

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 107/2019

Date of institution 23.01.2019

Muhammad Jawad, Surveyor (BPS-12), Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.

VERSUS

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

ORDER

08.06.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate, present. Mr. Haseeb Ullah, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present.

Learned counsel for the appellant stated at the bar that the grievance of the appellant has been redressed, therefore, he wants to withdraw the instant appeal. In this respect, written endorsement of learned counsel for the appellant obtained at margin of the order sheet as token of proof.

In view of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

08.06.2021



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Sir, I want to withdraw the instant appeal.
08/6/2021

14.12.2020

Counsel for appellant and Mr. Kabirullah Khattak learned Addl. AG and Mehboob Ali Admin Officer for respondents present.

Due to COVID-19 the case is adjourned for the same on 08.03.2021 before D.B.


READER

08.03.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Due to non-availability of D.B, case is adjourned to 08.06.2021 for the same as before.


Reader

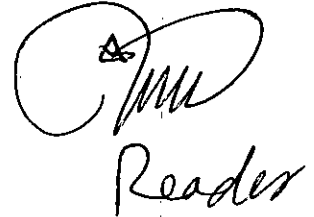


02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 29.06.2020 before D.B.


Reader

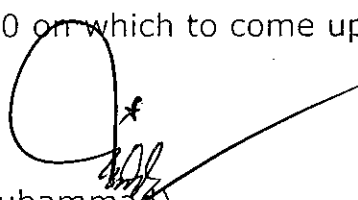
Due to public holiday on account of Covid-19, the case is adjourned. To come up for the same on 23-9-20

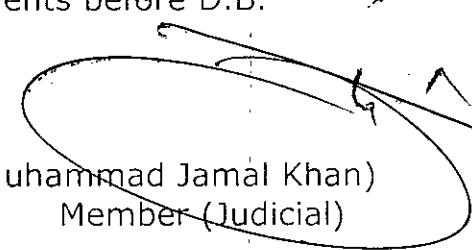

Reader

23.09.2020

Mr. Mir Zaman Safi, Advocate for appellant is present. Mr. Riaz Ahmad Painsakheil, Assistant Advocate General alongwith representative of the department Mr. Riaz Gul, Admin Officer are also present.

According to learned counsel that his senior counsel is indisposed of today and requested for adjournment. Adjourned to 14.12.2020 on which to come up for arguments before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

16.10.2019

Junior to counsel for the appellant and Addl. AG alongwith Ziaur Rahman, Superintendent for respondents No. 1 to 5 present. None present on behalf of respondent No. 6 despite issuance of notice and last opportunity, hence proceeded against ex-parte.

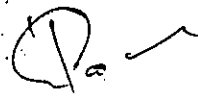
Written reply on behalf of respondent No. 1 to 5 has already been furnished. The appeal is assigned to D.B for arguments. ^{on 23-12-2019.} The appellant may submit rejoinder to the reply of respondents No. 1 to 5, within a fortnight, if so advised.


Chairman

23.12.2019


Learned counsel for the appellant and Mr. Zia Ullah learned DDA present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 31.01.2020 before D.B.


Member


Member

31.01.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Zeb Assistant present. Appellant seeks adjournment as learned counsel is not available. Adjourn. To come up for arguments on 02.04.2020 before D.B.


Member


Member

28.05.2019

Counsel for the appellant and Addl. AG alongwith Rashid Rushti Asstt. for the respondents present.

The representative of respondents states that the reply is under preparation and will be submitted on next date of hearing.

Adjourned to 04.07.2019 for submission of written reply/comments before S.B.


Chairman

04.07.2019

Appellant in person and Addl. AG alongwith Ziaur Rehman, Supdt. on behalf of official respondents present and Written reply submitted. None present on behalf of respondent No. 6. Fresh notice be issued to them. To come up for written reply/comments of respondent No. 6 on 30.08.2019 before S.B.


Member

30.08.2019

Counsel for the appellant and Addl. AG alongwith Ziaur Rahman, Superintendent for the respondents No. 1 to 5 present. Nemo present on behalf of respondent No. 6

Fresh notice be issued to respondent No. 6 through registered post but this will be the last chance for him for submission of written reply/comments on 16.10.2019 before S.B.


Chairman

10.04.2019

Counsel for the appellant present.

The appellant is aggrieved of appointment of respondent No.6 as Sub Engineer on acting charge basis through office order dated 30.03.2018, by the respondent No.4. It is the contention of learned counsel that the appellant was not only qualified but was also otherwise fit for regular promotion to the post of Sub Engineer (BPS-11), however, the respondents in violation of promotion policy and the relevant rules opted to appoint respondent No.6 on acting charge basis. In the said manner valuable service rights of the appellant have been infringed, it was added.

In view of the above, the appeal in hand, is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 28.05.2019 before S.B.

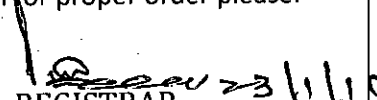
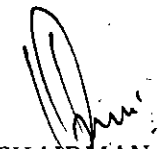

Appellant Deposited
Security & Process Fee


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 107/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/1/2019	<p style="text-align: center;">The appeal of Mr. Muhammad Jawad presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	05.03.2019	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>5-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 10.04.2019 before S.B</p> <p style="text-align: right;"> (Muhammad Hamid Mughal) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 107 /2019

MUHAMMAD JAWAD

VS

GOVT OF KPK

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7.	DPC Minutes	F	16- 18.
8.	Order	G	19.
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15.	Letter	N	31.
	Vakalat nama	32.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 107 /2019 **Khyber Pakhtunkhwa
Service Tribunal**

Mr. Muhammad Jawad, Surveyor (BPS-12),

Diary No. 94

Communication & Works Department,

Dated 23/01/2019

Khyber Pakhtunkhwa, Peshawar **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Chief Engineer (Centre) Communication & Works Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Chief Engineer Central Design Office, C&W Department, Khyber Pakhtunkhwa, Peshawar.
- 6- Mr. Liaqat Shah, Sub Engineer (Acting Charge), O/O the Executive Engineer, C&W Division, Malakand.

..... **RESPONDENTS**

Filed to-day **APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.3.2018 COMMUNICATED TO THE APPELLANT ON 28.9.2018 THROUGH RTI WHEREBY THE PRIVATE RESPONDENT HAS BEEN APPOINTED TO THE POST OF SUB ENGINEER ON ACTING CHARGE BASIS ILLEGALLY AND AGAINST THE RULES AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR REGULAR PROMOTION TO THE CADRE/ POST OF SUB ENGINEER (BPS-12) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this appeal the impugned order dated 30.3.2018 communicated to the appellant on 28.9.2018 through RTI may very kindly be set aside and the respondents may kindly be directed to consider the appellant for regular promotion to the post of Sub Engineer (BPS-12)

from the date when the appellant completed five years service as Surveyor i.e. w.e.f. 26.6.2018 with all consequential back benefits. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as surveyor (BPS-11) in the respondents Department on the proper recommendation of the Public service commission vide order dated 26-06-2013. That in light of the above mentioned order dated 26.6.2013 the appellant submitted his arrival report before the respondent No.5 on 01-07-2013 and started his duty as surveyor quite efficiently and up to the entire satisfaction of his superiors. (Copies of the appointment order and arrival report are attached as annexure **A & B**).
- 2- That as per service Rules of the respondent Department Notified on 25.3.2010 five percent promotion quota has been reserved for the cadres of Work Superintendants, Work Supervisors and Surveyors on the basis of seniority cum fitness with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board. Copy of the service rules are attached as annexure **C**.
- 3- That according to the working papers (item-I) placed before the Departmental committee vide office letter dated 26-03-2018 against 422 numbers of total sanctioned posts of sub Engineer in which 5% have been reserved for the Departmental promotion for the cadre of Work superintendents, Work supervisors and surveyors which comes out as 21 number of posts. That in light of above mentioned working paper dated 26.3.2018 thirteen (13) posts were already filled up by the respondents by way of regular promotion on the basis of joint seniority lists from amongst Work Superintendents, work Supervisor and Surveyors while from the remaining eight posts one post has left vacant due to deferment of one employee. Copies of the working papers, order and DPC minutes are attached as annexure **D, E & F**.
- 4- That as per the above mentioned service Rules, 2010 two point five percent (2.5%) transfer quota to the post of Sub Engineer have been reserved for the cadre of Draftsman with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology from

a recognized Board. That as such from the said cadre i.e. Draftsman only three posts were filled by the respondents on the basis of regular transfer while remaining eight posts were left vacant due to unavailability of eligible employee from the cadre of draftsman. Copies of the working papers and DPC minutes are already while the order dated 30.3.2018 is attached as annexure **G.**

5- That according to the joint seniority list of Work Superintendents, Work supervisors, Surveyors the appellant stood at serial No.9 of the seniority list was quite hopeful for his promotion to the post of sub Engineer (BPS-12) as one post remain vacant in his own quota while eight number of posts are vacant in the draftsman quota but inspite of that the respondents are not willing to promote the appellant to the post of Sub Engineer (BPS-12). Copy of the seniority list is attached as annexure **H.**

6- That it is also pertinent to mention that private respondent who does not possess the required length of service of seven years has been appointed to the post of Sub Engineer on acting charge basis through in light of Rule-9 of the appointment, promotion and transfer Rules 1989 but such practice is not permissible. Copies of the APT Rules, 1989, seniority list and impugned order 30.3.208 with covering letter dated 28.9.2018 of the draftsman attached as annexure..... **I, J, K and L.**

7- That feeling aggrieved from the impugned order dated 30.3.2018 communicated to the appellant on 28.9.2018 through RTI and inaction of the respondents regarding promotion of the appellant, the appellant preferred Departmental appeal on 8.10.2018 and as such the same was properly been forwarded to the authority i.e. respondent No.4 vide letter dated 8.10.2018 but till date no action has been taken by the respondent No.4 Copies of the Departmental appeal and letter are attached as annexure **M and N.**

8- That the appellant is having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

A- That the impugned order dated 30.3.2018 regarding acting charge appointment of the private respondent is against the law, facts,

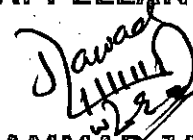
norms of natural justice and materials on the record hence not tenable and liable to be set aside.

- B- That the inaction of the respondents by not promoting the appellant to the post of Sub Engineer (BPS-12) on the vacant posts available for the promotion on regular basis is against the law, facts and norms of natural justice.
- C- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- D- That the appellant has served the respondents department for more than five years, so as per law, rules and regulations the appellant is perfectly eligible for promotion to the post of Sub Engineer on regular basis against the vacant post.
- E- That the act of the respondents by not promoting the appellant on the vacant posts reserved for the promotion is clear violation of the Fundamental Rights as enshrined in the constitution of Islamic Republic of Pakistan 1973.
- F- That the respondents are acted in arbitrary and malafide manner by not considering the appellant for regular promotion to the post of Sub Engineer against the vacant post.
- G- That not promoting the appellant to the post of Sub Engineer (BPS-12) the respondents violated section-9 of the Civil Servant Act, 1973 read with Rule-7 of the Appointment, promotion and transfer Rules, 1989.
- H- That the respondents acted in arbitrary and malafide manner by appointing the private respondent on acting charge basis vide impugned order dated 30.3.2018.
- I- That as per C&W Department service Rules, 2010 the appellant is perfectly eligible and entitle for regular promotion to the post of Sub Engineer (BPS-12) w.e.f the date when the appellant completed five years service.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 21 January, 2019

APPELLANT



MOHAMMAD JAWAD

THROUGH:



NOOR MOHAMMAD KHATTAK

&



MUHAMMAD MAAZ MADNI
ADVOCATES

TCS



6

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P.13/28, SHAMI ROAD PESH:

E-V
No.E-~~129~~ 129 Dated 26/06/2013

OFFICE ORDER

On the recommendation of the Public Service Commission vide letter No. KPK-PSL-Sol-VI/051164 dated 24-05-2013, subsequently Secretary to Govt. of Khyber Pakhtunkhwa C&WD Peshawar letter No. SOE/C&WD/4-14/79 dated 05-06-2013, the Competent Authority is pleased to offer a post of Surveyor (BPS-11) (6600-460-20400), to **Muhammad Jawad s/o Muhammad Iqbal**, on the following terms and conditions:-

1. He will get pay at the minimum of BPS-11 (6600-460-20400) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the K.P, Civil Servants Act-1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purposes, be a Civil Servant, in the prescribed manner and rate fixed by the Government from time to time.
4. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of one year extendable up to two years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
7. He has to join duty at his own expenses.
8. He shall have to serve anywhere in K.P.
9. If he accepts the post on the above conditions, he should report to the office of the Chief Engineer (CDO) C&W Department K.P. Peshawar, within 14-days of the issuance of this offer and produce original documents in connection with his qualification, domicile and health/age etc.

(Engr. Zard Ali Khattak)
Chief Engineer

Copy for information to the :-

1. Secretary, to Govt: of K.P.C&W Department Peshawar.
2. Accountant General, K.P. Peshawar
- ✓ 3. Muhammad Jawad s/o Muhammad Iqbal, R/O Mohallah Saidan Tamab Form PO Box 24330 Peshawar. He is directed to contact this office for further process.

ATTESTED

Chief Engineer

Annexure-B

~~3~~

~~2~~

7

To

The Chief Engineer (CDO),
C&W Department Peshawar.

SUBJECT: ARRIVAL REPORT

Cr. 28

In compliance of Your Office Order No. E-V/2122
dated 26-06-2013, I, Mr. Muhammad Jawad, Surveyor (BPS-11) submit my
Arrival Report for duty today on 01-07-2013 (F.N).

CE CDO C&W
Deptt. C&W
Duty No. 33 / E-V
Date. 2-07-2013

(Signature)
(Muhammad Jawad)
Surveyor (BPS-11)

Nomenclature	Initial
CE CDO C&W	<i>(Signature)</i>
Deptt. C&W	
Principal	
Inspector	
Sub-Inspector	
Junior Engineer	
Junior Technician	
Rel.	

Spoke
9/2/13
B.S. Chak
1/2/13

ATTESTED
(Signature)

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

NOTIFICATION:

No.SOE/C&WD/8-12/2009: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the Appendix to this Notification which shall be applicable to posts in column 2 of the said Appendix.

(Engr Habib Ali)
Secretary to Govt of NWFP
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries to the Govt of NWFP
2. Secretary to Governor NWFP
3. Principal Secretary to Chief Minister NWFP, Peshawar
4. PS to Chief Secretary NWFP, Peshawar
5. PS to Addl: Chief Secretary NWFP, Peshawar
6. PS to Addl: Chief Secretary Home NWFP, Peshawar
7. PS to Addl: Chief Secretary FATA, Peshawar
8. Accountant General NWFP, Peshawar
9. Additional Accountant General (PR) sub office Peshawar
10. All Chief Engineers in C&W Department
11. All Commissioners in NWFP
12. Secretary Public Service Commission, Peshawar
13. Registrar Peshawar High Court, Peshawar
14. Registrar NWFP Service Tribunal Peshawar
15. All District Coordination Officers in NWFP
16. All Superintending Engineers in C&W Department
17. All Executive Engineers in C&W Department
18. PS to Secretary, C&W Department Peshawar.
19. Office order File
20. Manager Govt Printing Press NWFP, Peshawar. He is requested to supply 200 copies of the printed gazette for further distributions

ATTESTED

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

APPENDIX

D) ENGINEERING SERVICE


Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/Research Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers, possessing Degree in B.E/B.Sc. Engineering, (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer	Degree in BE/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University	21 - 32 Years	<ul style="list-style-type: none"> a) Seventy percent (70%) by initial recruitment; b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers who possessed degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service; c) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service. The seniority to be determined from the date of acquiring degree; and d) Twenty percent (20%) 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 10 (ten) years service as such.
5.	Sub Engineer	Diploma of Associate Engineering (Civil)/Electrical/Mechanical from a recognized Board of Technical Education	18 - 30 Years	<ul style="list-style-type: none"> a. Seventy Five percent (75%) by initial recruitment; b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board; <p><u>Note-1: For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior</u></p> <ul style="list-style-type: none"> c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board; d. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, having three years Diploma in Electrical/Mechanical Technology from a recognized Board; <p><u>Note-2: For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisor & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u></p>

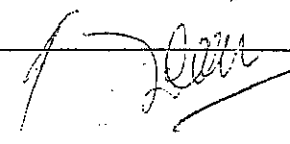
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[Signature]

				<p>e. Two point five percent (2.5%) By Transfer from amongst the Draftsman with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board;</p> <p>f. Two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with ten years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board; and</p> <p>g. Five percent (5%) by promotion, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, who have passed "B" Grade Departmental Examination with seven years service as such;</p> <p>Note-3: For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisors & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</p> <p>Note-4: (i) If no suitable candidate is available for transfer, as prescribed in sub clause (e), then the vacancy shall be filled in by way as prescribed in sub clause (b); and</p> <p>(ii) If no suitable candidate is available for promotion, as prescribed in sub clause (f), then the vacancy shall be filled in by way as prescribed in sub clause (c);</p>
6.	Work Superintendent/Work Supervisor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
7.	Surveyor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
8.	Road Inspector	Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education	20 - 30 Years	<p>a) Fifty percent (50%) by Initial Recruitment AND</p> <p>b) Fifty percent (50%) by promotion, on basis of seniority-cum-fitness, from amongst Work Munshies with at least ten years services as such</p>
9.	Work Munshi	Secondary School Certificate from a recognized Board.	20 - 30 Years	By Initial Recruitment

ATTESTED




10

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

No. 177-E / 2730 / CEC / C&WD

Dated Peshawar the 26 / 03 / 2018

To,

- 1) The Section Officer (Estb)
C&W Department Peshawar
- 2) Mr. Kifayatullah
Administrative Officer
O/O Chief Engineer (FATA)
W&S Department Peshawar

Subject: DEPARTMENTAL SELECTION/ PROMOTION COMMITTEE MEETING

I am directed to refer to the subject noted above and to convey that the subject cited meeting will be held on 27th March, 2018 at 02:00 PM under the Chairmanship of Chief Engineer (Centre) C&W Department Peshawar in his office.

Working papers are enclosed herewith.

Agenda of the meeting is as under please: -

- 1) Item-I (Promotion of Work Superintendent/Work Supervisor/Surveyors having 3 years diploma of Associate Engineers in Civil Technology to the cadre post of Sub Engineers.
2. Item-II (Promotion of Work Superintendents/Work Supervisors / Road Inspectors having 3 years years diploma in Electrical/ Mechanical Technology to the cadre post of Sub Engineer.
3. Item-III (By Transfer from amongst the Draftsman having 3-Years Diploma in Civil/Electrical/Mechanical Technology to the Cadre post of Sub Engineer BPS-11
4. Item-IV (Promotion of Tracers having 03 years Diploma in Civil/ Electrical/Mechanical technology to the cadre post of Sub Engineer-11
5. Item-V. (promotion of Work Superintendent/Work Supervisors/Road Inspectors who have passed B-Grade Examination, to the cadre post of Sub Engineer BPS-11.

It is requested to make it convenient to attend the meeting on the scheduled date & time.

(Abdur Rashid Tareen)
Administrative Officer

Copy to PA to Chief Engineer (Centre) C&W Department Peshawar.

ATTESTED

Administrative Officer

SK



WORKING PAPER

12

ITEM - I Promotion of Work Superintendents/Work Supervisors/Surveyors having 3 years diploma of Associate Engineers in Civil Technology to the Cadre Post of Sub Engineers

Under Rule-5(b) of the Appointment & Recruitment Rules 2010, notified vide No.SOE/C&WD/8-12/2009 dated 25-03-2010, "5% posts are reserved by promotion on the basis of Seniority-cum-fitness from amongst the Work Superintendent/Work Supervisors/Surveyors with 5 year service as such having 3 years Diploma of Associates Engineers in Civil Technology from a recognized board"

Note-1: For the purpose of promotion, a joint seniority list of Work Superintendents/Supervisors/Surveyors with reference to the regular appoint to the post shall be maintained and in case the two dates are similar, the official in BPS-11 shall rank senior.

According to 5% quota against 422 of this particular post comes 21 No. at the present. 13 have already been promoted on regular charge while 3 No. are on acting charges. In order to fill up the remaining 08 posts on regular basis (including 03 on Acting Charge) as per the seniority list as notified vide No.52-E/2643/CEC/C&WD dated 14-03-2018, the following Work Superintendents/Work Supervisors/Surveyors are placed before the DPC for consideration or otherwise.

S. No.	Name of Official	Date of appointment to present class	Length of Service in class	Remarks
1	Sharif Khan Work Supervisor (B-11)	19-11-2008	9 years	Performance/Non-involvement certificate not yet received.
2	Syed Faraz Shah Work Supervisor (B-11)	15-01-2011	About 7 years	Already working on A/Charge. Eligible for regular promotion
3	Ijaz Ahmad Work Supervisor (B-11)	15-01-2011	About 7 years	Already working on A/Charge. Eligible for regular promotion
4	Muhammad Ibrar-ul-Haq Work Supervisor (B-11)	17-01-2011	About 7 years	Already working on A/Charge. Eligible for regular promotion
5	Shiraz Khan Work Supervisor (B-11)	17-01-2011	About 7 years	Eligible
6	Waqas Yousaf Work Supervisor (B-11)	21-01-2011	About 7 years	Eligible
7	Zeeshan Luqman	21-01-2011	About 7 years	Eligible
8	Naqeeb Ullah Work Supervisor (B-11)	22-01-2011	About 7 years	Eligible
9	Muhammad Faheem	22-01-2011	About 7 years	-
10	Haider Ali	22-01-2011	About 7 years	-
11	Sajid Rehman	22-01-2011	About 7 years	-
12	Syed Sajjad Ali Shah	24-01-2011	About 7 years	-
13	Shahid Noor	24-01-2011	About 7 years	-
14	Khurram Aftab	26-01-2011	About 7 years	-
15	Farman-ud-Din	22-06-2013	About 4/2 years	-

ATTESTED

ADMINISTRATIVE OFFICER



WORKING PAPER

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ITEM-III BY TRANSFER FROM AMONGST THE DRAFTSMAN HAVING 3-YEARS DIPLOMA IN CIVIL /ELECTRICAL/ MECHANICAL TECH: TO THE CADRE POST OF SUB ENGINEER BPS-11.

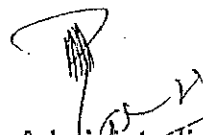
Under Rule-5(e) of the Appointment & Recruitment Rules 2010 notified vide No.SOE/C&WD/8-12/2009 dated 25-03-2010, "2.5% posts are reserved By Transfer from amongst the Draftsman, with 7-year service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a Recognized Board".

Note-4 (i) If no suitable candidate is available for transfer, as prescribed in sub clause(e), then the vacancy shall be filled in by way as prescribed in sub clause(b)

According to 2.5% quota, against 422 of this particular post comes to 11 No. 02 Nos have already been promoted on regular charge while 01 No. Mr. Arshad Bari has been appointed on acting charges who has completed 7 year service as such. There at present only 05 incumbent Draftsman including Acting Charge exist on roll.

The following Draftsman whose seniority has been Notified vide No199-E/1975/CEC/C&WD dated 08-01-2018, placed before the DPC for consideration or otherwise.

S. No.	Name of Official	Date of appointment to present class	Length of Service in class	Remarks
1-	Mr. Arshad Bari	01-01-2011	About 07 years	Holding Acting charge/Eligible for regular promotion
2-	Mr. Liaqat Shah	01-01-2013	About 05 years	Acting charge
3-	Amer Sohail	06-03-2015	2 year 10 months	-
4-	Muhammad Akbar Khan	09-06-2016	1 year 7 months	-
5-	Noman Raza	09-06-2016	1 year 7 months	-


Administrative Officer

ATTESTED





OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PUKHTUNKHWA PESHAWAR

14

No. 177-E/ 2793 / CEC / C&WD

Dated Peshawar the 30 / 03 / 2018

OFFICE ORDER

On the recommendations of the Departmental Promotion/ Selection Committee in its meeting held on 27/03/2018, the following **Work Superintendents/ Work Supervisors/ Surveyors (having 03-years Diploma of Associate Engineers in Civil Technology)** of C&W Department, have been cleared for promotion to the Cadre Post of Sub-Engineers (BS-11), with immediate effect, as noted against each:-

Sl. No.	Name of Official	Remarks
1	Syed Faraz Shah (Work Supervisor) (BS-11)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
2	Mr. Ijaz Ahmad (Work Supervisor) (BS-11)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
3	Mr. Muhammad Ibrarul-Haq (Work Supervisor) (BS-11)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
4	Mr. Shiraz Khan (Work Supervisor) (BS-11)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
5	Mr. Waqas Yousaf (Work Supervisor) (BS-11)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
6	Mr. Zeeshan Luqman (Work Superintendent) (BS-10)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
7	Mr. Naqeebullah (Work Supervisor) (BS-11)	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.

On their regular promotion as Sub Engineers, they will be on probation for a period of one year in terms of Section-6(2) of Civil Servants Act, 1973 read with Rule-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon their promotion as Sub-Engineers, their further posting/ transfers are also hereby ordered, with immediate effect: -

Sl. No.	Name of Official	From	To	Remarks
1	Syed Faraz Shah	Sub-Engineer (Acting Charge) O/O XEN H/Way Division Mardan.	Sub-Engineer O/O XEN H/Way Division Mardan.	Against the existing vacancy.
2	Mr. Ijaz Ahmad	Sub-Engineer (Acting Charge) O/O XEN C&W FATA Division FR Tank/ DIKhan at DIKhan	Sub-Engineer, services placed at the disposal of Chief Engineer (FATA) W&SD Peshawar	Against the existing vacancy.
3	Mr. Muhammad Ibrarul-Haq	Sub-Engineer (Acting Charge) O/O XEN PBMC C&WD Peshawar.	Sub-Engineer O/O XEN PBMC C&WD Peshawar.	Against the existing vacancy.

ATTESTED

[Signature]

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Sl. No.	Name of Official	From	To	Remarks
4	Mr. Shiraz Khan	Work Supervisor O/O XEN C&W Division Charsadda	Sub-Engineer O/O XEN C&W Division Charsadda	Against the existing vacancy.
5	Mr. Waqas Yousaf	Work Supervisor O/O XEN C&W Division Charsadda	Sub-Engineer O/O XEN C&W Division Charsadda	Against the existing vacancy.
6	Mr. Zeeshan Luqman	Work Supervisor O/O XEN Building Division Mardan	Sub-Engineer O/O XEN Building Division Mardan	Against the existing vacancy.
7	Mr. Naqeebullah	Work Supervisor O/O XEN C&W Division Lakki Marwat	Sub-Engineer O/O XEN C&W Division Lakki Marwat	Against the existing vacancy.

CHIEF ENGINEER (CENTRE)

Copy forwarded to the: -

- 1) Accountant General Khyber Pakhtunkhwa.
- 2) Chief Engineer (North) C&W Department Peshawar.
- 3) Chief Engineer (FATA) W&S Department Peshawar.
- 4) Superintending Engineers C&W Circle Mardan/ Peshawar/ Bannu/ PBMC Peshawar.
- 5) Executive Engineer C&W Division Highway Division Mardan.
- 6) Executive Engineer C&W FATA Division FR Tank/ DIKhan at DIKhan.
- 7) Executive Engineer PBMC C&WD Peshawar.
- 8) Executive Engineers C&W Divisions Charsadda/ Lakki Marwat.
- 9) Executive Engineer Building Division Mardan.
- 10) Section Officer (Estb) C&W Department Peshawar.
- 11) District Accounts Officers, Mardan/ Bannu/ Charsadda/ Lakki Marwat/ DIKhan.
- 12) Officials concerned.

CHIEF ENGINEER (CENTRE)

ATTESTED





MINUTES OF THE DEPARTMENTAL PROMOTION/
SELECTION COMMITTEE MEETING HELD ON 27-03-2018 AT
2.00 PM UNDER THE CHAIRMANSHIP OF CHIEF ENGINEER
(CENTRE) C&W DEPARTMENT KPK, PESHAWAR.

A Meeting of the Departmental Promotion/Selection Committee was held on 27-03-2018 at 2.00 PM under the Chairmanship of Chief Engineer (Centre) C&W Department, Peshawar in his office. The following attended:-

- | | |
|--|-----------|
| 1- Engr. Muhammad Ayub,
Chief Engineer (Centre) C&WD | Chairman |
| 2- Mr. Abdur Rashid Khan,
Section Officer (Establishment)
C&W Department, Peshawar. | Member |
| 3- Mr. Kifayatullah,
Administrative Officer,
O/O Chief Engineer (FATA),
W&S Department, Peshawar. | Member |
| 4- Mr. Abdur Rashid Tareen,
Administrative Officer,
O/O Chief Engineer (Centre) C&WD | Secretary |

The meeting was started with the recitation of Holy Quran.

The following items were discussed in detail.

- (I) Promotion of Work Superintendents/Work Supervisors/Surveyors having 3 years diploma of Associate Engineers in Civil Technology to the Cadre Post of Sub Engineers (against 08 No. posts as per 5% share).
- (II) Promotion of Work Superintendents/Work Supervisors/Road Inspectors having 3 years diploma in Electrical/Mechanical Technology, to the Cadre Post of Sub Engineers (against 08 No. posts as per 5% share).
- (III) By transfer from amongst the Draftsman having 3 years diploma in Civil /Electrical/ Mechanical Tech: to the cadre post of Sub Engineer (against 09 No. posts as per 2.5% share).
- (IV) Promotion of Tracers having 03 years Diploma in Civil/Electrical/Mechanical Technology to the cadre post of Sub Engineer (against 06 No. posts as per 2.5 % share).
- (V) Promotion of Work Superintendents/Work Supervisors/Road Inspectors who have passed B-Grade Examination, to the cadre post of Sub Engineer (against 09 No. posts as per 5% share)

The DPC/DSC after detailed discussion and keeping in view all pros & cons and Services Rules etc, in each case/item, considered and cleared the following items as noted against each below:-

ATTESTED

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(I) Promotion of Work Superintendents/Work Supervisors having 3 years diploma of Associate Engineers to the Cadre Post of Sub Engineers

Sl No.	Name official	Remarks
1-	Sharif Khan (Work Supervisor) (B-11)	Deferred due to non-availability of ACR, Non-involvement and Performance Certificate
2-	Syed Faraz Shah (Work Supervisor) (B-11)	Cleared for regular promotion with immediate effect.
3-	Ijaz Ahmad Work Supervisor (B-11)	Cleared for regular promotion with immediate effect.
4-	Muhammad Ibrarul-Haq Work Supervisor (B-11)	Cleared for regular promotion with immediate effect.
5-	Shiraz Khan Work Supervisor (B-11)	Cleared for regular promotion with immediate effect.
6-	Waqas Yousaf Work Supervisor (B-11)	Cleared for regular promotion with immediate effect.
7-	Zeeshan Luqman (B-11)	Cleared for regular promotion with immediate effect.
8-	Naqeebullah Work Supervisor (B-11)	Cleared for regular promotion with immediate effect.

(II) Promotion of Work Superintendents/Work Supervisors/Road Inspectors having 3 years diploma in Electrical/Mechanical Technology, to the Cadre Post of Sub Engineers

Sl No.	Name official	Remarks
1-	Mukhtar Hussain (Road Inspector)	Deferred due to involvement in an Inquiry.
2-	Imran Yousaf (Work Supervisor)	Cleared for regular promotion with immediate effect.
3-	Waqar Khan (Work Supervisor)	Cleared for regular promotion with immediate effect.
4-	Kamran Khan (Superintendent E&M)	Cleared for regular promotion with immediate effect.
5-	Hasam-ud-Din (Work Supervisor)	Cleared for regular promotion with immediate effect.

(III) By transfer from amongst the draftsman having 3 years diploma in Civil /Electrical/ Mechanical Tech: to the cadre post of Sub Engineer BPS-11.

Presented on 30/7/2018

Sl No.	Name official	Remarks
1-	Mr. Arshad Bari	Cleared for regular promotion with immediate effect
2-	Mr. Liaqat Shah	Cleared for Appointment as Sub Engineer on Acting charge basis with immediate effect.

ATTESTED



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(IV) Promotion of Tracers having 03 years Diploma in Civil/Electrical/Mechanical Technology to the cadre post of Sub Engineer


Promoted on 3/9/2018


Sl No.	Name official	Remarks
1-	Sanaulah Khan	Cleared for regular promotion with immediate effect.
2-	Aklitar Hussain	Cleared for regular promotion with immediate effect.
3-	Abdul Qadeer Khan	Already appointed on Acting Charge. Service less than 10 years (deferred for regular promotion)
4-	Shaukat Ayaz	Already appointed on Acting Charge. Service less than 10 years (deferred for regular promotion)
5-	Syed Amjad Ali shah	Already appointed on Acting Charge. Service less than 10 years (deferred for regular promotion)
6-	Naveedullah	Deferred. Service less than 10 years


(V) Promotion of Work Superintendents/Work Supervisors/Road Inspectors who have passed B-Grade Examination, to the cadre post of Sub Engineer

Sl No.	Name official	Remarks
1-	Farid Ahmad (Road Inspector)	Cleared for regular promotion with immediate effect.
2-	Syed Abdur Rahim (Road Inspector)	Cleared for regular promotion with immediate effect.
3-	Bashir Muhammad (Road Inspector)	Cleared for regular promotion with immediate effect.
4-	Abdul Salam (Road Inspector)	Cleared for regular promotion with immediate effect.
5-	Rahim Khan (Road Inspector)	Cleared for regular promotion with immediate effect.
6-	Muhammad Rafiq (Road Inspector)	Cleared for regular promotion with immediate effect.
7-	Sajid Iqbal (Road Inspector)	Cleared for regular promotion with immediate effect.
8-	Inayat-ul-Aziz (Road Inspector)	Cleared for regular promotion with immediate effect.
9-	Mazhar Ali Afzal (Road Inspector)	Cleared for regular promotion with immediate effect.

The meeting was ended with vote of thanks from and to the chair.


(Mr. Kifayatullah)
Administrative Officer
O/O Chief Engineer (FATA)
W&S Department, Peshawar
(Member)


(Mr. Abdur Rashid Khan)
Section Officer (Establishment)
C&W Department Peshawar
(Member)


(Eng. Muhammad Ayub)
Chief Engineer (Centre)
C&W Department, Peshawar
(Chairman)

ATTESTED





OFFICE ORDER

On the recommendations of the Departmental Promotion/ Selection Committee in its meeting held on 27/03/2018, the following Draftsman (having 03-years Diploma in Civil/ Electrical/ Mechanical Technology) of C&W Department, have been cleared for promotion/ appointment to the Cadre Post of Sub-Engineers (BS-11), with immediate effect, as noted against each:-

Sl. No.	Name of Official	Remarks
1	Mr. Arshad Bari Draftsman	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
2	Mr. Liaqat Shah Draftsman	Cleared for appointment as Sub-Engineer (BPS-11) on Acting Charge Basis.

On the regular promotion of the official at Sl. No.1 (Mr. Arshad Bari), he will be on probation for a period of one year in terms of Section-6(2) of Civil Servants Act, 1973 read with Rule-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon their promotion/ appointment as Sub-Engineers, their further posting/ transfers are also hereby ordered, with immediate effect: -

Sl. No.	Name of Official	From	To	Remarks
1	Mr. Arshad Bari	Sub-Engineer (Acting Charge) O/O XEN Building Division Nowshera	Sub-Engineer O/O XEN Building Division Nowshera	Against the existing vacancy.
2	Mr. Liaqat Shah	Draftsman O/O XEN C&W Malakand	Sub-Engineer (Acting Charge) O/O XEN C&W Division Malakand	Against the existing vacancy.

CHIEF ENGINEER (CENTRE)

Copy forwarded to the: -

- 1) Chief Engineer (North) C&W Department Peshawar.
- 2) Superintending Engineers C&W Circle Peshawar/ Swat.
- 3) Executive Engineer Building Division Nowshera.
- 4) Executive Engineer C&W Division Malakand.
- 5) Section Officer (Estb) C&W Department Peshawar.
- 6) District Accounts Officers, District Nowshera/ Malakand.
- 7) Officials concerned.

ATTESTED

CHIEF ENGINEER (CENTRE)

FINAL SENIORITY LIST

In-pursuance of Section 8 (1) and (5) of the Khyber Pukhtunkhwa Civil Servant Act 1973 and to Rule-5 (b) of the Notification No. SOE/C&WD/8-12/2009 dated 25-03-2010, the Final Seniority List of Work Superintendents/ Work Supervisors and Surveyors, having 3-Years Diploma of Associate Engineering in Civil Technology (as stood on 28-02-2018) is hereby Notified as under: -

Sl: No	Name of Official	Father's Name	Domicile	Qualification	Date of Birth	Date of Appointment in PWD	Date of Appointment to Present Class	Present Posting	Remarks
1)	Sharif Khan	Zarif Khan	Lakki Marwat	(i) Matric (ii) D.A.E (C) 1999	05-03-1981	19-11-2008	19-11-2008 (W/Supervisor B-11)	XEN PBMC C&W Dappt: Peshawar	
2)	Syed Faraz Shah	Ghulam Haider	Mardan	(i) Matric (ii) D.A.E (C) 2007	25-01-1980	15-01-2011	15-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Dir Upper	Already Appointed as Sub Engineer on Acting Charge.
3)	Ijaz Ahmad	Salah-ud-Din	D.I.Khan	(i) Matric (ii) D.A.E (C) 2007	30-03-1983	15-01-2011	15-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Lakki Marwat	--do--
4)	Muhammad Ibrar-ur-Haq	Shoaib Mahmood	Mardan	(i) Matric (ii) D.A.E (C) 2000	06-11-1981	17-01-2011	17-01-2011 (W/Supervisor B-11)	XEN PBMC C&WD Peshawar	--do--
5)	Shiraz Khan	Rehman Gul	Charsadda	(i) Matric (ii) D.A.E (C) 2010	08-04-1989	17-01-2011	17-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Charsadda	
6)	Waqas Yousaf	Yousaf Ali	Charsadda	(i) Matric (ii) D.A.E (C) 2006	05-02-1988	21-01-2011	21-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Charsadda	
7)	Zeeshan Luqman	Luqman Ghani	Swabi	(i) Matric (ii) D.A.E (C) 2010	10-03-1988	21-01-2011	21-01-2011 (W/Supdt B-09)	XEN C&W Division Mardan	
8)	Naqeeb Ullah	Asmat Ullah	Lakki Marwat	(i) Matric (ii) D.A.E (C) 2005	09-08-1983	22-01-2011	22-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Lakki Marwat	
9)	Muhammad Faheem	Muhammad Sharif	Peshawar	(i) Matric (ii) D.A.E (C) 2005	03-03-1986	22-01-2011	22-01-2011 (W/Supervisor B-11)	XEN Bldg. Divn No.2 Peshawar	
10)	Haider Ali	Nawaz Khan	Peshawar	(i) Matric (ii) D.A.E (C) 2007	15-04-1987	22-01-2011	22-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Chitral	
11)	Sajid Rehman	Rehman Gul	Peshawar	(i) Matric (ii) D.A.E (C) 2010 (iii) B.Tech (Hons)	06-06-1991	22-01-2011	22-01-2011 (W/Supervisor B-11)	XEN C&W Divn. Bunair	
12)	Syed Sajjad Ali Shah	Pir Syed Jalal Shah	Peshawar	(i) Matric (ii) D.A.E (C) 2006	01-04-1985	24-01-2011	24-01-2011 (W/Supervisor B-11)	XEN Highway Divn. Peshawar	

Nomenclature	Initial
CE C&W Dappt. Pesh.	Q
Principal Engineer	
Chief Engineer	
Assistant Chief Engineer	
Assistant Engineer	
Assistant Surveyor	
Assistant Inspector	
Inspector	
Surveyor	
Dated:	

File for record

15/3/18

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Sl: No	Name of Official	Father's Name	Domicile	Qualification	Date of Birth	Date of Appointment in PWD	Date of Appointment to Present Class	Present Posting	Remarks
13)	Shahid Noor	Muhammad Idrees	Peshawar	(i) Matric (ii) D.A.E (C) 2005	27-04-1985	24-01-2011	24-01-2011 (W/Supervisor B-11)	XEN PBMC C&WD Peshawar	
14)	Khurram Aftab	Saiah-ud-Din	D.I.Khan	(i) Matric (ii) D.A.E (C) 1999	09-01-1979	26-01-2011	26-01-2011 (W/Supervisor B-11)	XEN Highway Divn. D.I.Khan	
15)	Farman-ud-Din	Zahir-ud-Din	Peshawar	(i) Matric (ii) D.A.E (C) 2010	02-02-1985	22-06-2013 Surveyor	22-06-2013 (Surveyor B-11)	C.E. CDO C&WD Peshawar	
16)	Muhammad Jawad	Muhammad Iqbal	Peshawar	(i) Matric (ii) D.A.E (C) 2010	01-01-1991	22-06-2013 Surveyor	22-06-2013 (Surveyor B-11)	C.E. CDO C&WD Peshawar	
17)	Syed Farasat Ali	S.Gulzar Hussain Shah	D.I.Khan	(i) Matric (ii) D.A.E.(C) 2011	02-11-1991	01-07-2013	01-07-2013 (W/Supervisor B-11)	XEN Bldg. Divn. D.I.Khan	
18)	Muhammad Arsalan Javed	Muhammad Javed Rahim Khan	D.I.Khan	(i) Matric (ii) D.A.E (C) 2011 (iii) B.A	14-09-1990	16-09-2015	16-09-2015 Supervisor	XEN C&W Division D.I.Khan	
19)	Muhammad Nasim Qurashi	Muhammad Seed Qurashi	Peshawar	(i) Matric (ii) D.A.E (C) 2015	10/11/1994	21/01/2016	21/01/2016 Work superintendent (BPS-09)	XEN PBMC	

Copy forwarded to the:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department Peshawar.
2. The Chief Engineer (North) C&W Department, Peshawar.
3. The Chief Engineer (CDO) C&W Department, Peshawar.
4. The Chief Engineer (FATA), W&S Department, Peshawar.
5. The Chief Engineer (EAST), C&W Department at Abbottabad.
6. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
7. Project Director FMR/PMU C&W Department Peshawar.
8. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
9. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
10. Deputy Director IT C&W Secretariat Peshawar. He is requested to upload the tentative seniority list on C&W official Website.

CHIEF ENGINEER (CENTRE)

ADMINISTRATIVE OFFICER
(ABDUR RASHID TAREEN)

Statutory provision regarding Appointment.

Section 5 of Civil Servants Act, 1973 - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.

THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
(2) They shall come into force at once.
2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-
 - (a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;
 - (b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;
 - (c) "Commission" means the North West Frontier Province Public Service Commission;
 - ²⁹(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;
 - ³⁰(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:
Provided that more than one such committees may be constituted for civil servants holding different scales of pay".
 - (e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];
 - (f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and
 - ³¹(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect

²⁹ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

³⁰ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

³¹ Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

ATTESTED

[Handwritten Signature]

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

³⁷Provided that no such appointment shall be made, if the prescribed length of service is short by more than ³⁸[three years].

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment :-**(1) Initial appointment to posts ³⁹[in various basic pay scales] shall be made-

(a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

³⁷ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

³⁸ The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

³⁹ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

ATTESTED



Annexure

24

OFFICE OF THE CHIEF ENGINEER, CENTRE
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR
No. 199-E/1972/ICE/C&W
Dated 08/01/2018

ATTESTED

[Handwritten Signature]

FINAL SENIORITY LIST

In pursuance to Section 8 (1) and (5) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, read with C&W Department (Recruitment/Appointment) Rules 2010 notified vide No. SOE/C&WD/8-12/2009 dated 25/03/2010, the Final Seniority List of Draftsman (Diploma Holders) (BPS-10 / 11) of the C&W Department as stood on 31/12/2017 is hereby notified as under:-

S.No	Name of Official	Father's Name	Home District	Qualification	DOB	Date of Appointment to PWD	Date of Appointment to Class	Remarks
1	Arshad Bari		Nowshera	(i) F.A (ii) 2 Yrs D/Man Course (iii) 3 Years DAE (2014)	04/10/1970	03/10/1991	01/01/2011	Acting Charge Sub Engineer
2	Liaqat Shah	Gulab Shah	Malakand	(i) Matric (ii) DAE 2017	01/01/1969	19/09/1991	01/01/2013	
3	Amir Sohail	Mehir Zada	Nowshera	(i) Matric (ii) 2 Yrs D/Man Course (iii) 3 Years DAE / C	18/02/1990	06/03/2015	06/03/2015	Public Service Commission Nominee
4	Muhammad Akbar	Qooli Khan	Tank	(i) M.A (ii) 2 Yr D/Man Course (Civil)	15/4/1974	15/01/1995	09/06/2016	15/01/1995 To 30/04/2012 As Ferro Printer
5	Noman Raza	Raza Muham	Charsadda	(i) F.A (ii) 2 Yr D/Man Course (Civil) (iii) 06-Month Survey Course	15/04/1993	15/5/2012	09/06/2016	

CHIEF ENGINEER (CENTRE)

(AEIDUR RASHID TAREEN)
ADMINISTRATIVE OFFICER

Nomenclature	Initial
Chief Engineer (Centre)	B
Deputy Chief Engineer (Centre)	1
Administrative Officer	1
Assistant Engineer (Centre)	1
Dated	

11-2018
File
12/11/18

- Copy of the above forwarded to:-
1. The Secretary to Govt of Khyber Pakhtunkhwa, C&W Department Peshawar.
 2. The Chief Engineer (North) C&W Department, Peshawar.
 3. The Chief Engineer (CDO) C&W Department, Peshawar.
 4. The Chief Engineer (FATA), W&S Department, Peshawar.
 5. The Chief Engineer (EAST), C&W Department at Abbottabad.
 6. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
 7. Project Director FMR/PMU C&W Department Peshawar.
 8. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
 9. Deputy Director IT C&W Secretariat Peshawar. He is requested to upload the tentative seniority list on C&W official Website.

1134/E4(2)
11-1-2018

Annexure-5



OFFICE ORDER

On the recommendations of the Departmental Promotion/ Selection Committee in its meeting held on 27/03/2018, the following Draftsman (having 03-years Diploma in Civil/ Electrical/ Mechanical Technology) of C&W Department, have been cleared for promotion/ appointment to the Cadre Post of Sub-Engineers (BS-11), with immediate effect, as noted against each:--

Sl. No.	Name of Official	Remarks
1	Mr. Arshad Bari Draftsman	Cleared for promotion as Sub-Engineer (BPS-11) on regular basis.
2	Mr. Liaqat Shah Draftsman	Cleared for appointment as Sub-Engineer (BPS-11) on Acting Charge Basis.

On the regular promotion of the official at Sl. No.1 (Mr. Arshad Bari), he will be on probation for a period of one year in terms of Section-6(2) of Civil Servants Act, 1973 read with Rule-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon their promotion/ appointment as Sub-Engineers, their further posting/ transfers are also hereby ordered, with immediate effect: -

Sl. No.	Name of Official	From	To,	Remarks
1	Mr. Arshad Bari	Sub-Engineer (Acting- Charge) O/O XEN Building Division Nowshera	Sub-Engineer O/O XEN Building Division Nowshera	Against the existing vacancy.
2	Mr. Liaqat Shah	Draftsman O/O XEN C&W Malakand	Sub-Engineer (Acting Charge) O/O XEN C&W Division Malakand	Against the existing vacancy.

CHIEF ENGINEER (CENTRE)

Copy forwarded to the: -

- 1) Chief Engineer (North) C&W Department Peshawar.
- 2) Superintending Engineers C&W Circle Peshawar/ Swat.
- 3) Executive Engineer Building Division Nowshera.
- 4) Executive Engineer C&W Division Malakand.
- 5) Section Officer (Estb) C&W Department Peshawar.
- 6) District Accounts Officers, District Nowshera/ Malakand.
- 7) Officials concerned.

ATTESTED

CHIEF ENGINEER (CENTRE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

NO.SOG/C&W/2-29/RTI/M.F/2017
Dated Peshawar the: 28.09.2018

To

1. Mr. Farman U Din,
Bin Daud Shopping Mall,
Basharat Market Phase-3 Hayatabad Peshawar.
2. Muhammad Jawad,
P/O Box 24330 G.T Road,
Moh: Saida Tarnab Farm Peshawar.

SUBJECT: REQUEST FOR INFORMATION UNDER RTI-ACT 2013.

I am directed to refer to the subject noted above and to enclose herewith a copy of Section officer (Estb) letter No. SOE/C&WD/4-12/2013 dated 26/09/2018 alongwith a copy of Chief Engineer (Centre) C&W Department letter No.26-E/793/CEC/C&WD dated 06/09/2018 alongwith detail requisite information as requested under RTI Act-2013.

SECTION OFFICER (GENERAL)

ENDST OF EVEN NO. & DATE

Copy forwarded to: -

1. PA to Deputy Secretary (Admn), C&W Department.

SECTION OFFICER (GENERAL)

ATTESTED

To,

The Chief Engineer (Centre),
(Chairman Departmental Promotion/ Selection Committee)
Communication & Works Department,
Khyber Pakhtunkhwa Peshawar.

Dept.	Peshawar
Dairy No.	468/16-V
Date	8-10-2018

Through:

PROPER CHANNEL.

Subject:

DEPARTMENTAL APPEAL FOR APPOINTMENT BY PROMOTION TO THE CADRE POST OF SUB ENGINEER ON REGULAR BASIS.

Respected Sir,

With reference to the subject noted above, your goodself attention is invited to the following facts for consideration please:-

1. That we, the appellants are Surveyors by cadre and working in Communication and Works Department on regular basis by more than five years.
2. That according to the Communication & Works Department (Recruitment and Appointment) Rules, 2010 (copy attached as Annexure-A), the specified length of service required for appointment by promotion of Surveyor to the cadre post of Sub Engineer is five years.
3. That sub clause (b) of Rule 5 of the Communication and Works Department (Recruitment and Appointment) Rules, 2010 (copy already attached as Annexure-A) regarding appointment by promotion to the cadre post of Sub Engineer from amongst our class is as appended below:-

"b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized board;"

"Note-1: For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior."

4. That according to the Working Paper (Item-I) placed before the Departmental Promotion Committee vide your office letter No. 177-E/2730/CEC/C&WD, dated 26-03-2018 (copy attached as Annexure-B), against 422 Nos. of total sanctioned posts of Sub Engineers, 5% share quota comes as 21 Nos. of posts in which 13 Nos. of posts were already filled by promotion on regular basis and 07 Nos. of posts were filled by promotion on regular basis through order issued from your worthy office vide office order No. 177-E/2793/CEC/C&WD, dated 30-03-2018 (copy attached as Annexure-C) and 01 No. of post remained unfilled as one of the candidate for promotion on regular basis was differed by the Departmental Promotion Committee in its meeting held on 27-03-2018 (copy attached as Annexure-D).
5. That the 07 Nos. of candidates as aforementioned in paragraph No. 4 for promotion were placed from Sl. No. 2 to Sl. No. 8 in the final Seniority list of Work Superintendents/Work Supervisors and Surveyors issued vide your office letter No. 52-E/2643/CEC/C&WD, dated 14-03-2018 (copy attached as Annexure-E) and at Sl. No. 1 candidate for promotion on regular basis differed by the Departmental Promotion Committee in its meeting held on 27-03-2018 was placed at Sl. No. 1 earlier and remained at the same position.
6. That on promotion on regular basis of 07 Nos. candidates from Sl. No. 2 to Sl. No. 8 as already described in paragraph No. 4 and 5, our seniority comes at Sl. No. 8 and Sl. No. 9 instead of Sl. No. 15 and Sl. No. 16 of the final seniority list issued vide your office letter No. 52-E/2643/CEC/C&WD, dated 14-03-2018 (copy already attached as Annexure-E).

ATTENDED

4

Women's Staff	Initial
CEC	
Sub Engineer	
Admin. Officer/ B&A Officer	
Dated	

27/10/18

- 7. That according to the Communication and Works Department (Recruitment and Appointment) Rules, 2010 (copy already attached as Annexure-A), the specified length of service required for appointment by transfer of Draftsman to the cadre post of Sub Engineer is seven years.
- 8. That sub clause (e) of Rule 5 of the Communication and Works Department (Recruitment and Appointment) Rules, 2010 (copy already attached as Annexure-A) regarding appointment by transfer to the cadre post of Sub Engineer from amongst the Draftsman is as appended below:-

“e. Two point five percent (2.5%) By Transfer from amongst the Draftsman with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized board;”

- 9. That according to the Working Paper (Item-III) placed before the Departmental Promotion Committee vide your office letter No. 177-E/2730/CEC/C&WD, dated 26-03-2018 (copy already attached as Annexure-B), against 422 Nos. of total sanctioned posts of Sub Engineers, 2.5% share quota comes as 11 Nos. of posts in which 02 Nos. of posts were already filled by transfer on regular basis and only 01 No. of post was filled by transfer on regular basis through order issued from your worthy office vide office order No. 177-E/2795/CEC/C&WD, dated 30-03-2018 (copy attached as Annexure-F) and 08 Nos. of posts remained unfilled by transfer on regular basis, as no one from Sl. No. 2 to Sl. No. 5 in their final seniority list issued vide your office letter No. 199-E/1975/CE/C&WD, dated 08-01-2018 (copy attached as Annexure-G) is entitle to be transferred on regular basis, because of the fact they does not possess the specified length of service as prescribed under sub clause (e) of Rule 5 as already appended in paragraph No. 8.
- 10. That the Sub Rule (1) and Sub Rule (6) of Rule 9 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 (copy attached as Annexure-H) subjected on Appointment on Acting Charge or current Charge Basis is as appended below:-

Sub Rule (1) of Rule 9:

“(1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

³⁷ Provided that no such appointment shall be made, if the prescribed length of service is short by more than ³⁸[three years]”

Sub Rule (6) of Rule 9:

“(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.”

- 11. That no person holding the post of Draftsman is entitle to hold appointment on Acting Charge Basis on a post reserved under the rules for departmental transfer as a Sub Engineer under the sub clause (e) of Rule 5 as already appended in paragraph No. 8 read with Sub Rule (1) of Rule 9 as already appended in paragraph No. 10, but on regular basis on successful completion of specified length of service, because of the fact that the post of Sub Engineer is 2.5% by transfer (appointment by Transfer) from amongst the Draftsman and provision contained in Sub Rule (1) of Rule 9 as already appended in paragraph No. 10 is specifically in case a post reserved under the Rules for Departmental Promotion (Department Appointment by Promotion) but no such provision is contained therein in case a post reserved under the Rules for Departmental Transfer (Departmental Appointment by Transfer)
- 12. That Note-4 (i) of Rule 5 of the Communication and Works Department (Recruitment and Appointment) Rules, 2010 (copy already attached as Annexure-A) is as appended below:-

DH
5/10/18
X

ATTESTED

[Signature]

29

“Note-4: (i) If no suitable candidate is available for transfer, as prescribed in sub clause (e), then the vacancy shall be filled in by way as prescribed in sub clause (b); and”

13. That under sub clause (e) of Rule 5 of the Communication and Works Department (Recruitment and Appointment) Rules, 2010 (copy already attached as Annexure-A), 08 Nos. of Posts of Sub Engineers remained unfilled for appointment by transfer on regular basis as already explained in paragraph No. 9 and under sub clause (b) of Rule 5 of the aforementioned Rules only 01 No. post of Sub Engineer remained unfilled for appointment by promotion on regular basis as already explained in paragraph No. 4.
14. That paragraph No. 13 read with Note-4 (i) of Rule 5 as already appended in paragraph No. 12, the total 09 Nos. of Posts of Sub Engineers (08 Nos. from Draftsman Class and 01 No. from Work Superintendents/ Work Supervisors/Surveyors Class) remained unfilled by regular transfer or promotion, which are required to be filled by way as prescribed in sub clause (b) of Rule 5 as already appended in paragraph No. 3; and

As already explained in paragraph No. 4, 5 and 6, our seniority comes at Sl. No. 8 and Sl. No. 9 of the final Seniority list of Work Superintendents/Work Supervisors and Surveyors issued vide your office letter No. 52-E/2643/CEC/C&WD, dated 14-03-2018 (copy already attached as Annexure-E).

15. That keeping in view the aforementioned paragraph No. 14, we both (the appellants) along with 07 Nos. others senior from us, all are entitle to be promoted as Sub Engineers on regular basis.

In view of the above mentioned facts, despite clear entitlement of our promotion on regular basis to the cadre post of Sub Engineer, we have been overlooked by the Departmental Promotion Committee in its previous quarter of this year, without any reason. In this regard, it is humbly requested that the case of our promotion to the cadre post of Sub Engineer on regular basis may very kindly be processed by the Departmental Promotion Committee forthwith as per Directives of PMRU office of the Chief Secretary vide Notification No. PMRU/CS/1-10/Estb/2018, dated 25-06-2018, to save us and the department from litigation please.

Thanks,

Dated: 08/10/2018



Farman Ud Din
Surveyor,
O/O Chief Engineer (CDO)
C&W Department Peshawar



Muhammad Jawad
Surveyor,
O/O Chief Engineer (CDO)
C&W Department Peshawar

Copy of the Appeal alongwith its enclosures (complete in all respect) is forwarded to the Secretary to Government of Khyber Pakhtunkhwa Communication and Works Department Peshawar for information. It is humbly requested to kindly direct the quarter concerned for immediate necessary action please.

Farman Ud Din
Surveyor,
O/O Chief Engineer (CDO)
C&W Department Peshawar

Muhammad Jawad
Surveyor,
O/O Chief Engineer (CDO)
C&W Department Peshawar

ATTESTED



(30)



OFFICE OF THE CHIEF ENGINEER (CDO)
C&W DEPARTMENT POLICE ROAD PESHAWAR
Ph. No. 091-9211133 Fax. 091-9213928

No. 482/E-V

Dated. 08/10/2018

To

The Chief Engineer (Centre),
C&W Department Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR APPOINTMENT BY PROMOTION TO
THE CADRE POST OF SUB ENGINEER ON REGULAR BASIS

I am directed to refer to the subject noted above and to forward herewith written appeal alongwith its enclosures, in respect of Mr. Farman ud Din & Mr. Muhammad Jawad Surveyors of this office, requesting therein for appointment by promotion to the cadre post of Sub Engineer on regular basis, for information and further necessary action please.

Encl./As above

(Muhammad Arif)
Administrative Officer/B&A Officer

Copy forwarded to:-

- ✓ 1. Mr. Farman ud Din & Mr. Muhammad Jawad Surveyors (Local) with reference to their application for information and further necessary action.
2. PA to Chief Engineer CDO for information.

(Muhammad Arif)
Administrative Officer/B&A Officer

ATTESTED

9

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

No. _____/2019

Muhammad Jawad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KP & others

(RESPONDENT)
(DEFENDANT)

I/We *Muhammad Jawad*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. *09 / 01 / 2019*

Muhammad Jawad

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

Mir Zaman Safi

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.107/ 2019

1. **Mr. Muhammad Jawad, Surveyor (BS-12)**
Communication & Works Department
Khyber Pakhtunkhwa Peshawar
(O/O Chief Engineer (CDO)**Appellant**

Versus

- 1. The Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2. The Secretary C&W Department Khyber Pakhtunkhwa Peshawar
- 3. The Secretary to Govt of Khyber Pakhtunkhwa Finance Department Peshawar
- 4. Chief Engineer (Centre) C&W Department Khyber Pakhtunkhwa Peshawar.
- 5. Chief Engineer (CDO) C&W Department Khyber Pakhtunkhwa Peshawar.
- 6. Mr. Liaqat Shah Sub-Engineer (Acting Charge) O/O Executive Engineer C&W Division Malakand
(Pvt Respondent)**Respondents**

COMMENTS ON BEHALF OF OFFICIAL RESPONDENTS
NO.1 - 5

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTION

- 1. The instant Service Appeal is incompetent before this Honorable Tribunal.
- 2. The Appellant has no cause of action.
- 3. The present appeal is mis-conceiving.
- 4. The Appellant has concealed material facts from this Honorable Tribunal.
- 5. The Appellant has not come to this Tribunal with clean hands.

ON FACTS

1. Pertains to record, maintained in the O/O Chief Engineer (CDO) (Respondent No.5).
2. Correct.
3. Incorrectly assumed, in fact the share for this Class @ 5% comes to 21-Nos against 422 posts, while 13-Nos, already had been promoted. For the remaining, 08-Posts the DPC in its meeting dated 27/03/2018, declared 07-officials on regular basis, whereas one post was kept open/ deferred for one Senior Work Supervisor (BS-11) whose Confidential Reports and other documents were not received.
4. Correct to the extent that according to share i.e 2.5% as reserved for Draftsmen, by Transfer to Sub-Engineer, the share becomes 11-Nos against 422-Posts, while two officials were already promoted and there were remaining 09-Posts for such Class and as such Two Officials one on regular base and the other (Mr. Liaqat Shah Pvt Respondent-6) was appointed on Acting Charge due to less length of required service i.e 05-years at the then under the APT Rules, 1989.
5. Incorrect, the very said one post in his own quota as assumed by the Appellant in fact was reserved for one Senior Official as expressed in para-3 above, being original incumbent, while for the 08-Posts falling to the incumbents of Draftsman (2.5%) Two Officials, one on regular, and the other on Acting Charge have been promoted/ appointed and thus there remain only SIX Posts for Draftsman to be elevated to the post of Sub-Engineers for which their seniority is Annexed-I for perusal of this Honorable Tribunal.
6. Incorrect assumption. Rule-9 of APT Rules, 1989 as annexed at-I (Pages-21/22) the citation of which is as under: -

Appointment on Acting Charge or Current Charge Basis

“While the appointing authority considered it to be in the public interest to fill a post reserved under the rules

for departmental promotion and most senior Civil Servant belonging to the Cadre or Service concerned, who is otherwise eligible for promotion, does not possess the specified length of service, the authority may appoint him to that post on acting charge basis.

“Provided that no such appointment shall be made if the prescribed length of service is short by more than three years”.

So, the contention of appellant, “such practice is not permissible” is superfluous, Pvt Respondent-6 (Mr. Liaqat Shah) is correctly elevated to the post of Sub-Engineer on Acting Charge as he was having, 05-years’ service at the then against the specified service of 07-years and that was also not short by 03-years.


7. Incorrect, the Departmental Appeal of both Appellants, have been replied vide memo No.52-E/367/CEC/C&WD dated 22/11/2018 (Annexed-II), hence untenable.
8. The Appellant has not come to this Tribunal with clean hand hence his appeal is liable to dismissal in limine.

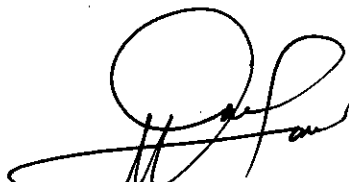
ON GROUNDS

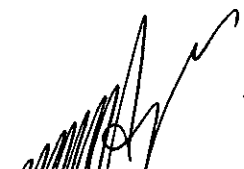
- A. Incorrect, the factual position of official appointed on Acting Charge basis is fully expressed in above paras of reply.
- B. Incorrect, the appellant fall at SI-9 of the Class/ Cadre and would be promoted on his turn, subject to relevant conditions and requirement.
- C. Incorrect and mis-stated.
- D. Correct to the extent that when post position allows, Appellant would then be considered for promotion, on his turn, subject to fulfillment of the requisites.
- E. Mis-conceiving, Appellant shall wait for promotion on his turn.
- F. Incorrect, Mis-conceiving.

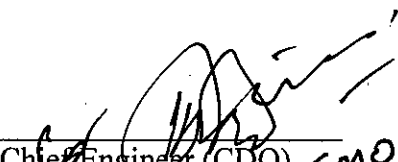
- G. Incorrectly assumed. Section-9 of Civil Servant Act, 1973 and Rule-7 of APT Rules, 1989 provides guiding principal dealing with the cases of promotion of Civil Servants for which such rules are available.
- H. Incorrect. Private Respondent-6 has rightly been appointed on Acting Charge basis under the Govt Rules as described in above paras of reply.
- I. No doubt not only the Appellant even others, who are senior to him, according to eligibility and post position would be considered for promotion at appropriate time subject to the condition that the requisite are fulfilled.
- J. The Replying Respondent(s) also seeks permission of this Honorable Tribunal to place additional documents/ grounds before the Tribunal at the time of Arguments.

In the wake of above submission, it is humbly prayed that there is no merit in the instant Service Appeal, devoid of material facts, may please be Dismissed in limine.


Secretary to Govt of KP
C&W Department
(Respondent No.1 & 2)


Secretary to Govt of KP
Finance Department
(Respondent No.3)


Chief Engineer (Centre)
C&W Department
(Respondent No.4)


Chief Engineer (CDO) SMO
C&W Department
(Respondent No.5)

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PUKHTUNKHWA, PESHAWAR

No. 52-E / 367 / CEC/ C&WD

Dated Peshawar the 22 / 11 / 2018

To

The Secretary to Govt of Khyber Pakhtunkhwa
C&W Department Peshawar


23/11/18

Subject: DEPARTMENTAL APPEAL FOR PROMOTION TO THE CADRE POST
OF SUB-ENGINEER ON REGULAR BASIS

Refnce: Your memo No.SOE/C&WD/11-270/2018 dated 23/10/2018

Sir,

After having depth study of the representation made by M/S. Farman-Ud-Din & Muhammad Jawad Surveyors attached with the O/O Chief Engineer (CDO) C&W Department Peshawar, they are not in clear direction, actually against the post of Sub-Engineer following Criteria as per Appointment/ Recruitment Rules, 2010 (Rules) is approved by the SSRC and then had been notified: -

- a. 75% (Seventy-five) by Initial recruitment;
- b. 05% (Five) by Promotion; on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/ Surveyors, with five years' service as such; having 03-Years Diploma of Associate Engineering in Civil Technology, from a recognized Board;
- c. 05% (Five) by Promotion; on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years' service as such; having 03-years Diploma of Associate Engg in Civil Technology, from a recognized Board;
- d. 05% (Five) by Promotion; on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/ Road Inspectors, with seven years' service as such, having 03-years Diploma in Electrical/ Mechanical Technology from a recognized Board;
- e. 2.5% (Two point five) By Transfer from amongst the Draftsman with Seven years' service as such, having Diploma in Civil/ Electrical/ Mechanical Technology from a recognized Board;

- f. 2.5% (Two point five) by Promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with Ten years' service as such; having Diploma in Civil/ Electrical/ Mechanical Technology from a recognized Board; And
- g. 5% (Five) by promotion from amongst the Work Superintendents/ Work Supervisors/ Road Inspectors, who have passed "B" Grade Departmental Examination with Seven years' service as such;

Note:4 (i) if no suitable candidate is available for transfer, as specified in sub clause-(e), then the vacancy shall be filled in by way as prescribed in sub clause-(b);

(Relevant Note)

It is therefore crystal clear, that if an eligible person as per clause (e) amongst the Draftsman "By Transfer" is not available, then the vacancy occurring as such shall be filled from amongst the Work Superintendents/ Work Supervisors/ Surveyors having 3-years Diploma in Civil with others requisites as described in sub-clause (b).

The contention of the applicants is not worth consideration, under the approved Rules as described at (b) & (c) it is sufficio, no promotion "By Transfer" is available to the Work Superintendents/ Work Supervisors/ Surveyors and the vacancy shall ever be filled-in "By Promotion" on the basis of seniority-cum-fitness. Relevant position of the rules, are therefore cleared for further needful please.

~~CHIEF ENGINEER (CENTRE)~~

CHIEF ENGINEER (CENTRE)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 107/2019

MUHAMMAD JAWAD

VS

GOVT: OF KPK

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

PRELIMINARY OBJECTIONS:

1 TO 5:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are stopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Incorrect and not replied accordingly. That against the total 21 numbers reserved posts of Sub Engineer for Works Superintendants/ Work Supervisors/ Surveyors, the total 20 numbers of posts are filled by the way of regular promotion from amongst the Works Superintendants/ Work Supervisors/ Surveyors on the basis of joint seniority and only ONE post was left vacant due to deferment of one official of the mentioned Class for regular promotion.
- 4- Incorrect and not replied accordingly. That against the total 11 numbers reserved posts of Sub Engineer for Draftsman, the total 3 posts are filled regularly from amongst the Draftsman, while in the remaining EIGHT posts vacant for regular transfer, on one post the private Respondent No. 6 (Mr. Liaqat shah) has been appointed by the Respondent No.4 on acting charge basis as a Sub-Engineer illegally, against the rules vide the impugned order dated 30-03-2018 communicated to the appellant on 28-09-2018 through RTI, which is liable to be set aside.
- 5- Incorrect and not replied accordingly. That reply of the respondents is the misrepresentation, concealment of facts and fictive calculation because it is clearly been stated in para No.3

above that in Appellants own quota i.e. Works Superintendants/ Work Supervisors/ Surveyors ONE post is vacant which is not filled regularly, while in Draftsman quota EIGHT numbers of posts are vacant which are not filled regularly. Against these total NINE numbers of vacant posts the Appellant stood at serial No.9 of the joint seniority, so the appellant being at serial No.9 is entitled to be promoted on the vacant post as eligible in all respect.

- 6- Incorrect and not replied accordingly. That appointment on acting charge bases is not permissible under the rules for the officials of the private respondent cadre as they are suppose to be transferred to the cadre of sub engineer and not to be promoted, therefore, the impugned order dated 30-3-2018 is against the law and rules on the subject as rule 9 of A.P.T Rules, 1989 is not applicable to the Private respondent No.6.
- 7- Incorrect and not replied accordingly. The reply has not been served on the appellant till the filing of the instant appeal.
- 8- Incorrect hence denied.

GROUND:
(A to J):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect, baseless and not in accordance with law and Rules hence denied.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

Darsad
APPELLANT

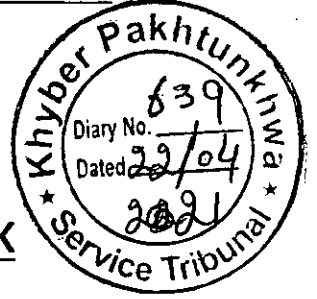
THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

APPEAL NO. 107/2019

MUHAMMAD JAWAD VS GOVT OF KPK



APPLICATION FOR WITHDRAWAL / CLOSEURE OF SERVICE

APPEAL NO. 107/2019

Most Respectfully,

1. That the above noted appeal is pending before this honorable tribunal and fixed for 08-06-2021.
2. That for the purpose of regular promotion of the appellant as prayed before this honorable tribunal, the respondent No. 4 conducted a meeting of the Departmental Promotion Committee Dated 21-04-2021, wherein the appellant was recommended for regular promotion to the cadre post of Sub-Engineer BPS-12.
3. That now the appellant want to withdraw / close the above noted appeal No. 107/2019 from this honorable tribunal, however may if, the respondent No. 4 did not issued the formal order regarding promotion of the appellant, then the appellant shall seek permission of this honorable tribunal to reopen the subject case in its own streamline on the next date of hearing.

That keeping in view the above noted para's of this instant application, it is requested that kindly withdraw / close the subject appeal in the interest of justice please.

Dated 22-04-2021.

Put up to the court with relevant appeal.

Leadu.

22/4/2021.

Dawad
MUHAMMAD JAWAD
(APPELLANT)