

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

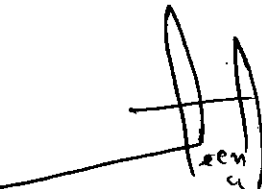
In Re-Service Appeal No 7856/2021

Shaheen Iqbal Versus Chief Secty to Govt of KP & Others

INDEX

S. No	Description of Document	Dated	Annex	Pg No
1.	Copy of rejoinder and affidavit			1-3
2.	Copy of Final Completion Report		R/1	4-8
3.	Copy of Measurement Book		R/2	9-17

Dated: / /


Appellant,

Through


Muhammad Ayub Khan Shinwari
LL.B; LL.M

ADVOCATE
Supreme Court of Pakistan

CHAMBER
7-A, Haroon Mansion,
Khyber Bazar, Peshawar
Cell: (Clerk) 03219068514
E-Mail mak_shinwari@yahoo.com

/

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re-Service Appeal No 7856/2021

Shaheen Iqbal Versus Chief Secty to Govt of KP & Others

Rejoinder on behalf of Appellant

Khyber Pakhtunkhwa
Service Tribunal
Entry No. 2657
Dated 2/1/23

On Preliminary Objections:

All the preliminary objections are wrong, incorrect, misleading and misconceived, hence denied.

On Facts:

1. Para No "1" of Service Appeal is admitted to be correct, hence needs no reply.
2. Para No "2" of the Service Appeal is correct as per record.
3. Para No "3" of the Service Appeal is correct as per record.
4. Para No "4" of the comments is partially correct, whereas some material facts have been concealed by the respondents. In fact, prior to the issuance of the Notification dated 19-10-2018, the provincial cabinet had held in its meetings held on 15-10-2018 that the technical allowance be granted to all the engineers working in Provincial Government, which is evident from the copy of minutes annexed with the service appeal.
5. Para No "5" of the comments is wrong, incorrect, misleading and misconceived, hence denied. In fact, the grant of Technical Allowance on the basis job nature is neither mentioned in the minutes of the cabinet meeting nor in the Notification dated 19-10-2018 and subsequent modified Notification dated 07-07-2021; thus the respondents have done pick and chose, cherry picking which is not warranted under the law.

Furthermore, it is totally wrong, incorrect, misleading, misconceived and against the facts that the job/duty of Engineers working in the Agriculture Department is just desk type. In fact, the respondents in its Official letter dated 16-07-2021 annexed with the Service Appeal has categorically stated that the Engineers working in On Farm Water Management deals with the civil works/Engineering works i.e., Construction, designing, improvement, preparation of BOQ/estimates, of the following innervations, improvement of tertiary irrigation system, construction of water storage Tanks, installation

of high efficiency irrigation system (Drip & Sprinkle), PCC, PCPS, Bricks and pipe lining. In the aforesaid letter the respondents have requested to grant Technical Allowance to the engineers working in the respondent Department.

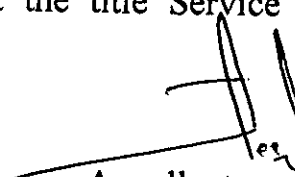

It is worth mentioning here that the appellant is carrying out various projects of the respondent Department, namely Khyber Pakhtunkhwa Irrigated Agriculture Improvement Project (KPIAIP), National Program for Improvement and Lining of Water Courses in Pakistan (KP Component), National Program for Enhancing Command Areas in Barani Areas of Pakistan (KP Component) and various District developmental Schemes. (Copy of Final Completion Report, Measurement Book is filed herewith and annexed as Annex-R/1 & R/2)

- 6. Para No "6" of the comments is wrong, incorrect and misleading, hence denied. The details are given in preceding para's.
- 7. Para No "7" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct.

On Grounds:

- a. Para "a" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct. Details are given in preceding para's.
- b. Para "b" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct. Details are given in preceding para's.
- c. Para "c" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct. Details are given in preceding para's.
- d. Para "d" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct. Details are given in preceding para's.
- e. Para "e" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct. Details are given in preceding para's.
- f. Para "f" of the comments is wrong, incorrect and misleading, hence denied, while that of Service Appeal is correct. Details are given in preceding para's.
- g. Needs no reply.

It is, therefore, prayed that the title Service Appeal may kindly be allowed as prayed for.


 Appellant,
 Through

Muhammad Ayub Khan Shinwari
 Advocate Supreme Court

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re-Service Appeal No 7856/2021

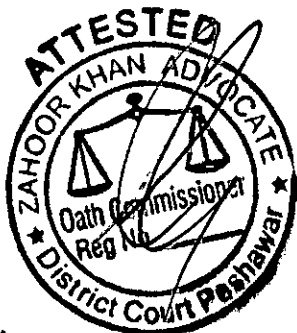
Shaheen Iqbal Versus Chief Secty to Govt of KP & Others

AFFIDAVIT

I, Shaheen Iqbal, Water Management Officer, Office of District Director, On Farm Water Management Department, office of District Director, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying rejoinder are true and correct to the best of my knowledge and belief and nothing is kept concealed from this Honorable Tribunal.

Deponent

Shaheen Iqbal



21/2/23



**ON FARM WATER MANAGEMENT DEPARTMENT
DISTRICT PESHAWAR**

19-Jamrud Road, ATI Campus, Opp: Islamia College
(Ph: 091-9224232, Email: ddofwm@gmail.com)
FINAL COMPLETION REPORT (WC Scheme)



KHYBER PAKHTUNKHWA IRRIGATED AGRICULTURE IMPROVEMENT PROJECT (KPIAIP)

WC No./Name	KIRAMAT SHAH TWC	Category of WC Scheme	NON CANAL (A3)
Location	ADEZAI	Village Council	SHAREKERA
Tehsil	PESHAWAR	District	PESHAWAR
Name WUA Chairman	KIRAMAT SHAH	Address & Cell NO.	0343-31993332
WUA Joint AC NO.	3411-301000001538	Bank Name & Code	FAYSAL BANK PESHAWAR
PK	71	NA	29
Source of Water	TUBE WELL	Design Discharge (Cusec)	0.423
CCA (acres)	10	Beneficiaries (Nos)	5
Starting date	7/6/2021	Completion date	25/06/2021
Conveyance Water Losses (Pre Improvement-%)	37	Conveyance Water Losses (Post Improvement-%)	10
Scheme Coordinates	N: 334723		E: 713347

Detail of Civil Works & Material

Total Length (m)	1100	Lining Length (m)	289
Total naacca pannel (nos)	31	Culverts (nos)	1.00
Basin (nos)	1		

S. #	Material	Quantity	Unit Rate (Rs)	Amount (Rs)
1	PCPS(0.31x0.23x1.22)m (nos)	237	992	235104
2	Nacca-10" (nos)	31	430	13330
3	Cement (bags)	37.616	670	25203
4	Brick (nos)	2118	14	29658
5	Sand (m ³)	12.290	1690	20771
6	Crush (m ³)	1.271	2850	3623
7	Gate Valve (nos)-4"	1	18200	18200
8	RCC Pipe (ft.)-9"	12	245	2940
Total Material Cost (Rs)				348829
Cost Sharing Details:				Total (Rs)
Description				348,829
Project Shares @ 74% (Rs)				122,561
Farmer Shares @ 26% (Rs)				471,390
Total Cost of the Scheme (Rs)				

[Signature]
S.E./WMO
OFWM Peshawar

[Signature]
District Director
OFWM Peshawar

Verified. *[Signature]*
FIELD ENGINEER
PILOT TECHNICAL TEAM
KPIAIP, PESHAWAR

ATTESTED
ATTESTED



**ON FARM WATER MANAGEMENT DEPARTMENT
DISTRICT PESHAWAR**

19-Jamrud Road, ATI Campus, Opp: Islamia College
(Ph: 091-9224232, Email: ddofwm@gmail.com)



FINAL COMPLETION REPORT (WC Scheme)

KHYBER PAKHTUNKHWA IRRIGATED AGRICULTURE IMPROVEMENT PROJECT (KPIAIP)

WC No./Name	HAMZA KHAN TWC	Category of WC Scheme	NON CANAL (A3)
Location	TURKAMAN KHEL	Village Council	MATTANI
Tehsil	PESHAWAR	District	PESHAWAR
Name WUA Chairman	HAMZA KHAN	Address & Cell NO.	0304-6430476
WUA Joint AC NO.	3413-01000001590	Bank Name & Code	FAYSAL BANK PESHAWAR
PK	71	NA	29
Source of Water	TUBE WELL	Design Discharge (Cusec)	1.94
CCA (acres)	40	Beneficiaries (Nos)	6
Starting date	3/5/2021	Completion date	18/6/2021
Conveyance Water Losses (Pre Improvement-%)	39	Conveyance Water Losses (Post Improvement-%)	12
Scheme Coordinates	N: 334802		E: 713203

Detail of Civil Works & Material

Total Length (m)	1500	Lining Length (m)	633
Total naacca pannel (nos)	58	Culverts (nos)	10.00
Basin (nos)	0		

S. #	Material	Quantity	Unit Rate (Rs)	Amount (Rs)
1	PCPS(0.61x0.37x0.91)m (nos)	696	1306	908976
2	Naacca-15" (nos)	58	540	31320
3	Cement (bags)	145.802	670	97687
4	Brick (nos)	6556	14	91787
5	Sand (m ³)	42.790	1690	72315
6	Crush (m ³)	17.890	2850	50985
7	RCC Pipe (ft.)-15"	120	410	49200
Total Material Cost (Rs)				1302270
Cost Sharing Details:				
Description			Total (Rs)	
Project Shares @80% (Rs)			1,302,270	
Farmer Shares @ 20% (Rs)			325,568	
Total Cost of the Scheme (Rs)			1,627,838	

[Signature]
S.E./WMO
OFWM Peshawar

[Signature]
District Director
OFWM Peshawar

y Verified.

[Signature]
FIELD ENGINEER
PILOT TECHNICAL TEAM
KPIAIP, PESHAWAR

ATTENDED



ON FARM WATER MANAGEMENT DEPARTMENT
DISTRICT PESHAWAR

19-Jamrud Road, ATI Campus, Opp: Islamia College
(Ph: 091-9224232, Email: ddofwm@gmail.com)



FINAL COMPLETION REPORT (WC Scheme)

KHYBER PAKHTUNKHWA IRRIGATED AGRICULTURE IMPROVEMENT PROJECT (KPIAIP)

WC No./Name	147000/L WGC	Category of WC Scheme	CANAL (A-1.2)
Location	URMER	Village Council	URMER
Tehsil	PESHAWAR	District	PESHAWAR
Name WUA Chairman	SHAKIR ULLAH KHAN	Address & Cell NO.	0345-7000862
WUA Joint AC NO.	0102-48568613	Bank Name & Code	AL BARAKA BANK
PK	70	NA	28
Source of Water	CANAL	Design Discharge (Cusec)	2.47
CCA (acres)	381	Beneficiaries (Nos)	15
Starting date	4/6/2021	Completion date	29/6/2021
Conveyance Water Losses (Pre Improvement-%)	42	Conveyance Water Losses (Post Improvement-%)	12
Scheme Coordinates	N: 335659		E: 714124

Detail of Civil Works & Material

Total Length (m)	10000	Lining Length (m)	1229
Total nacca pannel (nos)	102	Culverts (nos)	18.00
Basin (nos)	0		

S. #	Material	Quantity	Unit Rate (Rs)	Amount (Rs)
1	PCPS(0.64x0.46x0.91)m (nos)	650	1724	1120600
2	PCPS(0.61x0.37x0.91)m (nos)	700	1306	914200
3	Nacca-15" (nos)	64	540	34560
4	Nacca-20" (nos)	38	880	33440
5	Cement (bags)	329.465	670	220742
6	Brick (nos)	16458	14	230407
7	Sand (m ³)	96.807	1690	163604
8	Crush (m ³)	39.397	2850	112281
9	RCC Pipe (ft.)-18"	156	470	73320
10	RCC Pipe (ft.)-15"	60	410	24600

Total Material Cost (Rs) 2927754

Cost Sharing Details:

Description	Total (Rs)
Project Shares @80% (Rs)	2,927,754
Farmer Shares @ 20% (Rs)	731,939
Total Cost of the Scheme (Rs)	3,659,693

S.E/WMO
OFWM Peshawar

District Director
OFWM Peshawar

Verified

FIELD ENGINEER
PILOT TECHNICAL TEAM
KPIAIP, PESHAWAR

ATTESTED



**ON FARM WATER MANAGEMENT DEPARTMENT
DISTRICT PESHAWAR**

19-Jamrud Road, ATI Campus, Opp: Islamia College
(Ph: 091-9224232, Email: ddofwm@gmail.com)



FINAL COMPLETION REPORT (WC Scheme) UNDER NPIWC-II (KP COMPONENT)

WC No./Name	HAYA UD DIN KHAN TWC	Category of WC Scheme	TUBE WELL
Location	GARI WAKEELAN	Village Council	MASHOGAGAR
Tehsil	BADABER	District	PESHAWAR
Source of Water	TUBE WELL	Design Discharge (Cusec)	0.63
CCA (acres)	10	Beneficiaries (Nos)	4
Starting date	06-10-22	Completion date	15-11-22
Conveyance Water Losses (Pre Improvement-%)	37	Conveyance Water Losses (Post Improvement-%)	11
Scheme Coordinates	N: 33.884772		E: 71.57188

Detail of Civil Works & Material

Total Length (m)	780	Lining Length (m)	217
Total nacca pannel (nos)	34	Culverts (nos)	3.00
Basin (nos)	1		

S.#	Material	Quantity	Unit Rate (Rs)	Amount (Rs)
1	PCPS(0.46x0.31x0.91)m (nos)	238	1399	332962
2	Nacca-12" (nos)	34	730	24820
3	Cement (bags)	95.3965	1108	105699
4	Brick (nos)	5826	17.765	103506
5	Sand (m ³)	19.910	2132	42448
6	Crush (m ³)	7.6734	2602	19966
7	RCC Pipe (ft.)-12"	36	589	21204
Total Material Cost (Rs)				(650606)

S.E./WMO
OFWM Peshawar

District Director
OFWM Peshawar

Verified for
650606/-

Farhan Saleh
Field Engineer/ Tech
NPIWC
District: Peshawar

No ICH₂ issued due to
change in design.

[Signature]



ON FARM WATER MANAGEMENT DEPARTMENT

District Peshawar

19-Jamrud Road, ATI Campus, Opp: Islamia College
(Ph: 091-9224232, Email: ddofwm@gmail.com)



COMPLETION REPORT (WST SCHEME) UNDER NPIWC-II (KP COMPONENT)

WC No./Name	AMIN KHAN WST	Village	HAKEEM ABAD
Village Council	MATTANI	Tehsil	BADABER
Source of Water	TUBE WELL	Designed discharge (cusec)	0.18
CCA (acres)	10	Beneficiaries (nos)	4
Starting date	06/10/2022	Completion date	15/11/2022
Scheme Coordinates	N: 33.79652		E: 71.534787
Dimensions (m)	8x8x1.36		

Detail of Civil Works

S. No.	Material	Quantity	Unit Rate (Rs)	Amount (Rs)
1	Cement (bags)	156.783	1108	173716
2	Brick (nos)	9166	17.765	162828
3	Sand (m ³)	16.598	2132	35387
4	Crush (m ³)	20.049	2602	52168
5	Cate Valve (nos)-4"	01	29783	29783
6	G.I Pipe (m)-4"	1.50	4921	7382
7	Padlow (kg)	5.454	410	2236
Total Material Cost				463500

S.E./WMO
OFWM Peshawar

District Director
OFWM Peshawar

verified for
463500/-

Farhan Saleh
Field Engineer/ Tech
NWMC

District: Peshawar

NOTED

R-2

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Engr SHAHEEN IQBAL

B. D. No: 1
P.W.D. Form No. 6

Peshawar

DIVISION

PESHAWAR

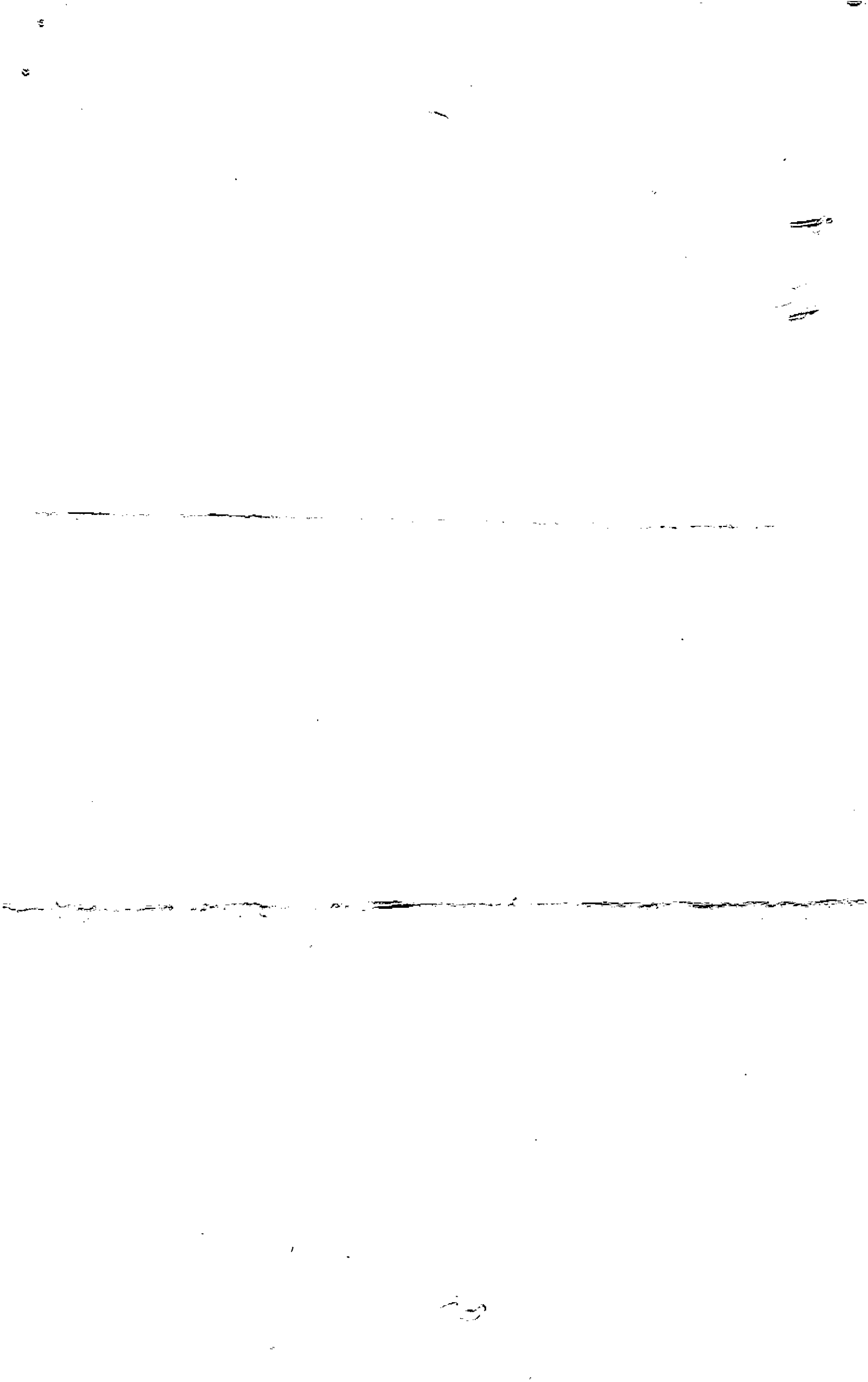
SUB-DIVISION

MEASUREMENT BOOK

No. _____

P/W 9

P/W 9



10

**Reference— Public Works Department Code
(10th Edition)**

1. The Measurement Book is a most important record being the basis of all accounts of quantities whether of work done by daily labour, or by the piece, or of by contractor or of materials received which have to be counted or measured. The description of the work must be lucid; so as to admit of easy identification and check.
2. For large works a separate Measurement Book may be set apart, or, if found convenient, two or more books may be set apart for different classes of work.
3. Details, measurements should be recorded only by Executive, Assistant Executive or Assistant Engineers or by Executive Subordinates in charge of works to whom Measurement Books have been supplied for the purpose.
4. Each set of measurement should commence with entries starting:---

- (i) In the case of bills of work done—
 - (a) Full name of work as given in estimate;
 - (b) Situation of works;
 - (c) Name of contractor;
 - (d) Number and date of his agreement or work order;
 - (e) Date of measurements.
- (ii) In the case of bills for supply of materials—
 - (a) name of supplied;
 - (b) number and date of his agreement or order;
 - (c) purpose of supply in one of the following forms applicable to the case:
 - (i) "Stock" (for all supplies for stock purposes).
 - (ii) "purchase" for direct issue (here enter full name of work as given in estimate)
 - (iii) "Purchase" for (here enter fully name of work as given in estimate).....
For issue to contractor
on.....
 - (d) Date of measurement should and with the dated initials of the person making the measurements.

A suitable abstract should then be prepared which should collect, in the case of measurement for work done, the total quantities of each distinct item of work relating to each sanctioned sub-head.

[Handwritten signature and stamp]

P.W.D. No. 6

Peshawar DIVISION

Peshawar SUB-DIVISION

MEASUREMENT BOOK

No.

Name of Officer Engr. Shaheen Iqbal

Date of First Entry 27/2/2020

Date of Last Entry _____

(Fly-Left)

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12

Name of Work:— Amir Khan WST 1

Situation of Work:— Nera Badaber

Agency by which work is executed:—

Date of Measurement:— Date of stat 29-1-20

Date of Commencement 27-2-20
(The four lines should be reported of the commencement to the measurement relating to each work)

Particulars	No.	L.	B.	D.	Contents
Size of Tank					12 X 12 X 1.36 m m m

~~Some~~ Actual materials & cost (Rs)

S.No	Material	Quantity	Rate	Amount (Rs)
①	Cement	2733.89	630/bag	172199/-
(2)	Bricks	13253 N	109/N	144456/-
(3)	Crush	37.07 M ³	1950/m ³	72295/-
(4)	Sand	28.07 M ³	1200/m ³	33682/-

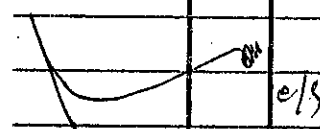
(Commencement)

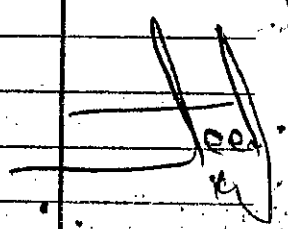
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Particulars	No.	L.	B.	D.	Contents
(5) G.I Pipe		2.50 m			2470/m 6225/-
(6) Gate Valve		1.00 N			14800/N 14800/-
(7) Padlo		6 KG			262/100 1572/-

Total material cost (Rs) 445149/-

Project Cost (Rs) = 420000/-


DEPUTY DIRECTOR



(Commencement)

Name of scheme: So HAIK AHMAD TWC

Location: Harozai/Padaba
= Peshawar 15

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Particulars	No.	L.	B.	D.	Contents
Source of water	=				Tube well
Date of start	=				03-03-20
Date of completion	=				20-03-2020
Length	=				1600m
Living length	=				351m
Total Nails	=				71 No 12" dia
R-CC Pipe dia	=				10 No 12" dia
Segment Size	=				(0.46 x 0.31 x 0.91) m

Actual material consumed cost 16

S.No	Material	Quantity	Rate	Cost (Rs)
(1)	Peps (0.46 x 0.31 x 0.91)	386 No	846/-	325784/-
(2)	Nails	71 No	390/-	27690/-
(3)	Coarset	132-16	6.30/-	832608/-
(4)	Bricks	6027 No	10.90/-	656943/-
(5)	Sand	28074 m ³	1200/-	3368880/-
(6)	Crush	16.32 m ³	1950/-	318240/-
(7)	Receppent	120 Ft	250/-	30000/-
(8)	Geom Bed	0.1 N	10000/-	10000/-

TOTAL Cost = Rs 607946/-

DEPUTY DIRECTOR
 On-Farm Water Management
 District Peshawar. (Commencement)

Water Management Officer
 On-Farm Water Management
 Peshawar

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Engr SHAHEEN / OBA

B.D. No. 1
P.W.D. Form No. 6

DIVISION

WMO

SUB-DIVISION

KPIAIP / NPECARD
PESHAWAR

MEASUREMENT BOOK

No. _____

[Signature]

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15

Reference— Public Works Department Code
(10th Edition)

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2. For large works a separate Measurement Book may be set up, or, if found convenient, two or more books may be set apart for different classes of work.

3. Details, measurements should be recorded only by Executive, Assistant Executive or Assistant Engineers or by Executive Subordinates in charge of works to whom Measurement Books have been supplied for the purpose.

4. Each set of measurement should commence with entries starting—

- (i) in the case of bills of work done—
 - (a) Full name of work as given in estimate;
 - (b) Situation of works;
 - (c) Name of contractor;
 - (d) Number and date of his agreement or work order;
 - (e) Date of measurements.
- (ii) in the case of bills for supply of materials—
 - (a) name of supplier;
 - (b) number and date of his agreement or order;
 - (c) purpose of supply in one of the following forms applicable to the case:
 - (i) "Stock" (for all supplies for stock purposes)
 - (ii) "Purchase" for direct issue (here enter full name of work as given in estimate)

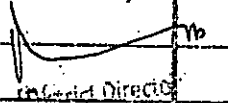
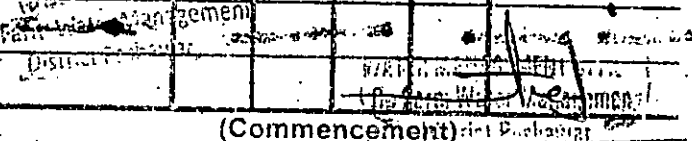
(iii) "Purchase" for (here enter full name of work as given in estimate).....

.....For issue to contractor
.....on.....
(d) Date of measurement should and with the dated initials of the person making the measurements.

A suitable abstract should then be prepared which should collect, in the case of measurement for work done, the total quantities of each distinct item of work relating to each sanctioned sub-head.

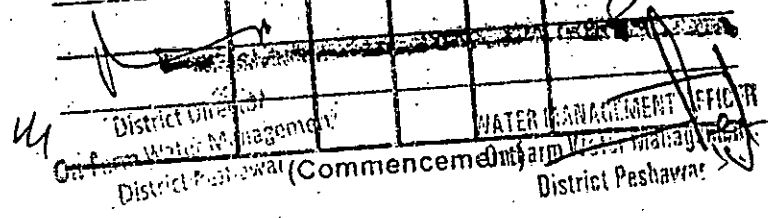
Name of work = SHAD MUHAMMAD WST
 Location of work = MIZARE/TELMASAND

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Particulars	No.	L	B.	D.	Contents
Date of start =					03/05/2021
Date of completion =					31/05/2021
Size of WST					
					= 10m x 10m x 1.38
Length of WST =					10m
Width of WST =					10m
Depth of WST =					1.38m
					
					

Total Material Consumed and Cost

Particulars	No.	L	B.	D.	Rate	Cost
1. Cement (bags)	210.129	bags			670/bag	140786/-
2. Brick (nos)	11125	nos.			14/100	155747/-
3. Sand (m ³)	21.886	m ³			167/m ³	365487/-
4. Crush/Graud (m ³)	27.786	m ³			285/m ³	79191/-
5. G.I pipe (m)	1.75	m			3240/m	5670/-
6. Puccow (bags)	4.8	bags			335/bag	1608/-
Total material cost (Rs) =						420000/-



Name of scheme = 03/R. Aza/khel/20

Particulars	No.	L.	B.	D.	Contents
Location	Aza		Khel		
Date of start					19/04/2022
Date of completion					11/07/2022
CCA					70 acres
Design Discharge					1.66 cumec
Total length					2910m
Runy length					1378m
					11
Nachs					29 nos
Cutts					1.0 nos

17

District Dir. (Commencement) District Peshawar
 On-Farm Water Management
 District Peshawar

Actual Material Consumed & COST (RS)

S.No	MATERIAL	QUANTITY	UNIT	RATE	AMOUNT (RS)
1.	RPS (60x90x37x0.9) (nos)	45		1380	572700/-
2.	Nacca 1.5" (nos)	29		580	16820/-
3.	Cement (Bags)	47.762		815	38926/-
4.	Brick (nos)	3564		14.7	52386/-
5.	Sand (m ³)	26.349		1730	45584/-
6.	C. Crush (m ³)	5.427		2150	11672/-
7.	RCC PIPE (ft) 1.5"	12		465	5580/-
8.	Earth Cut (m ³)	6.650		115.74	770/-
9.	Earth Fill (m ³)	1224.03		305.33	37379/-
10.	Excavation (m ³)	57.23		205.77	11776/-
11.	Embankment (m ³)	230.15		77.17	17760/-
12.	Sign Boards (nos)	1		12300	12300/-

Total Material Cost = 1160000/-

District Dir. (Commencement) District Peshawar
 On-Farm Water Management
 District Peshawar

TESTED