*Muhammad Amin Khan Kundi*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

*Hussain Shah*  
(HUSSAIN SHAH)  
MEMBER

Comptroller  
General  
Peshawar  
*[Signature]*  
Attested

Date of Order: 12-4-19  
 Number of Pages: 2020  
 Copies: 12  
 Value: 12  
 Name of Officer: *[Signature]*  
 Date of Receipt: 23-4-19  
 Date of Disposal: 23-4-19

Annex = J

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**BEFORE THE KHYBER PAKHTUNKWA**  
**SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Appeal No. 1375/2015  
Decided on 12.04.2019

**Muhammad Khan S/o Baz Muhammad, Ex- Beldar (BPS-01),**  
Office of the Executive Engineer, Peshawar Canal Division,  
Peshawar, R/O Pawaka, Mohullah Ali Sher Zai District  
Peshawar.

(Appellant)

**VERSUS**

1. **Govt. of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar.**
2. **The Superintending Engineer, Peshawar Irrigation Circle, Peshawar.**
3. **Executive Engineer, Peshawar Canal Division, Warsak Road Peshawar.**

(Respondents)

*Application for the implementation of the Judgment and Order dated 12.04.2019 of this Honourable Tribunal.*

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 12.04.2019.
2. That vide judgment and order dated 12.04.2019, this Honourable Tribunal remanded the case back to the departmental appellate authority to decide the departmental appeal of the appellant within a period of ninety days. *(Copy of the Judgment and order dated 12.04.2019 is attached)*

Service Tribunal,  
Peshawar

3. That after judgment and order of this Honourable Tribunal, the applicant is continuously approaching the respondents for the implementation of the judgment dated 12.04.2019, however they remained reluctant to implement the judgment.
4. That the respondents are legally bound to implement the judgment of this Honourable Tribunal in its true letter and spirit without any further delay.

*It is, therefore, prayed that on acceptance of this application the judgment and order dated 12.04.2019 of this Honourable Tribunal be implemented in its true letter and spirit.*

Through

*Applicant*

*YASIR SALEEM*  
Advocate, High Court  
Peshawar.

**AFFIDAVIT**

I, *Muhammad Khan S/o Baz Muhamad, Ex- Beldar (BPS-01)*, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

*Deponent*

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

EP No: 359 / 2019

Appeal No: 1375 / 2015

Muhammad Khan s/o Baz Muhammad ex Bildar (BPS-01) office of the Executive Engineer Peshawar Canals Division Peshawar r/o Pawaka, Mohullah Ali Sher Zai District Peshawar

..... Appellant

**Versus**

1. Govt of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar
2. The Superintending Engineer, Peshawar Irrigation Circle, Peshawar
3. Executive Engineer Peshawar Canals Division Warsak Road Peshawar

..... Respondents

**REPLY ON BEHALF OF RESPONDENTS**

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2.	Comments	02-03
3.	Affidavit	04
4.	Dcision of Departmental Appeal	Annex - I

  
Deponent

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

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**EP No: 359 / 2019**

**Appeal No: 1375 / 2015**

Muhammad Khan s/o Baz Muhammad ex Bildar (BPS-01) office of the Executive Engineer Peshawar Canals Division Peshawar R/O Pawaka, Mohullah Ali Sher Zai District Peshawar

..... **Appellant**

**Versus**

1. Govt of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar
2. The Superintending Engineer, Peshawar Irrigation Circle, Peshawar
3. Executive Engineer Peshawar Canals Division Warsak Road Peshawar

..... **Respondents**

**WRITTEN STATEMENT ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH,**

The defendánt submits inter alia as under:-

**PRELIMINARY OBJECTIONS:**

1. That the service appeal is time bared
2. That the appellant has no cause of action
3. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.
4. The plaintiffs have no cause of action and locus standi to file the subject suit.
5. That in the instant case the honorable court lacks jurisdiction to adjudicate
6. That the plaintiffs did not come to the court with clean hand and concealed the materials facts.

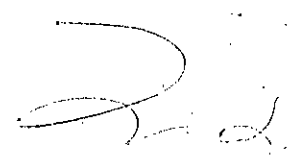
**ON FACTS:**


1. That Para No: 01 is correct.
2. That Para No: 02 is correct. It is added that the departmental appellate authority decide the departmental appeal of the appellant on time and as per law (Copy attached as Annex-I).

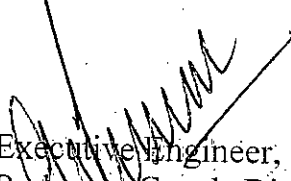
- 3. That Para No: 03 is incorrect and baseless hence denied. Detail reply already given in above Paras.
- 4. That the respondents are law abiding citizen and respect & obeying the orders of the Honorable Tribunal. Detail reply already given in above Paras.

Therefore it is humbly requested that appeal is devolved of merits may graciously be dismissed, please.

**Respondents**

  
 Secretary to Govt of Khyber Pakhtunkhwa  
 Irrigation Department, Peshawar

  
 Superintending Engineer,  
 Peshawar Irrigation Circle, Peshawar

  
 Executive Engineer,  
 Peshawar Canals Division, Peshawar

Through

Additional Advocate General  
 Service Tribunal Peshawar

(04)

(30)

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

EP No: 359 / 2019

Appeal No: 1375 / 2015

Muhammad Khan s/o Baz Muhammad ex Bildar (BPS-01) office of the Executive Engineer Peshawar Canals Division Peshawar R/O Pawaka, Mohullah Ali Sher Zai District Peshawar

..... **Appellant**


**Versus**

1. Govt of Khyber Pakhtunkhwa through Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar
2. The Superintending Engineer, Peshawar Irrigation Circle, Peshawar
3. Executive Engineer Peshawar Canals Division Warsak Road Peshawar

..... **Respondents**

**AFFIDAVAT**

I, Mamraz Khan, Sub Divisional Officer Civil Canals Sub Division Peshawar, do hereby affirm and declare on oath that the contents of the accompanying reply to appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from the Hon'ble Court.

  
Deponent  
Sub Divisional Officer  
Civil Canal Sub Division  
Peshawar

Identified by:

Through

Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

Annex=L

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OFFICE OF THE SUPERINTENDING ENGINEER  
PESHAWAR IRRIGATION CIRCLE PESHAWAR

SPO.

Phone No. 091-9212115 Email: [seniepeshtawar@gmail.com](mailto:seniepeshtawar@gmail.com)  
Facebook: [seniepeshtawar@facebook.com](https://www.facebook.com/seniepeshtawar) Twitter: [seniepeshtawar@twitter.com](https://twitter.com/seniepeshtawar)

No. 158 183-17

Dated Peshawar the 18 /06/2019

To,

SE/CS  
XERO

The Executive Engineer,  
Peshawar Canals Division, Peshawar.

Subject: MUHAMMAD KHAN VS GOVT. OF KPK (1375/2015)  
MUHAMMAD IMRAN VS GOVT. OF KPK (1376/2015)

Ref: Your letter No.5-168/114-M. dated 15-5-2019.

With reference to the judgment dated 12-04-2019 of the Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No.1375 & 1376/2015 filed by Muhammad Khan and Muhammad Imran, keeping in view the contents of the para wise comments submitted to the Honourable Service Tribunal and position regarding non submission of arrival report/ joining the department and non preparation of their service books, the departmental appeal prepared by the appellants referred above, is not worth consideration and has therefore been filed.

They may be informed accordingly.

*[Signature]*  
Superintending Engineer

RK

*[Signature]*

18/06/2019

1287/114-M

20-06-19

8



Annex=M

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

32

Execution No. 359/2019  
In  
Service Appeal No. 1375/2015  
Decided on 12.04.2019

Muhammad Khan .....Petitioner

V E R S U S

Govt of KPK & others .....Respondents

**APPLICATION FOR THE WITHDRAWAL  
OF THE CAPTIONED EXECUTION  
PETITION**

**Respectfully Sheweth:**

1. That above titled execution petition is pending before this Hon'ble Tribunal in which next date of hearing is 16.03.2020.
2. That on the previous date i.e. 03.02.2020 the respondents submitted its implementation report wherein the departmental appeal has been mentioned to be regretted by the Departmental Appellate Authority vide office order dated 18.06.2019.
3. That in such new development, the present execution petition as become infructious and the applicant wants to withdraw the same so as to challenge the office order dated 18.06.2019.

It is, therefore, most humbly prayed that on acceptance of this application, the execution petition may kindly be withdrawn with permission to the applicant to challenge the departmental appellate order dated 18.06.2019.

*[Signature]*  
Applicant/ Appellant

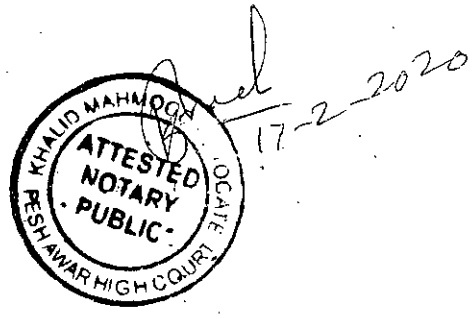
Through

*[Signature]*  
Yasir Saleem  
Advocate, High Court  
Peshawar

Date: 17.02.2020

**AFFIDAVIT**

It is solemnly affirm and declare that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*[Signature]*  
DEPONENT

POWER OF ATTORNEY

In the Court of Service Tribunal Peshawar

29

Muhammad Khan

- } For
- } Plaintiff
- } Appellant
- } Petitioner
- } Complainant

VERSUS

Govt of KPIS and others

- } Defendant
- } Respondent
- } Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_

Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**YASIR SALEEM,**  
**JAWAD UR REHMAN &**  
**PIRZADA MUHAMMAD TAYAB AMIN** Advocates Peshawar

my true and lawful attorney, for me in my same and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poeina and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent, shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_ the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

*Jawad-ur-Rehman*

JAWAD UR REHMAN  
Advocate High Court

*Yasir Saleem*  
YASIR SALEEM  
Advocate High Court, Peshawar

*M. Tayyab*

PIRZADA MUHAMMAD TAYAB AMIN  
Advocate, Peshawar

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No.

S.B

Appeal No..... of 20

5883

20

Muhammad Khan

Appellant/Petitioner

Versus

Court: KPK Secy Irrigation Peshawar

Respondent.

Respondent No.....

3

Regd

Notice to: —

Sub Divisional Officer, Kabul River Canal Sub Division Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

8th

Day of.....20

Dec 20

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.

B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

S.B

No.

Appeal No..... 5883 ..... of 20 20

Muhammad Khan ..... Appellant/Petitioner

Versus

Govt. KPK Secy. Irrigation Peshawar ..... Respondent

Respondent No..... 1 .....

Notice to: —

Govt. of KPK through Secretary Irrigation  
Deptt. KPK Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... 20/11/2021..... at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 8<sup>th</sup>.....

Day of..... Dec 20 20

ps/ Secy Irrigati  
Diary No. 14/11/21

Registrar

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

*SB*

No.

Appeal No.....*5883*..... of 20 *20*

*Muhammad Khan*..... Appellant/Petitioner

Versus

*Court K/PK Sary Irrigation Peshawar*..... Respondent

Respondent No.....*2*.....

Notice to: —

*Executive Engineer, Peshawar Canal*  
*Division Warsak Road Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*20/11/2020*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....*8/11*.....

Day of.....*Dec*.....20 *20*

*200 PL*  
*Ham*  
*15/12/2020*

Registrar,

**Khyber Pakhtunkhwa Service Tribunal,**  
**Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

Before the Higher Patenting Service Tribunal  
respondent  
appeal no. 5874/2020

Mr. Muhammad Ishaq vs. investigation

Subject: Application for extending further few days for submission of security and process fee.

Remarks:

- 1) That the abovementioned Service appeal is pending adjudication before this August Tribunal and is fixed for reply today dated 30.11.2020.
- 2) That the appellant due to some unavoidable circumstance could not come for submission of process & security fee.

It is therefore, most humbly prayed that appellant be granted further few days for submission of process & security fee in the abovementioned Service appeal.

Applicant  
Muhammad Ishaq

Dated. 30.11.2020

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

Appeal No.5883/2020

Muhammad Khan S/O Baz Muhammad Ex-Beldar (BPS-01)  
Office of the Executive Engineer, Peshawar Canals Division,  
Peshawar, R/O Pawaka, Mohallah Ali  
Sher Zai District Peshawar. ....

(Appellant)


**VERSUS**

1. Government of Khyber Pakhtunkhwa through  
Secretary Irrigation Department, Khyber Pakhtunkhwa  
Peshawar
2. Executive Engineer, Peshawar Canals Division, Warsak Road Peshawar.
3. Sub Divisional Officer, Kabul River Canal Sub Division, Peshawar.

(Respondents)

**I N D E X**

S.No.	Description of Documents	Annexure	Pages
1	Written statement		1-3
2	Affidavit		4
3	Finance Department, Khyber Pakhtunkhwa Peshawar vide letter No.BO-II/FD/2-18/Irr/2014-15, dated 23-06-2015	A	5
4	Secretary to Govt: of Khyber Pakhtunkhwa, Irrigation Department, Peshawar letter No.12-AO/Irr/Creation/ 2014-15, dated 02-07-2015	B	6
5	Executive Engineer, Peshawar Canals Division, Peshawar letter No. No.4048/9-E, dated 09-07-2015	C	7
6	Superintending Engineer, Peshawar Irrigation Circle, Peshawar letter No.158/83-M, dated 18-06-2019.	D	8
7.	Power of Attorney	E	9

  
Respondent No.3  
and on behalf of  
Respondents No.1 & 2.



①

11

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

Appeal No.5883/2020

Muhammad Khan S/O Baz Muhammad Ex-Beldar (BPS-01)  
Office of the Executive Engineer, Peshawar Canals Division,  
Peshawar, R/O Pawaka, Mohallah Ali  
Sher Zai District Peshawar. ....

(Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through  
Secretary Irrigation Department, Khyber Pakhtunkhwa  
Peshawar
2. Executive Engineer, Peshawar Canals Division, Warsak Road Peshawar.
3. Sub Divisional Officer, Kabul River Canal Sub Division, Peshawar.

(Respondents)

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.**

Parawise comments on behalf of respondents are submitted as under: -

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has got no cause of action and loss standi.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
5. That the present appeal is bad in its present form, hence not maintainable and liable to be dismissed.
6. That the appeal is barred by law.
7. That the appeal is badly time barred.
8. That this Honourable Tribunal has no jurisdiction to adjudicate upon the matter.

**REPLY ON FACTS:-**

1. In reply it is submitted that the Finance Department, Khyber Pakhtunkhwa Peshawar vide letter No.BO-II/FD/2-18/Irr/2014-15, dated 23-06-2015 (copy enclosed as Annexure-A) has regretted the revival of dying cadre four (04) No. posts of Mate BPS-03, the same was reported to this Division vide Secretary to Govt: of Khyber Pakhtunkhwa, Irrigation Department, Peshawar letter No.12-AO/Irr/Creation/2014-15, dated 02-07-2015 (copy enclosed as Annexure-B). Subsequently, the promoted four (04) Mates were reverted and the four (04) No. beldars appointed against the vacant posts vacated due to the stated promotion of beldars were withdrawn.
2. Incorrect. As stated under para-1, four (04) No. beldars were appointed against the vacant posts vacated due to promotion of the beldars were withdrawn due to regret of Finance Department from revival of dying cadre posts.

- 2
- Y
3. Incorrect, the appellant has not reported arrival on 03-07-2015, the medical fitness certificate already annexed to the appeal showing date as 06-07-2015, how he submitted arrival before submission of medical fitness certificate. No service book of the appellant was prepared.
  4. Incorrect, the appellant had not performed duty.
  5. Incorrect, the appellant had not performed duty. He was handed over the appointment withdrawal letter bearing No.4048/9-E, dated 09-07-2015 (enclosed as Annexure-C) in compliance of Finance Department refusal for revival of four (04) No. dying cadre posts.
  6. Due to withdrawal of appointment order of the appellant before joining his duty, the appellant has no right to file appeal for restoration of his appointment order.
  7. On the remand of appellant's appeal from this Honourable Service Tribunal, vide judgment dated 12-04-2019, the stated appeal was regretted vide Superintending Engineer, Peshawar Irrigation Circle, Peshawar vide letter No.158/83-M, dated 18-06-2019 on the grounds mentioned therein (copy enclosed as Annexure-D).
  8. Incorrect, as the appellant's appointment order had been withdrawn with solid reasons and his departmental appeal was also decided on merit in compliance of this Honourable Court order and judgment dated 12-04-2019, the appellant has no right to file execution petition.
  9. Pertains to record. Moreover, the appeal is time barred.
  10. Incorrect. The appointment withdrawal letter dated 09-07-2015 and the rejection of departmental appeal dated 18-06-2019 are factual, based on facts and merit, hence cannot be challenged.

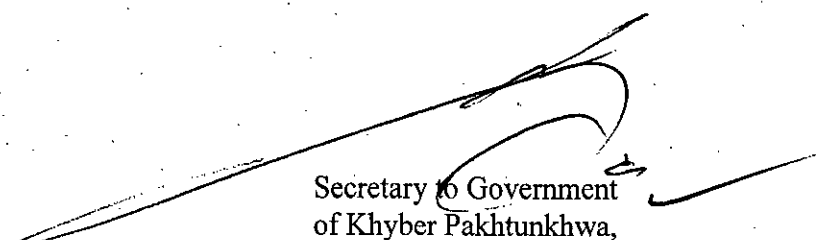
**REPLY ON GROUNDS:-**

- A) Incorrect. The appellant has been treated as per rules / law & there is no violation.
- B) Incorrect. The appellant had not reported arrival for duty nor his service book was prepared. Besides, the appointment order had been withdrawn in compliance of the regret of Finance Department from revival of four (04) No. dying cadre posts and proper procedure have been adopted in the matter.
- C) Incorrect. Since, the appellant have not reported arrival for duty and his appointment was withdrawn immediately after issuance; the question of allowing opportunity of personal hearing does not arise.
- D) As stated in para – B.




- E) Incorrect, the appointment orders of all the four (04) No. beldars including the appellant appointed against the posts vacated due to proposed promotion of four (04) beldars to the post of Mate had duly been withdrawn.
- F) Incorrect, the withdrawal of appointment order of the appellant is based on facts and justified. Detail reply already given in Paras ibid.
- G) Incorrect. Factual position has been explained above.
- H) Incorrect. As explained earlier, his appointment order was withdrawn prior to arrival report subject to the regret of Finance Department from revival of the dying cadre posts.
- I) Incorrect. As explained in para-E above.
- J) Incorrect. Since the appointment orders were withdrawn due to refusal of Finance Department as explained above, the appeal was regretted according to the law.
- K) In reply, it is submitted that appointment order was rightly withdrawn.
- L) The respondents seek permission of this Honourable Tribunal to submit further grounds during arguments.


It is, therefore, prayed that subject appeal being baseless, devoid of merits, against law and fact may please be dismissed with costs.



Secretary to Government  
of Khyber Pakhtunkhwa,  
Irrigation Department, Peshawar.  
(Respondents No.1)



Executive Engineer,  
Peshawar Canals Division,  
Warsak Road Peshawar.  
(Respondents No.2)



Sub Divisional Officer,  
Kabul River Canal Sub Division,  
Peshawar.  
(Respondents No.3)

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No.5883/2020

Muhammad Khan S/O Baz Muhammad Ex-Beldar (BPS-01)  
Office of the Executive Engineer, Peshawar Canals Division,  
Peshawar, R/O Pawaka, Mohallah Ali  
Sher Zai District Peshawar. ....

(Appellant)

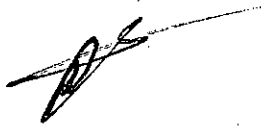
**VERSUS**


1. Government of Khyber Pakhtunkhwa through  
Secretary Irrigation Department, Khyber Pakhtunkhwa  
Peshawar
2. Executive Engineer, Peshawar Canals Division, Warsak Road Peshawar.
3. Sub Divisional Officer, Kabul River Canal Sub Division, Peshawar.

(Respondents)

**AFFIDAVIT**

I, Mr. Fareed Gul, Sub Divisional Officer, Kabul River Canal Sub Division, Peshawar do hereby solemnly affirm and declare on oath that the contents of the above noted para-wise comments are true and correct to the best of my knowledge and belief and nothing has been kept back or concealed from this Honourble Tribunal.

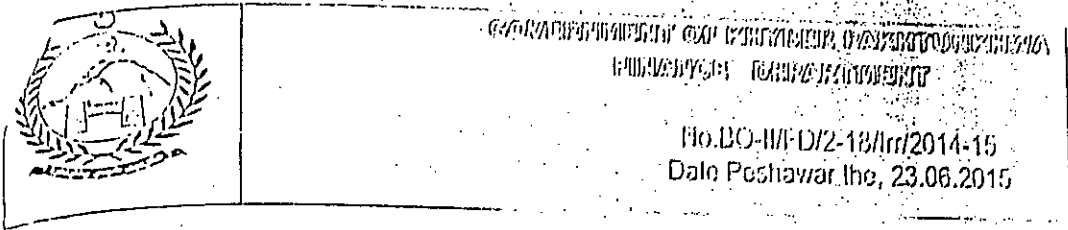
  
Respondent No.3  
and on behalf of  
Respondents No.1 & 2

  
Sub Divisional Officer,  
Kabul River Canal Sub Division,  
Peshawar.

5

ANNEXURE-A

112.1  
2-6-6-15



To The Secretary to Government of Khyber Pakhtunkhwa,  
Irrigation Department

SUBJECT: CREATION OF NEW POSTS IN PESHAWAR CANAL DIVISION PESHAWAR AND IRRIGATION CIRCLE, SWAT

Dear Sir,

I am directed to refer to your letter No. 12-AO/IRR/Creation/2014-15 dated 09.06.2015 on the subject noted above and to state that the issue is a policy nature and the next year budget has already been finalized, therefore, Finance Department regrets the reviving of dying cadre posts.

Yours faithfully,

*(Signature)*  
(SYED NOOR AHMAD SHAH)  
BUDGET OFFICER-II

Attested.  
*(Signature)*

Sub Divisional Officer  
Kabul River Canal Sub Division  
Peshawar.

24/6  
Irrigation

1:16 P

6

'ANNEXURE-B'



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT  
(ACCOUNTS SECTION)

No.12-AO/IRR/Creation/2014-2015  
Dated Peshawar, the 02-07-2015

To  
The Chief Engineer (South),  
Irrigation Department, Peshawar.

Subject: CREATION OF NEW POSTS PESHAWAR CANAL DIVISION PESHAWAR  
& SWAT IRRIGATION CIRCLE, SWAT

I am directed to refer to this Department letter of even number dated 27.02.2015 on the subject noted above and to enclose herewith copy of Finance Department substituted letter No. BO-II/FD/2-18/IRR/SNE/2012-13 dated 13.05.2015, wherein Finance Department has revised the sanction of creation of various posts by excluding 04 No posts of Male (BPS-03).

Moreover, Finance Department vide their letter dated 23.06.2015 has also regretted out request for the revival of dying cadre posts with the plea that the issue is a policy nature and the next financial year budget has already been finalized (copies enclosed).

It is, therefore, requested that 04 posts of Male (BPS-03) may be treated as withdrawn.

Encl: as above.

ACCOUNTS OFFICER

Copy forwarded for information to: -

1. The Superintending Engineer, Peshawar Irrigation Circle, Peshawar.
2. The Executive Engineer, Peshawar Canal Division, Peshawar.
3. PS to Secretary Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar

Attested

Sub Divisional Officer  
Kabul River Canal Sub Division  
Peshawar.

ACCOUNTS OFFICER

907/PE  
04/07/15

He

A M B A I

(7)

"ANNEXURE-C"



OFFICE OF THE EXECUTIVE ENGINEER,  
PESHAWAR CANALS DIVISION, PESHAWAR  
PHONE #. 091-9210102.

No: 4048 /9-E,

Dated:- Peshawar the 9/07/2015.

OFFICE ORDER.

In pursuance to the Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar letter No. 12-AO/Irr/Creation/2014-15, dated 02-07-2015, the following Beldars promoted to the post of Mate as per detail given below are hereby reverted as Beldars in the government interest with immediate effect.

S.#	Name of Beldars	Reference No. & Date
1	Mr. Umer Bakhsh	3064/9-E. dated 02-07-2015
2	Mr. Zarshad Khan	3063/9-E. dated 02-07-2015
3	Mr. Swab Gul	3062/9-E. dated 02-07-2015
4	Muhammad Ilyas	3061/9-E. dated 02-07-2015

Similarly, the following persons as appointed against the vacant posts vacated due to promotion of the above Beldars are hereby withdrawn.

S.#	Name & Father Name of Beldars	Reference No. & Date
1	Muhammad Khan S/O Baz Muhammad	3057/9-E. dated 01-07-2015
2	Bakht Buland S/O Azad Khan	3016/9-E. dated 30-06-2015
3	Rahamat ullah S/O Matlab Khan	3056/9-E. dated 01-07-2015
4	Muhammad Imran S/O Shah Jehan	3052/9-E. dated 01-07-2015

EXECUTIVE ENGINEER

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

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Establishment), Secretary, Irrigation Department Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Officer, Kabul River Canal, Sub Division, Peshawar.
4. Sub Divisional Officer, Civil Canals, Sub Division, Peshawar.
5. Sub Divisional Officer, Drainage Sub Division, Peshawar.
6. Divisional Accounts Officer/Head Clerk Local.

EXECUTIVE ENGINEER

Attested

Attested

Sub Divisional Officer  
Kabul River Canal Sub Division  
Peshawar.

4

Annexure - D



OFFICE OF THE SUPERINTENDING ENGINEER  
PESHAWAR IRRIGATION CIRCLE PESHAWAR

SPO

Phone No. 091-9212115 Email: [senicpeshawar@gmail.com](mailto:senicpeshawar@gmail.com)  
Facebook: [senicpeshawar/f](https://www.facebook.com/senicpeshawar/) Twitter: [senicpeshawar/t](https://twitter.com/senicpeshawar/)

No. 158 / 183-M

Dated Peshawar the 18 / 06 / 2019

SE/CS  
XERO

To,

The Executive Engineer,  
Peshawar Canals Division, Peshawar.

Subject: MUHAMMAD KHAN VS GOVT. OF KPK (1375/2015)  
MUHAMMAD IMRAN VS GOVT. OF KPK (1376/2015)

Re: Your letter No.5-168/114-M, dated 15-5-2019.

With reference to the judgment dated 12-04-2019 of the Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No.1375 & 1376/2015 filed by Muhammad Khan and Muhammad Imran, keeping in view the contents of the para wise comments submitted to the Honourable Service Tribunal and position regarding non submission of arrival report/ joining the department and non preparation of their service books, the departmental appeal prepared by the appellants referred above, is not worth consideration and has therefore been filed.

They may be informed accordingly.

*[Signature]*  
Superintending Engineer

RK

*[Signature]*

*[Signature]*  
18/06/2019

Accepted  
*[Signature]*

Sub Divisional Officer  
Kabul River Canal Sub Division  
Peshawar.

1277/11/19

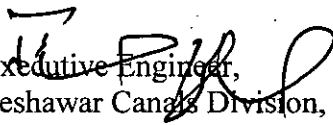
20-06-19

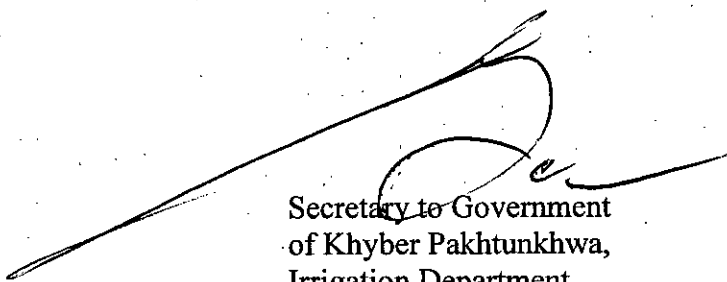


**POWER OF ATTORNEY.**

Mr. Fareed Gul, Sub-Divisional Officer, Kabul River Canal Sub Division, Peshawar is hereby authorized to appear before the Khyber Pakhtunkhwa Services Tribunal, Peshawar in connection with the Appeal No.5883/2020 "Muhammad Khan S/O Baz Muhammad Ex-Beldar (BPS-01) Office of the Executive Engineer, Peshawar Canals Division, Peshawar, R/O Pawaka, Mohallah Ali Sher Zai District Peshawar" Versus Government of Khyber Pakhtunkhwa through

1. Secretary Irrigation Department, Khyber Pakhtunkhwa Peshawar,
2. Executive Engineer, Peshawar Canals Division, Warsak Road Peshawar,
3. Sub Divisional Officer, Kabul River Canal Sub Division, Peshawar.

  
Executive Engineer,  
Peshawar Canals Division,  
Peshawar.

  
Secretary to Government  
of Khyber Pakhtunkhwa,  
Irrigation Department