

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

Service Appeal No. 139/2014

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN  
MISS FAREEHA PAUL ... MEMBER(E)

Gul Muhammad Mate, Toru Maira Section, Jagannath Sub  
Division, Irrigation Division No. 1 Swabi. .... (Appellant)

Versus

1. The Executive Engineer, Swabi Irrigation Division-1, Swabi.
2. The Superintending Engineer, Irrigation Circle, Gohati, Swabi.
3. The Secretary, Irrigation Department, Khyber Pakhtunkhwa,  
Peshawar.
4. Gharib Muhammad Work Munshi, Gohati Section, Swabi Division,  
Irrigation Department, Swabi.
5. Executive Engineer, Irrigation Department Division-II, Swabi.  
.... (Respondents)

Mr. Adam Khan,  
Advocate ... For appellant

Mr. Muhammad Riaz Khan Paindakhel,  
Assistant Advocate General ... For respondents

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Date of Institution..... 27.01.2014

Date of Hearing..... 05.12.2022

Date of Decision..... 05.12.2022

**JUDGEMENT**

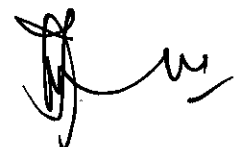
**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has  
been instituted under Section 4 of the Khyber Pakhtunkhwa Service



Tribunal Act, 1974 against the order dated 07.02.2013 whereby private respondent No. 4 had been promoted as Work Munshi with the prayer that on acceptance of the appeal, impugned order might be set aside and respondent No. 1 might be directed to promote the appellant to the post of Work Munshi from the date when the vacancy fell vacant with relevant service and financial benefits.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Driver in the Pehur High Level Canal Project on 06.12.1995. On winding up of the said project, the appellant was adjusted as Mate in Swabi Irrigation Division, Swabi vide letter dated 09.09.2004 and transferred to Jagannath Irrigation Sub Division, Swabi. On 13.11.2013, the appellant came to know that one Gharib Muhammad/respondent No. 4, inspite of being junior to appellant, was promoted from Mate to the post of Work Munshi (BPS-5) by respondent No. 1. Feeling aggrieved, he preferred representation to respondent No. 2 on 18.11.2013. The comments of respondent No. 1 were asked for in respect of the aforesaid representation, who in reply vide letter dated 25.11.2013, informed that the staff of Irrigation Division No. II was being re-bifurcated and proposed for the appellant to wait till then, which was conveyed to the appellant on 30.12.2013; hence the present appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the



appellant as well as the learned Assistant Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail contended that respondent No. 4 was appointed as Mate on 29.08.2005 and hence he was junior to the appellant. He further contended that the plea of respondent No. 1 that the appellant was on the strength of Swabi Irrigation Division No. II was incorrect. According to him, Swabi Irrigation Division was bifurcated in the month of July, 2013 and the appellant was still on the strength of Irrigation Division No. 1 as was evident from the salary slips for the months of March and June, 2013. His service book and personal file was also maintained in Swabi Irrigation Division-1. Learned counsel for the appellant requested that the appeal might be accepted as prayed for.

5. The learned Assistant Advocate General while rebutting the arguments of learned counsel for the appellant stated that during promotion process of private respondent No. 4, the appellant was on the strength of Swabi Irrigation Division-II Jagannath Sub Division due to bifurcation vide notification dated 02.05.2011. He further stated that due to non-issuance of DDO Code in time, the salaries for the staff of Division-II were drawn through the signature of Executive Engineer Swabi Irrigation Division-I to avoid suffering of the officials. On the point of maintaining the service/personal record of officials in Swabi Irrigation Division-I, he informed that by creation of Swabi Irrigation Division-II there was



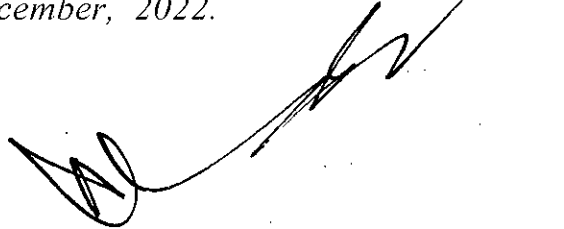
shortage of staff as well as no DDO Code for that Division but as the Service Books were urgently required by the District Accounts Officer Swabi in case of GPF and pension cases of the officials, therefore, the Service Books were kept in Division-I, Swabi. Learned AAG requested that the appeal might be dismissed with cost.

6. Record and arguments presented before us clearly indicate that the appellant was adjusted as Mate in Swabi Irrigation Division which was bifurcated into two divisions through a notification dated 2<sup>nd</sup> May, 2011. The staff of the Swabi Division was also distributed in the two divisions in such a way that the appellant was posted in Swabi Irrigation Division-II and his seniority was maintained there. One of the respondents, Gharib Mohammad, whom the appellant claims was junior to him and promoted, was in Swabi Irrigation Division-I and was promoted based on a seniority list maintained for that Division. As far as payment of salary from Swabi Irrigation Division-I to the appellant is concerned, it was clarified by the departmental representative that all the officials of the newly created division were paid their salaries from Swabi Irrigation Division-I because there was no DDO Code for the newly created division and the office did not want to delay or stop the payment of salaries to the employees because of some technical issue. In view of that, the plea of appellant is not maintainable that if he was getting salary from Swabi Irrigation Division-I, he was also an employee of that division.



7. In view of the above discussion, the instant appeal is dismissed.  
Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands  
and seal of the Tribunal this 05<sup>th</sup> day of December, 2022.*



**(KALIM ARSHAD KHAN)**  
Chairman



**(FAREEHA PAUL)**  
Member (E)

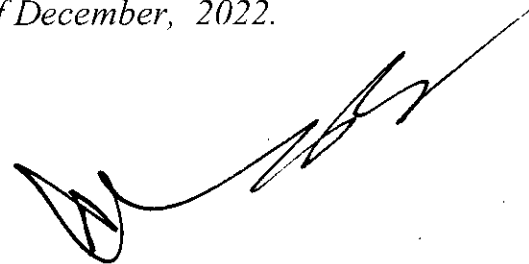
**Service Appeal No. 139/2014**

05<sup>th</sup> Dec 2022

Mr. Adam Khan, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 05 pages, the instant appeal is dismissed. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 05<sup>th</sup> day of December, 2022.*



**(KALIM ARSHAD KHAN)**  
**Chairman**




**(FAREEHA PAUL)**  
**Member (E)**

2<sup>nd</sup> Dec, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Noor Rehman, Dy: Collector and Syed Yousaf, Junior Clerk for the respondents present.

Although there is no proper representation on behalf of the respondents as the officials present before the Tribunal are not authorized agents especially as required by the standing orders of the Establishment Department yet they should convey the order of the Tribunal to the concerned XEN, Irrigation Department Division Swabi-I to appear in person alongwith the record, right from the appointment of the appellant till date, especially the minutes of the DPC meeting of 2013, challenged by the appellant, seniority lists, right from appointment of appellant till date and the list of employees of the irrigation Divisions that is Swabi-I and Swabi-II bifurcated vide notification of 2011 and seniority lists of the Mates maintained by the Swabi Irrigation Division-II, since its bifurcation/separation till date. It should be noted that the list should be duly notified in the official gazette and in case there are no list maintained a report in writing be submitted by the concerned XEN that no such lists were so maintained or notified in the official gazette. To come up on 05.12.2022 before this bench. P.P given to the parties.


  
(Fareeha Paul)  
MemberE)


  
(Kalim Arshad Khan)  
Chairman

23<sup>rd</sup> Nov. 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel: AG alongwith Mr. Hassan Khan, XEN Swabi for respondents present.

Representative of the respondents paid cost of Rs. 20000/- and receipt given to him. Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned as last chance. To come up for arguments on 29.11.2022 before the D.B.


  
(Fareeha Paul)  
Member(Executive)

  
(Kalim Arshad Khan)  
Chairman

29<sup>th</sup> Nov. 2022

Mst. Naseem Begum w/o appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Noor Rehman, Deputy Collector for the respondents present.

Wife of appellant got recorded her statement, stating therein that learned counsel for the appellant had already completed his arguments. Statement is placed on file. Arguments of learned Assistant Advocate General heard. To come up for consideration on 02.12.2022 before this D.B.

  
(Fareeha Paul)  
Member (E)

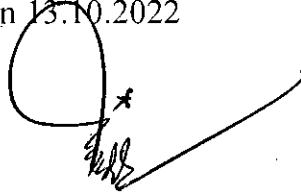
  
(Kalim Arshad Khan)  
Chairman

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21  
Page No. 2/2



05.07.2022

Mr. Muhammad Adam Khan, Advocate for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 and 5 present. Mr. Amad Nasir Kundi, Advocate (Junior) of learned counsel for private respondent No. 4 present and requested for adjournment on the ground that learned counsel for private respondent No. 4 has proceeded for performing of Hajj. Adjourned. To come up for arguments before the D.B on 13.10.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

13<sup>th</sup> Oct., 2022

Counsel for the appellant present. M. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

None of the representative of the department is present to assist the Tribunal or the learned AAG, who stated that he was unable to argue the case without the documents, which were not provided by the department. This is the case of 2014 and it is noted with great concern that this government department like other government departments is not bothering to process court cases. Last opportunity is granted. This appeal is adjourned on the cost of Rs. 20000/- (Rupees Twenty thousand) to be paid by the respondents from their salaries in equal share. To come up for arguments on 23.11.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

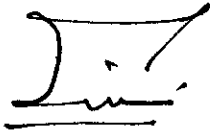
17.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General on behalf of official respondents No. 1 to 3 & 5 present. Junior of learned counsel for private respondent No. 4 present and requested for adjournment on the ground that learned counsel for private respondent No. 4 is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 31.05.2022 before the D.B.

The appeal pertains to the year 2014, therefore, learned counsel for the parties shall make sure their appearance <sup>on</sup> for the date fixed.



(Rozina Rehman)  
Member (J)

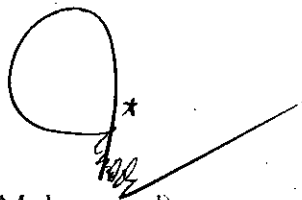


(Salah-ud-Din)  
Member (J)

31<sup>st</sup> May, 2022

Attorney for the appellant present. Kabirullah Khattak, Addl: AG for official respondents No. 1 to 3 and 5 and Mr. Amad Nasir Kundi, Advocate for private respondent No.4 present.

Attorney for the appellant seeks adjournment on the ground that learned counsel for the appellant is indisposed today and could not appear before the Tribunal. The instant appeal pertains to the year 2014, it seems that learned counsel is not interested in disposal of this appeal, therefore, case to come up for order before the D.B on 05.07.2022. Learned counsel for the appellant may argue the case before the announcement.



(Mian Muhammad)  
Member(E)



(Kalim Arshad Khan)  
Chairman

22.12.2020

Son of the appellant and Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Abdul Rasheed Sub Divisional Accountant for respondents present.

Due to COVID-19, the case is adjourned for the same on 05.02.2021 before D.B.

  
Reader

05.02.2021

On account of Public Holiday (Kashmir Day), the case is adjourned to 08.03.2021 for the same.

  
Reader

08.03.2021

Counsel for appellant present.

Noor Zaman Khan Khattak learned District Attorney alongwith Rooh ul Amin Inspector for respondents present.


Due to non-availability of D.B, case is adjourned to 07.06.2021 for the same as before.

  
Reader

18-5.2020

Due to COVID19, the case is adjourned to

10/8/2020 for the same as before.

Reader 

10.08.2020

Due to summer vacations case to come up for the same on  
12.10.2020 before D.B.

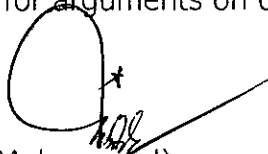
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12.10.2020

Appellant present through counsel.

Mr. Riaz Khan Paindakheil learned Assistant Advocate  
General for respondents present.

Former made a request for adjournment. Adjourned. To  
come up for arguments on 03.12.2020 before D.B.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)

03.12.2020

Bench is incomplete. Therefore, case is adjourned to  
22.12.2020 for the same as before.

Reader 

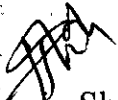
~~03.12.2020~~


~~Due to COVID-19, the case is adjourned to 22.12.2020 for  
the same as before.~~

~~Reader~~

11.02.2020

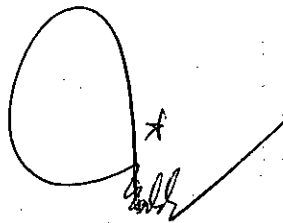
Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Alamzeb SDO for the respondents present. Representative of the respondent department submitted DPC meeting held on 04.02.2013, which is placed on record. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.03.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

16.03.2020

Wife of the appellant present. Mr. Ziaullah, DDA alongwith Mr. Alamzeb, SDO for official respondents and private respondent No. 4 in person present. Due to general strike on the call of Peshawar Bar Council, the instant case is adjourned. To come up for arguments on 18.05.2020 before D.B.

  
(MAIN MUHAMMAD)  
MEMBER

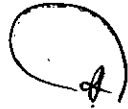
  
(M. AMIN KHAN KUNDI)  
MEMBER

10.09.2021

Son of appellant on behalf of appellant present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Sahibzada Aizaz Assistant for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 10.01.2022 before D.B.



(Rozina Rehman)  
Member (J)

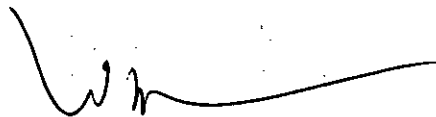


Chairman

10.01.2022

Son of the appellant on behalf of the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Former made a request for adjournment as counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B on 25.02.2022.



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



Chairman

25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.



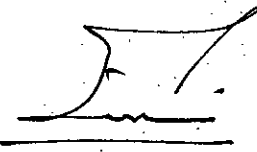
Reader

07.06.2021

Mr. Hamza son of the appellant present. Muhammad Riaz Khan Paindakhel learned Assistant Advocate General alongwith Rooh Ur Rehman Ziladar for the respondents present.


Former sought adjournment on the ground that counsel for the appellant is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned. To come up for arguments before the D.B on 05.08.2021.

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

  
(SALAH-UD-DIN)  
MEMBER(J)

05.08.2021

Mst. Naseem Begum Attorney of the appellant alongwith Mr. Adam Khan, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindaikheil, Assistant A.G alongwith Sahabzada Aizaz, Assistant Collector for official respondents No.1 to 3 and 5 present. Mr. Hamid Nasir, Advocate, present and requests for adjournment on behalf of counsel for private respondent No.4, who is stated to be busy before Hon'ble Peshawar High Court, Peshawar. This being an old case be fixed in first week of September 2021 after summer vacations. Adjourned due to requests made on behalf of counsel for private respondent No.4. To come up for arguments on 10.09.2021 before D.B.

  
(Atiq Ur Rehman Wazir)  
Member (E)

  
Chairman

21.11.2019

Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Alam Zeb SDO for the respondents present. Representative of the respondents furnished seniority list of Mates in light of Govt. Khyber Pakhtunkhwa Peshawar Notification No. SOE/Irr/9-3/97 Restructuring/ 1251m dated: 05-05-2011 for DPC in respect of Work Munshies and statement showing seniority of Mate up to 20.11.2019 the same is placed on record. Learned counsel for the appellant requested that he may be directed to furnish copy of Minutes of DPC of the impugned notification order dated 07.2.2013 and relevant seniority of the party before the impugned notification dated 07.02.2013. He is strictly directed to furnished the same. Adjourned. To come up for record and arguments on 31.12.2019 before D.B.



(Hussain Shah)

Member




(M. Amin Khan Kundi)

Member

31.12.2019

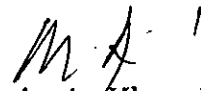
Wife of the appellant on behalf of the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Alamzeb, SDO (Swabi) for the respondents present.

Record mentioned in order sheet dated 21.11.2019 have not been produced by the respondents. Representative of the department is strictly directed to furnish the record mentioned in order sheet dated 21.11.2019 on the next date positively. Adjourned to 11.02.2020 for record and arguments before D.B.



(Hussain Shah)

Member



(M. Amin Khan Kundi)

Member



Service Appeal No. 139/2014

30.10.2019 Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Alamzeb, SDO for official respondents No. 1 to 3 and 5 and private respondent No. 4 alongwith his counsel present.

Despite the repeated directions respondents No. 1 & 2 did not appear in person on the date fixed. Representative of the department was unable to give any justification regarding non appearance of the officers in this Tribunal. Moreover, he also failed to bring the relevant record mentioned in order sheets dated 08.07.2019 and 27.08.2019. Last opportunity is granted to respondents No. 1 & 2 to positively attend this Tribunal on the next date of hearing alongwith relevant record, failing which the law will take its course. Warrant of attachment of salary of the above respondents issued vide order sheet dated 27.08.2019 shall remain intact. Case to come up for further proceeding on 21.11.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

27.08.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Neither warrant of attachment of salary of respondents No.1 & 2 as per preceding order sheet has been issued nor any notices issued to them. Concerned official/Muharrir to offer explanation to this effect. Notice be issued to respondents No.1 & 2 with direction to furnish complete record pertaining to posting of appellant and private respondent No.4 in Swabi Division 1 & 2. Similarly warrant of attachment of salary of respondents No.1 & 2 be also issued <sup>accordingly</sup> to them for the date fixed. Adjourn. To come up for further proceedings/arguments on 30.09.2019 before D.B.

  
Member

  
Member

30.09.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Adjourned to 30.10.2019 for further proceeding/arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

139/2014

12.06.2019

Counsel for the appellant and Mr. Usman Ghani,  
District Attorney for the respondents present.

The record required through order dated 02.04.2019  
is still not submitted. The respondents No. 1 and 2 shall be  
given notice for personal appearance alongwith copy of  
order dated 02.04.2019 for production of record on the next  
date.

Adjourned to 08.07.2019 for arguments before the  
D.B.

  
Member

  
Chairman

08.07.2019

Counsel for the appellant, Mr. Muhammad Jan, DDA for  
official respondents and counsel for private respondent no.4  
present.

Record not produced despite directions to this effect time  
and again, while the service appeal is lingering from 2014. The  
salary of respondent no.1 and 2 is attached till further order.  
Fresh notices be issued to respondent no. 1 and 2 with the  
directions to furnish complete record pertaining to posting of  
appellant and private respondent no.4 in Swabi Division 1 & 2.  
Case to come up for record and arguments on 27.08.2019  
before D.B.

  
Member

  
Member

06.05.2019

Counsel for the appellant and Mr. Ziaullah DDA for the respondents present.

The representative of the respondents has failed to produce the record required through last order. Learned DDA undertakes to instruct the respondents for production of requisite record on next date of hearing.

Adjourned to ~~14~~ 06.2019 before D.B.

*Member*

Chairman *[Signature]*

12.06.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

The record required through order dated 02.04.2019 is still not submitted. The respondents No. 1 and 2 shall be given notice for personal appearance alongwith copy of order dated 02.04.2019 for production of record on the next date.

Adjourned to 08.07.2019 for arguments before the D.B.

Member

Chairman

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21.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl; AG for the respondents present.

Due to paucity of time the matter is adjourned to 02.04.2019 before D.B

  
Member

  
Chairman

02.04.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the official respondents and counsel for the private respondent No.4 present.

Mst. Naseem Begum special attorney for the appellant has submitted power of attorney in her favor which is placed on record. Learned counsel for the appellant states that he could not prepare the brief due to non availability of record pertaining to posting of appellant and respondent No.4 in Swabi Division 1 & 2. He, therefore, requests for adjournment.

Adjourned to 06.05.2019 before D.B. The respondent No.3 shall be given notice of the next date to produce the relevant record positively.

  
Member

  
Chairman

11.10.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Arguments of learned counsel for appellant heard at some length and it appeared that the Executive Engineer Swabi Irrigation Division-II Swabi should also have been impleaded as party in the present case. Consequently the same is hereby arrayed as respondent No.5 in the calendar of respondents and notice be issued to the newly added respondent No.5 for 26.11.2018. To come up for further proceedings/arguments on the date fixed before D.B.



Member



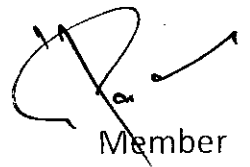
Member

26.11.2018

Appellant with counsel and Mr. Muhammad Jan learned Deputy District Attorney present. Private respondent No.4 with counsel also present. None present on behalf of respondent No.1 & 5. Notices be issued to respondents No.1 & 5 for 08.01.2019. To come up for further proceedings/arguments on the date fixed before D.B.



Member



Member

08.01.2019

Appellant in person and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Sohail SDO for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 21.02.2019 before D.B



Member




Member

03.07.2018


Appellant in person, Mr. Sardar Shoukat Hayat, Additional AG for official respondents No. 1 to 3 and private respondent No. 4 with counsel present. Appellant requested for adjournment on the ground that his counsel is not available today. Last opportunity is granted for arguments. Adjourned. To come up for arguments on 16.08.2018 before D.B.


  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Kundi)  
Member

16.08.2018


Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of another last chance. To come up for arguments on 02.10.2018 before D.B.

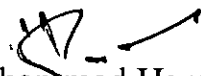
  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

02.10.2018


Appellant in person and Mr. Riaz Ahmed Paindakhel Assistant AG for the respondent present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 11.10.2018


  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

17.10.2017

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Muhammad Shafi, Sub Engineer for respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 29.12.2017 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)


29.12.2017


Appellant in person and Usman Ghani, District Attorney for official respondents and counsel for private respondent no.4 present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 15.02.2018 before D.B.

  
Member

15.02.2018

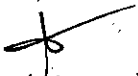
Learned counsel for the appellant and Additional AG for official respondents present. Counsel for private respondent also present. Adjournment requested. Adjourned. To come up for arguments on 17.04.2018 before D.B.

  
(Ahmad Hassan)  
Member(E)

  
(Muhammad Hamid Mughal)  
Member(J)

17.04.2018

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 03.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member



139/2014

04.10.2016

None present on behalf of the appellant. Additional AG for the respondents present. Fresh notice be issued to appellant and his counsel for rejoinder and arguments for 14.2.17 before D.B.

*naheed  
Q. M. S.*

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

14.02.2017

Appellant in person, Mr. Muhammad Shafi, Sub Engineer and Addl. AG for official respondents and private respondent No. 4 in person present. Rejoinder submitted which is placed on file. To come up for arguments on 16.06.2017 before D.B.

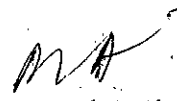
  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

16.06.2017


Agent to counsel for the appellant and Mr. Zahid Ur Rahman, Supdtt alongwith Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 17.10.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

13.4.2016

Counsel for the appellant, Mr. Shah Rahman, Sub Engineer alongwith Asstt. A.G for the official respondents and private respondent No. 4 in person present. Written reply not submitted despite last opportunity and cost of Rs. 1000/-. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 10000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 11000 on 02.06.2016.

  
Chairman

02.06.2016

Appellant in person, and Mr. Shah Rahman, Sub Engineer alongwith Addl. AG for the official respondents and private respondent No. 4 in person present. Written reply of official respondents No. 1 to 3 submitted. Cost of Rs. 11000/- paid and receipt thereof obtained from the appellant. Written reply by private respondent No. 4 already submitted. The appeal is assigned to D.B for rejoinder and final hearing for 04.10.2016.

  
Chairman

10.06.2016

Agent to counsel for the appellant and Mr. Muhammad Jan, learned DDA for the respondents present. Agent to counsel for the appellant seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 03.07.2016 before D.B.

(~~Asstt. A.G~~ Hasan)  
Member (A)

(Muhammad Usaid Iqbal)  
Member (A)

29.09.2015

Appellant in person, Mr. Shareen Khan, SDO alongwith Addl: A.G for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 3.12.2015 before S.B.

  
Chairman

03.12.2015

Appellant in person, Mr. Muhammad Shafi, Sub-Engineer alongwith Addl: A.G for official respondent No. 1 to 3 and private respondent No. 4 in person present. Written reply by private respondent No. 4 submitted while official respondents No. 1 to 3 requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 11.2.2016 before S.B.

  
Chairman

11.02.2016

Appellant with counsel, Mr. Muhammad Shafiq, Sub-Engineer alongwith Addl: A.G for official respondents No. 1 to 3 and private respondent No. 4 in person present. Written reply not submitted by official respondents No. 1 to 3 despite last opportunity and cost of Rs. 1000/-. However, cost of Rs. 1000/- paid and receipt thereof obtained. Official respondents requested for further adjournment. Another last opportunity is extended subject to payment of further cost of Rs. 1000/- which shall be borne by the official respondents from their own pockets. To come up for written reply/comments and cost on 13.4.2016.

  
Chairman

01.01.2015

Appellant in person, Mr. Naseer-ud-Din, SDO on behalf of official respondents No. 1 to 3 with Mr. Muhammad Adeel Butt, AAG and private respondent No.5 in person present. The Tribunal is incomplete. To come up for written reply/comments on behalf of official respondents No. 1 to 3 on 24.04.2015.

  
Reader.


24.4.2015

Clerk of counsel for the appellant and Addl. AG for the official respondents No. 1 to 3 present. Mr. Mukhtiar Ahmad Maneri, Advocate submitted Wakalatanama on behalf of private respondent No.4, who is already placed ex-parte vide order sheet dated 08.9.2014. However, Wakalatnama placed on file. To come up for written reply/comments of respondent No. 1 to 3 on 09.7.2015.

  
Member

09.07.2015

Appellant in person and Assistant A.G for official respondents present. Neither Written reply has been filed nor representatives of the official respondents are present. Fresh notice be issued to the official respondents No. 1 to 3 for submission of written reply for 29-9-15.

  
Member

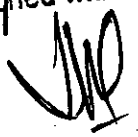
  
Member

5. 12.06.2014

Appeal No. 139/2014  
Mr. Ziaullah Muhammad

Counsel for the appellnt and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant filed an application for amendment in the instant appeal alongwith amended appeal with spare sets. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 07.02.2013, he filed departmental appeal on 18.11.2013, which has been rejected on 27.12.2013, hence the present appeal on 27.01.2014. He further contended that the impugned order dated 27.12.2013, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 08.09.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 2000 Bank  
Receipt is Attached with File.



  
Member

6. 12.06.2014

This case be put before the Final Bench I for further proceedings.

  
Chairman


8.9.2014

Appellant in person and Mr. Naseer-ud-Din, SDO on behalf of official respondents No. 1 to 3 with Mr. Ziaullah, GP present. Private respondent No. 4 is not present despite his service through registered post, hence proceeded against ex-parte. To come up for written reply/comments on behalf of official respondents No. 1 to 3 on 1.1.2015.

  
Chairman


3.  
24.03.2014


Appellant with counsel present. Preliminary arguments <sup>de</sup> <sup>partly</sup>  
heard. Perusal of the case reveals that the appellant has impugned  
promotion order dated 07.02.2013 vide which respondent No.4  
was promoted as work munshi (BPS-5). Against the impugned  
order dated 07.02.2013, the appellant filed departmental appeal on  
18.11.2013 which was not decided, hence the appellant filed the  
instant appeal. Pre-admission notice is hereby issued to the  
AAG/GP to assist the Tribunal on the point of limitation on  
12.05.2014.

  
Member

4.  
12.05.2014

Counsel for the appellant and Mr. Ziaullah, GP for the  
respondents present. The learned counsel for the appellant  
requested for adjournment. Request accepted. To come up for  
preliminary hearing on 12.06.2014.

  
Member



Form- A  
FORM OF ORDER SHEET

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

Case No. 139/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/02/2014	<p>The appeal of Mr. Gul Muhammad re-submitted today by Mr. Muhammad Adam Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	7-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-3-2014</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

SCANNED  
T  
VSP


Noted for  
24/3/2014.  
Achan  
19/2/2014

The appeal of Mr. Gul Muhammad Mate, Toru-Maira Section Jaganath Sub-Division received today i.e. on 27.01.2014 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.


1- Heading of the appeal is incomplete which may be completed.

No. 131 /S.T,

Dt. 28/01 /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Adam Khan Adv. Mardan.

03.02.2014 *Resubmitted after compliance, as desired.* 

MUHAMMAD ADAM KHAN  
B.A LLB Advocate  
High Court Mardan



**BEFORE THE PROVINCIAL SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 139 /2014

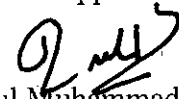
Gul Muhammad versus The Irrigation Deptt; & others.

**SCANNED  
KPST  
Peshawar**


**INDEX:-**

S/No.	Description of documents	Annexure Nos.	Pages No.
1.	Memo; of Appeal & Affidavit	--	1 4
2.	Adjustment order.	A	5 6
3.	Impugned order.	B	7 -
4.	Representation.	D	8 -
5.	Appellate order.	E	9 -
6.	Appointment order of Respondent No.4	F	10 11
7.	Salary slips.	G & H	12 13
8.	Vakalat Nama.	---	14 ---
Total			14 ---

Dated 25.01.2014  
(SATURDAY)

Appellant  
  
Gul Muhammad

Through

  
Muhammad Adamkhan  
Advocage, MARDAN.

**MUHAMMAD ADAM KHAN**  
B.A LLB Advocate  
High Court Mardan

BEFORE THE PROVINCIAL / SERVICE TRIBUNAL, PESHAWAR.

Appeal No, 139 / 2014

Gul Muhammad Mate, Toru-Maira Section, Jaganth Sub-division, Irrigation Division No.I Swabi.

Appellant

V/S

1. The Executive Engineer, Swabi Irrigation, Division-1, Swabi.
2. The Superintending Engineer, Irrigation Circle, Gohati, Swabi.
3. The Secretary, Irrigation Deptt, K.P.K Peshawar.
4. Gharib Muhammad, Work Munshi, Gohati Section, Swabi-Division, Irrigation Deptt. Swabi.

111  
27/1/2014

vide order 5- Executive Engineer Irrigation Department Division-II  
sheet dt. 11-10-18 Swabi

Respondents

Appeal under Section-4 of the Service Tribunal Act-1974 against the promotion of Respondent No. 4 dated 07-02-2013

1. That the Appellant was appointed as Driver in The Pehur High Level Canal Project on 06.12.1995.
2. That on winding-up of the P.H.L.C Project, the Appellant was adjusted as "Mate" in Swabi Irrigation Division Swabi vide Letter No: 24165/ib/a/12-E (Nic) dated 09.09.2004 and transferred to Jaganth irrigation Sub-division, Swabi.  

Copy Annexure-"A"
3. That on 13.11.2013, the Appellant learnt that one Gharib Muhammad /Respondent No.4 in spite of being Junior to Appellant, is promoted from the post of Mate to the post of Work-Munshi (BPS-5) by The X.E.N/Respondent No 1 vide Letter No. 6276/E-4A dated 07.02.2013 .  

Copy Annexure-"B"
- That grieved there from, the Appellant preferred representation to the S.E/Respondent No. 2, on 18.11.2013.  

Copy is Annexure-"C"
5. That the comments of The X.E.N/ Respondent No 1 was asked-for in respect of the aforesaid representation, who in reply vide Letter No.

re-submitted to  
and filed.

27/1/2014  
3/2/14

7386/E-4 dated 25.11.2013, plead that the staff of irrigation Division No.2 is being re-bifurcated and proposed the Appellant to wait till then, which was endorsed to Appellant on 27.12.2013 and conveyed to Appellant on 30.12.2013.

Copy Annexure-"D".

6. That both the impugned orders are illegal against the principles of natural justice, misleading and liable to be set-aside, considering the Appellant for promotion in question, on the following, amongst many other grounds:-

Grounds:-

(I) That the Respondent No.4 was appointed as mate on 29.08.2005. Thus, he is junior as against the Appellant. Copy is Annexure-"E".

(II). That the plea of the X.E.N/Respondent No. I, considering the Appellant on the strength of Irrigation Division No. II is incorrect, false and misleading. Because:-

- (a) That Respondent No. 4 is junior to Appellant.
- (b) The Swabi Irrigation Division was bifurcated in the month of July, 2013.
- (c) Even, still the Appellant is on the strength of staff of Swabi Division No.I.
- (d) The salary of Appellant is drawn and paid by the Swabi Division No.I, as it is evident from the salary slips for the months of March and June, 2013.

Copies Annexure-G & H.

- (e) The Service book and personal file of Appellant are also maintained in Division No. 1, Swabi.
- (f). The Appellant seeks leave of this Honourable Tribunal to claim further grounds also.


P/4

It is prayed that on acceptance of this appeal, setting-aside the impugned order, the Respondent No. 1 may be directed to promote the appellant to the post of work-munshi from the date, when the vacancy fell vacant, with the relevant service and financial benefits.

The costs of this appeal may be awarded in favour of Appellant against the Respondents.

Appellant  
Gul Muhammad


Dated: 25-01-2014  
(Saturday)


Through: 

Muhammad Adam Khan  
ADAM KHAN Advocate High Court  
B.A LLB Advocate District Courts Mardan.  
HIGH COURT MARDAN

**AFFIDAVIT**

I, Gul Muhammad (the appellant) do hereby solemnly affirm and declare that the contents mentioned above are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honourable court.

Deponent:   
Gul Muhammad

  
ATTESTED  
MUSARRAM KHAN  
Advocate  
High Court Mardan.  
25-01-2014

OFFICE OF THE CHIEF ENGINEER  
IRRIGATION DEPARTMENT NWFP  
PESHAWAR.

ADAM KHAN

NO. 24165 /IB/A/12-E(NIC)

Dated Peshawar, the 9/9/2004.

OFFICE ORDER.

In pursuance of approval contained in Secretary to Government of NWFP Irrigation and Power Department Peshawar letter No.SO, (E) IRR./4-1/95, dated 19/8/2004, the following adjustment of surplus staff of PHLC are hereby ordered with effect from 1-7-2004.

SL: NO	NAME, DESIGNATION WITH BS	PLACE/POST AGAINST WHICH IS ADJUSTED
1	Mr. Abdul Wadood Patwari BS-5	Proposed for adjustment against the vacant post of Care Taker BS-5 in Swabi Irrigation Division Swabi.
2	Mr. Essa Khan Patwari BS-5	Proposed for adjustment against the vacant post of Gauge Reader BS-5 in Swabi Irrigation Division Swabi
3	Mr. Wakil Mohammad Driver BS-4	Proposed for adjustment against the vacant post of Mate BS-2 in Swabi Irrigation Division Swabi.
4	Mr. Gul Muhammad Driver BS-4	Proposed for adjustment against the vacant post of Mate BS-2 in Swabi Irrigation Division Swabi.
5	Mr. Sahib Shah Naib Qasid BS-1	Proposed for adjustment against the vacant post of Chowkidar BS-1 Swabi Irrigation Division Swabi.
6	Mr. Amjad Ali Naib Qasid BS-1	Proposed for adjustment against the vacant post of Naib Qasid BS-1 in Swabi Irrigation Division Swabi.
7	Mr. Nawab Ali Chowkidar BS-1	Proposed for adjustment against the vacant post of Beldar BS-1 Swabi Irrigation Division Swabi.
8	Mr. Murad Ali Driver BS-4.	Proposed for adjustment against the vacant post of Mate BS-2 in Swabi Irrigation Division Swabi on Contract Basis
9	Syed Ali Shah Driver BS-4.	Proposed for adjustment against the vacant post of Mate BS-2 in Swabi Irrigation division Swabi on Contract Basis

The intervening period with effect from 1-7-2004 till the date of actual date of joining duty is hereby treated as period spent on duty under FR 5(b) 2.

Sca  
SUPERINTENDING ENGINEER  
(HEAD QUARTERS)

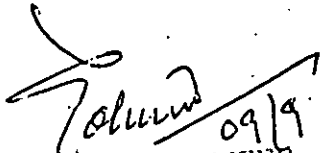
A

No. 24166-70

IB/A/12-E(NIC)

C.C.

1. Secretary to Government of NWFP Irrigation and Power Department Peshawar with reference to his letter No.SO (E) IRR:/4-1/95, dated 19/8/2004 for information.
  2. Superintending Engineer Northern Irrigation Circle Mardan.
  3. Executive Engineer Swabi Irrigation Division Swabi.
  4. District Accounts Officer Swabi.
  5. ✓ Officials concerned.
- For information and necessary action.

  
09/9  
SUPERINTENDING ENGINEER  
(HEAD QUARTERS)

OFFICE OF THE EXECUTIVE ENGINEER,  
SWABI-I IRRIGATION DIVISION SWABI-I

No. 6276/E-4A,Dated Mardan, the 7/02/2013.OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion Committee in its meeting held on 04-03-2013, the following promotion / posting are hereby ordered in the best interest of public service with immediate effect.

S.No.	Name of official with present designation.	with	From	To	Remarks.
1.	Gharib Muhammd, Mate (BS-03)		Gohati Section	Retained at Gohati Section	Promoted as Work Monshi (BS-05) against the existing vacancy and posted against vacant post.
2	Sher Rehman, Beldar (BS-02)		Gohati Section	Retained at Gohati Section	Promoted as Mate (BS-02 Original Secle ) against the existing vacancy and posted vice No.1

Copy to the :-

1. Section Officer (Establishment) O/O the Secretary to Govt. of F.K.P.K Irrigation & Power Department Peshawar.
2. Sub Divisional Officer, Gohati Irrigation Sub Division Gohati.
3. District Accounts Officer, Swaibi
4. Divisional Accounts Officer (Local)
5. Head Clerk (Local)
6. Official Concerned
7. E-4 (Case)

*[Signature]*  
Executive Engineer,  
Phone No (630484)

Executive Engineer,  
Phone No (530484)

ATTESTED  
ADAM KHAN

خدمت جناب سپرنٹنڈنٹ انجینئر مہاراجہ حکم آبیانس گویاٹے صوابی

(اپیل) درخواست بھار درستی پر روشن  
گل محمد تاریخ تقرری 12 دسمبر 1995 عزیز ہے محمد تاریخ تقرری 29 اگست 2005

C.C  
For Immediate  
Report about  
the issue

جناب عالی  
مذہبانہ گزارش ہے کہ بندہ آپ کے زیر سایہ جگہ جگہ سب ڈویژن طور و سکشن  
میں بحیثیت میٹ اپنٹ ڈپوٹ سرانجام دے رہا ہے۔ گل محمد تاریخ تقرری 12 دسمبر 1995  
اور عزیز محمد تاریخ تقرری 29 اگست 2005 ہے عزیز محمد کو 08 اپریل 2003 کو  
میٹ سے ورک منشی پوسٹ پر تر تھے دیکھ کر حالانکہ عزیز محمد بندہ  
گل محمد سے تقرری میں جو تیز ہے۔ جس کا علم جمع پانچ دن پہلے ہوا۔  
بندہ نے ایجنس مہاراجہ کو مختلف اوقات میں درخواستیں دے دی تھیں تا حال  
اس پر کوئی عملہ در آمد نہیں ہوا ہے۔ نیشنل پارٹ کے در و حکومت میں  
عمایت الگ میاں مہاراجہ نے جی ایجنس مہاراجہ کو خط بھیجا تھا جو کہ ابھی تک  
ملکر کے پاس دیکھا نہیں ہو رہا ہے۔

امیر حیدر خان بیوتی مہاراجہ موجودہ MNA سردان نے (SE) مہاراجہ کو بذریعہ خط  
لیٹر نمبر 2956/75E مورخہ 25 ستمبر 2013 بندہ گل محمد کی پرورش کے درخواست کی ہے۔  
Peshawar 20 Dec 2006 No. SO (CE) IRR/23-5/73 سپریلے نمبر 7 کی رو سے بندہ  
گل محمد کے پرورش کا 50% حق بنتا ہے۔

لیندا آپ مہاراجہ سے التماس ہے کہ بندہ کو پرورش کا  
بھارت دیگر بندہ عدالت میں جان کا پابند ہوگا۔

العارضہ  
آپ کا تابع فرمان گل محمد میٹے طور و سکشن جگہ جگہ  
سب ڈویژن صوابی ایریگیشن ڈویژن صوابی

New  
FIR  
Report  
Superintendent Engineer  
Swabi Irrigation Circle  
16/11/13

No-4314/3-2  
24/11/13



P/9

The Superintending Engineer  
Swabi Irrigation Circle Swabi.

Annexure "D"

ATTESTED  
*Adam Khan*  
ADAM KHAN

Subject:- APPEAL FOR PROMOTION TO THE RANK OF  
WORK MUNSHI.

Ref:- Your office NO. 4314/3-E dt: 19/11/2013  
(Photo copy) attached for ready reference).

.....

Please refer to the above quoted letter and it is clarified that the appellant is serving in Swabi Irrigation Division NO-II Swabi as Mate under the control of SDO Maira Irrigation Division J/Nath and Mr. Ghariq Mohammad Mate newly promoted work munshi is serving against the strength of Swabi Irrigation NO-I Swabi with SDO Gohati

At the time of DPC, the services of Mr. Ghariq Mohammad was considered for Promotion to the rank of work munshi attached with SDO Gohati S/Division under the Admin: control of Jhen Irrigation Division NO-I Swabi.

It is expected the strength of Field Staff of Swabi Irrigation Division NO-II Swabi will be re-bi-perated as and when the post of work munshi fallen vacant the services of Mr. Gul Mohammad Mate will be considered for promotion to the rank of work munshi.

It is therefore requested that the appellant may kindly be informed for waiting till re-bi-peration of the establishment.

*NA 449/3-E  
dt 27/11/2013  
Super I/RA  
P.L. inform the  
applicant.*

*Copy of the above is*

*forwarded to Mr. Gul Mohammad Mate  
Maira SDO Sub Division J/Nath for  
information.*

*[Signature]*  
Executive Engineer  
Swabi Irrigation NO-I  
Swabi.

Copy to the SDO Maira Irrigation Division for information.

*[Signature]*  
Superintending Engineer  
Swabi Irrigation Circle

*[Signature]*  
Superintending Engineer  
Swabi Irrigation Circle  
Swabi

Executive Engineer-I

*25/11/2013*

P/10

Annexure

E

No. 4786 / E-4 Dated Swabi the 29/08/2005

To  
S/O Mr. Gharib Muhammad  
Khan Muhammad,  
Vill & P.O. Salim Khan,  
Tehsil & Distt: Swabi.

ATTESTED  
ADAM KHAN

Subject:- APPOINTMENT AS MATE BPS-02 ON CONTRACT BASIS.

Consequent upon the recommendation of Departmental Selection Committee, after your interview on 15 & 16/09/2004, you are hereby offered a post of Mate BPS-02 on **Contract Basis** for a period of 03 years or till availability of post, which ever is earlier on the following terms and conditions.

1. Your services will be governed under the GoNWFP Contract Policy 2002, issued vide Secretary to Govt: of NWFP Finance No.FD(SOSR-II) 12-1/2002, dated 26.10.2002.
2. You will be granted the minimum of BS-2 (Rs.1915-65-3865) with usual allowances as admissible under the Government of NWFP Contract Policy 2002.
3. Your initial contract will be for a period of three years or till availability of the post, which ever is earlier. Fresh contract would be executed, if the job is required to be continued, subject to your satisfactory performance.
4. Either party can terminate the contract on two months notice or two months salary in lieu thereof.
5. You will be provided facilities of contribution of Provident Fund as admissible under the contract Policy.
6. You will not contribute to GP Fund and shall not be entitled for pension and gratuity benefits.
7. Any terms and conditions issued by the Government hereafter, in this regard will also be binding upon you.

If this offer of the appointment on contract basis on the above terms and conditions as specified in the Government of NWFP, Finance Department letter referred above is acceptable. You should report arrival for duty on or before 30-08-2005, to the SDO Irrigation Gohati Sub Division Gohati and produce the following original documents:-

- i. Domicile certificate
- ii. Medical Fitness Certificate
- iii. Educational Qualification Certificates
- iv. That you are not a dismissed Government servant.
- v. Character certified

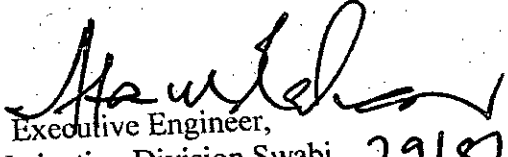
29/8

P/11

vi.

An under-taking on stamp paper of Rs.30/- duly attested by the oath commissioner to the effect that the offer of appointment is accepted on all the above terms and conditions.

In case the above noted documents and your reply to the acceptance of this offer is not received within stipulated period (i.e 30.8.2005, the offer of appointment shall stand automatically null and void.



Executive Engineer,  
Swabi Irrigation Division Swabi 29/8/05

Copy forwarded to the:-

1. The Private Secretary to Minister Irr: & Power NWFP Peshawar for information, please.
2. The Chief Engineer Irrigation Department NWFP Peshawar, for information, please.
3. The Superintending Engineer Northern Irrigation Circle Mardan, for information, please.
4. The District Accounts Officer Swabi for information & necessary action, please.
5. Sub Divisional Officer Gohati Irr: Sub Divn: Gohati, for information and necessary action.
6. Divisional Accounts Officer/Head Clerk (local).
7. Manager Employment Exchange Mdn:w/r to his Regn:No.530/05, dt: 29.8.2005 for information.

Executive Engineer,  
Swabi Irrigation Division Swabi



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کوارٹ فیس	۹/۱۴	قیمت ایک روپے
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مورخہ: ۲۶ جنوری ۲۰۱۴ء منجانب ایڈووکیٹ  
 مقدمہ: محمد محمد بنام: حکم ایشن و طرہ  
 دعویٰ: ایشن  
 جواب:

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و گل کاروائی متعلقہ آن مقام یا حیثیت اور کیلئے محمد آدم خان ایڈووکیٹ، مردان کو مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی گل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی، اقبال دعویٰ، بصورت ڈگری دائر کرانے درخواست اجراء اور وصولی بینک یا نقد رقم نیز عرضی دعویٰ اور درخواست ہر قسم کی تصدیق دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی کیلئے درخواست دائر کرنے، اپیل درخواست نگرانی، درخواست نظر ثانی کی پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت گل یا جزوی کاروائی کے واسطے دوسرا وکیل یا مختار قانون کو اپنے ہمراہ یا اپنی جگہ مقرر کرنے کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساخنہ پر داختم منظور و قبول ہوگا اور دوران مقدمہ میں جو زچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا، ائے، وصولی کے مستحق وکیل صاحب ہونگے۔ نیز بقا باخرچہ غیر ادا شدہ کی وصولی کرنے کا بھی اُس کو اختیار ہوگا اگر کوئی تاریخ پیش مقام دورہ پر ہو یا عدالت ہذا کے حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکور ہذا کرے۔ وکالت نامہ لکھ دیا کہ سندر ہے۔


لر قوم: ۲۶ ماہ جنوری ۲۰۱۴ء

العبادہ گواہ شدہ العبادہ

بمقام: کیلئے منظور ہے

*Adam*

P/12

Annexure <sup>"F"</sup> 

ATTESTED  
*Adam Khan*  
ADAM KHAN



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
DISTRICT  
PAY ROLL SYSTEM

P Sec: 003 PAYMENT ADVICE 13  
SU4263 - Executive Engineer Swabi I  
Div: Health

SH:   
Para No: 00302013 Buckle:   
Name: GUL MUHAMMAD  
Dsg: MATE  
CNIC No. 1610111894433  
GPF Interest Applied

STN:   
OFF #:   
Old #:

03 Active Permanent  
PAYERS AND ALLOWANCES:

DEPTT CODE SU4263

0001-Basic Pay		9,250.00
1000-House Rent Allowance		942.00
1210-Convey Allowance 2005		1,700.00
1300-Medical Allowance		1,000.00
1948-Adhoc Allowance 2010@ 50%		2,710.00
1970-Adhoc Relief Allow 2011		813.00
2118-Adhoc Relief Allow (2012)		1,850.00
Gross Pay and Allowances		18,265.00
DEDUCTIONS:		
GPF Balance	28,989.00	
6505-GPF Loan Principal Instal	Bal: 49,998.00	
3501-Benevolent Fund		403.00
3511-Addl Group Insurance		1,667.00
3604-Group Insurance		120.00
		3.00
		58.00
Total Deductions		2,251.00
NET AMOUNT PAYABLE		16,014.00

QUALIFYING SERVICE  
17 Years 03 Months 02 Days  
D. O. B. 02.09.1960

FF Quota: -4-  
BP MARDAN MAIN BRANMARDAN MAIN BRCH  
799-7

AF

P/13

"G"

Annexure

ATTESTED

ADAM KHAN



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
DISTRICT SWABI  
PAY ROLL SYSTEM

P Sec: 002 PAYMENT ADVISE 3  
SU4263 -Executive Engineer Swabi I  
Min: Health

SN:   
Name: GUL MUHAMMAD  
Dsg: MATE  
CNIC No. 1610111894433  
GPF Interest Applied

HTN:  
OFF #:  
Old #:

05 Active Permanent

DEPTT CODE SU4263

PAYE AND ALLOWANCES:		
0001-Basic Pay		9,250.00
1000-House Rent Allowance		942.00
1210-Convey Allowance 2005		1,700.00
1300-Medical Allowance		1,000.00
1948-Adhoc Allowance 2010@ 50%		2,710.00
1970-Adhoc Relief Allow 2011		813.00
2118-Adhoc Relief Allow (2012)		1,850.00
Gross Pay and Allowances		18,265.00
DEDUCTIONS:		
GPF Balance	35,199.00	403.00
6505-GPF Loan Principal Instal	Bal: 44,997.00	1,667.00
3501-Benevolent Fund		120.00
3511-Addl Group Insurance		3.00
3604-Group Insurance		58.00
Total Deductions		2,251.00
NET AMOUNT PAYABLE		16,014.00

QUALIFYING SERVICE  
17 Years 06 Months 020 Days  
D.O.B 02.09.1960

LFP Quota: 4  
BPP NARDAN MAIN BRANMARDAN MAIN BRCH  
1799-7

9

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. 139 OF 2014

Gul Muhammad. -----

Appellant.

Versus

The Executive Engineer,  
Swabi Irrigation & others. -----

Respondents.

APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNAL ACT, 1974.

REPLY / WRITTEN STATEMENT ON BEHALF OF GHARIB  
MUHAMMAD PRIVATE RESPONDENT NO.4.

A. PRELIMINARY LEGAL OBJECTIONS;

1. That the appellant has got no cause of action.
2. That appeal of the appellant is time barred, hence liable to be dismissed on this score alone.
3. That appellant estopped due to his conduct.
4. That the appellant has preferred the appeal under reply in order to pressurize the answering respondent.
5. That the appellant has not come to this honorable court with clean hands.
6. That the appellant has no locus standi to prefer the present appeal.
7. That appeal of the appellant is not maintainable on account of mis joinder and non-joinder of necessary parties.
8. That the appeal is bad in its present form.
9. That the appellant belong to Swabi Irrigation Division – II, while the answering respondent belong to Swabi Irrigation Division – I, hence the promotion of answering respondent has got no concern with appellant as such his appeal is without any substance and liable to be dismissed.



## B. PARA-WISE REPLY.

1. That the contents of Paras Nos. 1 & 2 of the appeal are not related to the answering respondent, hence need no reply, however any part if adversely affect the rights of the answering respondent are strongly denied.
2. That the contents of Para No.3 of the appeal are correct. In addition, it is submitted that the answering respondent was promoted being the senior most in Swabi Irrigation Division – II beside another candidate who was also promoted to the post in question. The private respondent No.4, is on the strength of Swabi Irrigation Division – II as has admitted by the appellant in his application that he is serving in Jaggan Nath Sub Division since his appointment and at the time of bifurcation notified vide Notification No. SO (E)/Irr/9-3/97/Re-Structuring, dated 02-05-2011 Mr. Gul Muhammad Mate (the appellant) services were retained in Swabi Irrigation Division – II as such the answering respondent was promoted from the post of Mate to the post of Work Munshi being on the strength of Swabi Irrigation Division – II, hence there is no substance in the appeal of the appeal.
3. That the contents of Para No.4 of the appeal are admitted to the extent of lodging of appeal but his appeal was hopelessly time barred as the answering respondent was promoted vide his promotion order bearing No.6276/D – 4A, dated 07-02-2013 while the appellant preferred his departmental appeal/representation on 18-11-2013 which is beyond limitation.
4. That the contents of Para No.5 of the comments is based on conjectures, hence denied. It is respectfully submitted that on re-structuring on 04-10-2013, the appellant was asked to wait for the post of Canal Inspector as the 2 vacant posts of Irrigation Division – II Swabi, will be returned to Swabi Division – I, and in the meanwhile another re-structuring was ordered on 14-04-2014 rendering the appellant again on the strength of Swabi Irrigation Division – II as such no vested rights have been accrued in favour of appellant.
5. That the contents of Para No.6 of the appeal are wrong and based on conjectures, hence denied vehemently. It is respectfully submitted that the appellant being on the strength of separate Division as per re-structuring

notified vide No.SOE/IRR/97/re-structuring dated 02-05-2011 with effect from 01-07-2011, copy of the same has duly been submitted by the official respondents Nos. 1 & 3 along with their comments.

**REPLY TO THE GROUNDS:**


- I. That the contents of Para No.I of the grounds is correct to the extent of extent of promotion of the answering respondent while rest of the contents are denied specifically. It is respectfully submitted that the appellant is on the strength of Jaggan Nath Sub-Division attached to the irrigation Division-II as per notifications mentioned fully detailed in Paras Nos. 4 & 5 of Reply on facts above the contents of the same has not been reproduced here for the sake of brevity in order to avoid repetition.
  
- II. That the contents of Para No.III of the grounds are wrong and based on whims and surmises, hence denied vehemently. It is respectfully submitted that;
  - a. That the contents of para (a) are wrong, detail reply has been given above, however it is submitted that the answering respondent has got no concern with Division – II.
  
  - b. That the contents of Para No. (b) are wrong, for detailed reply see Para No. 5 of facts. In addition, DDO code was not allotted to Division – II by the high ups, which pay was drawn in Division – I in order to avoid complications for the employees concerned and notification of bifurcation was regularly implemented and issued on 02-05-2011 with effect from 01-07-2011.
  
  - c. The contents of Para ( c ) are wrong and mockery on the part of appellant as is evident from the record and reply given in preceding paras.
  
  - d. That the contents of Para (d) of the grounds are wrong and misleading as such denied in toto. It is respectfully submitted that due to non issuance of DDO code in time, the salaries for the staff of Swabi Irrigation Division – I to avoid complications and sufferings of the concerned employees of the concerned Division. In addition to above, there were 4 numbers of posts of Work Munshis lying vacant

which were accordingly distributed amongst the sister Division (2 each) and the promotion of the answering respondent No.4 has been made on the strength of his parent Division i.e. Division – I.

e. Not related to the answering respondent, hence need no reply, however any contents that affect the rights of the answering respondent are denied vehemently. In addition, it is submitted that by newly created Swabi Irrigation Division – II, there was shortage of staff over there as well as having no DDO code of that Division, the Service Books of the employees are urgently required by the District Accounts Officer Swabi in case of GPF & Pension cases of the officials concerned as such the service books are kept in Division – I, Swabi in the interest of its employees in order to facilitate them beside safety of the service books.

It is, therefore, prayed that this honorable court may be pleased and dismiss appeal of the appellant with cost.

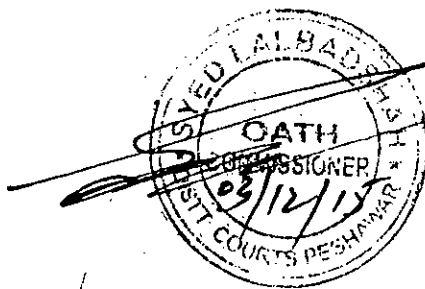
Peshawar.  
Dated:

  
Mukhtar Ahmad Maneri  
Advocate, Peshawar.

AFFIDAVIT

I Gharib Muhammad Work Munshi, Swabi Irrigation Division – I, do hereby affirm on solemn affirmation that the contents written statement / reply are correct to the best of my knowledge and belief.

**ATTESTED**



  
Deponent

18202-8558332-1

Receipt

I, Gul Muhammad sp. Taj Mahal R.I.

Have received Rs 1000/-

(one thousand only) from the account of

of KPK Services Tribunal pursuant with

Thanks in service case SA 139/2014.

11/02/2016

Gul Muhammad

16601. 1185443-3

Attested

11-02-16

Before KPIC Service Tribunal Petitioner

Appeal No. 139/2014 Aul Muhammad

vs

Irrigation Deptt: etc

I have received Rs: 11000/- in the above mentioned appeal to-day on 2/6/2016

QMS  
(Aul Muhammad)  
Appellant.

~~Aul Muhammad~~  
02/06/16

- iii. Administrative Officer
- iv. Accounts Officer.
- v. Geologist.

Now, therefore:-

- I. The Superntending Engineers, Executive Engineers in Divisional Offices and Deputy Directors in (Small Dams Directorate, Khyber Pakhtunkhwa) are also declared as Drawing and Disbursing Officers for their respective offices.
- II. All Administrative powers pertaining to the Establishment of Regional Officer Cadre shall rest with Chief Engineer, (South), Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- III. All Superntending Engineers, of the Circles and Executive Engineers of the Divisions shall exercise Administrative power pertaining to Establishment of their respective Circles cadres and Divisional offices.

Secretary Irrigation

Endst. Of even No & Date

Copy forwarded to the:-

1. Additional Chief Secretary, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA, Peshawar.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. The Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department with ref. to Estt. Deptt. Notification dated 17<sup>th</sup> March 2011.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Additional Accountant General, P.R. (Sub-office) Peshawar.
10. All Commissioners in Khyber Pakhtunkhwa.
11. The Chief Engineer (South), Irrigation Department.
12. The Chief Engineer (North), Irrigation Department.
13. The Director General, Small Dams, Peshawar.
14. All Distt. Coordination Officer, Khyber Pakhtunkhwa.
15. All Superntending Engineers in Irrigation Department.
16. All Executive Engineers in Irrigation Department.
17. All Distt. Accounts Officers/ Agency Accounts Officers.
18. The Director, Information, Khyber Pakhtunkhwa Peshawar.
19. P.S to Minister for Irrigation, Khyber Pakhtunkhwa.
20. P.S to Chief Secretary, Khyber Pakhtunkhwa.
21. P.S to Inspector General of Police, Khyber Pakhtunkhwa.
22. P.S to Secretary Irrigation Department.
23. P.A to Additional Secretary, Irrigation Department.
24. All Section Officers, Irrigation Department.
25. Accounts Officer (Local) Irrigation Department.
26. The Manager, Govt. Printing Press, Khyber Pakhtunkhwa.
27. Master File.

(Misal Khan)

Section Officer (Establishment)

SE N/C  
Mardan

Before KPIC Service Tribunal Petitioner

Appeal No. 139/2014 Aul Muhammad

vs

Irrigation Deptt: etc

I have received Rs: 11000/- in the above mentioned appeal to-day on 2/6/2016

Aul  
(Aul Muhammad)  
Appellant.

~~Aul~~  
02.06.16

1

**BEFORE THE SERVICE TRIBUNAL PESHAWAR**

---

**Appeal No: 139/2014.**

**Mr. Gul Mohammad Mate**

**(Appellant)**

**VERSUS**

- |  |                      |
|--|----------------------|
| 1) Executive Engineer,<br>Swabi Irrigation Division-I Swabi:       |                      |
| 2) Superintending Engineer<br>Swabi Irrigation circle Swab.        | <b>(Respondents)</b> |
| 3) Secretary Irrigation Department<br>Khyber Pukhtunkhwa Peshawar. |                      |

**Subject: JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**  
**NO. 1 & 3**

Respectfully shewith

**Preliminary objection**

- 1) That the appellant has no cause of action and locus standi to file the appeal
- 2) That the appellant has not come to the Service Tribunal with clean hands.
- 3) That the appellant has been estopped by his own conduct to file the appeal.
- 4) That this appeal is not maintainable in its present form.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That this Honourable Tribunal has no jurisdiction to entertain the appeal.



**FACTS**

- 1) Correct
- 2) Correct
- 3) Incorrect: during the promotion of respondent No.4 on 13.11.2013 the applicant Mr.Gul Muhammad was on the strength of Division-II Jagannath Sub Division due to bifurcation vide notification No.SO(E)/Irr/9-3/97/Re-structuring dated 2.5.2011 (Ann-A)
- 4) No comments.
- 5) On return from re-structuring on 04-10-2013, the appellant was asked to wait for the post of Canal Inspector as the vacant 02 posts of Irrigation Division-II Swabi, will be returned to Swabi Division-I. in the meanwhile another re-structuring was ordered on 14-04-2014 rendering the appellant again on the strength of Division-II Swabi (Ann-B)
- 6) Incorrect. Reply on the grounds are as under:-


**GROUND**

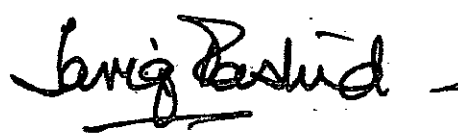
- I) Detailed reply has been given in the para above. However, seniority is not the sole ground for promotion.
- II) Incorrect the appellant is on the charge of Jagannath Sub Division attached to Irrigation Division-II vide Notification No. SOE/Irr/9-3/97/Re-structuring, dated: 02-05-2011 w.e.f 01-07-2011.
  - a) As per para above.
  - b) As mentioned in Para above.
  - c) In-correct
  - d) Due to non-issuance of DDO code in time, the salaries for the staff of Division-II were drawn through the signature of Executive Engineer, Swabi Irrigation Division-I to avoid suffering of the officials.
  - e) By new creation of Swabi Irrigation Division-II there was a shortage of staff over there as well as having no DDO code of that division, the Service Books were urgently required by the District Accounts Officer Swabi in case of GPF & pension cases of the official and on these grounds the Service books were kept in Division-I Swabi, run such like affairs in the best interest of public as well as ensuring safety of the Service Books. Besides, this Swabi Irrigation Division-II was responsible to run the task of the paper works associated with pension and GPF etc. of the official.

- f) Incorrect. Promotion is not a vested right and the applicant is not entitled for the relief ~~claimed~~ for.

It is, therefore, requested that the appeal may kindly be dismissed with cost.

  
1) Executive Engineer,  
Swabi Irrigation Division-I Swabi  
(Respondent No.1)

  
2) Superintending Engineer,  
Swabi Irrigation Circle Swabi  
(Respondent No.2)

  
3) Secretary to Govt. Irrigation of Khyber  
Pakhtunkhwa Irrigation Department  
Peshawar.  
(Respondent No.3)

b. Executive Engineer, Malakand Irrigation Division, Malakand (With 02 Sub Divisions and one Deputy Collector)

- i. Sub-Divisional Officer, Headworks Sub-Division Malakand
- ii. Sub-Divisional Officer, Dargai Irrigation Sub-Division Dargai
- iii. Deputy Collector

iii. Superintending Engineer, Swabi Irrigation Circle Swabi (with 03 Divisions)

a. Executive Engineer, Swabi Irrigation Division No. 1 Swabi (With 02 Sub Divisions)

- i. Sub-Divisional Officer, Shahbazghar Irrigation Sub-Division Shahbazghar
- ii. Sub-Divisional Officer, Gohat Irrigation Sub-Division Gohat

b. Executive Engineer, Swabi Irrigation Division No. 2 Swabi (With 02 Sub divisions and one Deputy Collector)

- i. Sub-Divisional Officer, Jagganath Irrigation Sub-Division Jagganath
- ii. Sub-Divisional Officer, Behur Irrigation Sub-Division Swabi
- iii. Deputy Collector

c. Executive Engineer, Hazara Irrigation Division, Abbottabad (With 03 Sub Divisions and one Deputy Collector)

- i. Sub-Divisional Officer, Haripur Irrigation Sub-Division Haripur
- ii. Sub-Divisional Officer, Abbottabad Irrigation Sub-Division Abbottabad
- iii. Sub-Divisional Officer, Kohistan Irrigation Sub-Division a. Dassu
- iv. Deputy Collector

v. Superintending Engineer, Swat Irrigation Circle Swat (With 05 divisions and one Deputy Collector)

a. Executive Engineer, Swat Irrigation Division Swat (With 03 Sub Divisions)

- i. Sub-Divisional Officer Swat Irrigation sub-Division Swat
- ii. Sub-Divisional Officer, Buner Irrigation Sub-Division Buner
- iii. Sub-Divisional Officer, Shangla Irrigation Sub-Division Shangla

b. Executive Engineer, Dir Irrigation Division Dir (With 03 Sub Divisions)

- i. Sub-Divisional Officer, Dir Irrigation Sub-Division Dir (Upper)
- ii. Sub-Divisional Officer, Dir Irrigation Sub-Division Dir (Lower)
- iii. Sub-Divisional Officer, Balamabat Irrigation Sub-Division Dir

c. Executive Engineer, Chitral Irrigation Division Chitral (With 02 Sub Divisions)

- i. Sub-Divisional Officer, Chitral Irrigation Sub-Division Chitral (Upper)
- ii. Sub-Divisional Officer, Chitral Irrigation Sub-Division Chitral (Lower)

**DIRECTOR GENERAL SMALL DAMS KHYBER PAKHTUNKHWA PESHAWAR**

a. Director Small Dams, Khyber Pakhtunkhwa, (With 02 Divisions and one Geologist)

- i. Deputy Director Planning and Construction Division Peshawar (With 03 Assistant Directors)
- ii. Deputy Director Planning and Construction Division Kohat (With 02 Assistant Directors)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT

Date Peshawar: the 3<sup>rd</sup> May, 2011

NOTIFICATION

No. SOE/IRR/9-3/97/Restructuring. Upon approval by the competent authority and subsequent Re-structuring of Irrigation Department vide Establishment & Administration Department Notification No. SO(C&M)/E&AD/2-14/2002 dated 17<sup>th</sup> March, 2011, the administrative jurisdiction and setup of the Chief Engineer (South), Chief Engineer (North) and Director General Small Dams shall be as under with effect from 1<sup>st</sup> July, 2011:-

A. CHIEF ENGINEER (SOUTH) IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

I. Superintending Engineer Headquarter (South) Irrigation Department Khyber Pakhtunkhwa Peshawar

- a. Executive Engineer Hydrology Irrigation Division Peshawar (with 03 Sub Divisions)
- Sub Divisional Officer Hydrology Irrigation Sub Division Peshawar
  - Sub Divisional Officer Hydrology Irrigation Sub Division Bannu
  - Sub Divisional Officer Hydrology Irrigation Sub Division Abbottabad
- b. Deputy Director Planning
- Assistant Director Planning (02 Nos)
  - Assistant Engineer (02 Nos Leave Reserve)
- c. Deputy Director Design
- Assistant Director Design (01 No)
  - Assistant Engineer (02 Nos Leave Reserve)
- d. Technical Officer
- Assistant Engineer (01 No Leave Reserve)
- e. Canal Collector
- f. Accounts Officer
- g. Administrative Officer

II. Superintending Engineer, Peshawar Irrigation Circle Peshawar (With 04 Divisions and one Deputy Collector)

- a. Executive Engineer, Peshawar Canal Division Peshawar (With 03 Sub Divisions and one Deputy Collector)
- Sub Divisional Officer, Kabul River Canal Sub Division Peshawar
  - Sub Divisional Officer, Drainage Sub Division Peshawar
  - Sub Divisional Officer, Civil Canal Sub Division Peshawar
  - Deputy Collector
- b. Executive Engineer, Warsak Canal Division Peshawar (With 03 Sub Divisions)
- Sub Divisional Officer, Gravity Canal Sub Division Peshawar
  - Sub Divisional Officer, Warsak Left Canal Sub Division Peshawar
  - Sub Divisional Officer, Pump House Sub Division at a and



- c. Executive Engineer Tubewell-Irrigation Division, Peshawar (with 02 Sub Divisions)
  - i. Sub Divisional Officer Tubewells Irrigation Sub Division Peshawar
  - ii. Sub Divisional Officer, Tubewells Irrigation Sub Division Pabbi
- d. Executive Engineer, Flood Division Peshawar (with 02 Sub Divisions)
  - i. Sub Divisional Officer, Flood Sub Division No. I Peshawar
  - ii. Sub Divisional Officer, Flood Sub Division No. II Peshawar

Flood Division Peshawar will be responsible for execution & maintenance of all flood protection works in the jurisdiction of Peshawar Irrigation Circle, Peshawar

**III. Superintending Engineer, Bannu Irrigation Circle Bannu (With 03 Divisions and one Deputy Collector).**

- a. Executive Engineer, Bannu Canal Division Bannu (with 02 Sub Divisions)
  - i. Sub Divisional Officer, Sarai Naurang Sub Division Bannu
  - ii. Sub Divisional Officer, Civil Canal Sub Division Bannu
- b. Executive Engineer, Marwat Canal Division Bannu (with 03 Sub Divisions and one Deputy Collector)
  - i. Sub Divisional Officer, Tajori Irrigation Sub Division Bannu
  - ii. Sub Divisional Officer, Head Works Sub Division Bannu
  - iii. Sub Divisional Officer, Jani-Khel Sub Division Bannu
  - iv. Deputy Collector.
- c. Executive Engineer, Kohat Irrigation Division, Kohat (with 04 Sub Divisions)
  - i. Sub Divisional Officer, Project Sub Division Kohat
  - ii. Sub Divisional Officer, Tanda Dam Sub Division Kohat
  - iii. Sub Divisional Officer, Karak Irrigation Sub Division Karak
  - iv. Sub Divisional Officer, Kohat Irrigation Sub Division Kohat

The divisions would also be responsible for execution and maintenance of all flood protection and drainage works in their respective jurisdiction.

**IV. Superintending Engineer, D.I.Khan Irrigation Circle D.I.Khan (With 04 Divisions).**

- a. Executive Engineer, Paharpur Irrigation Division, D.I.Khan (with 02 Sub Divisions and one Deputy Collector)
  - i. Sub Divisional Officer, Drainage Sub Division D.I.Khan
  - ii. Sub Divisional Officer, Paharpur Irrigation Sub Division D.I.Khan
  - iii. Deputy Collector
- b. Executive Engineer, CRBC Irrigation Division, D.I.Khan (With 02 Sub Divisions and one Deputy Collector)
  - i. Sub Divisional Officer, CRBC Irrigation Sub Division No. I D.I.Khan
  - ii. Sub Divisional Officer, CRBC Irrigation Sub Division No. II D.I.Khan
  - iii. Deputy Collector

- c. Executive Engineer, Gomal Zam Irrigation Division at Tank (With 02 Sub Divisions and one Deputy Collector)
  - i. Sub Divisional Officer, Gomal Zam Irrigation Sub Division Tank
  - ii. Sub Divisional Officer Rod Kohi Irrigation Sub Division Tank  
He shall be responsible for execution of Rod Kohi Flood Protection and Irrigation works in Rod Kohi areas of District Tank and D.I.Khan.
  - iii. Deputy Collector
- d. Executive Engineer, Flood Division D.I.Khan (With 03 Sub Divisions)
  - i. Sub Divisional Officer, Flood Sub Division No. I D.I.Khan
  - ii. Sub Divisional Officer, Flood Sub Division No. II D.I.Khan
  - iii. Sub Divisional Officer, Flood Sub Division No. III D.I.Khan  
Flood Division D.I.Khan will be responsible for execution & maintenance of all flood protection works in the District D.I.Khan.

**B. CHIEF ENGINEER (NORTH) IRRIGATION DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR**

- i. Superintending Engineer Headquarter (North) Irrigation Department Khyber Pakhtunkhwa Peshawar.
  - a. Executive Engineer Mechanical Irrigation Division, Peshawar (With 03 Sub Divisions)
    - i. Sub Divisional Officer, Mechanical Irrigation Sub Division Peshawar.
    - ii. Sub Divisional Officer, Mechanical Irrigation Sub Division Mardan
    - iii. Sub Divisional Officer, Mechanical Irrigation Sub Division D.I.Khan.
  - b. Deputy Director Planning
    - i. Assistant Director Planning (02 No)
    - ii. Assistant Engineer (02 Nos Leave Reserve)
  - c. Deputy Director Design
    - i. Assistant Director Design (01 Nos)
    - ii. Assistant Engineer (02 Nos Leave Reserve)
  - d. Technical Officer
    - i. Assistant Engineer (01 No Leave Reserve).
  - e. Canal Collector.
  - f. Accounts Officer.
  - g. Administrative Officer.
- ii. Superintending Engineer Mardan Irrigation Circle, Mardan (With 02 Divisions and one Deputy Collector).
  - a. Executive Engineer Mardan irrigation Division Mardan (With 03 Sub Divisions and one Deputy Collector)
    - i. Sub Divisional Officer Charsadda Sub Division Charsadda
    - ii. Sub Divisional Officer, Mardan Irrigation Sub Division Mardan
    - iii. Sub Divisional Officer, Drainage Sub Division Mardan  
He shall be responsible for the operation and maintenance of surface and sub surface drainage system and flood protection



GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT

Dated Peshawar, the 14<sup>th</sup> April, 2014

1/10  
111  
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**NOTIFICATION**

**No.SOE/IRR/9-3/12/Restructuring/Vol-III:** The competent authority is pleased to order re-shifting and renaming of "Battagram Irrigation Division" as "Swabi Irrigation Division-II, Swabi" while Irrigation Sub Division Battagram will remain functionary under the administrative control of Hazara Irrigation Division in the Irrigation Department in the public interest with immediate effect.

Consequent upon re-location/renaming, the competent authority is further pleased to order detachment of Shahbaz Garhi Irrigation Sub Division from Mardan Irrigation Division and attach with Swabi Irrigation Division-I.

Note: The strength of Division involved would comprise as follows:-

- a. **Swabi Irrigation Division-I, Swabi.**  
(With 02 Sub Divisions):-
- ❖ Shahbaz Garhi Irrigation Sub Division.
  - ❖ Gohafi Irrigation Sub Division.
- Swabi Irrigation Division-II, Swabi.**  
(With 02 Sub Divisions):-
- ❖ Pehur Irrigation Sub Division.
  - ❖ Maira Irrigation Sub Division.
- Abbotabad Irrigation Division, Abbotabad.**  
(With 03 Sub Divisions):-
- ❖ Haripur Irrigation Sub Division.
  - ❖ Abbotabad Irrigation Sub Division.
  - ❖ Battagram Irrigation Sub Division.
- b. **Mardan Irrigation Division, Mardan.**  
(With 02 Sub Divisions):-
- ❖ Mardan Irrigation Sub Division.
  - ❖ Drainage Irrigation Sub Division, Mardan.

The subsequent internal adjustment of assets, inventories etc and field/ministerial staff shall be finalized by the Chief Engineer (South) in consultation with the Chief Engineer (North) and Superintending Engineers of the respective circles.

Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department

Ends

Copy sent to the:-

1. Additional Chief Secretary, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA, FATA Secretariat.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Additional Accountant General, PR. (Sub-office) Peshawar.
10. All Commissioners in Khyber Pakhtunkhwa.
11. Chief Engineer (South), Irrigation Department.
12. Chief Engineer (North), Irrigation Department.
13. Director General, Small Dams, Peshawar.
14. Director General, FDRD/Project Director Remodeling of Warsak Canal System, Peshawar.
15. Director (PMC) Irrigation Department.
16. Deputy Secretary (Tech:) Irrigation Department.
17. Project Director, Bazai Irrigation Project Mardan.
18. Superintending Engineers Irrigation Circles, Mardan & Swabi.
19. Project Director, Rehabilitation Project, Peshawar.
20. All Deputy Commissioners in Khyber Pakhtunkhwa.
21. All Executive Engineers in Irrigation Department.
22. District Accounts Officers, Abbotabad, Battagram, Mardan & Swabi.
23. Director, Information, Khyber Pakhtunkhwa Peshawar.
24. PSO to Chief Minister, Khyber Pakhtunkhwa.
25. PSO to Chief Secretary, Khyber Pakhtunkhwa.
26. P.S to Secretary Irrigation Department.
27. P.A to Additional Secretary, Irrigation Department.
28. All Section Officers, Irrigation Department.
29. Accounts Officer (Local) Irrigation Department.
30. Manager, Govt. Printing Press, Khyber Pakhtunkhwa.
31. Master File.

*(Signature)*  
 (Misal Khan)

Section Officer (Establishment)

OFFICE OF C.E (SOUTH) IRR. DEPT.

Main Diary No. 5067 Date 15/9/20

Section	Signature
C.E.	(Signature)
S.E(H.O)	(Signature)
A.O ✓	(Signature)

1375  
 1375

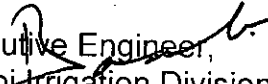



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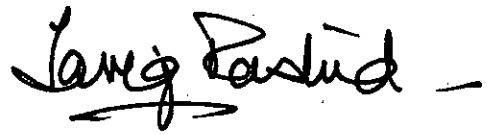
GUL MUHAMMAD V/S IRRIGATION DEPARTMENT

POWER OF ATTORNEY

I do hereby authorize Mr. Sherin Khan Sub Divisional Officer, Gohati Irrigation Sub Division Gohati, to attend the proceedings in the Service Tribunal Peshawar in the case Gul Muhammad Mate V/S Irrigation Department for recording evidence, filing and obtaining any documents from the August Tribunal and other necessary needful on behalf of the undersigned.

1)   
Executive Engineer,  
Swabi Irrigation Division-I Swabi  
(Respondent No.1)

2)   
Superintending Engineer,  
Swabi Irrigation Circle Swabi  
(Respondent No.2)

  
3) Secretary to Govt: Irrigation of  
Khyber Pakhtunkhwa Irrigation  
Department Peshawar.  
(Respondent No.3)

BEFORE THE SERVICE TRIBUNAL PESHAWAR

---

Appeal No. 139/2014.

Mr. Gul Mohammad Mate

(Appellant)

**VERSUS**

- 1) Executive Engineer,  
Swabi Irrigation Division-I Swabi.
  - 2) Superintending Engineer  
Swabi Irrigation circle Swab.
  - 3) Secretary Irrigation Department  
Khyber Pukhtunkhwa Peshawar.
- (Respondents).

Subject: **JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS  
NO. 1 & 3**

Respectfully shewith

**Preliminary objection**

- 1) That the appellant has no cause of action and locus standi to file the appeal
- 2) That the appellant has not come to the Service Tribunal with clean hands.
- 3) That the appellant has been estopped by his own conduct to file the appeal.
- 4) That this appeal is not maintainable in its present form.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That this Honourable Tribunal has no jurisdiction to entertain the appeal.

**FACTS**

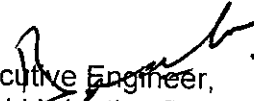
- 1) Correct
- 2) Correct
- 3) Incorrect: during the promotion of respondent No.4 on 13.11.2013 the applicant Mr.Gul Muhammad was on the strength of Division-II Jagannath Sub Division due to bifurcation vide notification No.SO(E)/Irr/9-3/97/Re-structuring dated 2-5.2011 (Ann-A)
- 4) No comments.
- 5) On return from re-structuring on 04-10-2013, the appellant was asked to wait for the post of Canal Inspector as the vacant 02 posts of Irrigation Division-II Swabi, will be returned to Swabi Division-I. in the meanwhile another re-structuring was ordered on 14-04-2014 rendering the appellant again on the strength of Division-II Swabi (Ann-B)
- 6) Incorrect. Reply on the grounds are as under:-


**GROUND**

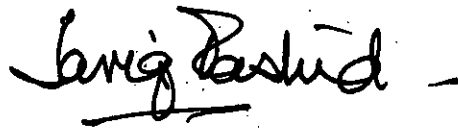
- I) Detaild reply has been given in the para above. However, seniority is not the sole ground for promotion.
- II) Incorrect the appellant is on the charge of Jagannath Sub Division attached to Irrigation Division-II vide Notification No. SOE/Irr/9-3/97/Re-structuring, dated: 02-05-2011 w.e.f 01-07-2011.
  - a) As per para above.
  - b) As mentioned in Para above.
  - c) In-correct
  - d) Due to non-issuance of DDO code in time, the salaries for the staff of Division-II were drawn through the signature of Executive Engineer, Swabi Irrigation Division-I to avoid suffering of the officials.
  - e) By new creation of Swabi Irrigation Division-II there was a shortage of staff over there as well as having no DDO code of that division, the Service Books were urgently required by the District Accounts Officer Swabi in case of GPF & pension cases of the official and on these grounds the Service books were kept in Division-I Swabi, run such like affairs in the best interest of public as well as ensuring safety of the Service Books. Besides, this Swabi Irrigation Division-II was responsible to run the task of the paper works associated with pension and GPF etc. of the official.

- f) Incorrect. Promotion is not a vested right and the applicant is not entitled for the relief ~~claimed~~ for.

It is, therefore, requested that the appeal may kindly be dismissed with cost.

  
1) Executive Engineer,  
Swabi Irrigation Division-I Swabi  
(Respondent No.1)

  
2) Superintending Engineer,  
Swabi Irrigation Circle Swabi  
(Respondent No.2)

  
3) Secretary to Govt: Irrigation of Khyber  
Pakhtunkhwa Irrigation Department  
Peshawar.  
(Respondent No.3)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
IRRIGATION DEPARTMENT

Date Peshawar the 2<sup>nd</sup> May 2011

**NOTIFICATION**

No. SOE/IRR/9-3/97/Restructuring. Upon approval by the competent authority and subsequent Re-structuring of Irrigation Department vide Establishment & Administration Department Notification No. SO(O&M)/E&AD/2-14/2002 dated 17<sup>th</sup> March, 2011, the administrative jurisdiction and set up of the Chief Engineer (South), Chief Engineer (North) and Director General Small Dams shall be as under with effect from 1<sup>st</sup> July, 2011.

**A- CHIEF ENGINEER (SOUTH) IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

**I. Superintending Engineer Headquarter (South) Irrigation Department Khyber Pakhtunkhwa Peshawar.**

- a. Executive Engineer Hydrology Irrigation Division Peshawar (with 03 Sub Divisions)
  - i. Sub Divisional Officer Hydrology Irrigation Sub Division Peshawar
  - ii. Sub Divisional Officer Hydrology Irrigation Sub Division Bannu
  - iii. Sub Divisional Officer Hydrology Irrigation Sub Division Abbottabad
- b. Deputy Director Planning
  - i. Assistant Director Planning (02 Nos)
  - ii. Assistant Engineer (02 Nos Leave Reserve)
- c. Deputy Director Design
  - i. Assistant Director Design (01 No)
  - ii. Assistant Engineer (02 Nos Leave Reserve)
- d. Technical Officer
  - i. Assistant Engineer (01 No Leave Reserve)
- e. Canal Collector
- f. Accounts Officer
- g. Administrative Officer

**II. Superintending Engineer, Peshawar Irrigation Circle Peshawar (With 04 Divisions and one Deputy Collector).**

- a. Executive Engineer, Peshawar Canal Division Peshawar (With 03 Sub Divisions and one Deputy Collector)
  - i. Sub Divisional Officer, Kabul River Canal Sub Division Peshawar
  - ii. Sub Divisional Officer, Drainage Sub Division Peshawar
  - iii. Sub Divisional Officer, Civil Canal Sub Division Peshawar
  - iv. Deputy Collector
- b. Executive Engineer, Warsak Canal Division Peshawar (With 03 Sub Divisions)
  - i. Sub Divisional Officer Gravity Canal Sub Division Peshawar
  - ii. Sub Divisional Officer Warsak Lift Canal Sub Division Peshawar
  - iii. Sub Divisional Officer Pump House Sub Division at Jamail

- c. Executive Engineer, Gomal Zam Irrigation Division at Tank (With 02 Sub Divisions and one Deputy Collector)
  - i. Sub Divisional Officer, Gomal Zam Irrigation Sub Division Tank
  - ii. Sub Divisional Officer Rod Kohi Irrigation Sub Division Tank  
He shall be responsible for execution of Rod Kohi Flood Protection and Irrigation works in Rod Kohi areas of District Tank and D.I.Khan.
  - iii. Deputy Collector
- d. Executive Engineer, Flood Division D.I.Khan (With 03 Sub Divisions)
  - i. Sub Divisional Officer, Flood Sub Division No. I D.I.Khan
  - ii. Sub Divisional Officer, Flood Sub Division No. II D.I.Khan
  - iii. Sub Divisional Officer, Flood Sub Division No. III D.I.Khan  
Flood Division D.I.Khan will be responsible for execution & maintenance of all flood protection works in the District D.I.Khan.

**B. CHIEF ENGINEER (NORTH) IRRIGATION DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR**

- i. **Superintending Engineer Headquarter (North) Irrigation Department Khyber Pakhtunkhwa Peshawar.**
  - a. Executive Engineer Mechanical Irrigation Division, Peshawar (With 03 Sub Divisions)
    - i. Sub Divisional Officer, Mechanical Irrigation Sub Division Peshawar
    - ii. Sub Divisional Officer, Mechanical Irrigation Sub Division Mardan
    - iii. Sub Divisional Officer, Mechanical Irrigation Sub Division D.I.Khan
  - b. Deputy Director Planning
    - i. Assistant Director Planning (02 Nos)
    - ii. Assistant Engineer (02 Nos Leave Reserve)
  - c. Deputy Director Design
    - i. Assistant Director Design (01 Nos)
    - ii. Assistant Engineer (02 Nos Leave Reserve)
  - d. Technical Officer
    - i. Assistant Engineer (01 No Leave-Reserve)
  - e. Canal Collector.
  - f. Accounts Officer.
  - g. Administrative Officer.
- ii. **Superintending Engineer Mardan Irrigation Circle, Mardan (With 02 Divisions and one Deputy Collector).**
  - a. Executive Engineer Mardan Irrigation Division Mardan (With 03 Sub Divisions and one Deputy Collector)
    - i. Sub Divisional Officer Charsadda Sub Division Charsadda
    - ii. Sub Divisional Officer, Mardan Irrigation Sub Division Mardan
    - iii. Sub Divisional Officer, Drainage Sub Division Mardan  
He shall be responsible for the operation and maintenance of



- b. Executive Engineer Malakand Irrigation Division, Malakand. (With 02 Sub Divisions and one Deputy Collector)
- i. Sub Divisional Officer, Headworks Sub Division Malakand
  - ii. Sub Divisional Officer, Dargai Irrigation Sub Division Dargai
  - iii. Deputy Collector.

- iii. Superintending Engineer, Swabi Irrigation Circle Swabi (with 03 Divisions).

- a. Executive Engineer Swabi Irrigation Division No. 1 Swabi (With 02 Sub Divisions)

- i. Sub Divisional Officer, Shahbazghar Irrigation Sub Division Shahbazghar
- ii. Sub Divisional Officer, Gohati Irrigation Sub Division Gohati

- b. Executive Engineer Swabi Irrigation Division No. 2 Swabi. (With 02 Sub divisions and one Deputy Collector)

- i. Sub Divisional Officer, Jagganath Irrigation Sub Division Jagganath
- ii. Sub Divisional Officer, Pehur Irrigation Sub Division Swabi
- iii. Deputy Collector

- c. Executive Engineer Hazara Irrigation Division Abbottabad. (With 03 Sub Divisions and one Deputy Collector).

- i. Sub Divisional Officer, Haripur Irrigation Sub Division Haripur
- ii. Sub Divisional Officer, Abbottabad Irrigation Sub Division Abbottabad.
- iii. Sub Divisional Officer, Kohistan Irrigation Sub Division a. Dassu
- iv. Deputy Collector

- V. Superintending Engineer, Swat Irrigation Circle Swat (With 03 divisions and one Deputy Collector).

- a. Executive Engineer Swat Irrigation Division Swat. (With 03 Sub Divisions)

- i. Sub Divisional Officer Swat Irrigation sub Division Swat
- ii. Sub Divisional Officer, Buner Irrigation Sub Division Buner
- iii. Sub Divisional Officer, Shangla Irrigation Sub Division Shangla

- b. Executive Engineer Dir Irrigation Division Dir (With 03 Sub Divisions)

- i. Sub Divisional Officer, Dir Irrigation Sub Division Dir (Upper)
- ii. Sub Divisional Officer Dir Irrigation Sub Division Dir (Lower)
- iii. Sub Divisional Officer, Balamabat Irrigation Sub Division Dir

- c. Executive Engineer Chitral Irrigation Division Chitral (With 02 Sub Divisions)

- i. Sub Divisional Officer, Chitral Irrigation Sub Division Chitral (Upper)
- ii. Sub Divisional Officer Chitral Irrigation Sub Division Chitral (Lower)

**C. DIRECTOR GENERAL SMALL DAMS KHYBER PAKHTUN KAWA PESHAWAR**

Director Small Dams Khyber Pakhtunkhwa, (With 02 Divisions and one Geologist)

- i. Deputy Director Planning and Construction Division Peshawar (With 03 Assistant Directors)
- ii. Deputy Director Planning and Construction Division Kohat (With 03 Assistant Directors)

iv Accounts Officer  
Geologist

Now therefore:

- i The Superintending Engineers, Executive Engineers in Divisional Offices, and Deputy Directors in (Small Dams Directorate Khyber Pakhtunkhwa), are also declared as Drawing and Disbursing Officers for their respective offices.
- ii All Administrative powers pertaining to the Establishment of Regional Officer Cadre shall rest with Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar.
- iii All Superintending Engineers, of the Circles and Executive Engineers of the Divisions shall exercise Administrative power pertaining to Establishment of their respective Circles cadres and Divisional offices.

Secretary Irrigation

Endst. Of even No & Date

Copy forwarded to the:-

- 1. Additional Chief Secretary, Khyber Pakhtunkhwa
- 2. Additional Chief Secretary, FATA, Peshawar
- 3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa
- 4. The Secretary to Governor, Khyber Pakhtunkhwa
- 5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- 6. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department with ref. to Estt. Deptt. Notification dated 17<sup>th</sup> March 2011
- 7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
- 8. Accountant General, Khyber Pakhtunkhwa
- 9. Additional Accountant General, PR. (Sub-office) Peshawar
- 10. All Commissioners in Khyber Pakhtunkhwa
- 11. The Chief Engineer (South) Irrigation Department
- 12. The Chief Engineer (North), Irrigation Department
- 13. The Director General, Small Dams, Peshawar
- 14. All Distt. Coordination Officer, Khyber Pakhtunkhwa
- 15. All Superintending Engineers in Irrigation Department
- 16. All Executive Engineers in Irrigation Department
- 17. All Distt. Accounts Officers/ Agency Accounts Officers
- 18. The Director, Information, Khyber Pakhtunkhwa Peshawar
- 19. P.S to Minister for Irrigation, Khyber Pakhtunkhwa
- 20. P.S to Chief Secretary, Khyber Pakhtunkhwa
- 21. P.S to Inspector General of Police, Khyber Pakhtunkhwa
- 22. P.S to Secretary Irrigation Department
- 23. P.A to Additional Secretary, Irrigation Department
- 24. All Section Officers, Irrigation Department
- 25. Accounts Officer (Local) Irrigation Department
- 26. The Manager, Govt. Printing Press, Khyber Pakhtunkhwa
- 27. Master File

*MJC*  
*addan*

*Misal Khan*  
(Misal Khan)

Section Officer (Establishment)

11  
11-01-11  
11-01-11



GOVERNMENT OF KHYBER AKAHTUNKHWA  
IRRIGATION DEPARTMENT



Dated Peshawar, the 14<sup>th</sup> April, 2014

NOTIFICATION

No. SOE/IRR/9-3/12/Restructuring/Vol-III: The competent authority is

pleased to order re-shifting and renaming of "Battagram Irrigation Division" as "Swabi Irrigation Division-II, Swabi" while Irrigation Sub Division Battagram will remain functional under the administrative control of Hazara Irrigation Division in the Irrigation Department in the public interest with immediate effect.

Consequent upon re-location/renaming, the competent authority is further pleased to order detachment of Shahbaz Garhi Irrigation Sub Division from Mardan Irrigation Division and attach with Swabi Irrigation Division-I.

Note: The strength of Division involved would comprise as follows:-

- a. Swabi Irrigation Division-I, Swabi.  
(With 02 Sub Divisions):-  
❖ Shahbaz Garhi Irrigation Sub Division.  
❖ Gohati Irrigation Sub Division.

- Swabi Irrigation Division-II, Swabi.  
(With 02 Sub Divisions):-  
❖ Pehur Irrigation Sub Division.  
❖ Maira Irrigation Sub Division.

- Abbottabad Irrigation Division, Abbottabad.  
(With 03 Sub Divisions):-  
❖ Haripur Irrigation Sub Division.  
❖ Abbottabad Irrigation Sub Division.  
❖ Battagram Irrigation Sub Division.

- b. Mardan Irrigation Division, Mardan.  
(With 02 Sub Divisions):-  
❖ Mardan Irrigation Sub Division.  
❖ Drainage Irrigation Sub Division, Mardan.

The subsequent internal adjustment of assets, inventories etc and field/ministerial staff shall be finalized by the Chief Engineer (South) in consultation with the Chief Engineer (North) and Superintending Engineers of the respective circles.

Secretary to Govt. of Khyber Pakhtunkhwa  
Irrigation Department

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Ends

Copy  led to the:-

1. Additional Chief Secretary, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA, FATA Secretariat.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department.
7. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Additional Accountant General, PR, (Sub-office) Peshawar.
10. All Commissioners in Khyber Pakhtunkhwa.
11. Chief Engineer (South), Irrigation Department.
12. Chief Engineer (North), Irrigation Department.
13. Director General, Small Dams, Peshawar.
14. Director General, FDRD/Project Director Remodeling of Warsak Canal System, Peshawar.
15. Director (PMC) Irrigation Department.
16. Deputy Secretary (Tech:) Irrigation Department.
17. Project Director, Bazai Irrigation Project Mardan.
18. Superintending Engineers Irrigation Circles, Mardan & Swabi.
19. Project Director, Rehabilitation Project, Peshawar.
20. All Deputy Commissioners in Khyber Pakhtunkhwa.
21. All Executive Engineers in Irrigation Department.
22. District Accounts Officers, Abbotabad, Battagram, Mardan & Swabi.
23. Director, Information, Khyber Pakhtunkhwa Peshawar.
24. PSO to Chief Minister, Khyber Pakhtunkhwa.
25. PSO to Chief Secretary, Khyber Pakhtunkhwa.
26. P.S to Secretary Irrigation Department.
27. P.A to Additional Secretary, Irrigation Department.
28. All Section Officers, Irrigation Department.
29. Accounts Officer (Local) Irrigation Department.
30. Manager, Govt. Printing Press, Khyber Pakhtunkhwa.
31. Master File.

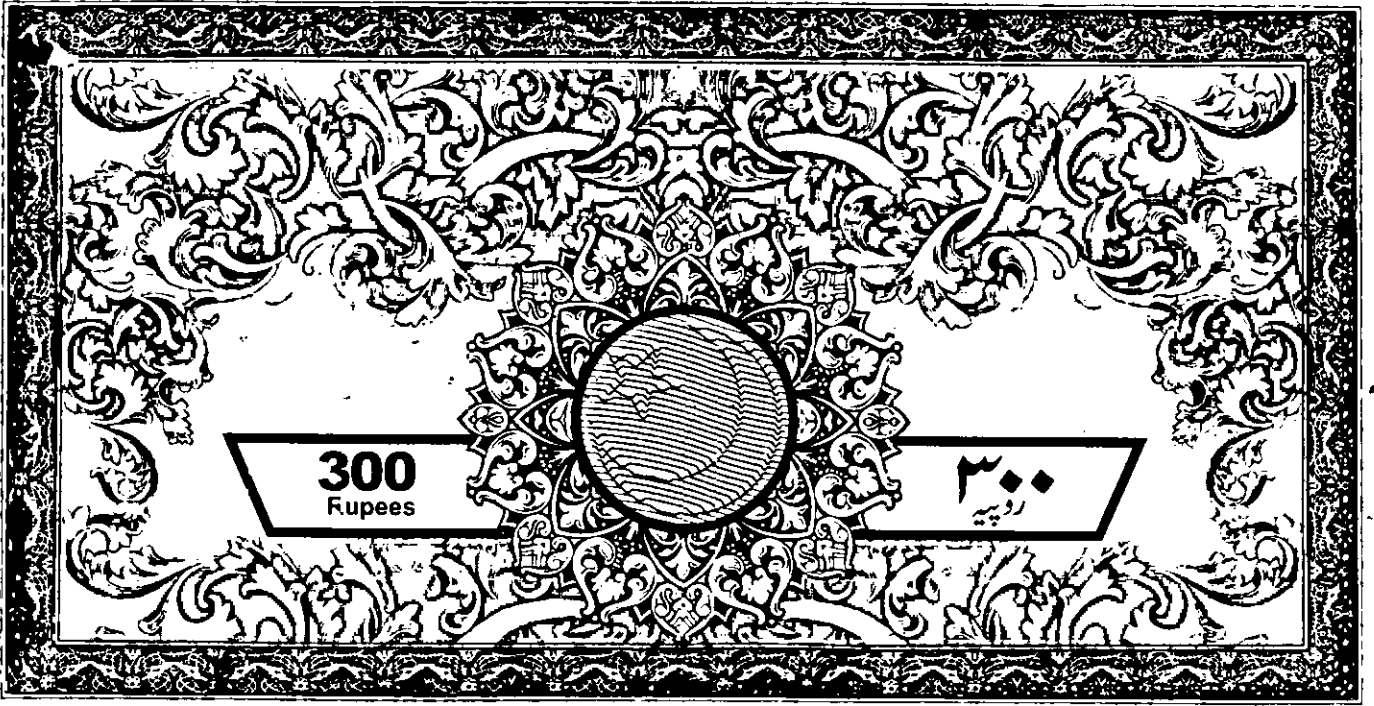
(Misal/Khan)

Section Officer (Establishment)

OFFICE OF C.E (SOUTH) IRR. DEPTT:

Mian Dary No. - 5067	Date 15/05/2011
Section	Serial
C.E.	00(2)
S.E.(H.O)	00(1)
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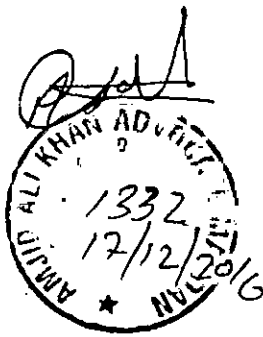


بعد االت سروس ٹریبونل پشاور

نامل محمد بنام محکمہ انصار

مختیار نامہ خاص دعویٰ اپیل نمبر 139/14

اقرار کر کے لکھ دینے / دیتا ہوں۔ کہ مقدمہ بالا کی پیردی سے ایسے کاروبار دیگر مصروفیات سے بذات خود معذور ہوں۔ لہذا اپنی جگہ سے کسی کامصران خان ولد عبدالرحمان خان کو مختیار خاص مقرر کر کے اختیار دیتا ہوں۔ کہ مختیار خاص دعویٰ مذکورہ کی پیردی میری جانب سے کریں۔ وکیل مقرر کریں۔ بیان تحریر پر تصدیق میری جانب سے کریں۔ اور اس کو داخل کریں۔ کاغذات یادگیر شہوت تحریری طلب کرائیں یا پیش کریں واپس کریں باسوال و جواب کرے۔ صلح نامہ، راضی نامہ، است برادری یا اقبال دعویٰ دیں۔ یا اقرار نامہ ثالثی داخل یا قبول کرے۔ دعویٰ، جواب دعویٰ، جواب، بیان دیوے، درخواست CPC 12(2) داخل کرے۔ درخواست منسوخی ڈگری، کارروائی یکطرفہ داخل کریں۔ اور اس پر دستخط کریں۔ بیان ظنی داخل کرے۔ یادگیر درخواست کسی مضمون کی پیش کرے۔ یا کوئی مطالبہ متعلقہ مقدمہ داخل کرے۔ یا ایس لے۔ مقدمہ میں اپیل نگرانی، نظر ثانی، اپیل دراپیل، اس عدالت ماتحت تا عدالت عالیہ دغظلی آف پاکستان دائر پیش کریں۔ اجراء داخل کرے۔ رقم وصول و داخل کرے۔ اور مقدمے کے سلسلے میں جو کچھ کارروائی ہوگی اس میں لائیں۔ جملہ ساختہ و پراداختہ مختیار موصوف کاشل کردہ ذات خاص اپنے کے قبول و منظور ہیں۔ لہذا مختیار نامہ ہذا سند تحریر ہے۔



18101-90299957

کامصران خان (مختیار خاص)

لوہے

18101-1189443-3

نامل محمد

18101-4145976-9  
درستان خان  
28/12

گواکھا  
18101-2771061-9  
شاہ زیب خان  
28/12

**Before The Service Tribunal Peshawar**

Appeal No: 139/2014

Hearing Date:14.2.2017

**Gul Muhammad V/S THE XEN and Others**

**Rejoinder on Behalf of Appellant.**

**Pry ; Objection:-**

1 to 9 :- All the preliminary objections are incorrect and based on malice on the part of Respondents.

**On Facts:-**

- 1 and 2:- Para No 1 and 2 of Comments needs no reply.
3. Para- 3 of Comments is False and misleading. Denied.
4. Para-4 of comments is also incorrect, false and misleading Denied.
5. Para -5 of Comments is Incorrect and misleading .Denied.
6. Para- 6 of Comments is also incorrect. Denied.

**Grounds:-**

- i. Para-1 of appeal is correct. The denial on the part of Respondents is incorrect, false and based malice on their part.
- ii. All the objections raised by Respondent are incorrect, false and misleading.Denied.

It is prayed that on acceptance of this Appeal, setting-aside the impugned order, the Respondent NO.1 may be directed to consider the Appellant for promotion to the post of work-munshi with back service benefits from the date, when relevant vacancy fell vacant and also with costs.

Dated.13.2.2017

Appellant

  
(Gul Muhammad)

Through Special Attorney

  
Kamran Khan

Through:-   
MUHAMMAD ADAM KHAN  
LLB Advocate  
IN COURT MUMBAI

**Before The Service Tribunal Peshawar**

Appeal No: 139/2014

Hearing Date:14.2.2017

**Gul Muhammad V/S THE XEN and Others**

**Affidavate.**

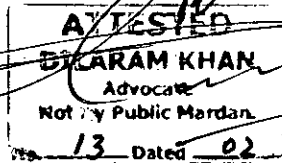
I, kamran Khan the Special Attorney of Appellant do hereby state on solemn affirmation that the contents of the Appeal and this rejoinder are true and correct to the best of my knowledge and belief, while the objections raised in written statement are incorrect and false.

Deponent

Through

Special Attorney

  
Kamran Khan



2017



Government of Pakistan

National Identity Card  
Overseas Pakistanis

161011-189443-3

Name: Gul Muhammad

Father's Name: Taj Ul Malook

Gender: Male

Date of Birth: 02/09/1960

Country of Stay: Saudi Arabia



Signature of Card Holder

Registrar General of Pakistan

بعد ازاں سر میں ترمیم کی اور

گول محمد بنام حکومت وینہ

سر میں ایڈوانس / 139 / 2013

دعوئی

مختیار نامہ خاص

میں سہمی گل محمد ولد تاج ملک سالن گھبٹ تحصیل و ضلع وردان کراچی۔ مہاجرین

ہذا - اقرار کر کے لکھ دیتے اور بتا ہوں کہ مقدمہ بالا کی پیروی سے بوجہ کاروبار دیگر مصروفیات سے بذات خود معذور ہوں۔ لہذا اپنی جناب سے کسی حق نسیم بیگم زوجہ گل محمد / امیر حفیزہ ولد گل محمد سالن گھبٹ وردان کو اختیار خاص مقرر کر کے اختیار دیتا ہوں۔ کہ اختیار خاص دعویٰ مذکورہ کی پیروی میری جانب سے کریں۔ وکیل مقرر کریں۔ بیان تحریر پر تصدیق میری جانب سے کریں۔ اور اس کو داخل کریں۔ کاغذات یا تحریرات تحریری طلب کرائیں یا پیش کریں واپس کریں یا سوال و جواب کرے۔ صلح نامہ واضح نامہ دست برداری یا اقبال دعویٰ دیں۔ یا اقرار نامہ ثالثی داخل یا قبول کرے۔ دعویٰ، جواب، دعویٰ، جواب اجواب، بیان دیوے، درخواست CPC (2) 12 داخل کرے۔ درخواست سنوٹی ڈگری / کاروائی یکطرفہ داخل کریں۔ اور اس پر تصدیق کریں۔ بیان نقلی داخل کرے۔ یا دیگر درخواست کسی مضمون کی پیش کرتے یا کوئی مطالبہ مخالف مقدمہ داخل کرے۔ یا دائیں لے۔ مقدمہ میں اپیل گرائی، نظر ثانی، اپیل درجیل، اس عدالت ماتحت یا عدالت عالیہ عظمیٰ آف پاکستان دائر پیش کریں۔ اجراء داخل کرے۔ رقم وصول و داخل کرے۔ اور مقدمے کے سلسلے میں جو کچھ کاروائی ہوگی میں لائیں۔ جملہ ساختہ دپورا ذیادہ و صوف کاشتل کردہ ذات خاص اپنے کے قبول و منظور ہیں۔ لہذا اختیار نامہ ہذا مستحضر ہے۔

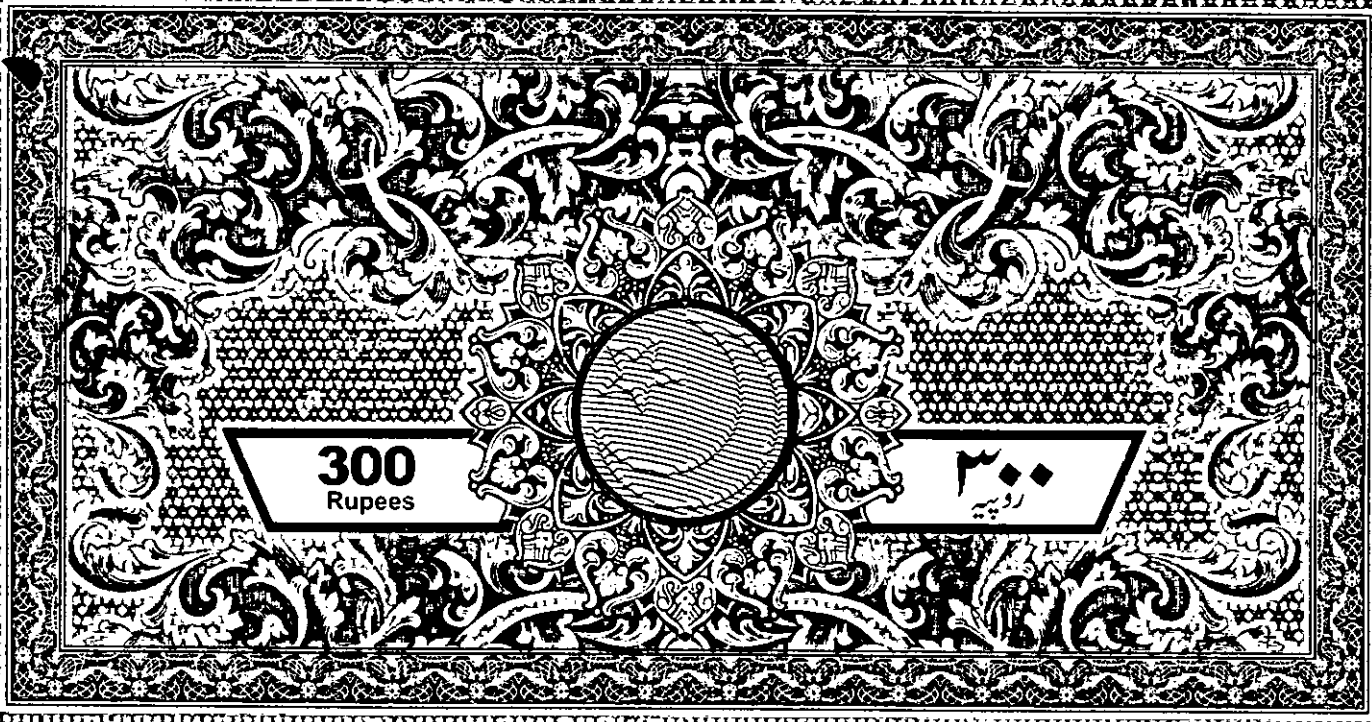
نوٹہ رقم  
19 صرف کلی

گول محمد ولد تاج ملک سالن  
گھبٹ تحصیل و ضلع وردان

فقیر الیم ولد کمانزے  
سالن کمرش کٹر تحصیل  
ضلع وردان

12/03  
Wazir Khan  
Wazir Khan  
Wazir Khan

ایڈوانس



بعد ازاں سرور میں ترمیم کی ورد

گمل محمد بنام حکومت ویریا

مختیار نامہ خاص ڈیوٹی سرور میں اصلاحی 139 / 2013

میں سہمی گمل محمد ولد تاج ملک مسالین گھبٹ تحصیل و ضلع وردان - مملکت پٹیوٹ

لہذا - اگر بارگاہ کے لکھے جاتے اور بتائوں کہ مقدمہ بالا کی پیروی سے بوجہ کاردار دیگر مصروفیات سے بذات خود معذور ہوں۔ لہذا اپنی جانب سے کسی حق نسیم بیلیم زوبہ گمل محمد / امیر حفیزہ ولد گمل محمد مسالین گھبٹ وردان کو اختیار کر کے اختیار خاص دعویٰ مذکورہ کی پیروی میری جانب سے کریں۔ وکیل مقرر کریں۔ بیان تحریر پر تصدیق میری جانب سے کریں۔ اور اس کو دائر کر لیں۔ کاغذات یا تحریرات تحریری طلب کر لیں یا پیش کریں یا سول و جواب کرے۔ صلح عامہ اور اخصی نامہ دست برداری یا اپنا دل دعوئی دیں۔ یا اقرار نامہ ثالثی داخل یا قبول کرے۔ دعوئی، جواب و دعویٰ، جواب اجواب، بیان دیوے، درخواست CPC (2) داخل کرے۔ درخواست منسوخی ڈگری / کاروائی یکطرفہ داخل کر لیں۔ اور اس پر تصدیق کریں۔ بیان منطقی داخل کرے۔ یا دیگر درخواست کسی مضمون کی پیش کرے۔ یا کوئی مطالبہ مختلف مقدمہ داخل کرے۔ یا اپنا لے۔ مقدمہ میں اپیل گمانی، نظر ثانی، اپیل و اپیل اس عدالت ماتحت عدالت عالیہ دہلی پاکستان دائر یا پیش کریں۔ اجراء داخل کرے۔ رقم وصول دواصل کرے۔ اور مقدمے کے سلسلے میں جو کچھ کاروائی ہو جس میں تاخیر۔ جملہ ساختہ دہرادا خیر ہاؤسوں کا پیش کردہ ذات خاص اپنے کے فیوض و منظور ہیں۔ لہذا اختیار نامہ بذات تحریر ہے۔

گورہ شہر  
واحد علی

گمل محمد ولد تاج ملک مسالین  
گھبٹ تحصیل و ضلع وردان

فقیر الہم ولد کمال نے  
مسالین گھبٹ کی طرف تحصیل  
و ضلع وردان -

واحد علی ولد محمد اصغر  
مسالین گھبٹ تحصیل  
و ضلع وردان

Handwritten signature and stamp area with a date stamp: 12/03/2019

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1530-32/ST

Dated 30 / 8 / 2019


To

1. The District Accounts Officer,  
Government of Khyber Pakhtunkhwa,  
Swabi.
2. Executive Engineer, Swabi Irrigation Division-1,  
Government of Khyber Pakhtunkhwa,  
Swabi.
3. Superintendent Engineer, Irrigation Circle, Gohati,  
Government of Khyber Pakhtunkhwa,  
Swabi.

SUBJECT: - **ORDER OF ATTACHMENT OF SALARY IN APPEAL NO. 139/2014, MR. GUL MUHAMMAD.**

I am directed to forward herewith a certified copy of order dated 27.08.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1943-44 VST

Dated 6 / 11 / 2019


To

1. Executive Engineer, Swabi Irrigation Division-1,  
Government of Khyber Pakhtunkhwa,  
Swabi.
2. Superintendent Engineer, Irrigation Circle, Gohati,  
Government of Khyber Pakhtunkhwa,  
Swabi.

SUBJECT: - ORDER IN APPEAL NO. 139/2014, MR. GUL MUHAMMAD.

I am directed to forward herewith a certified copy of order dated 30.10.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING  
HELD ON 04-02-2013**

A Departmental Promotion Committee meeting was held under the Chairmanship of Engr: Qabil Shah Safi, Executive Engineer, Swabi Irrigation Division, Swabi on 04.02.2013 for consideration of various promotion cases in different categories to the higher ranks in this Division.

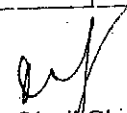
The committee comprising the following members:-

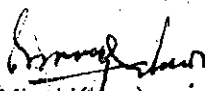
1. Engr: Qabil Shah Safi,  
Executive Engineer, In chair.
2. Misal Khan  
Section Officer, O/O the Secy: to Govt:  
of K.P.K Irri & Power Department Peshawar. Member.
3. Engr: Jawad Khan,  
Sub Divisional Officer, Gohai Member.
4. Muhammad Younas,  
Head Clerk. Secretary

The rest of the officials being eligible for promotion were recommended by the committee for promotion to higher rank as per their seniority.

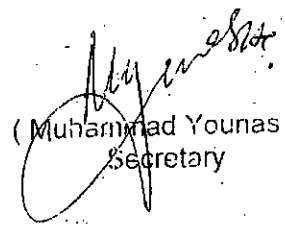
**DETAIL OF OFFICIALS WHO HAVE BEEN RECOMMENDED BY THE  
COMMITTEE FOR PROMOTION.**

S.No.	Name of official with present designation.	Recommendation of the Departmental Promotion Committee.
1.	Gharib Muhammd, Mate (BS-03)	Recommended to be promoted as Work Munshi (BS-05) against the existing vacancy with immediate effect.
2.	Sher Rehman, Beldar (BS-02)	Recommended to be promoted as Mate (BS-02 Original Scale) against the vacancy due to promotion of official at S.No.1 with immediate effect.

  
Engr: Qabil Shah Safi  
Chairman

  
(Misal Khan)  
Member

  
(Engr: Jawad Khan)  
Member

  
(Muhammad Younas)  
Secretary



# EXECUTIVE ENGINEER SWABI IRRIGATION DIVISION-1 SWABI

Seniority List of Mates in light of Govt. Khyber Pukhtunkhwa Peshawar Notification No. SOE/Irr/9-3/97Restructuring/ 1251m dated: 02-05-2011 for DPC in respect of Work Munshies.


S.No.	Name of Official	Date of Birth	Date of Appointment	Date of Promotion	Qualification
1	Malang Gul	01-07-1955	1905-1976	10-05-2003	Nil
2	✓ Gharib Mohammad	07-04-1971	29-08-2005	29-08-2005 Directly Mate	Matric
3	Darwesh Ali	20-10-1959	10-10-1978	26-03-2008	Nil
4	Fazli Subhan	05-03-1960	21-11-1978	19-08-2008	Nil
5	Sher Rahman	09-10-1958	21-10-1978	19-09-2008	Nil
6	Gul Rahim	22-10-1955	12-08-1979	01-12-2009	Nil
7	Sher Zaman	25-10-1960	20-10-1981	19-11-2010	Nil
8	Lal Bahdar	01-07-1962	01-07-1980	14-04-2011	Nil
9	Muhammad Amin	1955	19-09-1981	04-02-2013	Nil

  
Executive Engineer  
Swabi Irrigation Division-1 Swabi

SWABI IRRIGATION DIVISION-II SWABI

STATEMENT SHOWING SENIORITY OF MATE UPTO 26.11/2019

S/No.	Name	Father's Name	BPS	Designation	Educational Qualification	Date of birth			Date of appointment/adjustment/Promotion			Length of service as Mate		
						D	M	Y	D	M	Y	D	M	Y
1 ✓	Mr. Gul Muhammad	Taj Malook	04	Mate	Metric	02	09	60	09	09	2004	11	2	15
2	Mr. Wakil Muhammad	Gran Muhammad	04	Mate	Illiterate	15	04	68	09	09	2004	11	2	15
3	Mr. Said Ali Shah	Shehin Shah	04	Mate	.do.	07	02	70	09	09	2004	11	2	15
4	Mr. Saif ur Rehman	Muhammad Sadiq	04	Mate	.do.	01	07	63	30	11	2010	20	11	08
5	Mr. Ali Sher	Shah Khel	04	Mate	Illiterate	08	05	66	02	12	2010	18	11	08
6	Mr. Javid Bahader	Gul Muhammad	04	Mate	Middle			60	27	08	2014	23	02	05
7	Mr. Fazal Raziq	Fazal Akbar	04	Mate	Illiterate	01	07	67	26	10	2015	24	00	04
8	Mr. Yousaf Khan	Hayadar	04	Mate	F.A	31	03	83	26	01	2017	23	09	02
9	Mr. Subidar Shah	Lawang Shah	04	Mate	Illiterate	01	07	72	22	11	2017	00	00	02

  
 Executive Engineer,  
 Swabi Irrigation Division-II Swabi  
 EXECUTIVE ENGINEER  
 Swabi Irrigation Division-II  
 Swabi

پشاور، جمعرات 29 جنوری 2016ء

پشاور حکومت (KP) آئینہ تاریخ پیشی (12-04-2016)
پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

پشاور حکومت کی جانب سے جاری کردہ آئینہ تاریخ پیشی (12-04-2016) کے تحت...

DAILY MASHRIQ PESHAWAR
اللہ ہی کیلئے ہیں شرق و غرب القرآن
پشاور کے ایلی
سیدنا میر شاہ
49 سال
ABC CERTIFIED

جلد 49 جمعرات 29 جنوری 2016ء 1437ھ 18 اپریل 2016ء 25 جنت 12 روپے

قومی سہا ایجوکیشن پیکار

چیف جسٹس کی سربراہی میں عدالتی کمیشن بنایا جائے، بات نہ مانی گی تو ہمارے پاس سرکل پر آنے...

بڑھو شہر باغ میں پولیو میم کے دوران دھماکہ، پولیس اہلکار...

پبلے سے فب آئی ای ڈی زور دیا کرتے ہیں سے کاشیل سید خان موٹی پری جاں بحق ہو گیا...

تت لکھ کر ڈاکٹر ارسا خان کے چہرہ اور ایک نوجوان برف کے 500 گرام کے ٹری...



پشاور میں ایک خاندان کے سر پر ہونے والے حادثے کے بعد خاندان کے اراکین کی ہمدردی کی لہر لگ گئی ہے۔

چیلنج سے نمٹنے کیلئے جدید تعلیم کا فروغ ناگزیر ہے

پشاور میں 8 مئی 2016ء کو منعقد ہونے والے 37 ویں ایڈووکیٹس میڈیا میٹنگ میں...

37 ویں ایڈووکیٹس میڈیا میٹنگ میں...

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

DAILY MASHRIQ PESHAWAR

# مشرق

پشاور اور اسلام آباد سیکرٹ وقت شائع ہوا ہے اور اکثر اشاعت قومی اخبار

جلد 49 نمبر 29 جنوری الٹل 1437 ہ 8 ربیع الثانی 1437 ہ 25 جمادی الثانی 1437 ہ 25

## قومی اخبار پشاور

چیف جسٹس کی سربراہی میں عدالتی کمیشن بنایا جائے، مات زمان کی توہمارے پاس سرکل پر آنے

بدھ تو شریا غمیل پولیو، ہم کے دوران دھماکہ، پولیس کی بلکا

پیلے سے نصب آئی ای ڈی زور دیا کہ پھینکے کا نیشنل سید خان موٹو بری جاں بحق ہو گیا

توت انڈیا کو روکا، جہاز اور بائک بال ٹرک کے 500 گرام کے قریب



پشاور میں ایک خاندان کے ساتھ، جہاں ایک بچہ کو دیکھا گیا ہے۔

جیل سے نکلنے کیلئے جدید تعلیم کا فروغ ناگزیر ہے

پشاور میں 8 مئی تک کی امتحانات، 37 امیدوار میدان میں آگئے

سرگرمیوں میں حصہ لیں، 16 امیدواروں نے کافتحات میں حصہ لیا

کے 8 ہونے والے امتحانات میں حصہ لیں، نئے ٹریک ایضاً، قومی دن پارٹی اور جماعت کے خواہشمند 37 امیدواروں نے کافتحات میں حصہ لیا

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

C.M No. \_\_\_\_\_/2014

In

Service Appeal No. 139/2013

*Hearing 12.6.14*

Gul Muhammad

Versus Irrigation Department etc.

*499*  
*10-6-14*

APPLICATION ON BEHALF OF APPELLANT FOR PERMISSION TO  
AMEND THE MEMO; OF APPEAL.

Respectfully sheweth

1. That the above captioned appeal is pending adjudication for preliminary hearing on 12.6.2014.
2. That while promoting the respondent No.4, the case of appellant inspite of being senior was not considered.
3. That in the prayer part, the appellant has mentioned the word "to direct" instead of "to direct respondents for considering the appellant for promotion" due to oversight which needs correction.
4. That the proposed amendment is necessary for the proper, justice and final adjudication of the case.
5. That the valuable rights of appellant are involved in this appeal.

It is prayed that on acceptance of this application, the appellant may be allowed to amend the prayer portion of the Memo: of appeal to the extent of replacing the words "to direct the respondents for considering the appellant for promotion."

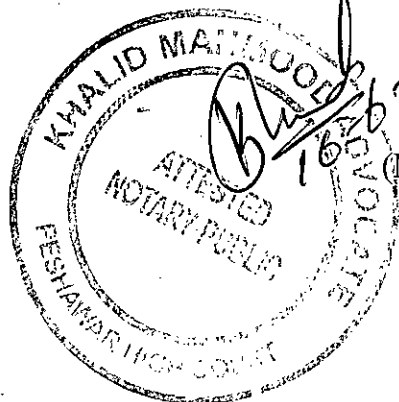
Appellant

*Dt 10.6.2014*

(Gul Muhammad)

Affidavit

I, Muhammad Adam Khan, Advocate on behalf of the appellant do hereby state on solemn affirmation that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble Court.



*Adam*

DEPONENT  
(MUHAMMAD ADAM KHAN)  
Advocate, Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

C.M No. \_\_\_\_\_/2014

*Hearing 2.6.14*

In

Service Appeal No. 139/2013

Gul Muhammad

Versus Irrigation Department etc.

APPLICATION ON BEHALF OF APPELLANT FOR PERMISSION TO  
AMEND THE MEMO: OF APPEAL.

Respectfully sheweth

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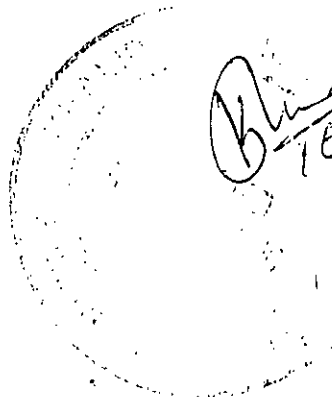
Appellant:

*10.6.2014*

(Gul Muhammad)

Affidavit

I, Muhammad Adam Khan, Advocate on behalf of the appellant do hereby state on solemn affirmation that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.



*Muhammad Adam Khan*  
*16-6-14*

*Adam*

DEPONENT  
(MUHAMMAD ADAM KHAN)  
Advocate, Mardan



Statement of the wife of the appellant.

ہمارے وکیل نے اپنا بیان Complete کیا ہوا ہے۔

انہوں نے یہ کہہ دیا کہ 8 تا 7 سال سے سنیارا کی

دیکھا حضرت سے جانگ رہا ہے لیکن وہ سنیارا کی

عدالت سے پیش نہیں کرتے جب تک اس نے

سنیارا کی سنیارا ہے۔

شکر ہے۔

نہم بیگم

C/NK: 16801-1123072-0



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

No. \_\_\_\_\_/ST Dated \_\_\_\_/\_\_\_\_/2023


To:

The Superintending Engineer, Irrigation Circle, Gohati, Swabi.

Subject:- **JUDGMENT IN SERVICE APPEAL NO. 139/2014, GUL MUHAMMAD MATE VERSUS THE EXECUTIVE ENGINEER, SWABI IRRIGATION DIVISION-I, SWABI AND OTHERS.**

I am directed to forward herewith a certified copy of order dated 05.12.2022, passed by this Tribunal in the above mentioned service appeal for compliance.

Encl. As above.

  
(AAMIR FAROOQ)  
ASSISTANT REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.