

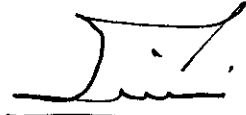
30.11.2021

Nemo for the appellant. On the previous date too, none was present on behalf of the appellant, therefore, it was directed that notice for prosecution of the appeal be issued to the appellant as well as his counsel.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time despite notice for prosecution of the appeal being issued to the appellant as well as his counsel through registered post. The appeal in hand is, therefore, dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

30.11.2021



(Salah-Ud-Din)

Member (J)

Camp Court Abbottabad

14.07.2021

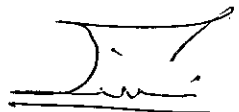
Due to COVID-19, tour to Abbottabad has been cancelled, therefore, case to come for the same as before on 15.10.2021.


Reader

15.10.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 30.11.2021 at Camp Court Abbottabad.

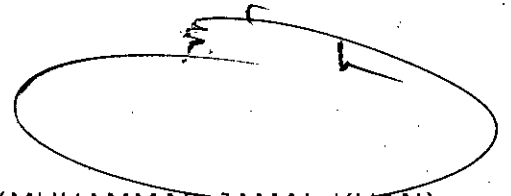

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

17.09.2020

Appellant has not forth come despite making of repeated calls at different interval and the last call in this regard was made on 01:32 P.M.

The last two adjournments were made on the basis of note Reader due to spread of disease of COVID-19 and summer vacation, therefore, in the circumstances, we deemed it appropriate to issue notice to appellant as well as his respective counsel.

Adjourned to 18.12.2020 for preliminary hearing before S.B at Camp Court, Abbottabad.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

*Due to COVID-19 case is
adjourned to 17-03-2021*



17.03.2021

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 14/7/2021 for preliminary hearing, before S.B at Camp Court, Abbottabad.



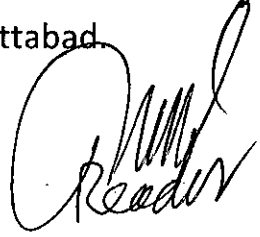


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 2240/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	27/12/2019	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court A.Abad Bench and the Hon'ble High Court vide its order dated 17.12.2019 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on 21-02-20</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to covid ,19 case to come up for the same on / / at camp court abbottabad.</p> <p style="text-align: right;">Reader</p> <p>Due to summer vacation case to come up for the same on 17 / 9 / 20 at camp court abbottabad.</p> <p style="text-align: right;"> Reader</p>



THE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Ph: 0992-9310058
Fax: 0992-9310055

No: 502

Dated Abbottabad 23 December, 2019.

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2337

To

The Honourable Chairman Service Tribunal,
KPK Peshawar.

Dated 27/12/19

Subject : WRIT PETITION NO. 328-A/2013.

ZAHID HUSSAIN SHAH

PETITIONER

VERSUS


CHIEF SECRETARY GOVT. OF KPK & OTHERS

RESPONDENTS

Sir,

I am directed to forward herewith Writ Petition No. 328-A/2013 titled "Zahid Hussain Shah Vs Govt. of KPK & others" total sheets (61) alongwith a copy of judgment of the Honourable Division Bench dated 17.12.2019 for necessary action please.

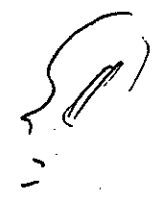

Yours Faithfully,


(Additional Registrar)

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET**

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
17.12.2019	<p><u>WP No. 328-A/2013</u></p> <p>Present: Mr. Fawad Saleh, Advocate for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant AG alongwith Yasir Rehman, Engineer, Public Health Engineering, Peshawar.</p> <p align="center">***</p> <p><u>SHAKEEL AHMAD, J.-</u> Though it is an old case and remanded from the apex court, however, it is pertaining to the terms and condition of service as the vires and recruitment process are questioned herein. In view of the case law reported as <i>I.A. Sherwani and others Vs Government of Pakistan, Finance Division, Islamabad and others 1991 SCMR 1041</i>, such matters shall be tried by the Services Tribunal, thus, in view of the judgment reported in <i>1994 SCMR 439</i>, this case is transmitted to the Services Tribunal for decision in accordance with law, after retaining its photocopy by the office for record.</p> <p align="right">  JUDGE  JUDGE </p>


(Arshad Iqbal)

Hon'ble Justices Ijaz Anwar & Shakeel Ahmad

SCANNED

WP No. WP No. 328/13

Nemo for the petitioner. Mr. Yasir Rehman, Sub Divisional Officer, Public Health Engineering Division, Abbottabad, and Mr. Irshad Muhammad, Section Officer, Litigation, Finance Department, Peshawar, alongwith official of AAG present on behalf of respondents and submitted authority letter which is placed on file Therefore, case be fixed before Hon'ble court DB on 02.10.2019 for appropriate order please. Meanwhile, issue fresh process to the petitioner as well as his counsel for the date fixed.


ADDITIONAL REGISTRAR

~~Mr. Irshad Muhammad~~
24.07.2019
Section Officer, Litigation
Finance Department Peshawar.
17301-8278908-7

24/05/19

WP No: 328/13

Remanded by
August Supreme Court of
Pakistan. Entries be made
in relevant register. To
be done office on 13/06/19.
Inform parties & their
counsel.

ISSUED

A.R

13-06-19

WP No. 328-A/13

Memo for the parties. Issue fresh
process to all the concerned for
24-07-19 before office.

ISSUED

AR



GOVT: OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT
No. SO (LIT) PHE/HC-116/Zahid Hussain Shah
Dated Peshawar, the July 19, 2019

AUTHORITY LETTER

No. SO (LIT) PHE/HC-116/Zahid Hussain Shah: Yasir Rehman, Sub Divisional Officer (BPS-17), Public Health Engineering Division Abbottabad, is hereby authorized to attend the Peshawar High Court Abbottabad Bench in connection with the defense of Writ Petition No. 328-A/2013, titled "Zahid Hussain Shah VS Government of Khyber Pakhtunkhwa through Secretary PHED and others" on behalf of the Secretary Public Health Engineering Department, to protect the Government Interest.

Zahid Hussain
SECRETARY
Public Health Engineering
Department Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(JUDICIAL WING)

NO.SO(Lit-I)E&AD/1-1328/2019
Dated Peshawar the 28.05.2019

To

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

SECY PHED

Dairy No. 1385

Dated 20/05/19

SUBJECT: CA. NO. 1279 OF 2019 OUT OF CP NO. 225-P OF 2016 GOVT. OF
KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY,
PESHAWAR & OTHERS VERSUS ZAHID HUSSAIN SHAH.

Dear Sir,

I am directed to refer to the subject noted above and to forward
herewith copy of letter C.A. No. 1279/2019-SCJ (Imp) dated 17.05.2019 alongwith
self-explanatory Order Sheet dated 13.05.2019 of the august Court received from
Assistant Registrar (IMP) for Registrar, Supreme Court of Pakistan, Islamabad for
information & further necessary action.

Yours Faithfully,

(Muhammad Anwar Khan Banvi)
Section Officer (Litigation-I)

Encl: As Above
Endst: of even No. & Date.

Copy forwarded to:-

1. PS to Secretary Establishment, Khyber Pakhtunkhwa.
2. PS to Special Secretary (Estt.), Establishment Department.
3. PA to Additional Secretary (Judicial), Establishment Department.
4. P.A to Deputy Secretary (Judicial), Establishment Department.
5. Master File.

Section Officer (Litigation-I)
Ph: # 091-9212763

*Plse put up on
13-6-2019 as date
of hearing is fixed on
14-6-2019.*

*K
30/5*

69

پشاور ہائی کورٹ ایبٹ آباد بین

نمبر مقدمہ WR 328/12 دیوانی افتخاری

منوان مقدمہ Chief Secy نام Zahid Hussain

نوٹس بنام: 1547
03/6
Case Product No 5

S - Superintending Engineer Public

Health Engineering Department

Kafhan Colony Abbottabad

Received on
10-6-19
at 4:50 PM

J.S.P.H. Engg
Circle, Abbottabad

آپ کو بذریعہ نوٹس ہذا

مطلع کیا جاتا ہے کہ آپ بمقدمہ عنوان بالا مورخہ 13-6-2019 بوقت 8 بجے صبح بمقام ایبٹ آباد رورہو

اصالتاً و کاپی اختیار تائیس ہوں۔ بصورت دیگر آپ کے خلاف ٹیکسٹ کارروائی عمل میں لائی جائے گی

نوٹ ایفیر قبیل کنندہ SE AT 2 کو ہدایت کی جاتی ہے کہ نوٹس ہذا کو انڈر SE AT 2 یوم قبیل کردا کر

واپس عدالت ہذا کیا جاوے۔ بصورت دیگر متعلقہ افراد کے خلاف کارروائی کی جائے گی۔

ایڈیشنل چیف جج

تاریخ 30-5-19

ڈاک بھی نمبر 09

ترا، تہہ سے برائے تھا، و قحہ پر اب
مگر کے سے تھا، اس وقت پر اب
قحہ سے لہذا، اور قحہ سے

طام
11/06
2019

بیان صفا 1

بیان یا لیسر کے عند صفا اور قحہ سے

طام
11/06

B-196/8

Ph: 9220581
Fax:9220406

REGISTERED
No. C.A.1279/2019-SCJ (Imp)
SUPREME COURT OF PAKISTAN

Islamabad dated 18.5., 2019.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Addl: Registrar,
Peshawar High Court, Abbottabad Bench,
Abbottabad.

Subject: CIVIL APPEAL NO. 1279 OF 2019.
OUT OF
CIVIL PETITION NO. 225-P OF 2016.

Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and others.

Versus

Zahid Hussain Shah.

On appeal from the Judgment/Order of the Peshawar High
Court, Abbottabad Bench, Abbottabad dated 25.04.2013, in
W.P. No.328-A/2013.

Dear Sir,

I am directed to forward herewith a certified copy of the Order
of this Court dated **13.05.2019**, converting into appeal the above cited
civil petition, allowing and remanding the same, in the terms stated
therein, for immediate necessary action with the directions as under:-

"5. In the instant case, the petition had been allowed without
giving any reason or even applying mind, thus the same cannot be
sustained and is liable to be set-aside. The petition is, therefore,
converted into appeal and is allowed. The matter is remanded to the
High Court for deciding Writ Petition No.328 of 2013 afresh, by a
Judge other than the one who has earlier decided the same."

I am also to invite your attention to the directions of the Court
contained in the enclosed Order for immediate compliance.

Please acknowledge receipt of this letter along with its
enclosure immediately.

Encl: Order:

Yours faithfully,

no 928
21/05/19

Handwritten notes:
Landed
i.r.h.
Pur - up with file
to place with file
This is copy of Mr

ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

51/19

PRESENT:

Mr. Justice Gulzar Ahmed, ACJ
Mr. Justice Sardar Tariq Masood
Mr. Justice Mazhar Alam Khan Miankhel

C.P.No.225-P of 2016

[On appeal against the Judgment dated 25.04.2013 passed by the Peshawar High Court, Peshawar, in W.P.No.328 of 2013]

Government of KP through Chief Secretary, ...Petitioner(s)
Peshawar & others

VERSUS

Zahid Hussain Shah ...Respondent(s)

For the Petitioner(s) : Mr. Wiqar Ahmed Khan, Addl.A.G, KP

For the Respondent(s) : Mr. Muhammad Shoaib Shaheen, ASC

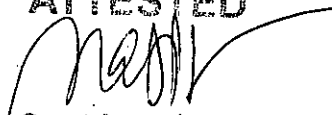
Date of Hearing : 13.05.2019

ORDER

GULZAR AHMED, ACJ.— This petition is barred by 1039 days for which application for condonation of delay [CMA No.287-P of 2016] has been filed.

2. It is contended by the learned Additional Advocate General, KP that earlier C.A.No.1432 of 2013 was filed against the impugned judgment which was withdrawn on 09.03.2016 by the learned Additional Advocate General, KP appearing therein, with permission to file fresh petition in accordance with law. Thereafter, the present petition has been filed. He next contended that he is not aware as to for what reasons the earlier appeal was withdrawn but stated that there was some technical issue involved in the matter pursuant to which it was withdrawn and that the very impugned judgment of the High Court suffers from total illegality for that it is non-speaking and even the mind has not been applied to the case and no law or rule has been cited on the basis of which the Writ Petition filed by the respondent has been

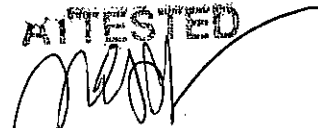
ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

allowed. He further contended that the order dated 21.02.2013 passed in Writ Petition No.1124 of 2006, as relied upon in the impugned judgment, was altogether not applicable to the facts and circumstances of the instant case. He also contended that the impugned judgment is totally against the judgments of this Court reported as Maula Bux Shaikh & others v. Chief Minister Sindh & others [2018 SCMR 2098] and Government of Khyber Pakhtunkhwa through Chief Secretary & others v. Muhammad Javed & others [2015 SCMR 269]. When confronted with this argument of the learned Additional Advocate General, KP, the learned ASC for the respondent states that there is no precedent of condoning the delay of such a long period by this Court and that if such delay is condoned, wrong precedent will be created. We, therefore, pose question to the learned ASC for the respondent as to whether the very judgment impugned before us is a legal judgment and could at all be said to be a judgment based upon law or reasons, he could not give satisfactory reply in that he concedes that no law or rule has been cited except merely relying upon the earlier decision of the High Court dated 21.02.2013. We asked whether such judgment was at all applicable to the facts and circumstances of the present case, which was also not substantiated before us.

3. Keeping in view the explanation given by the learned Additional Advocate General, KP, we are inclined to accept the same. The application is thus allowed and the delay in filing of the petition is condoned.

4. So far as the very merit of the petition is concerned, we have noted that the impugned judgment is totally non-speaking and does not rely upon any rule or law and has been passed in a perfunctory manner by increasing the quota of B.Tech (Hons.) from 3% to 10%. Such is not the function of the Court to interfere in the affairs of the Government, more particularly its policies where it provides by law or rules the appropriate quota for the persons to be employed. The Court cannot become benefactor to a litigant at the cost of the Government in that proper reasons with supporting law have to be given in the judgment by the Court to reach its conclusion of allowing or not allowing the petition.

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

5. In the instant case, the petition had been allowed without giving any reason or even applying mind, thus the same cannot be sustained and is liable to be set-aside. The petition is, therefore, converted into appeal and is allowed. The matter is remanded to the High Court for deciding Writ Petition No.328 of 2013 afresh, by a Judge other than the one who has earlier decided the same.

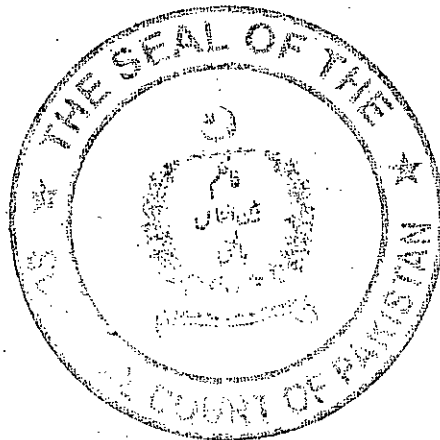
Bench-I
ISLAMABAD
13.05.2019
NOT APPROVED FOR REPORTING

Alshmi
9/1/15

Sd/- Act
Sd/-
Sd/-
Sd/-

Certified to be True Copy

[Signature]
Court Associate
Supreme Court of Pakistan
Islamabad



10/10/19

wp no: 328/13

Adjourned/Leftover by Hon'ble Court from 02/10/19 and fix before
Hon'ble Court D.B on 17/12/19. Inform parties and their counsel.

[Signature]
ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

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Hon'ble Court D.B on _____. Inform parties and their counsel.

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Hon'ble Court D.B on _____. Inform parties and their counsel.

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Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform parties and their counsel.

ADDITIONAL REGISTRAR

پشاور ہائی کورٹ ایبٹ آباد پنج (1) 2013

2013 (51)

نمبر 328/13

مقدمہ W.P

صیفہ دیوالی

20

بنام لین سیکرٹری

بمقدمہ 7/13

توجرو 19/4/13

بناراضی حکم

سلمہ 25/4/13

نتیجہ (ب) 1					نتیجہ (الف) 53				
1	2	3	4	5	1	2	3	4	5
نمبر شمار	تعداد تختہ پائے	تاریخ بشمول مثل	نوعیت کاغذ	دہ زبان کاغذ تحریر یہاں	نمبر شمار	تعداد تختہ پائے	تاریخ بشمول مثل	نوعیت کاغذ	دہ زبان کاغذ تحریر یہاں
14	1	-	ورٹیکل نام	اور	-	-	-	انٹرس	اور
21	1	-	-	-	-	-	-	o/n	انٹری
3/19	17	-	سمران ب S/c	-	-	2	2/3	موصفا W.P	"
20/21	2	-	Judgement	-	-	-	-	سلمہ H.C	"
22/53	32	-	الف ب	53	-	-	-	Amna A	انٹری
53	53	-	تعداد تختہ پائے	3	-	-	-	سمران	-
	56		تعداد تختہ پائے	53				الف ب	
	59		تعداد تختہ پائے	54				Judgement	
	54		تعداد تختہ پائے	1				سمران	
	2		تعداد تختہ پائے	-					
	56		تعداد تختہ پائے	-					

IN THE PESHAWAR HIGH COURT ABBOTTABAD BENCH.

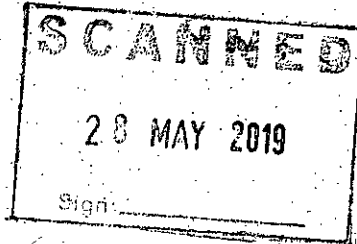
W.P. NO 328-A of 2013

Petition Presented By Mr. Farooq Saleh Adh-
Petitioner personally). The petition is in proper form and is accompanied
by copies of all necessary documents. Register and place before a Judge/DB
for order on the 25th

Day of April 2013

A slip showing the date of hearing has this day been delivered to the petitioner.

Dated 19/4/13



Noted & signed

Zohra Ali
Reader 19/4/13

Countersigned

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

19/4/13

3

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Appeal No 5 2240/19 W. P No. 328 -A/2013

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

....PETITIONER

VERSUS

1. Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Public Health Engineering Department, Peshawar.
3. Secretary Establishment/Chairman Standing Services Rules, Committee, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary Finance, Peshawar.
5. Superintending Engineer, Public Health Engineering Department, Kaghan Colony, Abbottabad.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN FOR DECLARATION TO THE EFFECT THAT THE MINUTES OF THE STANDING SERVICES RULES COMMITTEE DATED 21/03/2013 AND LETTER DATED 08/04/2013, WHEREBY QUOTA FOR SUB ENGINEERS HAS BEEN FIXED AT 3% BY PROMOTION ON THE BASIS OF SENIORITY CUM FITNESS FROM AMONGST THE SUB ENGINEERS WHO POSSESS DEGREE OF B.TECH HONOURS CIVIL WITH FIVE YEARS SERVICE ON THE WRONG ANALOGY OF LAW AND AGAINST THE DECISION OF THE HIGHER

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

19/4/13
1392

No 19/4/13

④

EDUCATION COMMISSION OF PAKISTAN AND AGAINST THE JUDGMENTS OF THE HONOURABLE SUPREME COURT OF PAKISTAN AND AS BEING DISCRIMINATORY AND THE SAME BE DECLARED AS AGAINST LAW, RULES, FACTS AS IN THE OTHER CONNECTED ALLIED DEPARTMENTS THE QUOTA FOR THE SAME SUB ENGINEERS HAVING DEGREE IN B.TECH HONOURS AND HAVING FIVE YEARS SERVICE, THE QUOTA HAS BEEN FIXED AT 8% AND SIMILARLY FOR SUB ENGINEERS HAVING B.E/B.SC ENGINEERING CIVIL WITH FIVE YEARS SERVICE FROM THE AMONGST THE DIRECT GRADUATE SUB ENGINEERS AND 5% FROM AMONGST THE IN SERVICE GRADUATE ENGINEERS I.E. IN TOTAL 10% QUOTA HAS BEEN FIXED AND WHEREAS, B.TECH HONOURS GRADUATE ARE AT PAR WITH THE B.SC ENGINEERS, THEREFORE, THE 3% QUOTA FIXED FOR THE SUB ENGINEERS HAVING B. TECH HONOURS IS DISCRIMINATORY, UNWARRANTED AND LIABLE TO BE ENHANCED.

FI ED TODAY

Additional Registrar
Festawa High Court
Lahore Bench

19/4/13

=====

PRAYER ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THE RESPONDENTS BE DIRECTED THAT THE QUOTA FOR THE ASSOCIATE/SUB ENGINEERS HAVING B.TECH HONOURS BE EQUATED, UPLIFTED AND ENHANCED TO 10% WITH THE OTHER

SIMILARLY PLACED SUB ENGINEERS IN THE CONNECTED / ALLIED DEPARTMENTS AND WITH THE GRADUATES HAVING B.SC ENGINEERING WHO ARE AT PAR WITH THE B.TECH HONOUR GRADUATES AND WITH FURTHER DIRECTION THAT THE DECISION TAKEN IN THE MEETING DATED 21/03/2013 OF THE STANDING SERVICE RULES COMMITTEE AND LETTER DATED 08/04/2013 BE DECLARED AS UNLAWFUL, AGAINST RULES, LAW, FACTS AND BEING DISCRIMINATORY AND THE SAME BE LIABLE TO BE ENHANCED TO 10% AND THE RESPONDENTS BE DIRECTED NOT TO DISCRIMINATE WITH THE PETITIONER ALONGWITH OTHER SIMILARLY PLACED WITHIN THE SAME DEPARTMENT AND FURTHER DIRECTIONS TO THE RESPONDENTS THAT THE QUOTA FOR ASSOCIATE/SUB-ENGINEERS WITH B-TECH HONORS DEGREE, WORKING IN THE PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHAWA BE ENHANCED TO 10%.

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

Respectfully Sheweth: -

Brief facts leading to the instant petition are as under: -

1. That the petitioner did his Diploma of Associate Engineering in Civil in the year 1992. Copy of the Diploma is attached herewith as Annexure "A".

5

2. That after doing his Diploma of Associate Engineering in Civil, Public Service Commission announced posts of Sub-Engineer in the Department of Public Health Engineering, Khyber Pakhtunkhwa.
3. That the petitioner applied through the Public Service Commission for the said post and was selected and appointed in BPS-11 vide appointment order dated 26/02/1996 to the said post. Copy of the appointment order is annexed as Annexure "B".
4. That thereafter, the present petitioner was posted out at Mansehra and continued to work in the said department and posted from time to time to different Districts of Khyber Pakhtunkhwa in Public Health Engineering Department.
5. That the present petitioner worked to the best of his ability and devotion in Public Health Department and during the course of service also did his degree in B.Tech Honour from Sarhad University of Science & Technology. Copy of the B.Tech Honour Degree is appended as Annexure "C".

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
19/4/13

6

6. That the petitioner for the last 17 years after being appointed in BPS-11 is working in the same scale and post and has not been promoted, upgraded despite being senior most having experience of more than 17 years at his credit and also having B.Tech Honour degree from a recognized university and which is also evident from the seniority list issued by Chief Engineer Public Health Engineering Department. Copy of seniority list dated 04/03/2013 is attached herewith as Annexure "D".

7. That till the Year 2000, the Public Health Engineering Department was working as independent administrative department and for the Sub Engineers having Diploma of Associate Engineering, which were the back bones of the department and working in BPS-11 and having no proper promotion policy, except a window in the shape of 25% Senior Scale category was allowed within their cadre to BPS -16 for which departmental examination and length of service of 10 years was laid down but the same was withdrawn without any notification and against rules regulations by the competent authority after the year 2000 but even at that time there was no clear-cut policy for Sub Engineers having B.Tech. Honours Degree.

FILED TODAY

Additional Registrar
Bhopal High Court
Allahabad Bench

19/4/13

8. That in the year 2010 amendments were made in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and certain amendments were made and in the same rules 10% quota was fixed for Sub-Engineers having B-E/B.Sc. Engineering (Civil) in the Public Health Engineering Department but even at that time no quota was fixed for Associate /Sub-Engineers having B.Tech. Honours Degree which was at par with B.A/B.Sc. Engineering Degree and which was a sheer discrimination. Copy of the Notification dated 06th March 2010 is attached herewith as Annexure "E".

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

19/4/13

9. That the Associate/ Sub-Engineers having B.Tech. Honours Degree and working in the Public Health Engineering Department raised grievances against the said discrimination and filed appeals before different forum for redressal of their grievances and also before the Honourable Supreme Court of Pakistan. That the Honourable Supreme Court of Pakistan in suo-moto review petition No. 52/1993 reported in PLD 1995 SC 701 held that B.Tech Honours degree holder are at par with B.Sc. Engineers in terms of promotion and other related matters.

②

10. That keeping in view the decision of Honourable Supreme Court of Pakistan and Honourable High Courts and directions of the Higher Education Commission of Pakistan the Public Health Engineering Department held a meeting on 02/02/2012 regarding amendments in the recruitment and appointment rules 2010 by inclusion of Sub-Engineers having the B.Tech.Honours Degree. Copy of the Minutes of Meeting dated 02/02/2012 are appended herewith as Annexure "F".

11. That vide the said amendment rules made by the SSRC meeting held on 02/02/2012 5% quota was reserved for in service holders of B.Tech Honours Degree for promotion.

12. That the said amendments made vide meeting dated 02/02/2012 of the SSRC could not materialize.

13. That thereafter the same case of Sub Engineers having B.Tech Honours Degree was again placed before the SSRC meeting to be held on 21/03/2013 and working paper for the same was prepared by the Public Health Engineering Department with 5% quota reserved for the Sub-Engineer having B.Tech Honours Degree. Copy of the working papers is attached herewith as Annexure "G".

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

19/4/13

14. That the same was placed before the SSRC committee and the said committee vide its decision dated 21/03/2013 instead of reserving 5% quota for the Sub-Engineers having B.Tech Honours Degree instead decreased the same quota to 3% in violation of the decision of the parent department and thereby discriminating with the petitioner and others similarly placed within the department. Copy of the Minutes dated 21/03/2013 is attached herewith as Annexure "H".

15. That feeling aggrieved of the same, the petitioner filed an appeal before the respondent No. 1 but to date no reply has been given nor the grievances of the petitioner has been addressed and feeling aggrieved of the same the petitioner inter-alia, on the following grounds amongst many other; -

ED TODAY

Additional Registrar
Jharkhand High Court
Ranchi Bench

19/4/13

GROUND: -

- a) That the decision of the Standing Service Rules Committee headed by respondent No. 2 dated 21/03/2013 and subsequent letter dated 08/04/2013 are against law, rules, facts and discriminatory and liable to be set-aside.
- b) That the whole action of the respondents of not reserving 10% quota is based on prejudice,

malafide and against the law and discriminatory as already the Sub-Engineers having B.Tech Honors Degree and fulfilling other requirements and who have been placed at par by the Honourable Supreme Court of Pakistan and recently by the Honourable Peshawar High Court, Peshawar are deserves that 10% quota be reserved for them and therefore the action taken vide meeting dated 21/03/2013 and 08/04/2013 are liable to be set-aside.

- c) That even otherwise, the whole action of respondent No. 2 is liable to be set-aside as the parent department has proposed 5% quota be reserved for the Sub-Engineers having B.Tech Honours Degree, which too was not according to the formula and against the basic rights of the petitioner and similarly placed and discriminatory and the said decision dated 21/03/2013 not based on rational and equal proportion and therefore, liable to be set-aside.

- d) That the said decision of reserving 3% quota is also not based on equity and fair play and justice as already the degree holders of B.Tech Honours have been held to be at par with the holders of B.Sc. Engineering, for whom 10%

FILED TODAY

*Additional Registrar
Peshawar High Court
Abbottabad Bench*

19/4/13

11

has been reserved and therefore equity demands that the same 10% quota should also be reserved for holders of B.Tech Honours graduates.

- e) That similarly vide Notification dated 25th June 2012 the Irrigation Department Govt. of Khyber Pakhtunkhwa has reserved 8% quota for Sub Engineers having the degree in B.Tech Honours therefore, the same treatment should also be meted out to the present petitioner and similarly placed having Degree in B.Tech Honour by the respondent No. 2 being the Chairman SSRC committee and no discrimination should be meted out to the petitioner and similarly placed with the same qualifications, otherwise the same would a sheer violation of Article 4 and 25 of the Constitution of the Islamic Republic of Pakistan.

FILED TODAY

*Additional Registrar
Faisalabad High Court
Faisalabad Bench*

19/4/13

- f) That the present petitioner who is a graduate and have a B.Tech Honours Degree and having 17 years of experience in the department of Public Health Engineering has a right to be treated in accordance with law, Constitution of Islamic Republic of Pakistan.

(12)

g) That the present petitioner is effected by the decision of 3% quota reserved for sub-engineers having B-Tech Honors Degree by the SSRC meeting dated 21/03/2013, which is effecting his legal right and therefore, the same be withdrawn and instead the quota should be enhanced to 10% in line with other connected departments and the petitioner should not be treated with discrimination as in other connected departments the quota for the same level of qualification and eligibility is 8% and 10%. Copy of notification dated 25/06/2012 is attached herewith as Annexure "T".

h) That there is no other efficacious, speedy remedy as the instant one, therefore, no latches can be laid at the door of the petitioner.

FI ED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
19/4/13

i) That the addresses of the parties have been given rightly in the heading of the petition.

j) That the court fee of Rs. 500/- is attached with the writ petition.

It is, therefore, very humbly prayed from this Honourable Court that on acceptance of the instant writ petition, the respondents be directed that the quota for the associate/sub engineers having B.Tech Honours be equated,

uplifted and enhanced to 10% with the other similarly placed sub engineers in the connected / allied departments and with the graduates having B.Sc engineering who are at par with the B.Tech Honour graduates and with further direction that the decision taken in the meeting dated 21/03/2013 of the standing service rules committee and letter dated 08/04/2013 be declared as unlawful, against rules, law, facts and being discriminatory and the same be liable to be enhanced to 10% and the respondents be directed not to discriminate with the petitioner alongwith other similarly placed within the same department and further directions to the respondents that the quota for associate/sub-engineers with b-tech honors degree, working in the Public Health Engineering Department Khyber Pakhtunkhawa Be enhanced to 10%.

Dated: 19/04/2013

Through

ah 92
...PETITIONER

FILED TODAY

ah
Additional Registrar
Peshawar Court
Abbottabad Bench
19/4/13

F. Saleh
(FAWAD SALEH)

Advocate Supreme Court of Pakistan,
Abbottabad

&

H. Khan
(HAMAYUN KHAN)

Advocate High Court, Abbottabad

VERIFICATION:

Verified that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honourable Court.

ah 92
PETITIONER

14

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W. P No. 328 -A/2013

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

....PETITIONER

VERSUS

Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar & others.

FI ED TODAY

...RESPONDENTS

WRIT PETITION

Additional Registrar
Peshawar High Court
Abbottabad Bench

AFFIDAVIT

I, *Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honourable Court.*

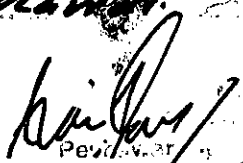

DEPONENT

Identified By:-

13503 - 9093159-9


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

S. No. 1499/287 287...
C. No. ...
19
Zahid Hussain son of S. Muzaffar
Sub Eng. Dept. P.H.E.D
Peshawar.


Peshawar

1914

(15)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W. P No. 328 -A/2013

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

...PETITIONER

VERSUS

FILED TODAY

Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

WRIT PETITION

*Additional Registrar
Peshawar High Court
Abbottabad Bench*

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5.	Copy of the appointment order	18	"B"
6.	Copy of the B.Tech Honour Degree	19	"C"
7.	Copy of seniority list dated 04/03/2013	20	"D"
8.	Copy of the Notification dated 06 th March 2010	21 to 31	"E"
9.	Copy of letter dated 11/01/2012 alongwith Minutes of Meeting dated 02/02/2012	32 to 36	"F"
10.	Copy of the working papers	37 to 41	"G"
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...PETITIONER

Dated: 19/04 /2013

Through

(FAWAD SALEH)

Advocate Supreme Court of Pakistan,
Abbottabad

(16)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W. P No. 328-A/2013

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

...PETITIONER

VERSUS

Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

FILED TODAY

WRIT PETITION

*Additional Registrar
Peshawar High Court
Abbottabad Bench
19/4/13*

CERTIFICATE

Certified that the petitioner has not filed any writ petition on the subject previously before this Honourable Court.

ah
...PETITIONER

Dated: 19/4 /2013

Through

H
(HAMAYUN KHAN) *Adv*
Advocate High Court, Abbottabad

(17)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W. P No. 328 -A/2013

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

...PETITIONER

VERSUS

Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

FI ED TODAY

WRIT PETITION

*Additional Registrar
Peshawar High Court
Abbottabad Bench*

LIST OF BOOKS

- 19/4/13*
0. Constitution of Islamic Republic of Pakistan 1973.
 - 0.
 0. Relevant case law will be cited at Bar.

ah
...PETITIONER

Dated: 19/04 /2013

Through

H
(HAMAYUN KHAN)
Advocate High Court, Abbottabad

(18)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W. P No. 328-A/2013

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

FI ED TODAY**....PETITIONER****VERSUS**

*Additional Registrar
Peshawar High Court
Abbottabad Bench
19/11/13*

Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS**WRIT PETITION****ADDRESSES OF THE PARTIES**

Respectfully Sheweth: -

Addresses of the parties are as under:-

Zahid Hussain Shah son of Syed Muzaffar Shah, Sub Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.

....PETITIONER**VERSUS**

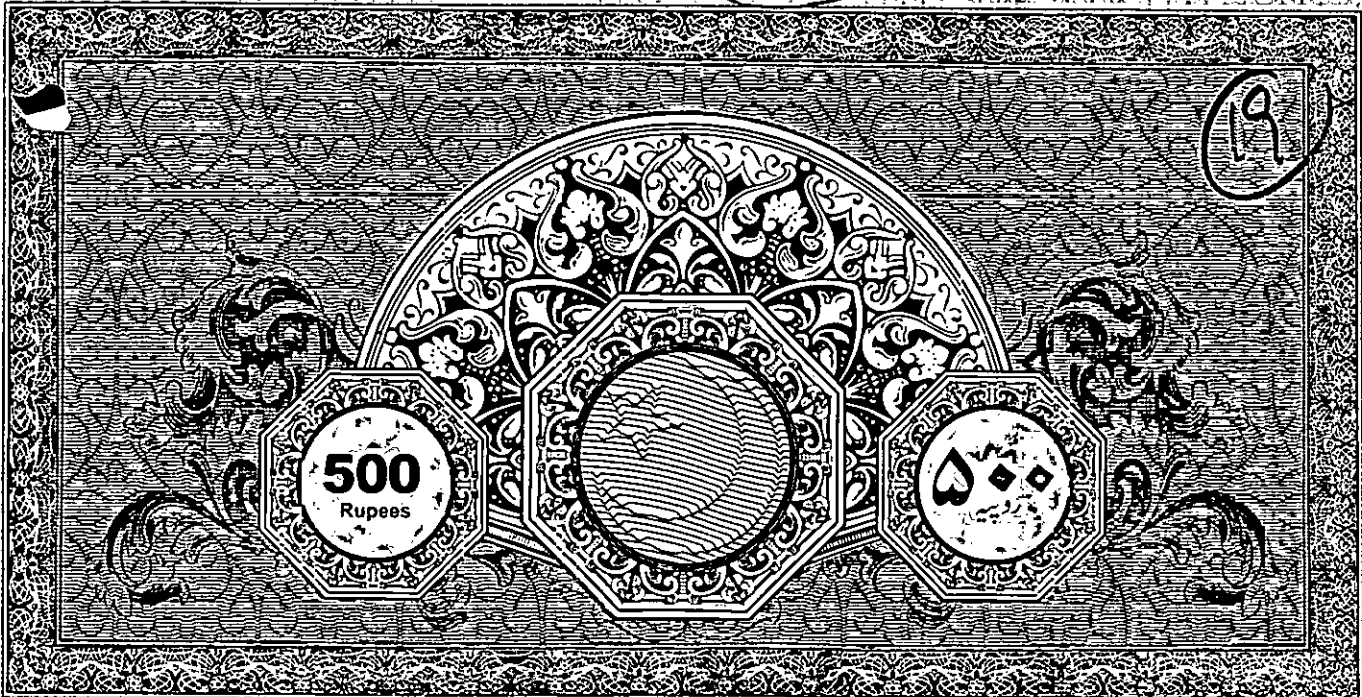
1. Chief Secretary Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Public Health Engineering Department, Peshawar.
3. Secretary Establishment/Chairman Standing Services Rules, Committee, Govt. of Khyber Pakhtunkhwa, Peshawar, .
4. Government of Khyber Pakhtunkhwa, through Secretary Finance, Peshawar.
5. Superintending Engineer, Public Health Engineering Department, Kagan Colony, Abbottabad.

...RESPONDENTS**...PETITIONER**

Through

Dated: 19/11 /2013**(HAMAYUN KHAN)**

Advocate High Court, Abbottabad



19

PAKISTAN COURT FEE

BEFORE PESHAWAR HIGH COURT ABBOTTABAD BENCH

ZAHID HUSSAIN vs CHIEF SECRETARY

WRIT PETITION

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
19/4/13

Dated
19/04/13

Through
Hamayun Khan
Advocate High
Court ABBOTTABAD

RECEIVED
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
19/04/13

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PESHAWAR HIGH COURT ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

JUDGMENT SHEETW.P.No. 328 of 2013Date of hearing 25-04-2013Petitioner Zahid Hussain Shah by Mr. Fawad Saleh, AdWRespondents Chief SecretaryWAQAR AHMAD SETH, J. Zahid Hussain Shah petitioner

seeks the constitutional jurisdiction of this Court praying for :-

“ *that on acceptance of the writ petition, the respondents be directed that the quota for the associate / sub engineers having B.Tech Honours be equated, uplifted and enhanced to 10% with the other similarly placed sub engineers in the connected / allied departments and with the graduates having B.Sc. engineering, who are at par with the B.Tech Honour graduates and with further direction that the decision taken in the meeting dated 21.03.2013 of the standing service rules committee and letter dated 21.03.2013 be declared as unlawful, against rules, law, facts and being discriminatory and the same be liable to be enhanced to 10% and the respondents be directed not to discriminate with the petitioner alongwith other similarly placed within the same department and further directions to the respondents that the quota for associate / sub-engineer with b-tech honors degree, working in the Public Health Engineering Department Khyber Pakhtunkhawa be enhanced to 10%”.*

/

(21)

2- In essence, petitioner being B.Tech. (Honours) degree holder seeks annulment of decree in promotion quota from 5% to 3%.

3- Learned counsel for petitioner argued that this Court in similar writ petition No.1124 of 2006 has held the degree of B.Tech (Hons) equivalent to B.Sc. Engineering / B.E. Degree and as such decrease in case of promotion of petitioner is against law.

4- Arguments heard and record perused.

5- The degree of B.Tech (Hons) and the degree of B.E. / B.Sc. Engineering were although held having distinct disciplines of knowledge in field of Engineer and Technology but for the purpose of service, seniority and promotion they were considered equally and Writ Petition No.1124 of 2006 decided on 21.02.2003 having been filed in similar circumstances was allowed and no appeal has been preferred so far against the said judgment. In the circumstances, present writ petition merits acceptance.

6- Consequently, this writ petition is allowed as prayed for in the light of judgment referred to above.

Announced.
25.04.2013


JUDGE


JUDGE

S. No. 009114

Annexure A

Roll No. 8455

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

22



PESHAWAR - PAKI STAN

DIPLOMA OF ASSOCIATE ENGINEER

SESSION 19 91

(~~ANNUAL~~ / SUPPLEMENTARY)

This is to certify that

~~MISS~~ / MR. ZAHID HUSSAIN SHAH

~~XXXXXXXXXX~~ DAUGHTER / SON OF MR. SYED MUZAFFAR SHAH

REGISTERED NO. GPI/ATD/88-15238

OF THE GOVT. POLYTECHNIC INSTITUTE, ABBOTTABAD.

HAS PASSED THE DIPLOMA OF ASSOCIATE ENGINEER EXAMINATION IN
CIVIL TECHNOLOGY, CONDUCTED BY THE N.W.F.P. BOARD OF

TECHNICAL EDUCATION PESHAWAR IN THE MONTH OF MAY 1992

SHE/HE SECURED 19.12/34.00 MARKS AND WAS PLACED IN " C " GRADE.

In recognition thereof this
DIPLOMA OF ASSOCIATE ENGINEER
is awarded to her/him at Peshawar
on the 27TH day of DECEMBER 19 95

Peshawar 27-12-1995

M. S. Khan
ASSISTANT SECRETARY,

Day
SECRETARY

Annexure 'B' Mr. Zahid Shah S/O

PUBLIC HEALTH ENGINEERING DEPARTMENT N.W.F. PROVINCE.
No. 130445/29 Dated Peshawar, the 25/12/1996.

OFFICE ORDER.

In consultation with Public Service Commission Mr. Zahid Hussain Shah S/O Syed Muzaffar Shah is hereby offered a post of Sub Engineer in the Basic Pay Scale No. 11 plus usual allowances as admissible under the rules from time to time on the following terms and conditions :-

1. The post is purely temporary but likely to continue.
2. His services may be terminated at one month's notice without any reasons being assigned at any time irrespective of the fact that he is holding a post other than one to which he was originally recruited, or on the payment of one month's salary in lieu of the notice period.
3. He shall not leave the service unless his resignation is accepted by the competent authority. Should he desire to resign from service, he may apply for the same with one month notice or alongwith one month pay in lieu of notice period.
4. He will be governed under PHE Department Service Rules as regards service condition.
5. He will be governed by such rules and orders relating to conduct efficiency and discipline, leave travelling allowance, medical attendance pay etc as may be issued by Govt. for the category of Govt. Servants to which he will belong.
6. He will have to furnish a declaration in writing, (i) that he has not already been prescribed from service under the Govt. or any local body and (ii) that he was not dismissed by any other agency.
7. He will be on probation for an initial period of two years extendable upto 3 years.
8. He will have to produce a medical certificate of fitness from the Medical Superintendent of the Distt. at the time of joining duty.
9. He will be liable to serve any-where in NWFP and Federally Administered Tribal Area.
10. No TA/DA is allowed for joining the place of posting.

If he accepts the appointment on the terms and conditions specified above, he should report for duty to the Executive Engineer PHE Division Mansehra within 30 days of the issue of this offer failing which the offer shall stand cancelled automatically.

CHIEF ENGINEER

PUBLIC HEALTH ENGINEERING DEPARTMENT
NWFP, PESHAWAR

Order No. 130445/29

Dated Peshawar, the 25/12/1996

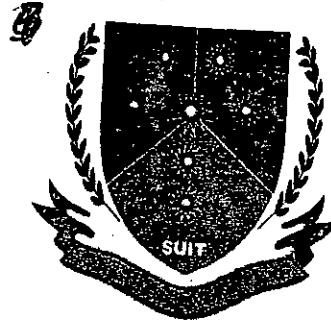
A copy of above is forwarded to the

- 1- Chief Engineer (Dev.) PHED Peshawar.
- 1- Superintending Engineer PHE Circle Abbottabad.
- 1- Executive Engineer PHE Division Mansehra.
- 1- Mr. Sahid Hussain Shah S/O Syed Muzaffar Shah Village & Sherkuad Tehsil & Distt. Mansehra.

[Signature]
CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
NWFP, PESHAWAR

Annexure (C)

Registration No. SUII-08-01-79015



(19)

24

Serial No. 008456

Sarhad University of Science & Information Technology

This is to certify that Zahid Hussain Shah

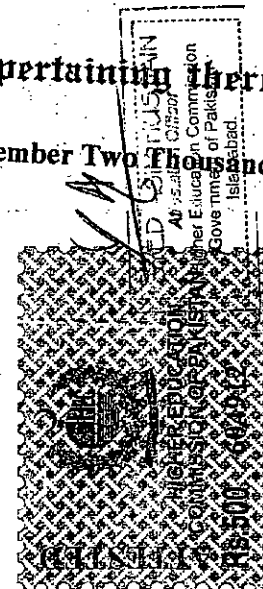
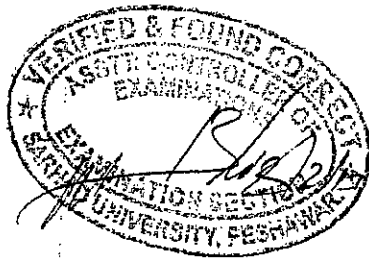
son/daughter of Syed Muzaffar Shah

Having passed the requisite examination, is hereby awarded the degree of

Bachelor of Technology (Honours) in Civil - 4 Years

With all the rights and privileges appertaining thereto.

Given at Peshawar (PAKISTAN) on the Twentieth Day of November Two Thousand Twelve



19 FEB 2013

Handwritten signature
Executive Engineer,
Public Health Engineering Division
Abbottabad

Handwritten signature of Registrar

Registrar

Handwritten signature of Vice Chancellor

Vice Chancellor

Handwritten signature of President

President

Annexure "D"

(20)

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PUBLIC HEALTH ENGINEERING DEPARTMENT

REVISED TENTATIVE Seniority LIST OF IN-SERVICE B.TECH (Hons) graduate Sub Engineers (BPS-11) as stood on 28-2-2013.

S. No.	Name	Father's Name	Home District	Qualification	Date of Birth	Date of commencement of service	Date of appointment to present post	Remarks
1	Syed Zahid Hussain Kazimi	Syed Manzoor Hussain Kazmi	Abbottabad	B.Tech (Hons) 2007	11-10-1971	25-3-1996	26-02-1996	
2	Muhammad Yaqoob Khan	Mir Sahib-ur-Rehman	Bannu	B.Tech (Hons) 2010	10-04-1963	27-03-1990	26-03-1990	
3	Mr. Aurangzeb	Jehnazeb	Mohmand Agency	B.Tech (Hons) 11/2011	25-10-1968	13-12-1989	13-12-1989	
4.	Zahid Hussain Shah	Syed Muzaffar Shah	Mansehra	B.Tech (Hons) 11/2012	01-02-1972	27-02-1996	26-02-1996	

**CHIEF ENGINEER (SOUTH),
PUBLIC HEALTH ENGG: DEPARTMENT**

Endst: No. 03 /E-16/PHE

Dated Peshawar the 04/3/2013

Copy of the seniority list is forwarded to the:-

1. Chief Engineer (North) Public Health Engg: Department Peshawar.
2. All Superintending Engineer, in Public Health Engg: Department Khyber Pakhtunkhwa.
3. All Executive Engineer, Public Health Engg: Department Khyber Pakhtunkhwa.
4. Section Officer (Estt) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.

**CHIEF ENGINEER (SOUTH),
PUBLIC HEALTH ENGG: DEPARTMENT**

Annexure 'E' (2)

GOVERNMENT OF N.W.F.P.
PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Peshawar the March 6, 2010.

262
A
(26)
40

NOTIFICATION

No.SO(Estt)/PHED/1-9/2010 In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil servants (Appointment, Promotion and Transfer) Rules. 1989 and in super-session of all previous notifications issued in this behalf, the Public Health Engineering Department in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in Column No. 3 to 5 of the Appendix appended to this Notification which shall be applicable to the post as mentioned in Column No. 2 of the said Appendix.

(ENGR. AHMAD JAN)
SECRETARY TO GOVT: OF NWFP
PUBLIC HEALTH ENGG: DEPARTMENT

Endst: No.SO(Estt)/PHED/1-9/2010

Dated Peshawar, the March 6, 2010.

Copy forwarded for information to the:-

1. All Administrative Secretaries, Govt. of NWFP Peshawar.
2. Secretary to Governor NWFP.
3. Secretary to Govt: of NWFP, Establishment (E&A) Department Peshawar.
4. Secretary to Govt: of NWFP, Law Department Peshawar.
5. Principal Secretary to Chief Minister NWFP Peshawar
6. PS to Chief Secretary NWFP Peshawar.
7. PS to Additional Chief Secretary NWFP Peshawar.
8. PS to Additional Chief Secretary Home NWFP Peshawar.
9. PS to Additional Chief Secretary FATA Peshawar.
10. Accountant General NWFP Peshawar
11. Additional Accountant General, (PR) Sub Office Peshawar.
12. Chief Engineer (South/North)PHE Department NWFP Peshawar
13. Secretary Public Service Commission Peshawar w/r to his letter No.NWFP/PSC/Liv/2010/08527 dated 12-02-2010,
14. Registrar Peshawar High Court Peshawar.
15. Registrar N.W.F.P. Services Tribunal Peshawar.
16. All Superintending Engineers PHE Department NWFP.
17. All Executive Engineers PHE Department NWFP.
18. PS to Secretary PHE Department NWFP Peshawar.
19. Office Order File.
20. Manager Government Printing Press NWFP Peshawar. He is requested to supply 50 copies of the printed gazette for further distribution.

(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTT)

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
PUBLIC HEALTH ENGINEERING DEPARTMENT

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NOTIFICATION

Peshawar, dated: 06.03.2010.

No. SO(CECH)PHE/1-9/2010 -In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous notifications issued in this behalf, the Public Health Engineering Department in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in Column No. 3 to 5 of the Appendix appended to this Notification which shall be applicable to the post as mentioned in Column No. 2 of the said Appendix.


Section Officer (Estt)
Public Health Engg. Department
Khyber Pakhtunkhwa

amongst the in-service Graduate Sub Engineers, who possess
Degree of B.E/B.Sc Engineering
University:

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APPENDIX

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S.No.	Nomenclature of post.	Minimum qualification required for appointment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
I. Engineering Cadre:				
1.	Chief Engineer (BS-20).			By promotion, on the basis of selection on merit, from amongst the Superintending Engineers/Directors Design/Directors (Planning and Monitoring) with at least seventeen years service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.
2.	Superintending Engineer / Director Design / Director (Planning and Monitoring) (BS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/ Design Engineers/Technical Officers with twelve years of service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.
3.	Executive Engineer/ Design Engineer/ Technical Officer (BS-18):			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers/Assistant Design Engineers/Sub Divisional Officers possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University with five years service as such.

Section Officer (Sett)
 Public Health Engg. Department
 Khyber Pakhtunkhwa

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	Assistant Engineer/ Assistant Design Engineer/Sub Divisional Officer (BS-17).	Degree in B.E/B.Sc Engineering (Civil) from a recognized University.	21 to 32 years	<p>(a) Ten per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University;</p> <p><u>Note:</u> The seniority for the purpose of promotion shall be reckoned from the date of acquiring degree of B.E/B.Sc Engineering. (Civil) from a recognized University or date of appointment which ever is later.</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma and have passed Departmental Professional Examination with at least ten years service as such; and</p> <p>(c) seventy per cent by initial recruitment.</p>
5.	Sub Engineer (BS-11).	Diploma of Associate Engineering (Civil) / Electrical / Mechanical from a recognized Technical Board.	18 to 30 years	<p>(a) Ten per cent by transfer, from amongst the Draftsmen with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology from a recognized Board; and</p> <p>(b) ninety per cent by initial recruitment;</p>

II. Ministerial Establishment:

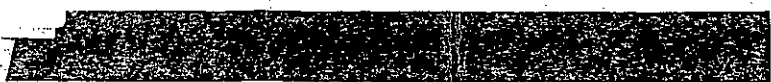
6.	Budget and Accounts Officer/Administrative Officer (BS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with five years service as such.
7.	Superintendent (BS-16).			<p>(a) Seventy per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such; and</p> <p>(b) thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with five years service as such.</p>

Section Officer (Estt)
Public Health Engg. Department
Khyber Pakhtunkhwa

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twent...
...sc Engineering...
...graduate Sub Eng...
...of seniority...



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8.	Senior Scale Stenographers (BS-15).	<p>(a) Second Class Bachelor's Degree or equivalent qualification from a recognized University; and</p> <p>(b) a speed of 100 words per minute in English shorthand and 40 words per minute in English typing.</p>	18 to 30 years	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers BS-12 with five years service as such:</p> <p style="text-align: right;">411</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
9.	Junior Scale Stenographer (BS-12).	<p>(a) Second Class Intermediate/ D.Com or equivalent qualification from a recognized Board; and</p> <p>(b) a speed of 50 words per minute in English shorthand and 35 words per minute in English typing.</p>	18 to 30 years	By initial recruitment.

[Signature]
 Section Officer (Estt.)
 Public Health Engg. Dept. in
 Khyber Pakhtunkhwa


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10.	Assistant/Head Clerk (BS-14).	Second Class Bachelor's Degree from a recognized University.	21 to 32 years	<p>(a) Twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks, having graduation with five years service as such;</p> <p>(b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerk other than Graduates, with five years service as such:</p> <p style="text-align: center;">Provided that if qualified persons are not available for promotion, against the quota at (a), then the vacancy shall be filled in by way prescribed at (b); and</p> <p>(c) Twenty-five per cent by initial recruitment.</p>
11.	Accounts Clerk (BS-11).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with five years service as such.
12.	Senior Clerk (BS-09).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with three years service as such.
13.	Junior Clerk (BS-07).	<p>(a) Second Division Intermediate or equivalent qualification from a recognized Board; and</p> <p>(b) a speed of 30 words per minute in English typewriting.</p>	18 to 28 years	<p>(a) Twenty per cent by promotion, from amongst the Daftari, Record Lifter, Daffadar, Barkandaz, Naib Qasids and Chowkidars, who have passed Secondary School Examination and are under 45 years of age and have at least two years service as such; and</p> <p><u>Note:</u> For the purpose of promotion, the department shall maintain a joint seniority list of Daftary, Naib Qasids, Chowkidars, Record Lifter, Daffadar and Barkandaz based on the date of regular appointment to the post or that of acquiring the SSC whichever is later; provided that if two dates are the same the person older in age or having longer service, whichever is more beneficial to him, shall rank senior; and</p> <p>(b) eighty per cent by initial recruitment.</p>


 Section Officer (Estt)
 Public Health Engg. Department
 Khyber Pakhtunkhwa



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	Naib Qasid/Record Lifter/ Barkandaz/Barkandaz (BS-02).	Preferably literate, preference will be given to Ex-Service Man.	18 to 35 years	By promotion, from amongst the Naib Qasids/Chowkidars having Middle Standard qualification: Provided that if no suitable candidate is available for promotion, then by initial recruitment.
15.	Naib Qasid (BS-01).	Middle Standard qualification.	18 to 40 years	By initial recruitment.
16.	Driver (BS-04).	Possessing a valid LTV/ HTV Driving License with five years experience, having Middle Standard qualifications from a recognized Board.	18 to 45 years	By initial recruitment.
17.	Chowkidar (BS-01).	Literate.	18 to 45 years	By initial recruitment.
18.	Sweeper (BS-01).		18 to 45 years	By initial recruitment.
19.	Data Entry Operator / Computer Aided Design, Computer Operator (BS-11).	Second Class Intermediate Certificate or equivalent qualification from a recognized Board and one year Diploma in Information Technology or Computer Science from a recognized Board.	18 to 30 years	By initial recruitment.

[Signature]
 Section Officer (Estt)
 Public Health Engg. Department
 Khyber Pakhtunkhwa



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Drawing Branch Establishment:

20.	Chief Draftsman (BS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsmen with five years service as such.
21.	Circle Head Draftsman (BS-16).			By promotion, on the basis of seniority-cum-fitness, from amongst the Head Draftsman/ Divisional Head Draftsman with five years service as such.
22.	Head Draftsman / Divisional Head Draftsman (BS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman with five years service as such.
23.	Draftsman (BS-11).	(a) Second Division Secondary School Certificate from a recognized Board; and (b) two years duration Certificate Course in Civil Draftsmanship from a recognized Board of Technical Education.	18 to 30 years	(a) Twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers having Certificate of Civil Draftsman Course of two years duration from recognized Board of Technical Education with three years service as such; (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman, and having three years service as such: Provided that if no suitable candidates are available for promotion against the quota at (a) then the vacancy shall be filled in by way prescribed at (b) and vice versa; and (c) fifty per cent by initial recruitment.

[Signature]
 Section Officer (I stt)
 Public Health Engg. Department
 Khyber Pakhtunkhwa

... engineers, who hold a Diploma in Civil /
 Mechanical / Mechanical Technology and have passed
 Professional Examination with ...

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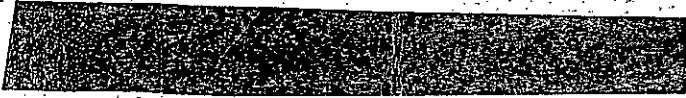
24.	Tracer (BS-05).	(a) Second Class Secondary School Certificate from a recognized Board; and (b) Survey course of at least 6-9 months duration.	18 to 30 years	(a) Twenty-five by promotion, from amongst the Ferro-Printer/Ferro Khalasi having Secondary School Certificate with two years service as such; and (b) seventy-five per cent by initial recruitment.
25.	Ferro- Printer/ Ferro Khalasi (BS-02).	Middle Standard Qualification.	18 to 30 years	By initial recruitment.

IV. Water Quality (WQ) Laboratory's Technical Staff:

26.	Water Scientist / Senior Research Officer (WQ) (BS-18).	Second Division M.Sc (Micro-biology or Chemistry) from a recognized University.		By promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Research Officer (Water Quality) BS-17 with five years service as such.
27.	Research Officer (WQ) (BS-17).	Second Division M.Sc (Micro-biology or Chemistry), from a recognized University.	21 to 32 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Assistant Research Officer (Water Quality) with three years service as such; and (b) fifty per cent by initial recruitment; and
28.	Assistant Research Officer (WQ) (BS-16).	Second Division B.Sc (Microbiology or Chemistry) from a recognized University.	21 to 30 years	By initial recruitment.

[Signature]
 Section Officer (Estt)
 Public Health Engg: Department
 Khyber Pakhtunkhwa

... amongst the Sub Engineers, on the basis of seniority-cum-fitness
 Electrical / Mechanical Technicians, who hold a D.I.T.
 Professional Examination

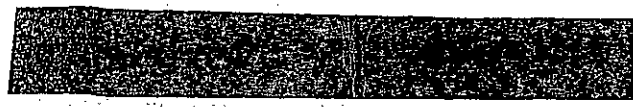


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29.	Laboratory Technician (BS-06).	Second Division Secondary School Certificate or equivalent qualification from a recognized Board and relevant Laboratory Technician Course from a recognized Technical Board/Institute.	18 to 30 years	By initial recruitment.
30.	Laboratory Attendant (BS-01).	Literate.	18 to 45 years	By initial recruitment.
V. Hydrogeology/Resistivity Survey Staff:				
31.	Research Officer/Hydro-Geologist (BS-17).	Second Division M.Sc (Hydro-Geology) or B.Sc (Civil/Agriculture Engineering) with two years relevant experiences or Second Division M.Sc. (Water Resources/ Civil Engineering) from a recognized University.	21 to 32 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the members of service holding the post of Assistant Research Officer (Resistivity Survey) with three years service as such; and (b) fifty per cent by initial recruitment.
32.	Assistant Research Officer (R/Survey) (BS-16).	Second Division M.Sc (Hydro-Geology) or B.Sc (Civil/Agriculture Engineering) or Second Division M.Sc. (Water Resources/ Civil Engineering) from a recognized University.	21 to 30 years	By initial recruitment.

[Signature]
 Section Officer (Estt)
 Public Health Engg. Department
 Khyber Pakhtunkhwa

...cum-fitness,
 Professional Examination with atleast ten years



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Technician (BS-06)	Second Class Secondary School Certificate or equivalent qualification from a recognized Board and relevant Technician Course from a recognized Technical Board/Institute.	18 to 30 years	By initial recruitment.
VI. Community Development/Health Hygiene Promotion Staff:			
34. Assistant Social Organizer (BS-16)	Second Class Master's Degree in Social Sciences from a recognized University.	21 to 30 years	By initial recruitment.
VII. EIA/Environment Section Staff:			
35. Environmentalist (BS-17)	Second Class Master's Degree in Environmental Sciences/Environmental Engineering from a recognized University.	21 to 30 years	By initial recruitment or by deputation from Environmental Protection Agency North-West Frontier Province.

SECRETARY TO GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
PUBLIC HEALTH ENGINEERING DEPARTMENT.

[Signature]
Section Officer (Estt)
Public Health Engg. Department
Khyber Pakhtunkhwa

... Diploma in Civil /
Professional Examination with atleast ten years service as such; and
(d) seventy percent



Annex 'F'

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(31)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT

No.SO(Estt)/PHED/1-9/2009

Dated Peshawar, the February 11, 2012

To


1. Engr. Ghulam Mujtaba,
Chief Engineer (South),
PHE Department Peshawar
2. Mr. Mushtaq Hussain,
Deputy Secretary (Reg-III),
Establishment Department Peshawar
3. Mr. Wazir Muhammad Afsar,
Section Officer (SR),
Finance Department Peshawar
4. Mst. Hashmeeda Begum,
Assistant Legal Drafter,
Law Department Peshawar

Subject: MINUTES OF THE MEETING OF STANDING SERVICE RULES
COMMITTEE (SSRC) HELD ON 02.02.2012 UNDER THE
CHAIRMANSHIP OF SECRETARY PHED AT HIS OFFICE.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of the minutes of the meeting of SSRC held on 02.02.2012 at 1100 hours under the chairmanship of Secretary PHED at his office, for information and record please.

Yours faithfully,



(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTT)

Encls: As above.

ENDST: OF EVEN NO. & DATE

Copy forwarded for information to the:-

1. Deputy Secretary (Admn) PHE Department Peshawar,
2. PS to Secretary PHE Department Peshawar

SECTION OFFICER (ESTT)

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Amar P
(28)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT**

Subject: **MINUTES OF THE SSRC MEETING HELD ON 02-02-2012
REGARDING AMENDMENTS IN THE PHE DEPARTMENT'S
(RECRUITMENT & APPOINTMENT) RULES 2010**

A meeting of the SSRC was held on 02-02-2012 at 11:00 hours under the chairmanship of Secretary PHE Department at his office, for considering the framing of service rules of some general/operational staff and various amendments in the PHE Department's (Recruitment & Appointment) Rules 2010.

2. The following attended the meeting:-

- | | | |
|----|--|------------------|
| 1. | Engr. Yousaf Jamal,
Secretary PHE Department | In-chair |
| 2. | Engr. Ghulam Mujtaba,
Chief Engineer (South) PHED | Member |
| 3. | Mirza Ifikhar Ahmad,
Deputy Secretary (Admn), PHED | Member/Secretary |
| 4. | Mr. Mushtaq Hussain,
Deputy Secretary (Reg-III) E&AD | Member |
| 5. | Mr. Wazir Muhammad Afsar,
Section Officer (SR) Finance Deptt. | Member |
| 6. | Mst. Hamsheeda Begum,
Assistant Legal Drafter
Law Department | Member |

3. The meeting started with recitation from the Holy Quran. The chairman of the committee welcomed the participants and explained the purpose of the meeting regarding various amendments in the PHE Department's existing Service Rules, notified earlier on 06-03-2010.

4. The following agenda items were discussed and decisions made accordingly:

1. Insertion of condition of qualification of Departmental/Professional Examination in the service rules for promotion of Assistant Engineers/SDOs (BS-17) to the post of Executive Engineer (BS-18).

It was pointed out that Establishment Department while processing a case has observed that the condition of qualification of Departmental Exam has not been mentioned in the service rules for promotion of Assistant Engineers/SDOs (BS-17) to the post of Executive Engineer (BS-18) or onward as required under the B&R Code. The chair told the forum that this requirement is to be incorporated at the stage of promotion of Assistant Engineers/Assistant Design Engineer/SDOs (BS-17) to the post of Executive Engineer/Design Engineer/Technical Officer (BS-18). As such this amendment is proposed. The Forum unanimously agreed to the insertion of condition of Departmental Examination in the Service Rules.

2. Reservation of Quota for B-Tech (Hons) Graduate

The Secretary of the forum told the participants that ever since the decision of august Supreme Court in Suo moto review petition No. 52 of 1993 the B-Tech (Hons) degree holders Sub Engineers are constantly approaching various forums and the department for treating them equally with BE/BSc Engineering degree holders. However, the matter was referred to the PEC which did not recognize the same degree.

The Chair pointed out that to avoid any further litigation this department intends to reserve 4% quota for B-Tech (Hons) degree holders by slashing 5% out of initial recruitment quota which is 70% whereas in C&W & Irrigation initial recruitment quota is 65%. In case of non availability of suitable candidates having B.Tech (Hons) Degree, the posts shall be filled by the way prescribed for initial recruitment.

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The forum agreed to the proposal with certain observations of Establishment mentioned herein after in item 3 below.

3. Reservation of Quota for B.E Electronics

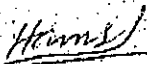
The Secretary expresses the need and utility of Engineers with B.E Electrical/Electronics in PHE Department. In PHE Department from hydrology survey to external/internal electrification and regular upkeep of electrical Machinery/Electricity Billing etc the department requires services of such like engineers. Therefore separate quota of 1% for in service B.E/Electrical/Electronics degree holder is being proposed. The representative of the Establishment Department objected to this. He pointed out that at the time of induction as Sub Engineers the incumbents hold either DAE in Electrical, Mechanical or Civil discipline. Those with DAE (Civil) have the privilege of getting accelerated promotion under the existing 5% quota of in service B.E/BSc (Civil) Degree holder whereas the other two categories of the DAEs are being discriminated. Therefore, by adding the words Electrical/Electronics/Mechanical after B.E Civil shall serve the purpose. The forum agreed and one percent quota was accordingly apportioned to B-Tech (Hons) which was agreed at 5% quota for the in-service Graduate Sub Engineers. The chair also pointed out that for promotion to the post of Assistant Engineer/SDO/Assistant Design Engineer (BS-17), the Diploma holder Sub Engineers are required to qualify the Departmental Exam but inadvertently, in the service rules professional examination has been mentioned. This correction is also to be made. The forum agreed. The rules will be accordingly adjusted and notified.

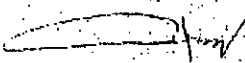
4. Service Rules for General/Operational Staff:

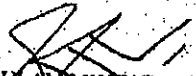
The chair of the forum informed the participants of the meeting requirement of the operational staff for the water supply schemes. The forum agreed to the proposal regarding framing of service rules for the following categories of the Department:-

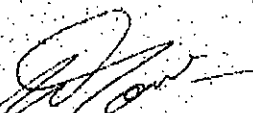
1. Electrician (BS-7)
2. Pipe Fitter (BS-7)
3. Pump Operator (BS-4)
4. Chowkidar-cum-valve man (BS-1)
5. Chowkidar-cum-Operator (BS-1)

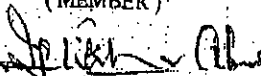
5. The chairman, appreciated efforts and cooperation extended by the participants for streamlining the service rules. The meeting ended with a vote of thanks from the chair.

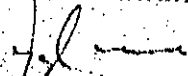

(HAMSHEEDA BEGUM)
ASSISTANT LEGAL DRAFTER
LAW DEPARTMENT
(MEMBER)


(MUSHTAQ HUSSAIN)
DEPUTY SECRETARY (RBG-III)
E&A DEPARTMENT
(MEMBER)


(ENGR. GHULAM MURTABA)
CHIEF ENGINEER (SOUTH)
PHE DEPARTMENT
(MEMBER)


(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR)
FINANCE DEPARTMENT
(MEMBER)


(MIRZA FIKHAR AHMED)
DEPUTY SECRETARY (ADMN)
PHE DEPARTMENT
(MEMBER/SECRETARY)


(ENGR. YOUSAF JAMAL)
SECRETARY PHE DEPARTMENT
(CHAIRMAN.)

Modified Final Minutes of SSMU for change in the Service Rules 05.06.2010

EXISTING / PROPOSED SERVICE RULES OF PHE DEPARTMENT

50

S.No	Nomenclature of Post	Minimum Qualification required for initial appointment	Age Limit	Method of Recruitment (Existing)	Method of Recruitment (Proposed)
ENGINEERING CADRE					
3.	Executive Engineer/ Design Engineer/ Technical Officer (BS-18).			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Engineer / Assistant Design Engineer / Sub Divisional Officer, possessing Degree in B.E/B.Sc Engineer (Civil) from a recognized University with 5-years service as such.	By promotion on the basis of seniority-cum-fitness from amongst the Assistant Engineer / Assistant Design Engineer / Sub Divisional Officer, possessing Degree in B.E/B.Sc Engineer (Civil) from a recognized University with 5-years service as such and have passed the Professional Examination as prescribed in the B&R Code.
4.	Assistant Engineer/ Assistant Design Engineer/Sub Divisional Officer (BS-17).	At least 2 nd class B.E/B.Sc Degree in Civil Engineering from a recognized University.	21 to 32 years	<p>a. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Direct Graduate Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University;</p> <p>b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the In-service Graduate Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University;</p> <p>c. twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma in Civil Technology and have passed Departmental Professional Examination with at least ten years service as such; and</p> <p>d. seventy per cent by initial recruitment.</p>	<p>a. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Direct Graduate Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil/Mechanical/Electrical/Electronics) from a recognized University;</p> <p>b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the In-service Graduate Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil/Mechanical/Electrical/Electronics) from a recognized University;</p> <p>c. Five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who possess degree of B.Tech (Hons) from a recognized University;</p> <p>d. twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma in Civil/Electrical/Mechanical Technology and have passed the Departmental Examination with at least ten years service as such;</p> <p>e. Sixty Five per cent by initial recruitment.</p>

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APPENDIX (ANNEX-D)

S.No.	Nomenclature of post.	Minimum qualification required for initial appointment.	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
I. Operational Staff				
1.	Electrician (BPS-07)	Matric, with a Certificate of Electrician from a recognized Institute/Board of Technical Education	18-30	By initial recruitment.
2.	Pipe Fitter (BPS-07)	Matric with a certificate of Plumbing Course from a recognized Institute/Board of Technical Education.	18-30	By initial recruitment.
3.	Pump Operator (BPS-4)	Matric	18-35	i. 50% by initial recruitment. ii. 50% by promotion from amongst the holders of the post of Chowkidar-cum-operator/Chowkidar-cum-Valve man, having at least a qualification of Matric.
4.	Chowkidar-cum-Operator (BPS-1)	Matric	18-35	By initial recruitment.
5.	Chowkidar-cum-Valve man (BPS-01)	Matric	18-45	By initial recruitment.

FROM :

FRX NO. :

Mar. 01 2012 11:07AM P1



~~Annex~~ Annex
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Annex
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WORKING PAPER FOR SSRC

Subject:- AMENDMENTS IN THE PHE DEPARTMENT'S
(RECRUITMENT & APPOINTMENT) RULES 2010

An appeal was submitted by the B.Tech (Hons) Graduate Sub Engineer (B-11) for reservation of quota for promotion to the rank of Assistant Engineers / Sub Divisional Officers (B-17) (**Annex-I**). The appeal was sent to Establishment Department for advice. The Establishment Department advised to take up the matter regarding equivalency of B.Tech (Hons) Degree with B.E / B.Sc with Pakistan Engineering Council (**Annex-II**). Accordingly the matter was taken up with the PEC (**Annex-III**). The PEC replied that the qualification of B.Tech (Hons) is neither accredited nor included in the Pakistan Engineering Council Act, therefore, the Council is of the considered view that the degree of B.Tech (Hons) is not equivalent to the degree of BE / B.Sc Engineering (**Annex-IV**). The Establishment Department further advised to place the matter of reservation of quota for B.Tech (Hons) Degree Holders before the SSRC in light of the Judgement of the Supreme Court of Pakistan dated 5th June 1995 (**Annex-V**).

2. A Working Paper was placed before the SSRC for consideration of amendments in the following items (**Annex-VI**) with comparative analysis (**Annex-VII**):-

- i. Rules regulating Assistant Engineers (BPS-17) for promotion to the post of Executive Engineer (BPS-18);
- ii. Rules regulating Sub Engineers (BPS-11) having B.Tech (Hons) Degree from a recognized University or Institution for promotion to the post of Assistant Engineer / SDO (BPS-17).
- iii. Rules regulating Sub Engineers (BPS-11), having B.E (Electronics) from a recognized University or Institution for promotion to the post of Assistant Engineer / SDO (BPS-17).

3. In order to frame Service Rules for operational staff, another Working Paper was also placed before the SSRC as the department was facing inconvenience with regard to the method of their initial appointments and promotion etc (**Annex-VIII**).

4. The SSRC, amongst others, after in depth discussion and considering the judgement of the Supreme Court of Pakistan (**Annex-V**), decision of the Higher Education Commission (**Annex-IX**), Memorandum of Ministry of Education Government of Pakistan Islamabad (**Annex-X**), decisions of Establishment Division Government of Pakistan Islamabad (**Annex-XI**) and Lahore High Court Multan Bench (**Annex-XII**) unanimously agreed inter alia to the reservation of 5% quota for B.Tech (Hons) Degree holders as per minutes of the meeting (**Annex-XIII**).

5. A draft Notification was sent to Khyber Pakhtunkhwa Public Service Commission for obtaining NOC (**Annex-XIV**). The Public Service Commission again advised to approach PEC to the effect whether B.Tech (Hons) is at par with B.E/B.Sc Engineering Degree or otherwise (**Annex-XV**). As the PEC has already given its views on the issue, therefore, the Department did not refer the case again to PEC.

6. As per judgement of the Supreme Court of Pakistan, the PEC has no power to say that civil servant holding particular academic qualification could not be promoted from a particular grade to higher grade. The Government cannot abdicate its power to decide such question in favour of a Corporate body which is not in its control nor it can act in a manner which might be violative of Article 25 of Constitution on account of being discriminatory (**Annex-V – PLD 1995 – Page 701**).

7. An similar case for reservations of quota for B.Tech(Hons) Degree holders was sent by the Irrigation Department to the Public Service Commission. Similar observations were made by the Commission. However, the Irrigation Department, in reply to the observations, contended that the point of recognition of B.Tech (Hons) Degree at par with B.E/B.Sc Engineering Degree has already been clarified by the Supreme Court of Pakistan as well as Higher Education Commission Islamabad which are the competent forums (**Annex-XVI**). In the meantime, the Irrigation Department sent draft Notification to the Law Department for vetting (**Annex-XVII**) and the Law Department returned the draft Notification, duly vetted (**Annex-XVIII**). The Irrigation Department moved a case to the competent authority (Chief Secretary) and on receipt of approval, issued amendment in the Service Rules reserving 8% quota for B.Tech Degree holder Sub Engineers (**Annex-XIX**).

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(44)

8. The PHE Department intends to lay down 10-years length of service for promotion of Direct Graduate Sub Engineer / In-Service Graduate Sub Engineers, B.Tech (Hons) and B.E (Electronics) Degree holders.

9. The SSRC is requested to consider and approve the amendments in the PHE Department's (Recruitment & Appointment) Rules, 2010 (Annex-XX). A comparative analysis of existing and proposed amendments in the Service Rules is at (Annex-XXI).

[Handwritten Signature]
9/7/12

for DEPUTY SECRETARY (ADMINISTRATION)

Comparative Analysis of existing and proposed amendments in the Services Rules

S.No	Post	Existing Method of Recruitment	Proposed Method of Recruitment
3.	Executive Engineer/Design Engineer/Technical Officer (BPS-18)	By promotion on the basis of seniority-cum-fitness from amongst the Assistant Engineer / Assistant Design Engineer / Sub Divisional Officer, possessing Degree in B.E/B.Sc Engineering from a recognized University with 5-years service as such.	By promotion on the basis of seniority-cum-fitness from amongst the Assistant Engineer / Assistant Design Engineer / Sub Divisional Officer, possessing Degree in B.E/B.Sc Engineering (Civil) from a recognized University with 5-years service as such and have passed the Departmental Professional Examination.
4.	Assistant Engineer/Assistant Design Engineer/SDO (BPS-17)	<p>a. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the <u>Direct Graduate Sub-Engineers</u> who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University;</p> <p>b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the <u>In-service Graduate Sub-Engineers</u> who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University;</p> <p>c. <u>Twenty per cent by promotion</u>, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma in Civil / Electrical / Mechanical Technology and have passed Departmental Professional Examination with at least 10-years service as such; and</p> <p>d. Seventy per cent by Initial recruitment.</p>	<p>a. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Direct Graduate Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil) from a recognized University with 10-years service <small>which service</small></p> <p>b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the In-service Graduate Sub-Engineers who possessed Degree of B.E/B.Sc Engineering (Civil/Electronics) from a recognized University with 10-years service.</p> <p>c. Five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possessed degree of (B.Tech Hons:(Civil)) from a recognized University with 10-years service.</p> <p>d. Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers who hold a diploma in Civil / Electrical / Mechanical Technology and have passed Departmental Examination with 10-years service;</p> <p>e. Sixty Five per cent by initial recruitment.</p>

Justification about change

as such

23/5/24

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S.No.	Nomenclature of post.	Minimum qualification required for initial appointment.	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
I. Operational Staff				
1.	Electrician (BPS-07)	Matric, with a Certificate of Electrician from a recognized Institute/Board of Technical Education	18-30	By initial recruitment.
2.	Pipe Fitter (BPS-07)	Matric with a certificate of Plumbing Course from a recognized Institute/Board of Technical Education.	18-30	By initial recruitment.
3.	Pump Operator (BPS-4)	Matric	18-35	By initial recruitment.
4.	Chowkidar-cum-Operator (BPS-1)	Literate	18-40	By initial recruitment.
5.	Chowkidar-cum-Valve man (BPS-01)	Literate	18-40	By initial recruitment.

Promotion
J. J. J.

18-30

18-35

18-45

Annex H



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMIN. DEPARTMENT
(REGULATION WING)
No. SOR-V (E&AD) 16-01/12
Dated: 01 April 2013

42
Annex
(H)
97

To

The Secretary to Govt. of Khyber Pakhtunkhwa
PHE Department

Subject

MINUTES OF THE 88th MEETING HELD ON 21-3-2013 AT
14:00 HOURS UNDER THE CHAIRMANSHIP OF SPECIAL
SECRETARY (ESTABLISHMENT) REGARDING AMENDMENTS IN
THE PHE DEPARTMENT (RECRUITMENT & APPOINTMENT)
RULES 2010

It is directed to refer to the subject noted above and to forward
herewith a copy of the minutes of the meeting held on 21-3-2013 under the
chairmanship of Special Secretary (Establishment) for information and further
necessary action accordingly.

Yours faithfully,

QURRAY-UL-AMIN
SECTION OFFICER (REG-V)

Encl: As above

Copy along with a copy of the minutes is forwarded for information to the

1. PS to Special Secretary (Establishment)
2. PS to Additional Secretary (Regulation)
3. PS to Secretary, Public Service Commission
4. PA to Deputy Secretary (R.H)
5. PA to Deputy Secretary (SR-4) Finance Department
6. PA to Deputy Legal Drafter, Law Department

SECTION OFFICER (REG-V)

48

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APPENDIX

21-3-2013

S. No.	Nomenclature	Minimum Qualification Required for initial recruitment.	Age limit for initial recruitment.	Method of Recruitment Cleared by SSRC
3	Executive Engineer/Design Engineer/Technical Officer (BS-18)			By promotion on the basis of seniority cum fitness from amongst the Assistant Engineer/Assistant Design Engineer/Sub-Divisional Officer possessing Degree in B.E/B.Sc. Engineering (Civil) from recognized University with 5 years service as such and have passed the Departmental Professional Examination.
4	Assistant Engineer/Assistant Design Engineer/Sub-Divisional Officer (BS-17)	Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.	21 to 32 years	<p>a) Five percent (5%) by promotion on the basis of seniority cum fitness from amongst the Direct Graduate Sub-Engineers who possessed Degree of B.E/B.Sc. Engineering (Civil) from a recognized University with 05 years service as such.</p> <p>b) Five percent (5%) by promotion on the basis of seniority cum fitness from amongst the In-service Graduate Sub-Engineers who possessed Degree of B.E/B.Sc. Engineering (Civil) from a recognized University with 05 years service as such.</p> <p>c) Three percent (3%) by promotion on the basis of seniority cum fitness from amongst the Sub-Engineers who possessed degree of D.Tech/Hous. (Civil) from a recognized University with 05 years service as such.</p> <p>d) Twenty percent (20%) by promotion on the basis of seniority cum fitness from amongst the Sub-Engineers who hold a Diploma in Civil/Electrical/Mechanical Technology and have passed Departmental Examination with 10-years service as such; and</p> <p>e) Sixty Seven (67%) by initial recruitment.</p>

FOUNDER SECRETARY DEPT. P&S, FOX NO. 0919213917, 9 Apr. 2013 11:52AM PT



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/1-9/2009/KC
Dated Peshawar, the January 24, 2013

To

- 1) The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department. In chair.
- 2) Mr.Abdul Latif, Special Secretary, Establishment Department. Member
- 3) Mr.Akbar Ali Khan, Additional Secretary (Reg), Establishment Department. Member
- 4) Mrs.Tahira Jabeen, Deputy Secretary (Reg-I), Finance Department. Member
- 5) Mr.Ishrat Ali, Deputy Secretary (Tech), PHE Department. Member
- 6) Mr.Sharif Hussain, Secretary Public Service Commission Pesh. Member
- 7) Mr.Faseehullah, Assistant Legal Drafter, Law Department. Member
- 8) Mrs.Najm-us-Sahr, Section Officer (R-V), Establishment Department. Secretary

Subject: **AMENDMENTS IN THE PHE DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES 2010**

Dear Sir / Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of Establishment & Administration Department's letter No.SOR-V (E&AD)15-01/2012, dated 21st January, 2013, and to state that the subject meeting fixed for 22/01/2013 has been postponed and will now be held on 29-01-2013 at 1100 hrs under the chairmanship of Secretary Establishment in his office.

I am directed to request to please attend the meeting of the SSRC on the scheduled date and time. 8-sets of Working Papers with additional information have already been provided earlier.

Yours faithfully,

SECTION OFFICER (ESTT)

DSR-III

24/13

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28-1-13

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25TH JUNE, 2012.

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

NOTIFICATION

Dated: 25th June, 2012.

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

AMENDMENTS

In the Appendix,

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

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

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

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

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

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

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

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

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

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT.

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

To

The Chief Secretary,
Khyber Pakhtunkhwa,
Peshawar.

(47)
Annex 5

(52)

APPEAL

SUBJECT:- RESERVATION OF QUOTA FOR PROMOTION OF B-TECH (HONS).

Sir,

With the respect it is submitted that after quite some hard & long efforts, holders of B-Tec (Hons) has been allowed their rights of promotion to the post of SubDivisional Officer/ Assistant Engineer.

However the S.S.R.C meeting held on 11 Feb, 2012, the quota is proposed 5%, but some certain reason the S.S.R.C rules has not matured and again S.S.R.C meeting called on dated 21 March 2013. in which the Establishment Department fixed 3% quota for the B.Tech (Hons) Graduate which is not fair.

While in the Irrigation Department 8% quota has been fixed vide notification No.1212 dated 25 June 2012. similarly in service & pre-service B.Sc Engineer Degree holders Sub Engineer have been allowed 10% quota, despite the fact that as per H.E.C decision, B.Tech (Hons) is to be treated at par with B.E, B.Sc degree holders, for the purpose of pay, scale promotion etc.


Recently Peshawar High Court is one of the writ petition have held that B.Tech (Hons) is equal to B.S.C Engineer in terms of equalance.

In the view of the above submission, it is most humbly prayed that the minutes of the S.S.R.C meeting No.SOR-V (E&AD) 15-01/12 held on 21/3/2013 issued by the Establishment Department Khyber Pakhtunkhwa Pshawar may kindly the satisside and the quota may kindly be increased from 3% to 10% as it is done by the other departments of the Province and as per decision of the Supreme Court in suo moto review perition No. 52 of 1993 & recently High Court decision & oblige.


(ZAHID HUSSAIN SHAH)
SUB ENGINEER

Copy to:-

1. The Secretary Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
2. The Secretary Establishment Department Khyber Pakhtunkhwa Peshawar.
3. The Secretaty Finance Department Khyber Pakhtunkhwa Peshawar.


(ZAHID HUSSAIN SHAH)
SUB ENGINEER



انصاف کی
ہائیر ایجوکیشن کمیشن
HIGHER EDUCATION COMMISSION

Sector H-9, Islamabad, Phone: +92-51-90400910 Fax: +92-51-90400902
URL: <http://www.hec.gov.pk>

Deputy Director (A&A)
Email: sbaig@hec.gov.pk

No.8-61/HEC/A&A/2013 / 721
February 19, 2013

Mr. Mushataq Ahmad
Senior Law Officer,
University of Engineering and Technology
Peshawar.
Ph: (091) 9216887
Fax: (091) 9218097

Subject: **Equivalence of B.Tech (Hons) Degree with B.Sc Engineering degree**

Dear Sir,

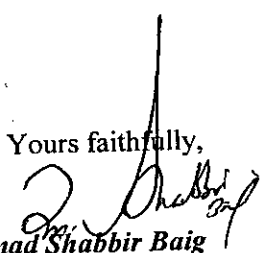
With reference to your letter No 110/Legal Cell dated February 18, 2013 on the subject, it is to inform that decision regarding equivalence of B.Tech (Hons) degree was taken in its 39th meeting of Equivalence Committee of erstwhile UGC held on 12.2.1998 had declared B.Tech (Hons) degree as compatible and at par to B.E/B.Sc Engineering for purpose of employment. The decision of the Committee is reproduced below for your information and is applicable in your case as well:

"The degree of B.Tech (Hons) is not similar to B.E/B.Sc Engineering degree. Both the degrees of B.E/B.Sc Engineering and B.Tech (Hons) be considered as two distinct disciplines of knowledge in the field of Engineering and Technology and should run parallel to each other. However, B.Tech (Hons) may be treated at par and compatible with B.E/B.Sc. Engineering degree holders as far as grades, pay and promotions and other benefits are concerned. The Committee further noted that it was up to the employer to determine the type of qualification required for a particular job".

It is also informed that as per SOP's the equivalence of degrees is determined on individual basis and upon submission of detail documents on the prescribed equivalence proforma (E-01) which can be download from the Higher Education Commission website. www.hec.gov.pk.

It is further clarified that admission in a university for further education and determination of suitability in relation to job requirement rests with the concerned university/employing agency/s and this Commission has no role in such issues.

Yours faithfully,


Muhammad Shabbir Baig
Deputy Director (A&A)
For Director (A&A)

BEFORE PESHAWAR HIGH COURT ATD BENCH بعد الت

عنوان: Zahid Hussain Sheh نام Chief Secretary

منجانب: Petitioner

نوعیت مقدمہ: Writ Petition

باعت تحریر آئنگہ
ABBOTTABAD

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

FAWAD SALEH (A.S.C) & HAMAYUN KHAN Adv

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سندر ہے۔

19 April 2013

Accepted
S. Saleh

ABBOTTABAD

بمقام:

Accepted by
Accepted by
H. Saleh Adv

Petitioner
Zahid Hussain Sheh Adv

Ph: 9220581
Fax:9220406

(32)

(2)

REGISTERED
No. C.A.1432/2013- SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 05-04-2016.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Additional Registrar,
Peshawar High Court, Abbottabad Bench,
Abbottabad.

Subject: CIVIL APPEAL NO. 1432 OF 2013.
Chief Secretary, Government of Khyber Pakhtunkhwa
Peshawar & others
Versus
Zahid Hussain Shah

**On appeal from the Judgment/Order of the Lahore
Peshawar High Court, Abbottabad Bench, dated
25.04.2013 in W.P. No. 328-A/2013.**

Dear Sir,

In continuation of this Court's letter of even number dated 30.11.2013 and in accordance with the provisions contained in Order X, rule 9, Supreme Court Rules, 1980, a certified copy of the ~~judgment~~ ^{order} of this Court dated 09.03.2016, dismissing as withdrawn the above cited civil appeal, is enclosed for further necessary action.

The original record of the High Court received under the cover of your letter No. 640 dated 12.12.2013 is returned herewith.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order
2. O/Record:

Yours faithfully

(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

NO 827
29/4/16

Seen

Incharge WP PRR for n/a.
11/4/16 AR

3

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE GULZAR AHMED
MR. JUSTICE DOST MUHAMMAD KHAN
MR. JUSTICE TARIQ PARVEZ

CIVIL APPEAL NO. 1432 OF 2013

(On appeal from the judgment dated 25.4.2013 passed by the Peshawar High Court, Abbottabad Bench in Writ Petition No.328 of 2013)

Chief Secretary Govt. of KPK Peshawar & others

... Appellants

Versus

Zahid Hussain Shah

...Respondent

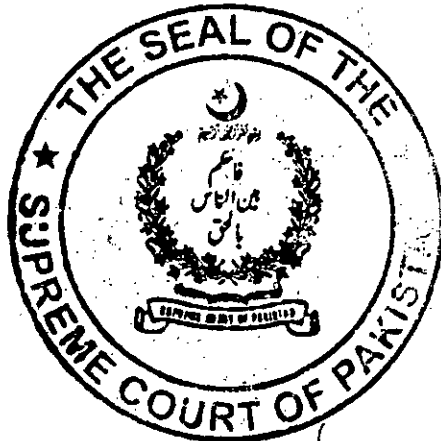
For the appellants: Mr. Mujahid Ali Khan, Addl. AG, KPK.
Mr. Muhammad Yaseen Khan, B.O. PHED.
Mr. Naimatullah, SEPHED, Abbottabad.

For the respondent: Mr. Fawad Salah, ASC.
Syed Razaqat Hussain Shah, AOR.
S.E.C./Hafiz S.A. Rehman, Sr.A.C.

Date of hearing: 9.3.2016

ORDER

GULZAR AHMED, J. - After arguing the matter at length the learned counsel for the appellants on instructions wishes to withdraw the instant appeal to file fresh petition. The appeal is, therefore, dismissed as withdrawn. He may file afresh petition in accordance with law.



Sd/- Gulzar Ahmed, J
Sd/- Dost Muhammad Khan, J
Sd/- Tariq Parvez, J

Certified to be True Copy

5/4/16
Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad, the
9th March, 2016
Naveed Ahmad

20.15.2016

Ph. 9220581

288

B-196/08

MOST IMMEDIATE

C. P. No.225-P/2016-SCJ.

Supreme Court of Pakistan.

Islamabad, the 04th April, 2019

(4)

From

The Registrar
Supreme Court of Pakistan
Islamabad

To

✓ The Additional Registrar,
Peshawar High Court,
Abbottabad Bench,
Abbottabad.

Subject:-

CIVIL PETITION NO. 225-P OF 2016.

Government of K.P. through Chief Secretary Peshawar and
others **...Petitioner(s)**

Versus.

Zahid Hussain Shah

...Respondent(s)

(on appeal from the judgment/order of the Peshawar
High Court, Abbottabad Bench, Abbottabad dated
25.04.2013 passed in W.P.No.328-A/2013)

Dear Sir,

I am directed to enclose herewith a certified copy of the
order dated **14.3.2019** passed in the above cited Civil Petition for
information and necessary action.

Kindly acknowledge receipt of this letter along with its
enclosure.

Yours faithfully

(Signature)

Encl:- As Above.

(FAWAD AHMAD)
ASSISTANT REGISTRAR(CIVIL-II)
FOR REGISTRAR.

1. R. P.
As instructed
u/s
of
MR

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Sajjad Ali Shah

CIVIL PETITION NO. 225-P OF 2016

(On appeal from the judgment/order dated 25.04.2013 passed by Peshawar High Court, Peshawar in W.P. No. 328-A/2013)

Govt. of K.P thr. Chief Secy. Peshawar and others

... *Petitioner (s)*

Versus

Zahid Hussain Shah

... *Respondent (s)*

For the Petitioner (s) : Mr. Qasim Wadood, Addl. AG KPK.

For the Respondent (s) : Mr. M. Shoaib Shaheen, ASC.

Date of Hearing : 14.03.2019

ORDER

This petition has been filed pursuant to our order dated 09.03.2016 allowing the withdrawal of a pending appeal in order for a fresh petition to be filed in accordance with law. However, considering the lapse of time from 25.04.2013, the date of the impugned judgment, until the filing of the instant fresh petition, the office has raised an objection that it is barred by 1039 days.

2. Learned Additional Advocate General, KP submits that the order dated 09.03.2016 reflects that an important question arose for consideration in the pending appeal which was allowed to

ATTESTED

[Signature]
Court Associate
Systems
15/7/2019