

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 306 of 2023

Mr. Liaqat Ali Assistant P&C Small Dams Division Abbottabad

Appellant

Versus

1. Secretary to Govt: of
Khyber Pakhtunkhwa Irrigation Department Peshawar
2. Chief Engineer (South) Irrigation Department Peshawar

Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 & 02

Khyber Pakhtunkhwa
Service Tribunal

Respectfully Shewith

Diary No. 4511

Preliminary Objections:

Dated 22/3/2023

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appeal is bad for mis joinder and non-joinder of necessary parties.
4. That the appellant has no locus standi to file the instant appeal.

Objections on Facts:

1. The appellant was appointed as Junior Clerk vide office order No. 30544-47/IB/A/4-E(vii), dated: 21-12-1994 and was adjusted in Flood & Drainage Division Peshawar and transferred from Flood & Drainage Division Peshawar to Chief Engineer Irrigation Office Peshawar as Junior Clerk vide office order No. 17778/IB/A/1724-PF, dated: 31-08-1998 and from Chief Engineer (South) Irrigation Office Peshawar to Hydrology Irrigation Sub-Division Abbottabad as SDA vide office order No. 6474/IB/A-5/15-CE, dated: 12-12-2019, and from Hydrology Irrigation Sub-Division Abbottabad to Chief Engineer (South) Irrigation office Peshawar as Senior Clerk vide office order No. 3145/A-5/15-CE, dated: 06-08-2020, and also from Chief Engineer (South) Irrigation Office Peshawar to P&C Small Dams Division Abbottabad as Assistant BS-16 vide office order No. 5714/North/A-1/7-E, dated: 28-10-2022 (Annex-I, II, III, IV & V).
2. As per para-1 above.
3. Incorrect. The transfer order of the appellant was cancelled in light of appeal filed by the Respondent No. 03 (Private Respondent) who argued that his stay in P&C Small Dams Division Abbottabad was just 13 months and 11 days thereby has not completed the normal tenure as per posting/transfer policy. Furthermore, the Respondent No. 03 belongs to District Abbottabad while the appellant belongs to District Peshawar.
4. The appeal filed by the appellant is not worth consideration on the following grounds.

OBJECTIONS GROUNDS:

- A. The office order dated: 28-10-2022 was cancelled in light of appeal filed by the Respondent No. 03 (Private Respondent) who argued that his stay in P&C Small Dams Division Abbottabad was just 13 months and 11 days thereby has not completed the normal tenure as per posting/transfer policy.
- B. In correct. The same argument is applicable on the private Respondent as well who has just completed 13 months and 11 days in P&C Small Dams Division Abbottabad, therefore, the order dated: 28-10-2022 was cancelled in light of posting/transfer policy.

C. As per para-A&B of the grounds.

D. In correct. The order dated: 28-10-2022 was cancelled on the appeal of the Respondent No. 03 who was of the same argument that his normal tenure at P&C Small Dams Division A/Abad is not completed as per posting/transfer policy.

E. Correct. The tenure of the Respondent No. 03 has been respected by cancelling the order dated: 28-10-2022 whose normal tenure was not completed at P&C Small Dams Division A/Abad.

F. In correct. The order dated: 28-10-2022 was cancelled in the best public interest as per posting/transfer policy highlighted by the Respondent No. 03 in his appeal.

G. As per para-D, E & F above.

H. In correct. The order dated: 08-11-2022 was issued as per posting/transfer policy.

I. The appeal of the appellant has no cogent grounds and having no adverse affects on the service of the appellant.

J. In correct. The appellant has been dealt according to law/posting/transfer policy.

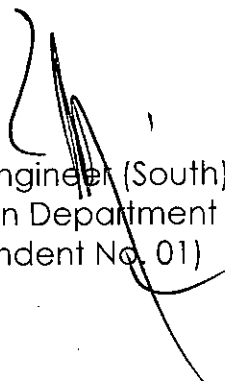
K. The ground explained in this para is not supported by any principle of law and the action of the Respondent was in the best public interest.

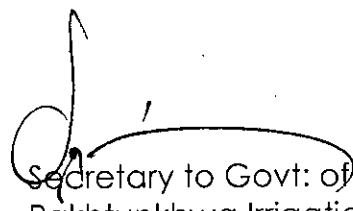
L. As per para-D, E & F above.

M. The respondent also seeks permission to advance additional grounds during the course of arguments.

PRAYED

It is humbly prayed to dismiss the appeal with cost and vacate the stay in the instant appeal.


Chief Engineer (South)
Irrigation Department Peshawar
(Respondent No. 01)


Secretary to Govt: of Khyber
Pakhtunkhwa Irrigation
Department Peshawar
(Respondent No. 02)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 306 of 2023

Mr. Liaqat Ali Assistant P&C Small Dams Division A/Abad
Versus

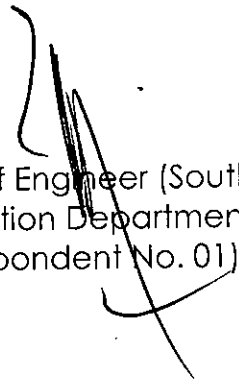
Appellant


- 1. Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar
- 2. Chief Engineer (South) Irrigation Department Peshawar

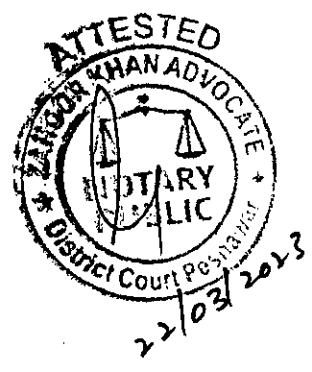
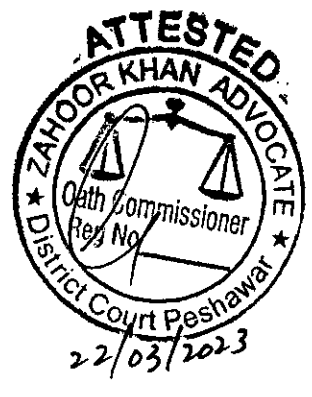
Respondents

COUNTER AFFIDAVIT

We do hereby solemnly affirm and declare that the contents of the parawise comments in Service Appeal No. 306/2023 filed by Mr. Liaqat Ali Assistant are correct to the best of our knowledge and nothing has been concealed from the August Service Tribunal.


 Chief Engineer (South)
 Irrigation Department Peshawar
 (Respondent No. 01)


 Secretary to Govt: of Khyber
 Pakhtunkhwa Irrigation
 Department Peshawar
 (Respondent No. 02)



Registered

OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT N.W.F.P.,
PESHAWAR.

No. /JB/A/4-E(VII),
Dated Peshawar the 31/12/1994.

To

Mr. Liaquat Ali Khan / Chairman, P.W.D.,
House No: 1440, Feroz Road, Feroz Road,
Peshawar City.

Subject:- APPOINTMENT AS JUNIOR CLERK

Consequent upon the recommendations of the Departmental Selection Committee, you are hereby offered the post of officiating/ temporary Junior Clerk at Rs. 1400/- P.M. in BPS-5 (Viz: Rs. 1400-66-2390) plus usual allowances as admissible under the Rules subject to the following conditions :-

1/ Your services shall be governed by the NWFP Civil Servants Act, 1971, the West Pakistan Irrigation Department, Ministerial Service (Regional Office) Rules 1962, the NWFP, Civil Servants Appointment, Promotion & Transfer) Rules 1989 and all such Rules Operative under the aforesaid Act.

2/ If you are willing to accept this offer of appointment on the above terms and conditions of appointment, you should return the attached under taking (in duplicate) and report to the Executive Engineer, Flood and Drainage Division, Peshawar, not later than 5-7-1994 positively. The offer of appointment shall stand cancelled if you fail to report by the stipulated date.

3/ You shall have to submit on your joining the Department the following Original Certificates :-

- a) Matriculation (b) Domicile (c) that you are not a dismissed Govt. Servant (d) Medical fitness Certificate (e) Character.

6671-AP

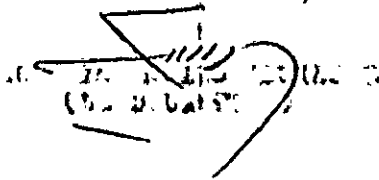
SUPERINTENDING ENGINEER
(HEAD QUARTER)

No. 30544-47 / JB/A/4-E(VII)

Copy of the above is forwarded to the :-

- 1. Account General, P.W.D., Peshawar,
- 2. Chief Engineer, Development Irrigation Department, Peshawar,
- 3. Chief Engineer, Flood and Drainage Division, Peshawar,
- 4. Executive Engineer, Flood and Drainage Division, Peshawar,
- 5. Chief of file of the official.

Rahim



Originated in Personal File of Mr. Irshad Ahmad

OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT NWFP
PESHAWAR

NO. 17778 /IE/A/15-GE, *1724/80*

Dated Peshawar the 31 /8/1998/.

OFFICE ORDER.

The following postings/transfers amongst the Junior Clerks of Irrigation Department NWFP are hereby ordered with immediate effect in the public interest.

SL. NO.	N A M E	F R O M	T O	R E M A R K S
1/	Mr. Irshad Ahmad, Junior Clerk.	Hydrology Irr: Divn., Peshawar.	Flood and Drainage Divn: Peshawar.	Vice No. 2.
2/	Mr. Liaqat Ali, Junior Clerk.	Flood and Drainage Div: Peshawar.	Regional Office Peshawar.	Vice No. 1.
3/	Mr. Muntaz Hassan. Junior Clerk.	Regional Office Peshawar.	Hydrology Irr: Divn: Peshawar.	Vice No. 1.

M. J. Khan
CHIEF ENGINEER
PHONE NO. 278320

NO. 17779-80 /IE/A/15-GE, *1724-DF*

Copy forwarded to the :-

- 1/ Chief Engineer, Development Irrigation Department, NWFP, Peshawar,
- 2/ Superintending Engineer, Flood and Drainage Circle, Peshawar,
- 3/ Executive Engineer, Flood and Drainage Division, Peshawar,
- 4/ Executive Engineer, Hydrology Irrigation Division, Peshawar,
- 5/ Accountant General, NWFP, Peshawar,
- 6/ Cash and Bill Clerk (Local),
- 7/ Officials concerned,
- 8/ *Personal File of Officer*

Sd/-
CHIEF ENGINEER.



OFFICE OF THE CHIEF ENGINEER (SOUTH)
GOVT. OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT PESHAWAR

Ph: 091-9212116

Fax No. 091-9212652

E-Mail: chiefoffice@yahoo.com

No. 6476 /IB/A-5/15-CE.

Dated Peshawar 12/12/2019

OFFICE ORDER

The following posting / transfers amongst the Senior Clerks BS-14 of Regional Office Cadre of Irrigation Department is hereby ordered with immediate effect in the public interest.

S: No	NAME	FROM	TO	REMARKS
1	Mr. Muhammad Ismail	Small Dams Irrigation Department Peshawar	Administration Section Chief Engineer (South) Office Peshawar	Vice No.3
2	Mr. Rab Nawaz	Hydrology Irrigation Division Peshawar	Small Dams Irrigation Department Peshawar	Vice No.1
3	Minhaj ud Din	Administration Section Chief Engineer (South) Office	Hydrology Irrigation Division Peshawar	Vice No.2
4	Rahim Dil	Hydrology Irr: Division Peshawar (SDA Hydrology Sub Divn: Bannu)	Chief Engineer (North) Office Peshawar Budget Section	Vice No.5
5	Mr. Bahar Ali	Chief Engineer (North) Office Peshawar Budget Section	Hydrology Irr: Division Peshawar (SDA Hydrology Sub Divn: Bannu)	Vice No.4
6	Mr. Muhammad Hanif	Chief Engineer (North) Office	Operation Section Chief Engineer (South) Office	Vice No.8
7	Mr. Muhammad Arshad	Hydrology Irrigation Division Peshawar (SDA Hydrology Sub Divn: Abbottabad)	Small Dams P & C Divn: Abbottabad	Against the vacant post
8	Muhammad Tariq	Operation Section Chief Engineer (South) Office	Works Operation Section office of the Chief Engineer (North)	Vice No.6
9	Mr. Fasih ur Rehman	Stationery seat (General Section) Chief Engineer (South) office Irrigation Department	Budget Section Chief Engineer (South) office	Vice No.10
10	Mr. Liaqat Ali	Budget Section Chief Engineer (South) Office	SDA Hydrology Sub Division A/Abad	Vice No.7
	Mr. Jehanzeb	Administration Section Chief Engineer (North)	Construction Section Chief Engineer (North) Office	Vice No.12

		Office		
12	Mr. Riaz Muhammad	Chief Engineer (North) Office (Construction Section)	Chief Engineer (North) Office Peshawar (Administration Section)	Vice No.11
13	Mr. Irfan Ullah	Kohat Irrigation Division Kohat	Chief Engineer (North) Office	Against the vacant post
14	Mr. Amir Khisro	Peshawar Canals Division Peshawar	-do-	Against the vacant post

[Handwritten Signature]
 CHIEF ENGINEER
 12/11/18

C.C.

- 1 Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 2 Chief Engineer (North) Irrigation Department Peshawar.
- 3 Director General Small Dams Irrigation Department Peshawar.
- 4 Accountant General Khyber Pakhtunkhwa.
- 5 Superintending Engineer Head Quarters (South/North).
- 6 Executive Engineer, Small Dams P & C Divn: Abbottabad.
- 7 Executive Engineer Kohat Irrigation Division Kohat.
- 8 Executive Engineer, Hydrology Irrigation Peshawar.
- 9 District Accounts Officer Bannu/ Kohat/ Abbottabad.
- 10 Accounts Officers (South/North).
- 11 All Officials concerned.

For information *Malakand Divn!*
Wassak Cond:

[Handwritten Signature]
 CHIEF ENGINEER



OFFICE OF THE CHIEF ENGINEER (SOUTH)
GOVT. OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT PESHAWAR.

Phone No. 091-9212116 Fax No. 091-9212652 Email:chiefoffice@yahoo.com

No. 3145 /A-5/15-CE

Dated Peshawar the 06 /08/2020

OFFICE ORDER

The following postings/transfers amongst the Senior Clerks BS-14 of Irrigation Department Khyber Pakhtunkhwa are hereby ordered with immediate effect in the public interest:

Sr.No	Name	From	To	Remarks
1.	Mr. Liaqat Ali	SDA Hydrology Irrigation Sub-Division A/Abad	Chief Engineer (South) Office Irrigation Department Peshawar (Budget Section)	Against the vacant post
2.	Mr. Ihsan Ullah	On permanent absorption in Regional Office Cadre	SDA Hydrology Irrigation Sub-Division A/Abad	Vice No. 01

CHIEF ENGINEER

C.C

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deputy Secretary Admin, Irrigation Department Peshawar.
3. Superintending Engineer DIKhan Irrigation Circle DIKhan
4. Executive Engineer Paharpur Irrigation Division DIKhan
5. Executive Engineer, Hydrology Irrigation Division Peshawar
6. District Accounts Officer DIKhan
7. Officials Concerned.

For information and necessary action.

CHIEF ENGINEER



OFFICE OF THE CHIEF ENGINEER (NORTH)
IRRIGATION DEPARTMENT PESHAWAR

Phone & Fax No. 091-9212123 Email: chiefnorthirr@gmail.com (c.cell)

No. 5714 /North//A-1/7-E(ii)

Dated: 28/10/2022

OFFICE ORDER:

The following posting/transfer amongst the Assistant BS-16 of Irrigation Department is hereby ordered in relaxation of ban, with immediate effect in the public interest:

S.NO	NAME	FROM	TO	REMARKS
1	Mr. Liaqat Ali	Chief Engineer (South) Irrigation Office Peshawar	P&C Small Dams Division Abbotabad	Vice No. 02
2	Muhammad Arshad	P&C Small Dams Division Abbotabad	Chief Engineer (South) Irrigation Office Peshawar	Vice No. 01

Copy forwarded to:

1. Accountant General Khyber Pakhtunkhwa.
2. Chief Engineer (South) Irrigation Department Peshawar
3. Director General Smalls Dams Directorate Irrigation Department Peshawar
4. Deputy Director P&C Small Dams Division Abbotabad.
5. Deputy Secretary (Admn:) Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
6. PS to Minister to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
7. PS to Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
8. Official concerned.
9. Personal Files of the Official (Chief Engineer (South) Irrigation Department Peshawar)

For information and necessary action please.

CHIEF ENGINEER

CHIEF ENGINEER