

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1336/2022** *Camp court*  
*Abbottabad*

Engr. Zahid Ullah,  
Executive Engineer,  
PHED Mansehra.

Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa  
through Chief Secretary, KPK Peshawar
2. Secretary, Public Health Engineering Department
3. Engr. Amna Waheed Awan BPS-18 PHED (XEN) Mansehra

Respondents

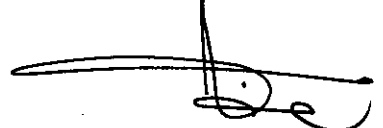
Khyber Pakhtunkhwa  
Service Tribunal

Case No. 3708

Dated 22/2/2023

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**Deponent**

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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Appellant

**V E R S U S**

1. Government of Khyber Pakhtunkhwa  
through Chief Secretary, KPK Peshawar
2. Secretary, Public Health Engineering Department  
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Respondents

**JOINT PARA WISE COMMENTS ON BEHALF OF  
RESPONDENTS NO.1 & 2**

**Respectfully Sheweth**

**Preliminary Objections**

1. The appellant has no locus standi to file the instant petition.
2. The appellant has no cause of action nor locus standi.
3. The appellant has not come to this Hon'able Court with clean hands.
4. The appeal is badly time bared.
5. The appeal is bad for non joinder, misjoinder of necessary parties.
6. The present appeal is not maintainable in its present form and also in the present circumstances of the issue.

**ON FACTS**

1. Pertains to record. Hence no comment.
2. Incorrect and misconceived. It is clarify that the appellant has been assigned duties in different Sub-Divisions/Divisions for execution of developmental schemes in the sector of Water Supply and Sanitation in the best public interest. It is also added that previously the appellant made no such representation against transfer/posting against SDO / XEN and now in the present appeal the appellant is pressing hard for PHE division Mansehra. Secretary PHE\_being the Competent Authority deemed it appropriate to post the appellant in Kolayi Pallas in the best public interest.
3. Correct it is clarified that PHE Division Mansehra, Battagram, Kohistan and Kolai Pallas Kohistan come under the administrative control of Superintending Engineer PHE Circle Mansehra. As Kolayi Pallas Kohistan is a backward area and the Government of Khyber Pakhtunkhwa gave the status of District to it and the appellant was transferred there for the execution of Developmental Schemes keeping in view his ability and dedication in the best public interest
4. Incorrect and misconceived. As discussed in para-3 of the above.
5. Incorrect and misconceived. Hence denied.
6. Incorrect and misconceived. The appellant is not an aggrieved person and he has been assigned in executing developmental schemes in the best public interest.

**ON GROUNDS**

- a. Incorrect and misconceived. The burden lies upon the appellant to prove the same in the court of Law.
- b. Incorrect and misconceived. It is worth mentioning that all the newly inducted SDO's in their offer of appointment accept the terms and conditions to perform duties throughout the province in the best interest of the public. It is further added that stance of the appellant in this para is a clear violation of terms and conditions of his offer of the appointment **(Copy is attached as Annex-A)**. The appellant wants to render services at his own will, however, Secretary PHED deemed it appropriate to assign task to every field staff of PHED to carry out timely the developmental schemes.
- c. Incorrect and misconceived. As the placement committee decide ytransfer and posting of officer keeping in view his suitability for timely execution of ongoing developmental schemes. The appellant misleads this Hon'able Court in his favour. As the appellant is domicile holder of District Battagram and he has been adjusted in his zone.
- d. Incorrect and misconceived. As discussed in the preceding paras.
- e. Incorrect and misconceived. Hence denied.

**PRAYERS**

Keeping in view the above, it is therefore requested that the appeal is vexatious and devoid of merit may be dismissed with cost.

**Respondent No. 1 & 2**

**SECRETARY TO GOVT. OF KPK  
PHE DEPARTMENT**



# GOVERNMENT OF KHYBER PAKHTUNKHWA

## PUBLIC HEALTH ENGG: DEPARTMENT


(Civil Secretariat, Technical Block, Police Line Road, Peshawar)


Dated Peshawar, the February 17, 2023

 PHEDKPGovt

 PHEDKPGovt

 [phed.lit@gmail.com](mailto:phed.lit@gmail.com)

 0919223432

 0919213922

### AUTHORITY LETTER

**No. SO(LIT)PHED/ST/40-93/Engr. Zahid Ullah** Qari Muhammad Fayaz, Section Officer (Litigation) Public Health Department, is hereby authorized to Submit the Joint Parawise comments & attend the KP Service Tribunal Peshawar (Camp Court Abbottabad) in connection with Service Appeal No. 1336 of 2022 titled "Engr. Zahidullah versus Government Of Khyber Pakhtunkhwa through Chief Secretary and Secretary Public Health Engineering" on behalf of the Secretary Public Health Engineering Department.

  
**SECRETARY**  
**PHE Department**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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2. Secretary, Public Health Engineering Department

Engr. Amna Waheed Awan BPS-18 PHED (XEN) Mansehra

.....

Respondents

**AFFIDAVIT**

I, Qari Muhammad Fayyaz, Section Officer Litigation PHE Department do hereby solemnly declared on oath that the contents of the accompanying comments are true and correct to the best of my knowledge and belief and nothing has been concealed for this Hon'able Court.



**Deponent**

**CNIC:** 17301-6891416-9

Dated Peshawar, the September 15, 2011

## NOTIFICATION

**No.SO(Estt)/PHED/1-122/2011** The competent authority on recommendations of the Khyber Pakhtunkhwa Public Service Commission and in pursuance of the provisions contained in Sub Section (2) of Section 19 of the NWFP Civil Servants Act, 1973 (NWFP Act No.XVIII of 1973), as amended by the NWFP, Civil Servants (Amendment) Act, 2005 (NWFP Act No.IX of 2005) the Govt of Khyber Pakhtunkhwa in the Public Health Engineering Department is pleased to offer the appointment to the following candidates as Assistant Engineers/Sub Divisional Officers BPS-17 (Rs.16000-1200-40000) in the Public Health Engineering Department, subject to the following terms & conditions mentioned below:-

Sl: No	Name of Candidate with father's name	Sl: No	Name of Candidate with father's name
1.	Ayesha Hakim D/o Mirza Hakim Khan	2.	Ikram Ullah Shah S/o Abdul Wahid Shah
3.	Muhammad Wasim S/o Muhammad Salim	4.	Tayyaba Bibi D/o Muhammad Fareed
5.	Gul Ajab Khan S/o Din Khan	6.	Adnan Ahmed S/o Khurshid Ahmed
7.	Junaid Hafeez S/o Hafeez-ud-Din	8.	Syed Abid Ali Shah S/o Syed Mir Akbar Shah
9.	Mahwish Irfan D/o Murad Ali Shah	10.	Fazle Hayat S/o Gohar Ali
11.	Syed Salman Ali Shah S/o Syed Mir Muslim Shah	12.	Zeeshan Khan S/o Zardad Khan
13.	Amna Waheed Awan D/o Abdul Waheed	14.	Fazal Ahmad S/o Ghulam Muhammmad
15.	Beenish Akbar Khan D/o Ghulam Akbar Khan	16.	Zahid Hussain S/o Muhammad Amin
17.	Noor Rehman S/o Shams-ur-Rehman	18.	Zahid Ullah S/o Taj Muhammad
19.	Rafi Ullah S/o Muzamil Shah	20.	Yasir Rehman S/o Sher-ur-Rehman
21.	Javeria Naseem Golra D/o Muhammad Naseem Golra	22.	Iftikhar Ahmad S/o Gul Muhammad Khan

### TERMS & CONDITIONS:

- i. The above posts, for all intents and purposes, shall be within the definition of Civil Servants except for purpose of pension and gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount contributed by them towards Contributory Provident Fund (CPF) along with the contributions made by Govt to his account in the said fund, in the prescribed manne.
- ii. They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules framed there-under.

P.T.O

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- iii. They shall, initially, be on probation for a period of two years and extendable upto three years.
- iv. Their services will be liable to termination at any time without assigning any reason, before the expiry of the period of probation/extended period of probation, if their work during this period is found unsatisfactory. In such an event, they will be given one month's notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, one month's notice shall be necessary or in lieu of thereof one month's pay shall be forfeited.
- v. They will not be entitled to any TA/DA on their first appointment as Assistant Engineers.

2. In case the above terms and conditions are acceptable, an **UNDERTAKING** to the effect on a Bond worth Rs.30/- signed and duly attested by the Oath Commissioner should be produced in the PHE Department Govt of Khyber Pakhtunkhwa Civil Secretariat Peshawar within a month time without fail.

3. In case of failure of response of the above offer within stipulated period as mentioned above, the offer shall stand cancelled subject to the extension for the acceptance by the Govt.

(ENGR. YOUSAF JAMAL)  
SECRETARY PHED

Endst: No & Date as above:

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar
3. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar
4. Chief Engineer (South/North) PHE Department Peshawar
5. Deputy Secretary-II, Khyber Pakhtunkhwa Public Service Commission Peshawar w/r to his letters No.KPK-PSC-SR-VI/024192 dated 17.05.2011, No.KPK-PSC-SR-VI/024193 dated 17.05.2011, and No.KPK-PSC-SR-VI/024194 dated 17.05.2011.
6. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
7. PS to Secretary PHE Department Peshawar
8. Candidates concerned.
9. Office Order/Personal files

  
(SHABBIR AHMAD AWAN)  
SECTION OFFICER (ESTT:)



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

Dated Peshawar, the January 17, 2022

**NOTIFICATION**

**No.SO(Estt)/PHED/1-45/2021:** The competent authority is pleased to order the postings/transfers of the following officers of Public Health Engg: Department on administrative grounds and in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Engr. Yasir Rehman, BS-18	Executive Engineer PHE Division Kolai Palas Kohistan	Executive Engineer PHE Division Mardan
2.	Engr. Zahid Ullah, BS-18	Executive Engineer PHE Division Shangla	Executive Engineer PHE Division Mansehra
3.	Engr. Ikram Ullah Shah, BS-18	Executive Engineer PHE Division Mansehra	Executive Engineer PHE Division Bulk Gravity Mansehra
4.	Engr. Syed Abid Ali Shah, BS-18	Executive Engineer PHE Division Mardan	Executive Engineer PHE Division Shangla
5.	Engr. Shaukat Rehman, BS-18	Executive Engineer PHE Division Bulk Gravity Mansehra	Executive Engineer PHE Division Kolai Palas Kohistan with additional charge of the vacant post of XEN PHE Division Lower Kohistan
6.	Mr. Sajjad Ali, BS-17	SDO PHE Sub Division Takht Bhai Mardan	Assistant Design Engineer (South) PHED
7.	Engr. Musaab Habib Bangash, BS-17	SDO PHE Sub Division Battagram	SDO PHE Sub Division Takht- Bhai Mardan

**SECRETARY  
PHE DEPARTMENT**

**No.SO(ESTT)/PHED/1-45/2021:**

**Dated Peshawar, the January 17, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. All Chief Engineers PHE Department Khyber Pakhtunkhwa
3. Superintending Engineer PHE Circle Mansehra/Mardan/Swat
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division Mardan/Mansehra/Shangla/Lower Kohistan/Bulk Water Supply Mansehra/Battagram/Kolay Palas Kohistan.
6. District Accounts Officer Mardan/Mansehra/Shangla/Lower Kohistan/ Battagram/ Koly Palas Kohistan.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. Officers concerned.
11. Office Order / Personal Files.

17/1/22  
**SECTION OFFICER (ESTT)**





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

Dated Peshawar, the June 09, 2022

**NOTIFICATION**

**No.SO(Estt)/PHED/1-45/2022:** The competent authority is pleased to order the postings/transfers of the following officers of Public Health Engg: Department on administrative grounds and in the interest of public service, with immediate effect:-

S.#	Name	From	To
1.	Engr. Amna Waheed Awan, BPS-18	Design Engineer O/O the C.E (East) PHED Peshawar	Executive Engineer PHE Division Mansehra
2.	Engr. Zahid Ullah, BPS-18	Executive Engineer PHE Division Mansehra	Executive Engineer PHE Division Kolai Palas Kohistan


**SECRETARY  
PHE DEPARTMENT**

**No.SO(ESTT)/PHED/1-45/2022:**

**Dated Peshawar, the June 09, 2022**

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chief Engineer (East) PHE Department Khyber Pakhtunkhwa
3. Superintending Engineer PHE Circle Mansehra.
4. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division Kolai Palas Kohistan/Mansehra.
6. District Accounts Officer Kolai Palas Kohistan/Mansehra.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. PA to Additonal Secretary PHE Department Khyber Pakhtunkhwa Peshawar
11. Officers concerned.
12. Office Order / Personal Files.

  
9/6/22  
**SECTION OFFICER (ESTT)**