

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15186/2020

Date of institution 09.11.2020

Lal Nawaz S/O Zoro Din, Divisional Head Draftsman PHE Division
Kohat.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and
four other respondents.

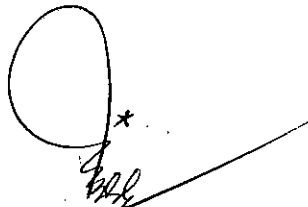
O R D E R
28.10.2021

Learned counsel for the appellant present. Private respondent No. 5 alongwith her counsel Ms. Nida Khan, Advocate, present. Mr. Irfanullah, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present and produced copy of office order bearing Endorsement No. 02/CE-3/PHE dated 15.10.2021 vide which the appellant has been promoted from the post of Divisional Head Draftsman PHE Division Kohat to the post of Circle Head Draftsman PHE Division Kohat, which is placed on file.


Learned counsel for the appellant stated at the bar that the appeal in hand has been filed by the appellant against the transfer order, however during the pendency of the instant appeal, the appellant has been promoted, therefore, the appellant wants to withdraw the instant appeal as the same has become infructuous. In this respect, he submitted written application, which is placed on file.

In view of the above, the appeal in hand stands dismissed as withdrawn being infructuous. File be consigned to the record room.

ANNOUNCED
28.10.2021



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
Ph #091-9217528 E-mail: centrephed@gmail.com, Plot#10, Sector:III, Phase-V, Hayatabad, Peshawar

No. 02/CE-9/PHE (C)

Dated Peshawar, the 15 /10/2021

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 31.08.2021, at 11:00 AM under the Chairmanship of Chief Engineer (Center) PHED, the competent authority is pleased to promote the following 06-Nos Divisional Head Draftsman (BPS-14) to the post of Circle Head Draftsman (BPS-16), on regular basis, in the best interest of public.

1.	Samina Shahid	4.	Fazal Wahid
2.	Hamid Ullah	5.	Lal Nawaz
3.	Rahimullah	6.	Gohar Hussain

Consequent upon their regular promotion to the next rank, they will remain on probation for a period of one year, as per Civil Servants act 1973, read with appointment/promotion and transfer rules 1989, as such the following posting/transfer in relaxation of ban are hereby ordered, with immediate effect.

#	Name	From	To	Remarks
1.	Samina Shahid	Divisional Head Draftsman, O/o C.E (North) PHED	Circle Head Draftsman, PHE Circle Peshawar	Vice item No.7
2.	Hamid Ullah	Divisional Head Draftsman PHE Division Batkhela	Circle Head Draftsman, PHE Circle Malakand at Timergara	Against the existing vacancy
3.	Rahimullah	Divisional Head Draftsman PHE Division Lakki Marwat	Circle Head Draftsman, PHE Circle Bannu	Against the existing vacancy
4.	Fazal Wahid	Divisional Head Draftsman PHE Circle Swat (against the post of Circle Head Draftsman in OPS)	Circle Head Draftsman, PHE Circle Swat	Against the existing vacancy
✓5.	Lal Nawaz	Divisional Head Draftsman PHE Division Kohat	Circle Head Draftsman, PHE Circle Kohat	Against the existing vacancy
6.	Gohar Hussain	Divisional Head Draftsman, O/o C.E (South) PHED	Circle Head Draftsman, PHE Circle Mansehra	Against the existing vacancy
7.	Muhammad Sajid Circle Head Draftsman	Circle Head Draftsman, PHE Circle Peshawar	Circle Head Draftsman, PHE Circle Mardan	Against the existing vacancy

14/10/2021
Chief Engineer (Center)

Endstt: No. 02/CE-3 PHE,

Dated Peshawar, the 15 /10/2021

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Additional Accountant General PR Sub-office Peshawar.
3. The Chief Engineers (North/South/East) PHE Department Peshawar.
4. All Superintending Engineers PHE Circle Center/South/North/East, Khyber Pakhtunkhwa.
5. All Executive Engineers PHE Division Center/South/North/East, Khyber Pakhtunkhwa.
6. The Section Officer (Estt) PHE Department Peshawar.
7. The District Accounts Officer Concerned.
8. The official concerned.

Administrative Officer (Center)

The Superintending Engineer,
Public Health Engg: Circle,
Kohat.

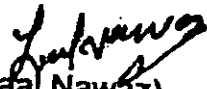
No. S.E PHE Circle Kohat
Dairy No. 5135 Date 26/10/21
Case No. SE/PHE/02

Subject: ARRIVAL REPORT.

In compliance of Chief Engineer (Center) Public Health Engg: Department,
Peshawar office order No.02/CE-9/PHE(C), dated 15/10/2021, I submit reported arrival for duty
today on 18/10/2021 (F.N)

Dated: 18/10/2021.

Yours Obediently


(Mr. Iqbal Nawaz)
Circle Head Draftsman
PHE Circle Kohat

Supdt.
for in/actm.
SE

Before The K.P. Service Tribunal, Peshawar
Cal Nawaz v/s PHED and others

Application for withdrawal
of above mentioned appeal.

Respectfully Sheweth,

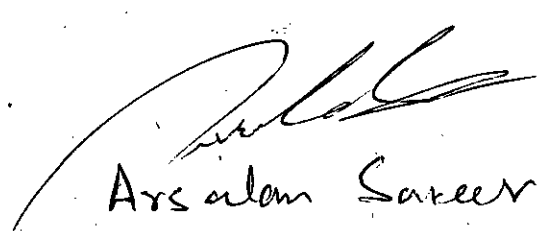
The applicant humbly submits as under,

- ① That the above mentioned appeal is fixed before this Honorable Tribunal for today i.e. 28.10.2011
- ② That the applicant filed appeal for this transfer but during pendency of this appeal the applicant has been promoted. (Copy of promotion is attached)
- ③ That now the instant appeal become infructuous on the promotion and applicant/appellant want to withdraw it.

It is, therefore, most humbly prayed on acceptance of this application the appeal above mentioned may please be ^{allow to} withdrawn.

Applicant/Appellant

Through.


Arsalan Saeed
Jinn Adnan Khattak
Advocate
0315-6552006



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG. DEPTT. KHYBER PAKHTUNKHWA, PESHAWAR
Ph #091-9217528 E-mail: centrehed@gmail.com, Plot#40, Sector-B-II, Phase-V, Hayatabad, Peshawar

No. 02/CE-9/PHE (C)

Dated Peshawar, the 15 /10/2021

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 31.08.2021, at 11:00 AM under the Chairmanship of Chief Engineer (Center) PHED, the competent authority is pleased to promote the following 06-Nos Divisional Head Draftsman (BPS-14) to the post of Circle Head Draftsman (BPS-16), on regular basis, in the best interest of public.

1.	Samina Shahid	4.	Fazal Wahid
2.	Hamid Ullah	5.	Lal Nawaz
3.	Rahimullah	6.	Gohar Hussain

Consequent upon their regular promotion to the next rank, they will remain on probation for a period of one year, as per Civil Servants act 1973, read with appointment/promotion and transfer rules 1989, as such the following posting/transfer in relaxation of ban are hereby ordered, with immediate effect.

#	Name	From	To	Remarks
1.	Samina Shahid	Divisional Head Draftsman, O/o C.E (North) PHED	Circle Head Draftsman, PHE Circle Peshawar	Vice item No.7
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✓5.	Lal Nawaz	Divisional Head Draftsman PHE Division Kohat	Circle Head Draftsman, PHE Circle Kohat	Against the existing vacancy
6.	Gohar Hussain	Divisional Head Draftsman, O/o C.E (South) PHED	Circle Head Draftsman, PHE Circle Mansehra	Against the existing vacancy
7.	Muhammad Sajid Circle Head Draftsman	Circle Head Draftsman, PHE Circle Peshawar	Circle Head Draftsman, PHE Circle Mardan	Against the existing vacancy

15/10/2021
Chief Engineer (Center)

Endstt: No. 02/CE-3 PHE,

Dated Peshawar, the 15 /10/2021

Copy forwarded to:

1. The Accountant General Khyber, Pakhtunkhwa Peshawar.
2. The Additional Accountant General PR Sub-office Peshawar.
3. The Chief Engineers (North/South/East) PHE Department Peshawar.
4. All Superintending Engineers PHE Circle Center/South/North/East, Khyber Pakhtunkhwa.
5. All Executive Engineers PHE Division Center/South/North/East, Khyber Pakhtunkhwa.
6. The Section Officer (Estt) PHE Department Peshawar
7. The District Accounts Officer Concerned.
8. The official concerned.

Administrative Officer (Center)

15.09.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



Chairman

22.09.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned A.A.G alongwith Malik Muhammad Ayaz Superintendent for official respondents No.1 to 4 present. Private respondent No.5 with counsel present.

Reply on behalf of official respondents No.1 to 4 submitted. Learned counsel for private respondent No.5 stated that he relies upon the reply of official respondents No.1 to 4. Request for adjournment was made on behalf of appellant. Adjourned. To come up for arguments on 28.10..2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

Stipulated period passed reply not submitted.

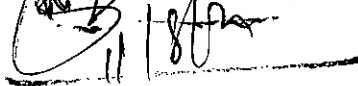
SA 15186/2020

11.08.2021

Appellant present in person. Mr. Irfan Anjum, Assistant alongwith Kabirullah Khattak, Addl. AG for the official respondents present. Counsel for private respondent No. 5 present and submitted Wakalatnama which is placed on file.

The appeal is pending for preliminary hearing after pre-admission notice. The respondents are in attendance. It may not serve better purpose to keep the appeal at pre-admission stage which otherwise is within time, therefore, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. The respondents are directed to submit written reply within 10 days. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.09.2021 before the D.B.

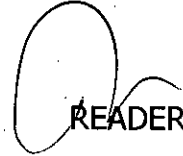
Appellant Deposited
Security & Process Fee




Chairman

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.07.2021 for the same as before.


READER

15.07.2021

Syed Roman Ali Shah Advocate is present as proxy on behalf of learned counsel for the appellant, Mr. Muhammad Adeel Butt, Addl. AG for official respondents and respondent No. 5 in person present.

Vide order dated 11.01.2021 it was directed to issue pre-admission notice to the respondents with simultaneous direction to them to submit their written reply/comments. The respondents have not submitted reply/comments today. They are directed to submit their written reply within 10 days in office, positivel. File to come up on 11.08.2021 for preliminary hearing before S.B.

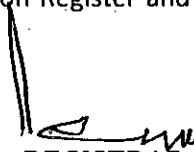

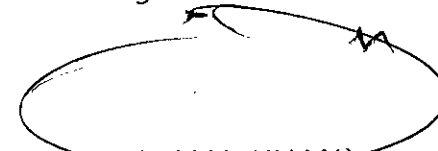

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15186 /2020

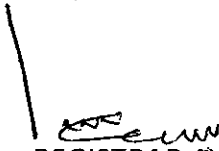
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/11/2020	<p>The appeal of Mr. Lal Nawz resubmitted today by Mr. Adnan Khan Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
11.01.2021		<p>Mr. Adnan Khattak, Advocate, for appellant is present.</p> <p>In view of the arguments addressed at the bar by the learned counsel representing appellant, it is deemed appropriate to issue pre-admission notice to respondents for 08.04.2021, simultaneously, directing them to submit their reply/comments before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>

The appeal of Mr. Lal Nawaz son of Zoro Din Divisional Hwad Draftsman PHE Division Kohat received today i.e. on 09.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Order dated 8.4.2019, 17.4.2019 and 12.12.2019 of the appeal are illegible which may be replaced by legible/ better one.
- 4- Approved file cover is not used.
- 5- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3809 /S.T,

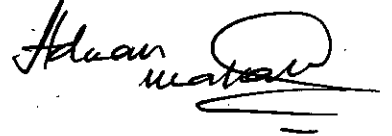
Dt. 09/11 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Adnan Khattak Adv. Pesh.

Respected Sir.

Resubmitted Sir all objections are removed
may kindly be fixed before the honorable tribunal.


Adnan Khattak

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Lal Nawaz..... Appellant

Versus

Government of KP and others..... Respondents

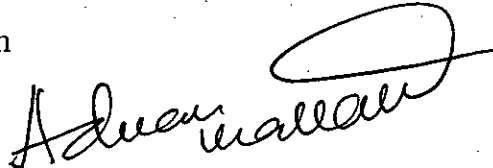
I N D E X

S.No.	Description of documents.	Annexure	Pages.
1	Grounds of appeal.		1-4
3	Addresses of the parties.		5
4	Copy of notification No. 07/E-9/PHE dated 08.04.2019.	A	6
5	Copy of impugned order dated 17.04.2019	B	7
6	Copy of representation	C	8-12
7	Copy of impugned Order dated 03.07.2020	D	13
8	Copy of Appeal/ Representation	E	14-16
12	Wakalatnama.		

Dated: _____

Appellant

Through


Adnan Khattak
Advocate High Court
Peshawar.

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.Service Appeal No. **15186** /2020Khyber Pakhtukhwa
Service TribunalDiary No. **14288**Dated **9/11/2020**Lal Nawaz S/o Zoro Din
Divisional Head Draftsman PHE Division Kohat..... AppellantVersus

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary
- 2) Secretary, Public Health Engineering Department, Peshawar.
- 3) Chief Engineer South, Public Health Engineering Peshawar.
- 4) Superintending Engineer Public Health Engineering Circle, Kohat.
- 5) Sadiq ur Rahman Draftsman Public Health Engineering Division
Karak..... Respondents

Subject: APPEAL U/S 04 OF THE SERVICES TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION NO. 01/E-9/PHE DATED 03.07.2020 WHEREBY THE APPELLANT WAS TRANSFER FROM PHE DIVISION KARAK BACK TO PHE DIVISION KOHAT AND THE REPRESENTATION OF APPELLANT WAS NOT DECIDED WITHIN STATUTORY PERIOD OF 90 DAYS.

Filed to-day

Registrar

9/11/2020

Re-submitted to -day
and filed.

Registrar

Respectfully Sheweth;

- 1) That the appellant was initially appointed as tracer then promoted to Draftsman in Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.

- 2) That inquiry regarding some matter was conducted in Public Health Engineering Division, Karak which proposed and transfer all technical and non technical staff of Public Health Engineering Division, Karak.
- 3) That acted on proposal of inquiry committee the respondent No.3 issued notification NO. 07/E-9/PHE dated 08.04.2019 by transferring all technical and non technical staff of Public Health Engineering Division, Karak to different Division. (Copy of notification No. 07/E-9/PHE dated 08.04.2019. is attached as Annexure A).
- 4) That later on respondent No.3 issued another impugned notification No. 03/E-9/PHE dated 17.04.2019 by modifying the office order No. 07/E-9/PHE dated 08.04.2019 by transferring back appellant back to Kohat who was under transfer to PHE Division Karak. (Copy of impugned order dated 17.04.2019 is annexure B).
- 5) That the appellant feeling aggrieved from the impugned notification No. 03/E-9/PHE dated 17.04.2019 filed the representation on 25.04.2019 which was not decided within the stipulated period. (Copy of representation is attached as Annexure C).
- 6) That the appellant then approached the service tribunal in service appeal No.997/2019 against that impugned order No.03/E-1/PHE dated 17.14.2019, wherein the Honorable Tribunal was pleased to issued notices to the respondent and later on during the pendency of the service appeal the respondent issued transfer order dated 12.12.2019 by transferring the appellant back to District Karak..
- 7) That the appellant then requested for withdrawal of appeal in the view of Order dated 12.12.2019 issued by respondent.
- 8) That now again the respondent issued the impugned notification No. 01/E-9/PHE dated 03.07.2020 by transferring the appellant back to PHE Kohat Division. (Copy of impugned Order dated 03.07.2020).

- 9) That the appellant feeling aggrieved from the impugned notification No.01/E-9/PHE dated 03.07.2020 which was not decided within the stipulated period. (Copy of representation is attached).

Hence this service appeal on the following amongst other grounds.

GROUNDS

- A. That impugned notification No. 01/E-9/PHE Dt 03.07.2020 passed by respondent No.3 is illegal, void ab-initio, against law, rules and policy.
- B. That comparing tenure/ time period of posting of appellant at PHE Division Kohat is 05 years and 06 months with that of respondent No.05 i.e. 07.02.2014 was date of transfer of appellant, now law, rules and policy demands the transfer of person who has spent more than five years at the same station.
- C. That the respondent No.5 has also completed his tenure at PHE Division Karak and law demands to be transfer as he was rightly transferred to PHE Division Kohat in first notification NO. 07/E-6/PHE dated 08.04.2019 and then rightly transferred vide dated order 12.12.2019.
- D. That appellant has completed his tenure as per law at PHE Division, Kohat from 07.02.2014 & 08.04.2019, thus the impugned notification is not made in public interest.
- E. That the family of the appellant is settled in Karak and no one is there to look after his family as his wife is suffering from Hepatitis thus the appellant is facing problem since 2014.
- F. That the impugned notification was issued specifically for the respondent No.5 to adjust him as blue eye person and also the

impugned notification is the out come of the political interference.

- G. That in impugned notification of respondent No.3 have not given any legal justification for transferring the appellant back to the said post.
- H. That appellant seeks permission of the honorable court to advance any other grounds/ points of the arguments.

It is therefore, humbly prayed that on acceptance of this appeal, notification No.01/E-9/PHE dated 03.07.2020 issued by respondent No.3 may please be cancelled/ set aside and appellant may please be permitted to continue his duration at PHE division Karak as per notification dated 12.12.2019.

Any other relief which deems fit in the circumstances of the case and not specifically asked for may kindly be granted to the appellant.

Lal Nawaz
Appellant

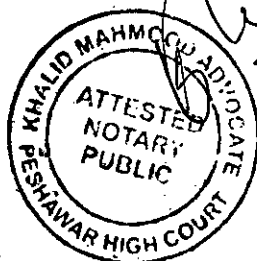
Dated: _____

Through

Adnan Khattak
Adnan Khattak
Advocate High Court
Peshawar.

AFFIDAVIT

I, **Lal Nawaz**, do hereby affirm and declare on oath 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.



Lal Nawaz
DEPONENT

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2020

Lal Nawaz..... Appellant

Versus

Government of KP and others..... Respondents

ADDRESSES OF THE PARTIESAPPELLANT:**Lal Nawaz S/o Zoro Din**

Divisional Head Draftsman PHE Division Kohat


RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary
- 2) Secretary, Public Health Engineering Department, Peshawar.
- 3) Chief Engineer South, Public Health Engineering Peshawar.
- 4) Superintending Engineer Public Health Engineering Circle, Kohat.
- 5) Sadiq ur Rahman Draftsman Public Health Engineering Division
Karak


 Appellant

Dated: _____

Through


Adnan Khattak
 Advocate High Court
 Peshawar.

6

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH/ENGG. DEPTT. KHYBER PAKHTUNKHWA, PESHAWAR
Ph# 091-9217788 Fax# 091-9217396 Email: C.e.s.phcd.peshawar@gmail.com, Ph# 01, Sector-B-II Phase-V, Hayatnagar

No. 07: E-9 PHE
Dated Peshawar, the 08/04/2019

OFFICE ORDER

The following posting/transfer of Drawing Establishment etc. hereby notified in immediate effect, in the public interest.

#	Name	From	To
1.	Mr. Muhammad Sajid Circle II. Draftsman	PHE Circle Kohat	PHE Circle Peshawar
2.	Mr. Lal Nawaz Divisional II Draftsman	PHE Division Kohat	PHE Division Karak
3.	Mr. Sadiq-ur-Rehman Divisional II. Draftsman	PHE Division Karak	PHE Division Bannu
4.	Mr. Khurshid Nawaz Circle II. Draftsman	PHE Circle Bannu	PHE Circle Kohat
5.	Mr. Khalid Javid Divisional II. Draftsman	PHE Division Bannu	PHE Circle Bannu

Against the...
Vice S No...
Vice S No...
Vice S No...
He is to...
look after...
Chief Engineer

D/W 751
D/C 23/04/19

Endstr: No. 07: E-25 PHE.

Dated 08/04/2019

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar
2. The Superintending Engineers PHE Circle Peshawar Kohat Bannu
3. The Executive Engineer PHE Division Kohat Karak Bannu
4. The District Account Officer Kohat Bannu Karak
5. The official concerned

Attested
etc
Adnan
malik

H/L E-2

X

BETTER COPY

6

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR

Ph # 091-9217788 Fax # 091-9217396 E-mail Ce-S-Phed/pr5419@gmail.com, Plot No.40,
Sector B-II, Phase-V, Hayatabad, Peshawar

No. 07/E-9/PHE,
Dated Peshawar, the 08/04/2019.

OFFICE ORDER

The following posting/ transfer of Drawing Establishment are hereby orders immediate effect, in the public interest.

#	Name	From	To	Remarks
1.	Mr. Muhammad Sajid Circle II. Draftsman	PHE Circle Kohat	PHE Circle Peshawar	Against the existence vacancy
2.	Mr. Lal Nawaz Divisional II Draftsman	PHE Division Kohat	PHE Division Karak	Vice S No.3
3.	Mr. Sadiq ur Rehman Divisional II. Draftsman	PHE Division Karak	PHE Division Bannu	Vice S No. 5
4.	Mr. Khurshid Nawaz Circle II draftsman	PHE Circle Bannu	PHE circle Kohat	Vice No.1 He is also authorized to look after the additional charge of the post of Divisional II Draftsman PHE Division Kohat addition to his own
5.	Mr. Khalid Javid Divisional II Draftsman	PHE Division Bannu	Circle Head Draftsman OPS PHE Circle Bannu	Vice S No.

Chief Engineer (South)

Endstt No.07/E-25/PHE

Dated 08.04.2019

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Superintending Engineers PHE Circle Peshawar/ Kohat/ Bannu.
3. The Executive Engineer PHE Division Kohat/ Karak/ Bannu.
4. The District Account Officer Kohat/ Bannu/ Karak.
5. The official concerned.

Chief Engineer (South)



7

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH/ENGG. DEPT. KHYBER PAKHTUNKHWA, PESHAWAR
Plot 021-2217783, Fax# 021-2217326, E-mail: Ce_south@pht.gov.pk, Plot 02 Sector 02, Peshawar, K.P.

No. 03 E-7 PHE.

Dated Peshawar the 17 04 2019

OFFICE ORDER

Partial modification in this office order No. 03 E-7 PHE, dated 08.4.2019 of following posting/transfer of Divisional Head Draftsman are hereby ordered with immediate effect, in the public interest.

#	Name	From	To
✓ 1.	Mr. Lal Nawaz	Under transfer to PHE: Division Karak	PHE Division Kohat
2.	Mr. Sadiq-ur-Rehman	Under transfer to PHE: Division Bannu	PHE Division Karak

Chief Engineer

Endst: No. 03/E-25 PHE.

Dated 17/04/2019

Copy forwarded to:

1. The Superintending Engineers PHE Circle Kohat Bannu
2. The Executive Engineer PHE Division Kohat Karak Bannu.
3. The District Accounts Officer Kohat/Karak Bannu.
4. The official concerned.

[Signature]
Chief Engineer

Attended etc
Adnan

D.No. 742
DH: 23/04/2019

H/L/DAC

[Signature]

E-4

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR

Ph # 091-9217788 Fax # 091-9217396 E-mail Ce-S-Phed/pr5419@gmail.com, Plot No.40,
 Sector B-II, Phase-V, Hayatabad, Peshawar

No. 03/E-9/PHE,
 Dated Peshawar, the 17/04/2019.

OFFICE ORDER

Partial modification in this office order No.07/E-9/PHE, Dated 08.04.2019 the following posting/ transfer of Divisional Head Draftsman are hereby ordered with immediate effect, in the public interest.

#	Name	From	To	Remarks
1.	Mr. Lal Nawaz	Under transfer to PHE Division Karak	PHE Division Kohat	Against Existing post
2.	Mr. Sadiq ur Rehman	Under transfer to PHE Division Bannu	PHE Division Karak	Vice

Chief Engineer (South)

Endstt No.03/E-25/PHE

Dated 17.04.2019

Copy forwarded to:

1. The Superintending Engineers PHE Circle Peshawar/ Kohat/ Bannu.
2. The Executive Engineer PHE Division Kohat/ Karak/ Bannu.
3. The District Account Officer Kohat/ Bannu/ Karak.
4. The official concerned.

Chief Engineer (South)



**OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION KOHAT.**
Email:- xenphedkt@gmail.com Phone No.0922-9260180

68

No 03 / E-43 Dated Kohat the 23 / 04 / 2019.

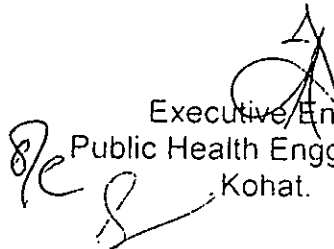
To

The Superintending Engineer,
Public Health Engg: Circle,
Kohat.

Subject: DEPARTMENTAL APPEAL AGAINST CANCELLATION OF
TRANSFER ORDERS.

Enclosed please find herewith a Departmental Appeal in respect of Mr. La Nawaz Divisional Head Draftsman of this office is forwarded for your information & onward submission to the quarter concerned.

Encl: As above.


Executive Engineer
Public Health Engg: Division
Kohat.

*Appeal
etc
Advan
material*

o/c

9



OFFICE OF THE SUPERINTENDING ENGINEER PUBLIC HEALTH ENGG:
CIRCLE KOHAT.

No. 02 / SE/PHE/5 Dated Kohat the 24 /04/2019.

To,

The Chief Engineer (South)
Public Health Engg: Deptt:
Khyber Pakhtunkhwa Peshawar

Subject:- **DEPARTMENTAL APPEAL AGAINST CANCELLATION OF TRANSFER ORDERS:**

Reference:- Executive Engineer PHE Division Kohat letter No. 03/E-4 dated 23/04/2019.

Enclosed find herewith Departmental appeal through proper channel as per subject cited above, in respect of Mr Lal Nawaz Head Draftsman, received from Executive Engineer PHE Division Kohat, for consideration and onward submission to quarter concerned please.

Superintending Engineer
Public Health Engg: Circle
Kohat

Copy to the Executive Engineer PHE Division Kohat for information w/r to above.

Superintending Engineer
Public Health Engg: Circle
Kohat

*Attached etc
Adnan Malik*

*Hc
For Ram*

AKH

D.No. 775
dt. 26/4/2019.

E-4

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar.

10

THROUGH PROPER CHANNEL

Subject: DEPARTMENTAL APPEAL AGAINST CANCELLATION OF
TRANSFER ORDERS.

R/Sir,

It is humbly submitted that after completion of my long stay / tenure with effect 07.02.2014 as Divisional Head Draftsman at PHE Division Kohat, I was transferred from Division Kohat to PHE Division Karak vide Chief Engineer (South) PHE Department Pest No.07/E-9/PHE, dated 08.04.2019.

It is pertinent to mention here that I have very serious problem at my home as my wife is seriously ill and under treatment. There is no other responsible person to look after my wife. In such circumstances my above mentioned transfer order has been cancelled in a justice manner and on political grounds by the Chief Engineer (South) PHE Department No. 9/PHE, dated 17.04.2019.

Keeping in view my long stay / tenure out of my home station and domestic problems as above cancellation of transfer orders may kindly be re-viewed and transfer from PHE Division Kohat to PHE Division Karak may be retained as a justice of which I will be thankful for please.

Dated: 2-2 /04/2019.

Yours Obediently,

Lal Nawaz

(LAL NAWAZ)

Divisional Head Draftsman
PHE Division Kohat.

H.C.
for m. G.

XEN

*Attorn
etc
Adnan
malik*



**OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH DEPARTMENT, PESHAWAR**

No. 08, E-9, PHD.

Dated Peshawar, the 12/12/2019

11

OFFICE ORDER

On recommendations of the Placement Committee in its meeting held on 11/12/2019, at 10:00 hours under the Chairmanship of Chief Engineer (South) PHD, the following transfers/postings of the officials of Public Health Engg. Department are hereby ordered with immediate effect, in the best interest of public:-

S.#	Name	From	To	Remarks
1.	Muhammad Ashtat S.E. Engineer	PHD Division Peshawar	PHD Division Northern Tribal District of Peshawar	Vice S # 2
2.	Mr. Iqbal Khan Sub Engineer	PHD Division Southern Tribal District of Peshawar	PHD Division Peshawar	Vice S # 1
3.	Mr. Karim Nawaz Sub Engineer	PHD Division Peshawar	PHD Division Charvaddy	Vice S # 5
4.	Mr. Zubair-Ul-Rehman Sub Engineer	PHD Division Nowshera	PHD Division Charvaddy	Vice S # 6
5.	Mr. Hamid Ali Sub Engineer	PHD Division Khyber Pakhtunkhwa	PHD Division Peshawar	Vice S # 3
6.	Mr. Shasaf Hali Sub Engineer	PHD Division Charvaddy	PHD Division Nowshera	Vice S # 4
7.	Mr. Farran Ullah Sub Engineer	PHD Division Karak	PHD Division Harnoi	Vice S # 8
8.	Mr. Mohi-ud-Din Qazi Sub Engineer	PHD Division Harnoi	PHD Division Karak	Vice S # 7
9.	Mr. Saleem Khan Sub Engineer	PHD Division Hangu	PHD Division Southern Tribal District Kohat	Vice S # 10
10.	Mr. Arshad Hussain Sub Engineer	PHD Division Southern Tribal District Kohat	PHD Division Hangu	Vice S # 9
11.	Mr. Iqbal Muhammad Sub Engineer	PHD Division Swabi	PHD Division Buter	Against the vacant post
12.	Mr. Yasir Anwar Sub Engineer	PHD Division Dir Upper	PHD Division Dir Lower	Vice S # 13
13.	Mr. Mushtaq Sub Engineer	PHD Division Dir Lower	PHD Division Dir Upper	Vice S # 12
14.	Mr. Imkhar Ahmad Sub Engineer	PHD Division Abbottabad	PHD Division Mansehra	Vice S # 16
15.	Mr. Naveed Nawaz Sub Engineer	PHD Division Abbottabad	Gravity Flow Abbottabad	Against the vacant post
16.	Mr. Imdad Hussain Shah, Sub Engineer	PHD Division Mansehra	PHD Division Abbottabad	Vice S # 14
17.	Mr. Amjad Hussain Sub Engineer	PHD Division Mansehra	PHD Division Abbottabad	Vice S # 15
18.	Mr. Lal Nawaz Head Draftsman	PHD Division Kohat	PHD Division Karak	Vice S # 19
19.	Mr. Sadiq-Ul-Rehman Head Draftsman	PHD Division Karak	PHD Division Kohat	Vice S # 18

P.T.O

[Signature]
Chief Engineer (South)

*Alerted eye
Adnan*

**OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR**

Ph # 091-9217788 Fax # 091-9217396 E-mail Ce-S-Phed/pr5419@gmail.com, Plot No.40,
Sector B-II, Phase-V, Hayatabad, Peshawar

No. 08/E-9/PHE,
Dated Peshawar, the 12/12/2019.

OFFICE ORDER

On recommendations of the placement Committee in its meeting held on 11.12.2019 at (Sic) under the Chairmanship of Chief Engineer (South PHEI) the following transfers posting of the officials of Public Health Department are hereby ordered with immediate effect, in the best interest of public.

#	Name	From	To	Remarks
1.	Muhammad Arshad Sub Engineer	PHE Division Peshawar	PHE Division Northern	Vice S 2
2.	Mr. Iqbal Khan Sub Engineer	PHE Division Southern Tribal District of Peshawar	PHE Division Peshawar	Vice S No. 1
3.	Mr. Karam Nawaz Sub Engineer	PHE Division Peshawar	PHE Division Charsadda	Vice No. 4
4.	Mr. Zahid ur Rehman Sub Engineer	PHE Division Nowshera	PHE Division Charsadda	Vice No. 6
5.	Mr. Hamid Ali Sub Engineer	PHE Division Charsadda	PHE Division Peshawar	Vice No. 3
6.	Mr. Mahabtullah Sub Engineer	PHE Division Charsadda	PHE Division Nowshera	Vice No. 4
7.	Mr. Kamranullah Sub Engineer	PHE Division Karak	PHE Division Bannu	Vice No. 8
8.	Mr. Muhammad Pyao Sub Engineer	PHE Division Bannu	PHE Division Karak	Vice No. 7
9.	Mr. Saleem Khan Sub Engineer	PHE Division Hangu	PHE Division Southern Tribal District Kohat	Vice No. 19
10.	Mr. Arshad Hussain Sub Engineer	PHE Division Southern Tribal District Kohat	PHE Division Hangu	Vice No. 9
11.	Mr. Intiazar Muhammad Sub Engineer	PHE Division Swabi	PHE Division Buner	Against the vacant post
12.	Mr. Javid Anwar Sub Engineer	PHE Division Dir Upper	PHE Division Dir Lower	Vice No. 13
13.	Mr. Mislaluddin Sub Engineer	PHE Division Dir Lower	PHE Division Dir Upper	Vice No. 12
14.	Mr. Iftikhar Ahmed Sub Engineer	PHE Division Abbottabad	PHE Division Mansehra	Vice No. 16
15.	Mr. Nasir Nawaz Sub Engineer	PHE Division Abbottabad	PHE Division Abbottabad	Against the vacant post
16.	Mr. Imdad Hussain Sub Engineer	PHE Division Manshera	PHE Division Abbottabad	Vice No. 14
17.	Mr. Amjad Hussain Sub Engineer	PHE Division Manshera	PHE Division Abbottabad	Vice No. 15
18.	Mr. Lal Nawaz Head Draftsman	PHE Division Kohat	PHE Division Karak	Vice No. 19
19.	Mr. Saddiq ur Rehman Head Draftsman	PHE Division Karak	PHE Division Kohat	Vice No. 18

Endstr. No. 08 (E-26/PIED)

Dated 12/12/2019

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (North) PIED Peshawar.
3. Superintending Engineers PIED Circle concerned.
4. Executive Engineers PIED Division concerned.
5. Deputy Secretary (Admin) PIED, Peshawar.
6. P.S to Secretary PIED, Peshawar.
7. Section Officer (Estt) PIED, Peshawar.
8. District Accounts Officer concerned.
9. Officials concerned.

12

Chief Engineer, PIED

Affected
eye
Adnan
Wahid

BETTER COPY

Endst No. 08/E-26/PHE

Dated 12.12.2019

12

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (North) PHED Peshawar.
3. Superintendent Engineers PHE Circle Concerned.
4. Executive Engineers PHE Division concerned.
5. Deputy Secretary (Admin) PHED, Peshawar.
6. P.S to Secretary PHED, Peshawar.
7. Section Officer (Esttb) PHED, Peshawar.
8. District Accounts Officer Concerned.
9. Officials Concerned.

Chief Engineer (South)



13

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR
 Ph#091-9217788 Fax#091-9217196 E-mail: C.e.s.phed.pk1419@gmail.com Ph#40, Sector-II-II, Phase-V, Hayatabad, Peshawar

No. 01/E-9 /PHE,
 Dated Peshawar, the 03/07/2020

OFFICE ORDER

The competent authority has been pleased to order the transfer/posting of the following Divisional Head Draftsman with immediate effect till further orders, in the public interest.

#	Name	From	To	Remarks
1.	Mr. Saddiq ur Rehman Divisional Head Draftsman	PHE Division Kohat	PHE Division Karak	Vice S.No.2
2.	Mr. Lal Nawaz Divisional Head Draftsman	PHE Division Karak	PHE Division Kohat	Vice S.No.1

sd/-
 Chief Engineer (South)

Endstt: No. 01/E-28 /PHE,

Dated 03/07/2020

Copy forwarded for information and necessary action to the:

1. Superintending Engineer PHE Kohat.
2. Executive Engineer PHE Division Kohat/Karak.
3. P.S to Special Assistant to CM for PHED Khyber Pakhtunkhwa Peshawar.
4. P.S to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
5. Official concerned.

*Attached
etc
Adwan maha*

[Signature]
 Admin. Officer (South)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

11
14

Service Appeal No. 997 /2019

Khyber Pakhtunkhwa
Service Tribunal

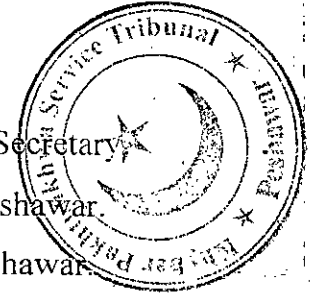
Diary No. 1106

Lal Nawaz S/o Zoro Din
Divisional Head Draftsman PHE Division Kohat..... Appellant

Dated 31/07/2019

Versus

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary
- 2) Secretary, Public Health Engineering Department, Peshawar
- 3) Chief Engineer South, Public Health Engineering Peshawar
- 4) Superintending Engineer Public Health Engineering Circle, Kohat.
- 5) Sadiq ur Rahman Draftsman Public Health Engineering Division Karak..... Respondents



Subject: APPEAL U/S 04 OF THE SERVICES TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION NO. 03/E-9/PHE DATED 17.4.2019 WHEREBY THE APPELLANT TRANSFER ORDER WAS MODIFIED FROM PHE DIVISION KARAK BACK TO PHE DIVISION KOHAT AND THE REPRESENTATION OF APPELLANT WAS NOT DECIDED WITHIN STATUTORY PERIOD OF 90 DAYS.

Filed to-day
Registrar
31/7/19

Respectfully Sheweth;

- 1) That the appellant was initially appointed as tracer then promoted to Draftsman in Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 997/2019
Lal Nawaz vs P.H.E Deptt.



15

18.12.2019

Appellant alongwith counsel, Addl. AG alongwith Akhtar Hussain, Assistant for official respondents and counsel for respondent No. 5 present.

The appellant requests for withdrawal of appeal in view of order dated 12.12.2019 issued by Chief Engineer (South)/respondent No. 3.

✓ Learned counsel for respondent No. 5 states that the order referred to by the appellant has been passed during pendency of instant appeal and is based on political consideration while malafide of official respondent No. 3 is yet to be ruled out in passing the order.

Be that as it may, the appellant has categorically requested for withdrawal of his appeal which cannot be brushed aside in view of objection on behalf of respondent No. 5. The appeal is resultantly dismissed as withdrawn. Withdrawal of instant appeal shall, however, not affect the rights of respondent No. 5 if otherwise available to him under the law.

File be consigned to record room.

SD/ [Signature]
Chairman

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Announced:
18.12.2019

Date of Presentation of Application 09/07/2020
Number of Words 800
Copying Fee 4/- 10/-
Urgent 14/-
Total _____
Name of Officer _____
Date of Completion of Case 09/07/2020
Date of Delivery of Copy 09/07/2020

16

14-07-2020

To,

The Secretary to Govt: of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar

SECY PHED

Dairy No 01

Dated 14-07-2020

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER TRANSFER**
ORDER NO. 01/E-9/PHE, DATED 03/07/2020

R/Sir,

With utmost respect it is respectfully submitted that the appellant is serving as Divisional Head draftsman (BPS-14) under your esteemed control on 08/04/2019. He was transferred & posted as Division Head Draftsman in the office of Executive Engineer Public Health Engg: Division Karak, but after a few days he was transferred out on 17/04/2019, against which the appellant filed a Departmental Appeal followed by Service Appeal before the Khyber Pakhtunkhwa, Service Tribunal, which was duly contested by the office of the Chief Engineer (South) Public Health Engg: Department Khyber Pakhtunkhwa, Peshawar & file their comments, however before disposal of the said Service appeal on merit by the Tribunal, representative of the officer of the Chief Engineer (South), produce a transfer order dated 12/12/2019 before the Tribunal, whereby the appellant was transfer backed to PHE Division Karak, hence the appeal was disposed of as in-fructuous. Now after about 07 months of posting at PHE Division Karak, the appellant, has once again transferred out form his place of posting & posted at PHE Division Kohat. Therefore, the appellant feeling aggrieved preferred the instant Departmental Appeal inter alia on the following grounds:-

1. That the appellant has not been treated in accordance with Law, Rules & Policy.
2. That normal stay of the least 03 years, of the appellant at the place of his posting i-e PHE division Karak has not been complete.
3. That through frequent posting transfer orders the appellant has make a rolling stone which is adversely affecting his domestic responsibilities.
4. That premature transfer posting of the appellant is not only against the public interest but the same is a clear violation of the commitment made before the Khyber Pakhtunkhwa, Service Tribunal, thus amounts to contempt of Court.
5. That the facts & circumstances warrant withdrawal of the impugned transfer order.




It is, therefore, humbly prayed that on acceptance of this Departmental Appeal the Pre-mature transfer order of the appellant may kindly be withdrawn in the interest of Justice & Obliged.

Dated: 14/07/2020

Yours Faithfully

Appellant
(Lal Nawaz) *Lal Nawaz*

Division Head Draftsman

50	Advan Malat 1971	  
ایڈوکیٹ: عزیز گل بار کونسل ایسوسی ایشن نمبر: 66-1080 رابطہ نمبر: 0334-19 27725		
پشاور بار ایسوسی ایشن، خیبر پختونخواہ		

بعدالت جناب:

منجانب:	دعویٰ:
لسلہ نواز	علت نمبر:
بنام	مورخہ:
سکرٹری سید سعید احمد	جرم:
	تھانہ:

باعت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ
 آن مقام کے لیے احکامات عدالت اور سید سعید احمد کو
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زرائع پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوا سے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے
 المرقوم:

PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

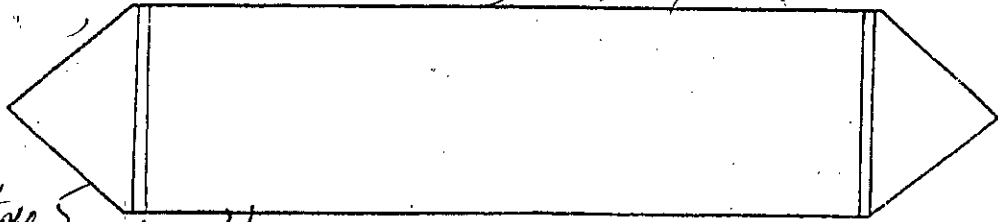
واہ

مقام _____

_____ کے لیے منظور ہے۔

Larkhananag

بعد الت خیر و حقوقی خواہ سرویس ٹریبونل کے نام



Respondent no 5
2021ء منجانب
بنام لوگسٹ و عم ۱۴

لعل نواز

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام کے لئے نیدا خاں کی علی گاہی اور ایڈووکیٹس
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساتھ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ اہد اوکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم ۹/۱
ماہ اگست 2021ء

واہ العی

Accepted by

Sh. J. Khan
0345-9481783

بمقام

صادق الرحمن

Nida Khan
Adv

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 15186/2020

Lal Nawaz , S/O Zoro Din Div: Head Draftsman PHE Div: Kohat.

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary & others

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6	Authority Letter	7

~~27~~
1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 15186/2020

Lal Nawaz S/O Zoro Din
Divisional Head Draftsman PHE Division Kohat

Appellant

Versus

- 1 Govt. of Khyber Pakhtunkhwa Through Chief Secretary.
- 2 Secretary, Public Health Engineering Department, Peshawar
- 3 Chief Engineer South, Public Health Engineering Peshawar
- 4 Superintending Engineer Public Health Engineering Circle Kohat
- 5 Sadiq ur Rehman Divl H/Dman Public Health Engg. Division Karak Respondents

PRELIMINARY OBJECTIONS

- 1 The present appeal is not maintainable in its present form and also in the present circumstances of the issue.
- 2 The present appeal is based on Malafide intention of the appellant.
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- 4 The appellant has no cause of action nor locus standi.
- 5 The present appeal is hit by laches.
- 6 Appellant has not come to the court with clean hands
- 7 The present appeal is badly time bard.

REPLY ON FACTS

- 1 Pertains to record.
- 2 Action was taken against all staff in the best public interest for transparent and timely completion of ongoing developmental works in the sector of Water Supply & Sanitation Schemes in respect of Distt: Karak.
- 3 As stated in para -2 above.
- 4 In the reply, it is stated that as the appellant is a Divl: Head Draftsman which is not a district cadre post, he was transferred to Kohat Division, keeping in view of developmental works and their execution in province in the best public interest. The competent authority has the right to utilize services of the Technical staff as per their capacity in the discharge of their official duties.
- 5 As stated in para -2 above.
- 6 Correct. Hence no comments.
- 7 Pertains to record. Hence no comments.
- 8 As discussed above.
- 9 No comment

Grounds

- A. In correct and misconceived. The Appellant has been dealt justly, keeping in view, his competency in the discharge of his official duties. The competent authority deemed it appropriate to transfer him to Distt: Kohat in the best public interest.
- B. The appellant is in a promotion zone and after his promotion he will be adjusted accordingly. He will be promoted to Circle Head Draftsman (BPS-16) which is a circle level post (copy of DPC letter and working paper attached).
- C. No comment.
- D. As discussed in Para - 2 of the above.
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- F. Incorrect and misconceived. The burden lies upon the appellant to prove the same.
- G. As discussed above.
- H. That the respondent department seeks permission of this honourable court to raise additional grounds at the time of arguments please.


Chief Secretary

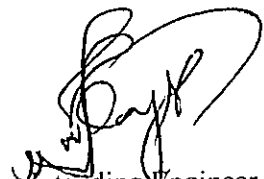
Khyber Pakhtunkhwa (Respondent No.1)


Secretary

Public Health Engg: Department
Khyber Pakhtunkhwa (Respondent No.2)


Chief Engineer (South)

Public Health Engg: Department
Peshawar (Respondent No.3)


Superintending Engineer
Public Health Engg: Circle
Kohat (Respondent No.4)

Annex - (1)



13

SA 15186/2020

11.08.2021

Appellant present in person. Mr. Irfan Anjum, Assistant alongwith Kabirullah Khattak, Addl AG for the official respondents present. Counsel for private respondent No. 5 present and submitted Wakalatnama which is placed on file.

The appeal is pending for preliminary hearing after pre-admission notice. The respondents are in attendance. It may not serve better purpose to keep the appeal at pre-admission stage which otherwise is within time, therefore, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. The respondents are directed to submit written reply within 10 days. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.09.2021 before the D.B.

18/8/21

Certified to be true copy

CHIEF JUSTICE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
Chairman

Date of Presentation of Application	12/8/21
Number of SAs	800
Copies	10/r
Original	10/r
Total	10/r
Name of C	
Date of Receipt of Copy	30/8/21
Date of Receipt of Copy	9/9/21

Annex (11)

4

OFFICE OF THE CHIEF ENGINEER (CENTRE)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

Plot No. 40 Sector-B-II, Hayatabad Phase-V Peshawar E-mail: centrephed@gmail.com Ph# 091-9217528

No. 01/CE-2 /PHE(C),

Dated Peshawar, the 25/08 /2021,

To:

1. The Superintending Engineer, (Member)
PHE Circle (NMA)
at Kohat
2. The Section Officer (Estt) (Member)
Public Health Engg: Department
Peshawar

Subject:

DEPARTMENTAL PROMOTION/SELECTION COMMITTEE MEETING.

Ref:

This office letter No.03/CE-2/PHE(C) dated 16.08.2021
S.E Southern Merged Area Letter No.01/PHE/SMA/DB/C-2 dated 20.08.2021

Refer to the letters under reference, a meeting of Departmental Promotion/Selection Committee is re-scheduled to be held on 31.08.2021 at 11.00 AM in the office of the undersigned to discuss the following promotion cases as under:

1. Promotion of Accounts Clerk (BPS-14) to the post of Assistant (BPS-16).
2. Promotion of Junior Clerk (BPS-11) to the post of Senior Clerk (BPS-14).
3. Promotion of Divisional Head Draftsman (BPS-14) to the post of Circle Head Draftsman (BPS-16).
4. Promotion of Draftsman (BPS-12) to the post of Divisional Head Draftsman (BPS-14).

You are, therefore, requested to attend the subject meeting on the scheduled date, time and venue. Working Paper along with other relevant documents of the meeting will be submitted shortly, please.


Chief Engineer (Center)

Annex (III)

5

WORKING PAPER

Subject: PROMOTION OF DIVISIONAL HEAD DRAFTSMAN (BPS-14) TO THE POSTS OF CIRCLE HEAD DRAFTSMAN (BPS-16) ON REGULAR BASIS.

There are 09-Posts of Circle Head Draftsman (BPS-16) on the sanctioned strength of PHE Department (Annex-I).

2. According to the existing Service Rules, the method of promotion against the post of Circle Head Draftsman (BPS-16) is as under: -

By promotion on the basis of seniority-cum-fitness from amongst the Head Draftsman/Divisional Head Draftsman with five years service as such (Annex-II).

3. Against the total 09-Nos sanctioned posts of Circle Head draftsman (BPS-16), total 03-Nos are presently working in the Department, as per their seniority list. (Annex-III). Hence total 06-Nos post of Circle Head Draftsman (BPS-16) stands become vacant due to retirement of the following officials. (Annex-IV).

S.No	Name of Officials	Remarks
1.	Taj Muhammad	Retired
2.	Maqsood Anwar	Retired
3.	Imtiaz	Retired
4.	Khalid Javed	Retired
5.	Zahir Shah	Promoted as Chief Draftsman
6.	Ahmad Sher	Promoted as Chief Draftsman

4. In view of the above, the DPC forum is requested to determine the suitability of 06-Nos Divisional Head Draftsman (BPS-14) out of the following panel for promotion to the post of Circle Head Draftsman (BPS-16) on regular basis:-

S.No	Name of official	Date of birth	Date of Appointment to Present Post	Remarks
1.	Samina Shahid	01.11.1968	08.02.2011	Synopsis attached
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3.	Rahimullah	16.03.1966	28.05.2015	Synopsis attached
4.	Fazal Wahid	05.04.1965	28.05.2015	Synopsis attached
5.	Lal Nawaz	20.04.1964	28.05.2015	Synopsis attached
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11.	Sar Biland Khan	21.12.1966	30.05.2016	-
12.	Syed Nazakat Hussain	14.05.1964	30.11.2016	-

5. It is certified that the officials concerned:-

- Fulfill the conditions and are eligible for promotion to the post of Circle Head Draftsman.
- Hold the lower post on regular basis and not on adhoc.
- No penalty was imposed upon the official during last five years.
- No Departmental/Judicial inquiry is presently pending against any of the officials.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15186/2020

Lal Nawaz , S/O Zoro Din Div: Head Draftsman PHE Div: Kohat.


Versus


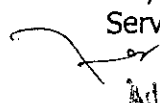
Govt. of Khyber Pakhtunkhwa through Chief Secretary & others.

AFFIDAVIT

I, Mr. Malik Ayaz , Superintendent, O/O Chief Engineer (South), PHE Peshawar do hereby affirm and declare on oath that the contents of the instant Application on behalf of respondent for early hearing order dated 11-08-2021 in Service Appeal No. 15186/2020 titled "Lal Nawaz Versus Government of Khyber Pakhtunkhwa through Chief Secretary & others" are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Court.

Identified by: -


DEPONENT 20/09/2021
CNIC No. 14203-8789116-7
Cell # 0345-9679896

Additional 
Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar.

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar



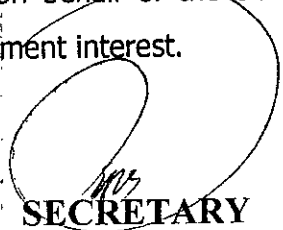
GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT
(Civil Secretariat, Technical Block, Police Line Road, Peshawar)

Dated Peshawar, the September 17, 2021

PHEDKPGovt PHEDKPGovt Mphed.lit@gmail.com 0919223432 0919213922

AUTHORITY LETTER

No. SO(LIT)PHED/S.T/40-69/Lal Nawaz: Mr. Malik Ayaz, Superintendent, having CNIC No. 14203-8789116-7, o/o Chief Engineer (South), PHE Peshawar is hereby authorized to submit the Joint Parawise Comments and attend the Khyber Pakhtunkhwa, Service Tribunal Peshawar in connection with the defense of Service Appeal No. 15186 of 2020, titled "**Lal Nawaz VS Government of Khyber Pakhtunkhwa through Chief Secretary and others**" on behalf of the Secretary Public Health Engineering Department, to protect the Government interest.


SECRETARY
Public Health Engineering
Department Peshawar

22/09

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 15186/2020

Lal Nawaz , S/O Zoro Din Div: Head Draftsman PHE Div: Kohat.

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary & others

Index

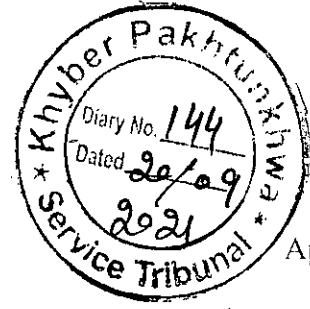
S. NO	PARTICULARS	PAGE NO
1.	Joint Para Wise Comments	1-2
2.	Service Tribunal Order (Annexure-I)	3
3.	DPC Letter Dated 25/08/2021 (Annexure-II)	4
4.	Working Paper (Annex-III)	5
5.	Affidavit	6
6.	Authority Letter	7

~~2~~
1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 15186/2020

Lal Nawaz S/O Zoro Din
Divisional Head Draftsman PHE Division Kohat



Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa Through Chief Secretary
2. Secretary, Public Health Engineering Department, Peshawar
3. Chief Engineer South, Public Health Engineering Peshawar
4. Superintending Engineer Public Health Engineering Circle Kohat
5. Sadiq ur Rehman Divl H/Dman Public Health Engg. Division Karak Respondents

PRELIMINARY OBJECTIONS

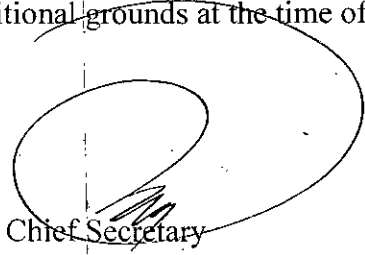
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4. The appellant has no cause of action nor locus standi.
5. The present appeal is hit by laches.
6. Appellant has not come to the court with clean hands
7. The present appeal is badly time bard.

REPLY ON FACTS

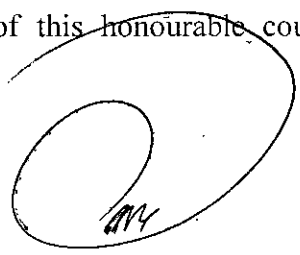
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Grounds

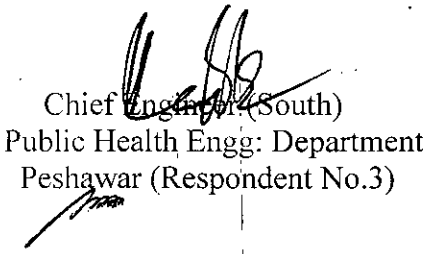
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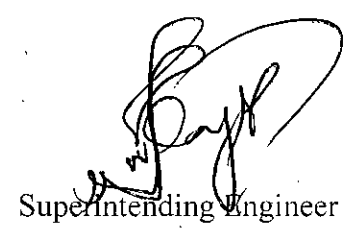
Chief Secretary
Khyber Pakhtunkhwa (Respondent No.1)



Secretary
Public Health Engg: Department
Khyber Pakhtunkhwa (Respondent No.2)

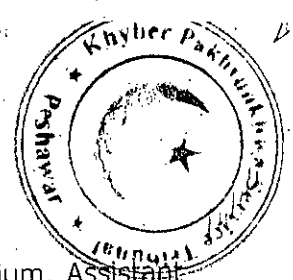


Chief Engineer (South)
Public Health Engg: Department
Peshawar (Respondent No.3)



Superintending Engineer
Public Health Engg: Circle
Kohat (Respondent No.4)

Annex- (1)



3

SA 15186/2020

11.08.2021 Appellant present in person. Mr. Irfan Anjum, Assistant alongwith Kabirullah Khattak, Addl. AG for the official respondents present. Counsel for private respondent No. 5 present and submitted Wakalatnama which is placed on file.

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Access Fee
11/8/21

Certified to be true copy:

Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
Chairman

Date of Presentation of Application 12/8/21

Number of Copies 800

Copying 10/r

Exhibit 10/r

Total 10/r

Name of Applicant _____

Date of Completion of Copy 8/9/21

Date of Delivery of Copy 9/9/21

Annex (11)

4



**OFFICE OF THE CHIEF ENGINEER (CENTRE)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

Plot No. 40 Sector-D-II, Hayatabad Phase-V Peshawar E-mail: centrephe@gmail.com Ph# 091-9217528

No. 01/CE-2 /PHE(C),

Dated Peshawar, the 25/08 /2021,

To,

1. The Superintending Engineer, (Member)
PHE Circle (NMA)
at Kohat
2. The Section Officer (Estt) (Member)
Public Health Engg: Department
Peshawar

Subject:

DEPARTMENTAL PROMOTION/SELECTION COMMITTEE MEETING.

Ref:


This office letter No.03/CE-2/PHE(C) dated 16.08.2021

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Chief Engineer (Center)

WORKING PAPER

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5. It is certified that the officials concerned:-

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6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15186/2020

Lal Nawaz , S/O Zoro Din Div: Head Draftsman PHE Div: Kohat.

Versus


 Govt. of Khyber Pakhtunkhwa through Chief Secretary & others.


AFFIDAVIT

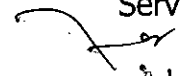
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Identified by: -




DEPONENT 20/09/2021
CNIC No. 14203-8789116-7
Cell # 0345-9679896

Additional 
Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar.


Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT
(Civil Secretariat, Technical Block, Police Line Road, Peshawar)

Dated Peshawar, the September 17, 2021

f PHEDKPGovt

t PHEDKPGovt

M phed.lit@gmail.com

0919223432

0919213922

AUTHORITY LETTER

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SECRETARY

**Public Health Engineering
Department Peshawar**

Before The Khyber Pakhtunwa Service Tribunal

Peshawar

Service Appeal no. 15186/2020.

Zal Nawaz Vs Govt of KP.

Application on Behalf of Respondent no. 5 for
Reliance on the comments already filed by the
Respondent no. 2 (Department)

Respectfully Sheweth,

- 1) That the captioned appeal is pending adjudication before this Honorable Court and is fixed for today i.e., 22-09-2021.
- 2) That Respondent no. 5 completely rely upon the comments filed/submitted by Respondent no. 2, which is already on court file.

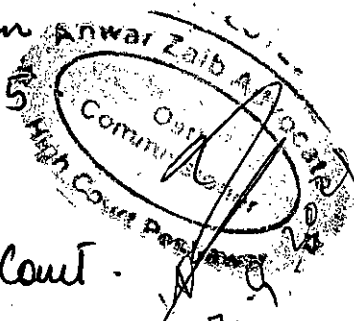
It is therefore prayed that the comments of Respondent no. 2 may kindly be considered as/on behalf of Respondent no. 5.

Dated: 22-09-2021

through

Sadiq ur Rehman
Respondent no. 5

Nida Khan
Advocate High Court.



Affidavit: I, Mr. Sadiq ur Rehman s/o Saifaz Khan bearing CNIC-14203-88666604-1 do hereby solemnly affirm and declare on oath that contents of this application/comments is true + correct in the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Sadiq ur Rehman
Deponent.

Before The Khyber Pakhtunwa Service Tribunal

Peshawar

Service Appeal no. 15186/2020.

Zal Nawaz Vs Govt of KP.

Application on Behalf of Respondent no. 5 for
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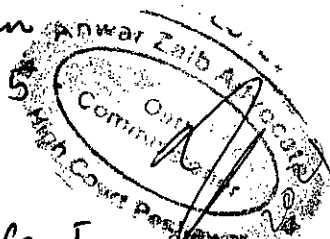
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Dated: 22-09-2021

through

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Respondent no. 5

Nida Khan
Advocate High Court.



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Deponent.