


09.02.2023

Nemo for appellant. Mr. Umair Azam, learned Additional Advocate General alongwith Noor Rehman Deputy Collector for respondents present.

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave today, therefore, case is adjourned to 18.05.2023 for arguments before D.B.


(Fareeha Paul)
Member (E)

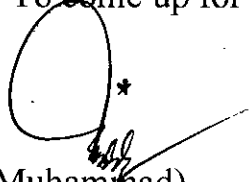
SCANNED
KPST
Peshawar

20.12.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Noor Rehman, Deputy Collector for official respondents No. 1 to 4 present. Junior of learned counsel for private respondents No. 5 present.

Appellant sought adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 02.02.2023 before D.B.

SCANNED
Peshawar
High Court



(Mian Muhammad)
Member (E)

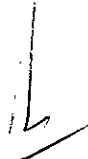


(Salah-ud-Din)
Member (J)

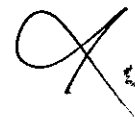
2nd Feb, 2023

Appellant in person present. Mr. Muhammad Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Lawyers are on strike, therefore, the case is adjourned. Office is directed to notify the next date on the notice board as well as on the website of the Tribunal. To come up for arguments on 09.02.2023 before D.B.



(Muhammad Akbar Khan)
Member (E)




(Kalim Arshad Khan)
Chairman

17.10.2022

Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Arshad Ali ADEO for official respondents No. to 4 present. Private respondent No.6 in person present.

Reply on behalf of official respondents No.1 to 4 and private respondent No.5 submitted. Private respondent No.6 requested for time to submit reply/comments. Last chance is given. To come up for reply/comments on 18.11.2022 before S.B.

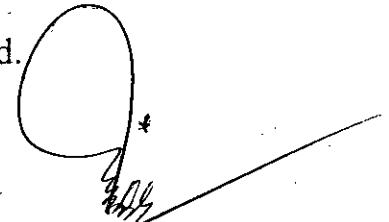


(Rozina Rehman)
Member (J)

18.11.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Noor Rehman, Deputy Collector for official respondents No. 1 to 4 present. None present on behalf of private respondent No. 6.

Reply/comments on behalf of official respondents No. 1 to 4 and private respondent No. 5 have already been submitted. Reply/comments on behalf of private respondent No. 6 are still awaited. As per previous order sheet, private respondent No. 6 was present and who was given last chance for submission of reply/comments. Today, no one is present on behalf of private respondent No. 6 nor submitted reply/comments on his behalf, therefore, he is proceeded ex-parte. To come up for rejoinder, if any, and arguments on 20.12.2022 before D.B. Notice be issued to the appellant as well as his counsel on the date fixed.



(Mian Muhammad)
Member (E)

*Counsel was
informed
telephonically
on 19/12/22*


**SCANNED
KPST
Peshawar**

05.08.2022

Nemo for appellant. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Noor Rehman, Deputy Collector ~~for respondents~~ for official respondents present. Mr. Taimor Haider Khan, Advocate for private respondent No. 5 present.

No one present on behalf of private respondent No. 6.

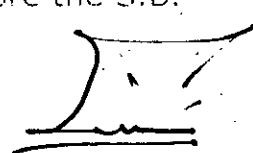
Written reply not submitted. Learned AAG sought time to submit written reply. To come up for written reply/comments on 23.09.2022 before S.B.


(Fareeha Paul)
Member (E)

23.09.2022

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 4 present. Learned counsel for private respondent No. 5 also present. None present on behalf of private respondent No. 6.

Para-wise reply on behalf of private respondent No. 5 submitted, while reply/comments of behalf of official respondents No. 1 to 4 as well as private respondent No. 6 are still awaited. Learned Deputy District Attorney shall intimate the official respondents to submit reply/comments on the next date positively. Notice also be issued to private respondent No. 6 and to come up for submission of reply/comments on 17.10.2022 before the S.B.


(Salah-Ud-Din)
Member (J)

*Private respondent
No. 6 was put on
notice.*

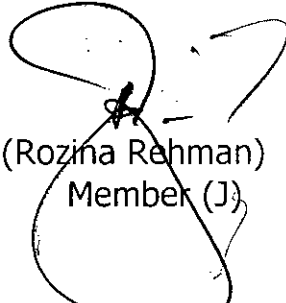
12.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 30.06.2022 before S.B.

Rs-800/-
Appellant Deposited
Security & Process Fee


A. Ullah
12/4/22


(Rozina Rehman)
Member (J)

30.06.2022

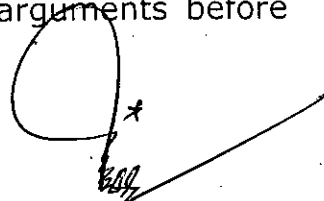
None for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Noor Rehman, Deputy Collector for official respondents present. Private respondent No. 5 present in person and seeks time for submission of written reply/comments. Request accepted.

No one present on behalf of private respondent No. 6. Notices be issued to appellant/counsel as well as to private respondent No. 6 for the date fixed. To come up for reply/comments on 05.08.2022 before S.B.


(Fareeha Paul)
Member (E)

05.10.2021

Appellant in person present and sought adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary arguments before the S.B on 01.12.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

01.12.2021

None for the appellant present.

Fresh notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 03.02.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 12.04.2022 before S.B for the same.



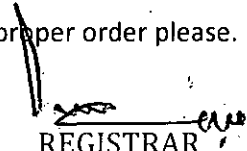


Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3873 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	17/03/2021	<p>The appeal of Mr. Waleed Shehzad presented today by Mr. Muhammad Arshad Khan Tanoli 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> <p>2-</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">SCANNED AT Peshawar</p> <p>16.07.2021</p>	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>16/07/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant with counsel present.</p> <p>Learned counsel for the appellant seeks time for preparation. Adjourned to 05.10.2021 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. _____/2021

Waleed Shehzad son of Muhammad Miskeen, Office Assistant, belonged to Swabi, Irrigation Circle, presently posted in Office of the Project Director Siran Right Bank Canal Project Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Irrigation Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

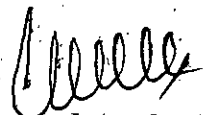
INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 8	-----
2.	Copy of appointment order of the appellatant	09	"A"
3.	Copy of APPLICATION	10	"B"
4.	Copy of sample/specimen of undertaking on stamp paper	11-15	"C"
5.	Copy of transfer order	16	"D"
6.	Copy of application	17	"E"
7.	Copy of impugned seniority list	18-21	"F"
8.	Copy of departmental representation	22	"G"
9.	Copy of rejection order	23-25	"H"
10.	Wakalatnama		-----

...APPELLANT

Through

Dated: _____/2021


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

①

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

Service Appeal No. _____/2021

Waleed Shehzad son of Muhammad Miskeen, Office Assistant, belonged to Swabi, Irrigation Circle, presently posted in Office of the Project Director Siran Right Bank Canal Project Abbottabad.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Irrigation Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (North) Irrigation Department Khyber Pakhtunkhwa, Peshawar.
4. Superintending Engineer Swabi Irrigation Circle, Swabi.
5. Noor ul Basar, Stenographer (Office of the Superintending Engineer Swabi Irrigation Circle, Swabi).
6. Muhammad Hamayun, Assistant /Head Clerk (Office of the Executive Engineer Hazara Irrigation Division Abbottabad).

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT FOR DECLARATION TO THE EFFECT THAT
THE APPELLANT WAS TRANSFERRED FROM
CHIEF ENGINEER (NORTH) IRRIGATION
DEPARTMENT PESHAWAR TO THE OFFICE OF**

29

RESPONDENT NO.4 VIDE ORDER NO. 1958/A-5/2033-PF, DATED 30.03.2015 BUT THE APPELLANT HAS BEEN SHOWN JUNIOR TO RESPONDENT NO. 5 & 6, VIDE IMPUGNED SENIORITY LIST ISSUED BY THE RESPONDENTS' DEPARTMENT, WHICH IS ILLEGAL, PERVERSE AND DISCRIMINATORY AGAINST THE LAW. HENCE, THE IMPUGNED SENIORITY LIST IS TO BE RECONCILED/ RECTIFIED AFTER PLACING THE NAME OF THE APPELLANT AT SERIAL NO. 1 AS PER LAW.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE CONDITION NO.1 OF TRANSFER ORDER DATED 30.03.2015 MAY BE DECLARED ILLEGAL AND VOID-AB-INITIO AND APPELLANT MAY GRACIOUSLY BE DECLARED SENIOR FROM RESPONDENT NO. 5 TO 6 & RESPONDENTS' DEPARTMENT MAY FURTHER BE DIRECTED TO ISSUE REVISED SENIORITY LIST AFTER PLACING THE NAME OF THE APPELLANT AT SERIAL NO.1, ABOVE THE NAMES OF RESPONDENT 5 TO 6. ANY OTHER RELIEF WHICH THIS HONORABLE

3

TRIBUNAL DEEM APPROPRIATE IN THE
CIRCUMSTANCES OF THE CASE MAY ALSO
BE ALLOWED TO THE APPELLANT.

RESPECTFULLY SHEWETH;-

That Facts forming the background of instant service
appeal are appended below;-

1. That the appellant was inducted in the respondents' department as Office Assistant in the year 2012 vide appointment order No. 8890/94/IB/A/15-CE dated 26/06/2012. **Copy of appointment order of the appellant is attached as Annexure "A"**.
2. That the appellant served the department with complete devotion, dedication and to the entire satisfaction of his superiors and left no stone unturned in the smooth functioning of the department.
3. That the respondents' department created new Irrigation Circle under the command and control of respondent No. 4. the respondents' department prior to the transfer / posting to the newly created Irrigation Circle, obtained willingness of the appellant on stamp paper wherein, seniority of the appellant was

4

to be determined from the date of his initial appointment. **Copy of application and sample/specimen of undertaking on stamp paper is attached as Annexure "B & C".**

4. That the appellant was transferred from Regional Office Peshawar to new created Swabi Irrigation Circle Swabi vide order No.1958/A-5/2033-PF, dated 30.03.2015. Prior to the posting, the appellant served more than two & half years of his service in Regional Office Peshawar. The respondents issued instruction who give willingness for transferred to newly created circle his seniority kept intact from the date of initial appointment but despite that the condition no.1 was inserted in the transfer order. **Copy of transfer order is attached as Annexure "D"**
5. That the appellant filed objection/application regards the condition no.1 in transfer order dated 30.03.2015 and clarify that according to undertaking the seniority must be reckoned from the date of initial appointment but department gave no response than appellant file other application and department assured the appellant the seniority will corrected from the date of initial appointment. **Copy of application is attached as annexure- "E".**

3

6. That as per law, seniority of the appellant is to be fixed from the date of his initial appointment. But respondent No. 4 issued impugned seniority list of the appellant from the date of his posting in Swabi Irrigation Circle i.e 01/04/2015 which should have been from the date of initial appointment i.e 26/06/2012. Besides, the appellant was to be shown / placed at serial No. 1 of the impugned seniority list but he has been shown erroneously at serial No. 3 of the impugned seniority list which is to be reconciled/ rectified as per law on the subject. **Copy of impugned seniority list is attached as Annexure "F"**.

7. That the appellant feeling aggrieved, filed departmental representation to the concerned appellate authority for rectification/ reconciliation of seniority but no action has so far been taken on the representation by the department as per law. Lastly the departmental appeal of the appellant has been rejected vide letter No. 3034/A-5/254-E, dated 03/08/2020. **Copies of representation and rejection orders are attached as Annexure "G & H"**. Therefore, the instant service appeal is filed inter alia on the following grounds.

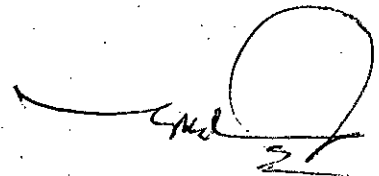
6
GROUND:

- a) That conduct of the respondents towards the appellant is malafide, against the norms of justice. Therefore, seniority list of the appellant is to be revised after placing the name of the appellant at Serial No. 1.
- b) That as per section 8 of the civil servant act 1973 the seniority must be reckoned from the dated of regularization. So in the case of the appellant the same principal was neglected which was not tenable in the eye of law.
- c) That as per undertaking, obtained by the respondents' department, a valid contract between the department and appellant has arrived at wherein it has been mentioned that seniority shall remain intact. As per principle of positive morality, department is bound to allot seniority to the appellant from the date of his initial appointment.
- d) That there is no cavil with the proposition that if the undertaking and service laws are to be placed in juxtapose to each other, it transpires / reveals that the appellant is eligible to have his seniority from the date of his initial appointment.
- e) That the matter relates to the terms and conditions of service, therefore, this Honorable tribunal has jurisdiction to

7

entertain the present appeal under article 212
of constitution of Islamic republic of
Pakistan, 1973.

It is, therefore, humbly prayed that on acceptance
of the instant service appeal, the appellant may
graciously be declared senior from respondent No. 5 to 6
& respondents' department may be directed to issue
revised seniority list after placing the name of the
appellant at Serial No. 1, above the names of respondent
5 to 6. Any other relief which this honorable tribunal
deem appropriate in the circumstances of the case may
also be allowed to the appellant.



...APPELLANT

Through

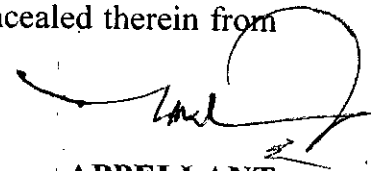
Dated: _____/2021



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to
the best of my knowledge and belief and nothing has been concealed therein from
this Honourable Court.



...APPELLANT

8

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. _____/2021

Waleed Shehzad son of Muhammad Miskeen, Office Assistant, belonged to Swabi, Irrigation Circle, presently posted in Office of the Project Director Siran Right Bank Canal Project Abbottabad.

...APPELLANT

VERSUS

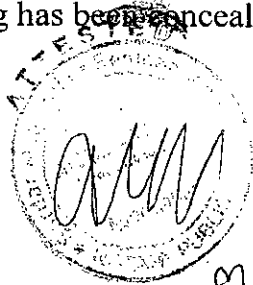
Government of Khyber Pakhtunkhwa through Secretary Irrigation Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Waleed Shahzad son of Muhammad Miskeen, Office Assistant, belonged to Swabi, Irrigation Circle, presently posted in Office of the Project Director Siran Right Bank Canal Project Abbottabad*, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



07/02/2021

DEPONENT



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

Phone No. 091-9212116 Fax No. 091-9212652

P-8

9

Annex-A

No. 8890-94/IB/A/15-CE

Dated Peshawar the 26/06/2012

To

Mr. Waleed Shehzad S/O Muhammad Maskin
Awan Hardware shop Balakot Post Office Balakot,
Tehsil Balakot Distt: Mansehra.

Subject:- APPOINTMENT OF ASSISTANT (BS-14) IN IRRIGATION DEPARTMENT ON CONTRACT BASIS.

Consequent upon the recommendations of the Khyber Pakhtunkhwa Public Service Commission vide letter No. Khyber Pakhtunkhwa//PSC-SR-VI/031338, dated 7-06-2012 received through Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Deptt: Peshawar letter No. SO(E)Irr:/4-14/73/Vol-II, dated 19-06-2012, you are hereby offered the post of Assistant BS-14 purely on contract basis subject to the following conditions:-

- 1) Your service will be governed under the Govt: of Khyber Pakhtunkhwa contract policy 2002 issued vide Secretary to Govt: of Khyber Pakhtunkhwa Finance Deptt: NO. FD(SOSR-II)12-1/2002 dated 26-10-2002 and E&A Deptt: Circular letter No. SR-VI(E&AD)1-13/2005 dated 10-8-2005.
- 2) You will be granted the minimum of BS-14 (8000-610-26300) with usual allowance as admissible under the Govt: of Khyber Pakhtunkhwa contract Policy 2002.
- 3) The appointing authority can terminate the contract on two months notice or two months salary in lieu thereof.
- 4) You will be provided facilities of contribution of provident fund as admissible under the contract policy.
- 5) You will not contribute GP fund and shall not be entitled for pension and gratuity.
- 6) Any terms and conditions issued by the Govt: hereafter in this regard will also be binding upon you.
- 7) You will remain on probation for the period of one year, extendable for another one year.

If you are willing to accept this offer of appointment on the above terms and conditions of appointment you report for duty to the Chief Engineer (North) Irrigation Deptt: Peshawar not later than 25-07-2012 positively. The offer of appointment shall stand cancelled if you fail to report by the stipulated period.

You will have to submit the following original certificates alongwith attested photo state copies for joining the department.


- a. Domicile Certificate.
- b. Medical Fitness Certificate.
- c. Educational Qualification Certificate.
- d. That you are not a dismissed Govt: Servant.
- e. Character Certificate.
- f. An undertaking on stamp paper of Rs. 50/- duly attested by the Oath Commissioner to the effect that the officer of appointment is accepted on all the above terms and condition.

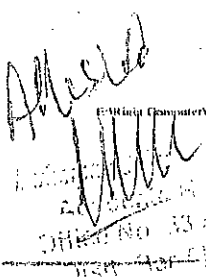
In case the above noted documents and your reply to the acceptance of this offer is not received within stipulated period (i.e. 25-07-2012) the offer of appointment shall stand automatically null and void.


SUPERINTENDING ENGINEER
(HEAD QUARTER)

Copy of the above is forwarded to the:-

- 1) Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Deptt: Peshawar w/r to his letter No. SO(E)Irr:/4-14/73/Vol-II, dated 19-06-2012.
- 2) Accountant General, Khyber Pakhtunkhwa, Peshawar
- 3) Chief Engineer (North) Irr: Deptt: Peshawar for information.
- 4) Director Recruitment Public Service Commission 2-Fort Road Peshawar Cantt vide his letter No. Khyber Pakhtunkhwa//PSC-SR-VI/031338, dated 7-06-2012.
- 5) C&B Clerk (Local)
For information & necessary action.


SUPERINTENDING ENGINEER
(HEAD QUARTER)


APPOINTMENT OF ASSISTANT (BS-14) IN IRRIGATION DEPARTMENT

Annex - B

P-10

To

The Chief Engineer (South),
Irrigation Department Khyber Pakhtunkhwa,
Peshawar.

Attention: (Administrative Officer)

Subject: APPLICATION FOR PROVISION OF A COPY OF MY UNDERTAKING
FOR ABSORPTION IN SWABI IRRIGATION CIRCLE SWABI.

With due respect it is stated that your good office vide letter No.6988/IB/A/15-CE, dated 20/06/2014 alongwith specimen of undertaking (Copies attached as annex A) obtained willingness of the officials, who intend to be absorbed in the newly created Irrigation Circles. In this regard I have submitted my undertaking duly filled on judicial stamp paper to Chief Engineer (North) Office Peshawar (Copy of my application attached as annex B) and the same was forwarded to your office by Chief Engineer (North) Irrigation Department Peshawar vide his letter No.7308/North/7-E, dated 04/07/2014 (Copy attached as annex C).

It is, therefore, you are requested that kindly provide a copy of the same undertaking to me, please.

Encl: As above

Dated 03.03.2021

Yours obedient,

Waleed Shehzad
Assistant O/O the Project Director
Siran Right Bank Canal Project
Abbottabad

OFFICE OF CHIEF ENGINEER (SOUTH) IRRIGATION DEPARTMENT	
Sl. No.	Date
1739	3/3/2021
Specimen	Section
SWC	S.B
SWD	S.A ✓
SG	SR

Muhammad Arshad Khan Tanchi
Advocate High Court
Office No 33 Adjacent
Dist. Bar Abbottabad



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

Phone No. 091-9212174 Fax No. 091-9212652

No. 6988 /IB/A/15-CE

Dated Peshawar the 20 /06/2014

To

- The Superintending Engineers:-
1. Peshawar Irrigation Circle Peshawar
 2. Bannu Irrigation Circle Bannu
 3. DIKhan Irrigation Circle DIKhan.
 4. Mardan Irrigation Circle Mardan
 5. Swabi Irrigation Circle Swabi
 6. Swat Irrigation Circle Swat.

Subject:- MEETING REGARDING FORMATION OF CIRCLE CADRE.

I am directed to refer to the subject noted above and to enclose herewith a specimen of undertaking to be filled by all the staff who intend to absorbed against newly created circles, on judicial stamp paper worth Rs. 30/- duly countersigned by Superintending Engineer concerned. The same may please be furnished within 7 days positively, so that to ensure a meeting for formation of circle cadre.

Encls:- As above.

Sd/-
ADMINISTRATIVE OFFICER
(PHONE NO. 9212118)

Muhammad
Advocate

- Copy to the:-
1. Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
 2. Chief Engineer (North) Irrigation Department Peshawar.
 3. Executive Engineer, Hydrology Irrigation Division Peshawar.
 4. Executive Engineer Mechanical Irrigation Division Peshawar.
 5. PA to Chief Engineer (South) Irrigation Department Peshawar.
 6. PA to Superintending Engineer (Head Quarter) Peshawar.
- For information and similar request please.

*PA Circle
to all circles
for information*

Sd/-
ADMINISTRATIVE OFFICER
(PHONE NO. 9212118)

Rk
Please
get copy
immediately
for info

CE (North)

SEND/AD

29/6
3721
at 2/1/6

P-12

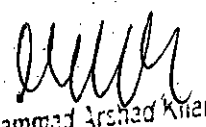
Dated _____

UNDER TAKING FOR PROMOTES OFFICIALS ON JUDICIAL STAMP PAPER

I Mr/Ms. _____ Designation _____
originally belong to Circle / Regional Cadre _____
_____ is willing, by opted that I may be absorbed
in the Circle Cadre of _____ and
my seniority may be fixed from the date of my initial appointment in the
present post against the circle cadre _____

Signature _____
Name _____
Office _____

Countersigned
Superintending Engineer


Muhammad Arshed Khan Tanoli
Advocate High Court
Office No. 13 Adjacent
Dist. Bar Association

P-14 (13)

19
16
23

To: The Chief Engineer (North),
Irrigation Department Peshawar.

Subject: APPLICATION FOR ABSORPTION IN CIRCLE CADRE
Ref: Chief Engineer (South) letter No.6988/113/A/15-CE, dated 20-06-2014.

U/Sir,

With due respect it is stated that I belong to District Manshara and working in Chief Engineer (North) Irrigation office since 2012 as an Assistant at regional cadre strength. I intend to be absorbed in Swabi Irrigation Circle Swabi Cadre Strength and my original under taking as directed by Chief Engineer (South) is also attached herewith.

It is, therefore, requested that kindly accept my application in this regard, please.

Date 26-06-2014

Waheed Shehzad

Assistant O/O Chief Engineer (North)
Irrigation Department

CE (North)

A.O.

Office of The Chief Engineer
Irrigation Department

Main Diary No.	2333
Date	29/6
S.L. HQ	SWI
D.D.A.	SE-II
A.O.	S.R.
A.A.O.	...

Muhammad Afshar
Advocate High Court
Office No 33 Adjacent

A-1
30/6/14.

P-15 (74)

26
23
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OFFICE OF THE CHIEF ENGINEER (NORTH)
IRRIGATION DEPARTMENT, PESHAWAR

No. 7308 /North/7-E

Dated Peshawar the, 04 /07/2014

The Chief Engineer (South),
Irrigation Department,
Peshawar.

APPLICATION FOR ABSORPTION IN CIRCLE CADRE.

This office letter No.9688/IB/A15-CE, dated 26.6.2014.

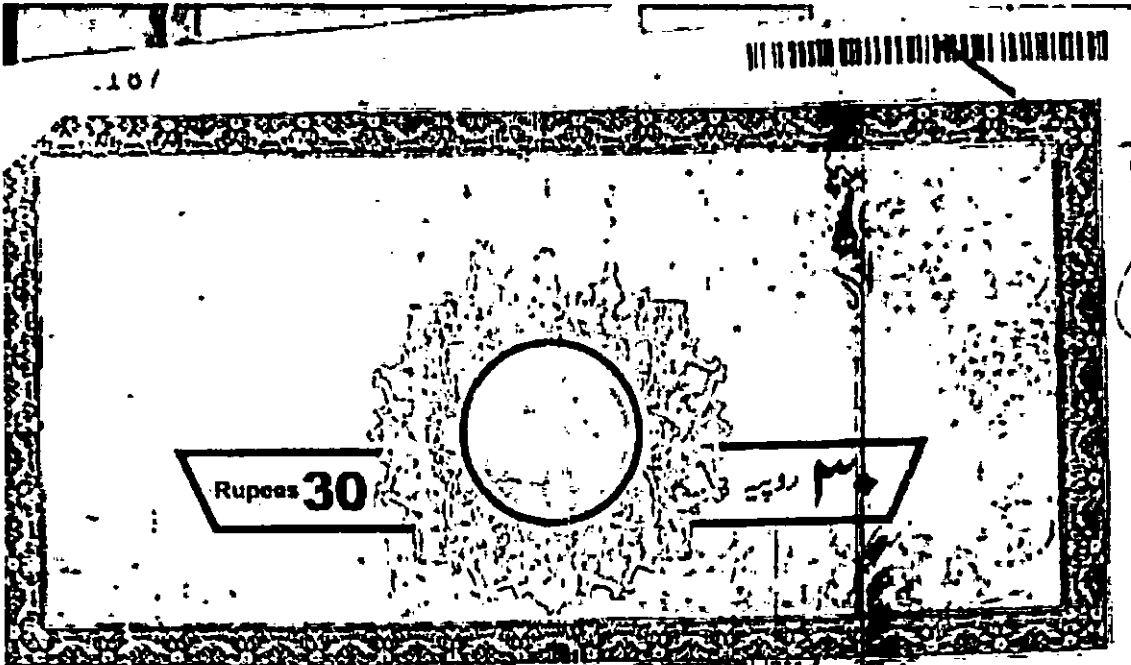
I am directed to enclose herewith the under taking on the requisite judiciary stamp
containing the following official for further necessary action as desired please.

- 1. Mr. Saleed Shahzad Assistant.
- 2. Mr. Muhammad Anwar Khan Assistant.

Abdure

M-4/7
Administrative Officer
4/7
5/14

Muhammad Arshad Khan Tanc
Advocate High Court
Office No 33 Adjacent



~~15~~
15

Dated 26-06-2014

ENTERTAINING FOR PROMOTES OFFICIALS ON JUDICIAL STAMP PAPER

I M/Ms. Waleed Shehzad Designation Assistant BPS-16
originally belong to Circle / Regional Cadre Chief Engineer

is willing by opted that I may be absorbed
in the Circle Cadre of Swabi Irrigation Circle Swabi and
my seniority may be fixed from the date of my initial appointment in the
present post against the circle cadre

Signature Waleed Shehzad

Name Waleed Shehzad

Office Chief Engineer (North)

Countersigned
Superintending Engineer

Muhammad Arshad Iqbal
Advocate
Oath Commissioner

26-06-2014



Annex-D
16
OFFICE OF THE CHIEF ENGINEER (SOUTH)
GOVT. OF KHYBER PAKHTUNKHWA,
IRRIGATION DEPARTMENT PESHAWAR.

Phone No. 091-9212116 Fax No. 091-9212152 Email:chiefoffice@yahoo.com

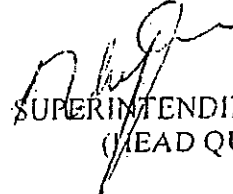
No. 1958 /A-5/2033-PF

Dated Peshawar the 30/03/2015.

OFFICE ORDER


Mr. Waleed Shehzad Assistant officer of the Chief Engineer (North) Irrigation Department Peshawar belonging to the Cadre strength of Regional office is hereby permanently transferred/absorption in the Cadre strength of Swabi Irrigation Circle Swabi with immediate effect with the following conditions:-


- 1) On his absorption in Swabi Irrigation Circle Swabi he will be placed at the bottom of the seniority list of Assistant/Head Clerk/Senior Scale Stenographer maintained in Swabi Irrigation Circle Swabi cadre.
- 2) In case of reversion/retrenchment, the official will be liable for repatriation to their parent cadre i.e Regional office cadre.


SUPERINTENDING ENGINEER
(HEAD QUARTER)

C.C

- 1) Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 2) Accountant General Khyber Pakhtunkhwa Peshawar.
- 3) Chief Engineer (North) Irrigation Deptt. Peshawar.
- 4) Superintending Engineer Swabi Irrigation Circle Swabi.
- 5) District Accounts Officer Swabi
- 6) Official concerned.


SUPERINTENDING ENGINEER
(HEAD QUARTER)


Muhammad Arshad Khan Tan
Advocate High Court
Office No. 33 Ad...
Distt. ...

To

The Chief Engineer (North),
Irrigation Department, Khyber Pakhtunkhwa,
Peshawar.

E

17

Attention: (Admin officer)

Through: (Proper channel)

Subject: APPLICATION FOR CORRECTION/AMMENDMENT IN TRANSFER
/ADJUSTMENT ORDER IN RESPECT OF WALEED SHEHZAD,
ASSISTANT.

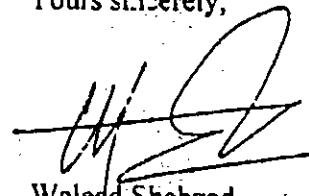
Ref:- Chief Engineer (South) Order No.1958-A-5/2033-PF, dated 30-03-2015

With due respect it is stated that the Chief Engineer (South) Irrigation Department Peshawar, vide their order under reference made violation of my undertaking by inserting clause No.1, as I have given my willingness on Judicial Stamp Paper that my seniority may be fixed from the date of my initial appointment to the present post.

It is, therefore, you are requested to kindly approach the Chief Engineer (South) Irrigation Department for correction/amendment in their order under reference by removing clause No. 1, please.

Yours sincerely,

Dated 06/04/2015



Waleed Shehzad
(Office Assistant)
Swabi Irrigation Circle Swabi

Copy to the Superintending Engineer Swabi Irrigation Circle, Swabi.

OFFICE - PESHAWAR
226-00
07-04-2015
TO
TO
TO

Waleed Shehzad
(Office Assistant)
Swabi Irrigation Circle Swabi

SUPERINTENDING ENGINEER SWABI IRRIGATION CIRCLE SWABI

TENTATIVE SENIORITY LIST OF MINISTERIAL ESTABLISHMENT

In Pursuance of section 8 of the Khyber Pakhtunkhwa Civil Servants Act 1973, the Tentative Seniority List of Ministerial Establishment of the Cadre strength of Swabi Irrigation Circle Swabi as stood on 31/12/2019 is published as under:-

S#	Name of official with Academic qualification	Date of Birth/Domicile	Date of 1st Entry in to Govt: service	Date of Regular Appointment / Promotion to present Pos/BPS		Method of Recruitment/ Appointment to the present post	Present Place of Posting	Remarks
				Date	BPS			
1	2	3	4	5	6	7	8	9
A Superintendent								
1	Nek Badshah (MA)	<u>15/4/1961</u> Malakand	31-10-1990	29-05-2008	17	By promotion	Swabi Circle	
B Head Clerks /Assistants/ Stenographer								
1	Noor ul Basar (Stenographer) MSc	<u>01-05-1985</u> Swabi	21-07-2014	16-09-2014	16	By Initial recruitment	Swabi Circle	
2	Said Habib (Assistant/H.C) Matric	<u>05/4/1960</u> Swabi	29-03-1979	12-11-2014	16	by promotion	Swabi Circle	
3	Muhammad Hamayun (Head Clerk)	<u>4/4/1962</u> Abbottabad	01-12-1980	02-12-2014	16	by promotion	Hazara Irr. Div: Abbottabad	
4	Waleed Shahzad (Assistant) (M.Com)	<u>25-12-1990</u> Mansehra	26-06-2012	01-04-2015	16	By-Initial recruitment	Siran Right Bank Canal Project Abbottabad	
5	Muhammad Miskeen (Head Clerk) (BA)	<u>3/2/1963</u> Abbottabad	22-02-1984	7/11/2016	16	by promotion	Division-II Swabi	
C. Senior Clerks								
1	Muhammad Safdar	<u>4/2/1963</u> Abbottabad	22-02-1984	28-06-2003	14	by promotion	Hazara Irr. Div: Abbottabad	
2	Daud Shah	<u>1/1/1965</u> Abbottabad	05-07-1984	28-06-2003	14	by promotion	Hazara Irr. Div: Abbottabad	
3	Fida Muhammad (B.A)	<u>03/01/1968</u> Malakand	10/10/1992	23-04-2010	14	By promotion	Division-I Swabi	

19

S#	Name of official with Academic qualification	Date of Birth/Domicile	Date of 1st Entry in to Govt: service	Date of Regular Appointment / Promotion to present Post/BPS		Method of Recruitment/ Appointment to the present post	Present Place of Posting	Remarks
				Date	BPS			
1	2	3	4	5	6	7	8	9
4	Shah Nawaz	6/4/1966 Abbottabad	06-11-1985	11-12-2013	14	by promotion	Hazara Irr. Div: Abbottabad	
5	Izhar Ahmad Shah	1/3/1968 Mardan	11-10-1986	01-04-2004	14	by promotion	Division-I Swabi	The officials originally belonged to Mardan Irrigation Circle Mardan and given option to be retained there. But later on furnished a new option to include their names in the cadre of Swabi Irrigation Circle Swabi. The committee constituted for the purpose agreed to include their names at the bottom of seniority list of Senior Clerks since of their option vide letter No. 7475-79/2-E dated: 13/09/2018.
6	Abdur Rashid	6/4/1965 Mardan	22-04-1987	07-01-2005	14	by promotion	Division-I Swabi	
7	Muhammad Ijaz Ali	16/4/1963 Mardan	23-04-1987	07-01-2005	14	by promotion	Division-II Swabi	
8	Hamid Khan	15/10/1973 Swabi	16-10-1993	11-04-2013	14	by promotion	Division-II Swabi	
9	Muhammad Ali	10/4/1975 Mardan	01-07-1992	12-11-2014	14	by promotion	Swabi Circle	
10	Muhammad Tufail	11/2/1972 Swabi	15-12-1994	26-10-2016	14	by promotion	PHLC (Extension) Project Swabi	
11	Muhammad Younas	19/2/1968 Malakand	26-12-1994	1/8/2014	14	by promotion	Division-I Swabi	
12	Shakeel Ahmad	12/10/1970 Abbottabad	19-03-1992	28-10-2019	14	By promotion	Hazara Irr. Div: Abbottabad	
13	Hayat Khan	1/6/1974 Kohistan	20-10-1994	28-10-2019	14	By promotion	HID Abbottabad	
14	Hussain Ahmad	24/05/1977 Mardan	26-09-1996	28-10-2019	14	By promotion	Division-I Swabi	
15	Ishtiaq Ali	5/4/1968 Swabi	06-02-1995	28-10-2019	14	By promotion	Swabi Circle	
16	Nawab Ali	16/3/1970 Swabi	22-02-1995	28-10-2019	14	By promotion	Swabi Circle	

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S#	Name of official with Academic qualification	Date of Birth/Domicile	Date of 1st Entry in to Govt: service	Date of Regular Appointment / Promotion to present Post/BPS		Method of Recruitment/ Appointment to the present post	Present Place of Posting	Remarks
				Date	BPS			
1	2	3	4	5	6	7	8	9
17	Abdul Malik	15/05/1972 Mansehra	28-12-1994	28-10-2019	14	By promotion	Hazara Irr. Div: Abbottabad	
18	Sadeequllah	20/3/1978 Mardan	09-07-2009	28-10-2019	14	By promotion (on acting charge basis)	Division-II Swabi	Acting charge basis
D. Junior Clerks								
1	Syed Yousaf	10/04/1973 Swabi	06-02-1995	01-07-2000	11	By Initial recruitment	Division-I Swabi	
2	Altaf Ali	01/05/1975 Swabi	01-04-2004 as Chowkidar	29-07-2009	11	By promotion	Division-II Swabi	
3	Israr Ahmad	1/1/1984 Mansehra	06-04-2010	06-04-2010	11	By initial recruitment	Hazara Irr. Div: Abbottabad	
4	Haq Nawaz	4/2/1970 Abbottabad	15-08-1990	21-05-2011	11	by promotion	Hazara Irr. Div: Abbottabad	
5	Abbas Ahmad	18/01/1993 Abbottabad	26-05-2011	26-05-2011	11	By initial recruitment	Hazara Irr. Div: Abbottabad	
6	Muhammad Uzair Siddique: B.A	25/11/1984 Mansehra	11-02-2004	30-06-2011	11	By initial recruitment	Hazara Irr. Div: Abbottabad	
7	Riaz Muhammad	04/02/1985 Mansehra	14-12-2011	14-12-2011	11	By Initial recruitment	Hazara Irr. Div: Abbottabad	
8	Abdul Azam	04/04/1985 Swabi	7/3/2012	7/3/2012	11	By Initial recruitment	Division-II Swabi	
9	Naveed u Zaman	18/04/1984 Swabi	16-10-2012	16-10-2012	11	By Initial recruitment	Division-II Swabi	
10	Ifrikhar Ahmad	20/05/1974 Mansehra	07-10-1990	31-01-2014	11	By promotion	Hazara Irr. Div: Abbottabad	
11	Noor ul Amin (B.A)	12/03/1991 Swabi	26-01-2017	26-01-2017	11	By Initial recruitment	Swabi Circle	
12	Daniyal Khurshid	23/03/1994 Abbottabad	26/1/2017	26/1/2017	11	By Initial recruitment	Siran Right Bank Canal Project Abbottabad	
13	Ahmad Siar (B.A)	05/02/1985 Charsadda	30-01-2017	30-01-2017	11	By Initial recruitment	Division-I Swabi	
14	Kaleem Ullah-I (F.A)	18/04/1991 Charsadda	30-01-2017	30-01-2017	11	By Initial recruitment	Swabi Circle	

20

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Muhammad
Office No. 23

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Sl. No.	Name of official with Academic qualification	Date of Birth/Domicile	Date of 1st Entry in to Govt. service	Date of Regular Appointment / Promotion to present Post/BPS		Method of Recruitment/ Appointment to the present post	Present Place of Posting	Remarks
				Date	BPS			
1	2	3	4	5	6	7	8	9
15	Ehsan Ullah Khan	12/11/1988 Abbottabad	10/2/2017	10/2/2017	11	By Initial recruitment	Hazara Irr. Div: Abbottabad	
16	Inam Ullah Khan	13/11/1997 Abbottabad	10/2/2017	10/2/2017	11	By Initial recruitment	Hazara Irr. Div: Abbottabad	
17	Mudassir Shah (M.Com)	01/02/1985 Peshawar	7/3/2017	7/3/2017	11	By Initial recruitment	Swabi Circle	Adjusted in Swabi Circle Cadre from date of arrival 07/11/2017
18	Aizaz Ahmad	02/05/1992 Peshawar	30-01-2017	30-01-2017	11	By Initial recruitment	Swabi Circle	Adjusted in Swabi Circle Cadre from date of arrival 01/01/2018
19	Kaleem Ullah Khan-II	23/03/1998 Abbottabad	9/3/2018	9/3/2018	11	By Initial recruitment	Hazara Irr. Div: Abbottabad	
20	Jalal Arab	10/04/1999 Swabi	17-04-2018	17-04-2018	11	By Initial recruitment	Division-II Swabi	
21	Akhtar Hussain (M.B.A)	10/03/1992 Swabi	2/6/2018	2/6/2018	11	By Initial recruitment	Swabi Circle	Adjusted in Swabi Circle Cadre from date of arrival 14/11/2018
22	Sheikh Muhammad Akif	8/4/1981 D.I,Khan	1/3/2017	1/3/2017	11	By Initial recruitment	Division-II Swabi	Adjusted in Swabi Circle Cadre from date of arrival 08/01/2019

No. 3267-13 17-E

Dated Swabi the 07/09/2020

Superintending Engineer
Swabi Irrigation Circle Swabi

Copy forwarded to the:-

- 1 Chief Engineer (North) Irrigation Department Khyber Pukhtunkhwa Peshawar for information, please.
- 2 Chief Engineer (South) Irrigation Department Khyber Pukhtunkhwa Peshawar for information, please.
- 3 Project Director Pehur High Level Canal (Extension) Project Swabi, at Gohati.
- 4 Project Director Siran Right Bank Canal Project Mansehra at Abbottabad.

- 5 Executive Engineer Swabi Irrigation Division-I Swabi.
- 6 Executive Engineer Swabi Irrigation Division-II Swabi.
- 7 Executive Engineer Hazara Irrigation Division Abbottabad.

They are requested to note the seniority list from the officials working in their offices for preparing appeal/ representation, if any, within 30 days from the date of issue of this Seniority List.

NO 361/4-E
27-2-2020

Superintending Engineer
Swabi Irrigation Circle Swabi

ANNEX F 22

To

The Chief Engineer (South),
Irrigation Department, Khyber Pakhtunkhwa,
Peshawar.

RO 28

Through: (Proper channel)

Subject: APPEAL AGAINST SENIORITY LIST OF CLERICAL STAFF
ISSUED BY SUPERINTENDING ENGINEER SWABI IRRIGATION
CIRCLE, SWABI.

Ref:- SE Swabi letter No.6617-23/2-E, dated 17/05/2016

With due respect it is stated that the undersigned was appointed as Office Assistant in 2012 vide Order No 8890-94/IB/A/15CE, dated 26-06-2012 and served approx. three years in Chief Engineer (North) Office.

In March, 2015, the undersigned was transferred to newly established Swabi Irrigation Circle, Swabi. At that time, no Seniority list of clerical staff existed in Swabi Circle. Some staff belonged to Regional Cadre, some Mardan Circle Cadre and some to Swat Circle Cadre.

As per Civil Servant Rules, 1973 (Copy attached, annex-I), seniority of the civil servant may be reckoned from the date of his regular appointment to the present post.

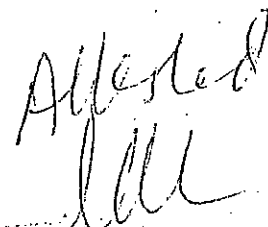
It is pertinent to mention here that while preparing Seniority List of newly established Swabi Circle, date of posting to Swabi Circle of the undersigned has been considered instead of initial appointment to Irrigation Department. (Copy of seniority list attached, annex-II), ignoring three years' service, which is against the Service Rules.

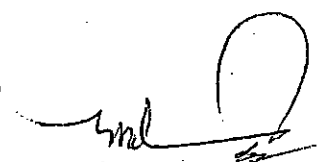
It is, therefore, humbly requested that seniority list of Swabi Circle may be corrected by considering initial appointment date according to the Service Rules, please.

Encl: As above

Yours sincerely,

Dated 20/07/2020

Attested

Advocate
Office No. 13
Peshawar


Waleed Shehzad
(Office Assistant)
(Working as Accounts Assistant
O/O Project Director Siran Right
Bank Canal Project, Abbottabad)



OFFICE OF THE PROJECT DIRECTOR
SIRAN RIGHT BANK CANAL PROJECT
MANSEHRA ROAD JHANGI IRRIGATION COLONY ABBOTTABAD
Ph:0992-403767 & Fax:0992-403508 Email: pdsrbc@gmail.com

P-27

23

No.88 /PD/SIRAN/21/2-E

Dated Atd: the 04 /03/2021

To,

✓
Mr. Waleed Shehzad,
Accounts Assistant,
Siran Right Bank Canal Project,
Abbottabad.

Subject:- **APPEAL AGAINST SENIORITY LIST OF CLERICAL STAFF ISSUED BY SUPERINTENDING ENGINEER SWABI IRRIGATION CIRCLE, SWABI.**


I am directed to enclose herewith a copy of Chief Engineer (South) Irrigation Department Peshawar letter No.3034/A-5/254-E, dated 03/08/2020, received in this office on 19/02/2021 for your information and necessary action.


Encl: As above


DEPUTY DIRECTOR-II

Copy of the above is forwarded for information to the Project Director Siran Right Bank Canal Project, Abbottabad.


DEPUTY DIRECTOR-II

Received on

04-03-21


Muhammad Arshad Khan Tanch:
Advocate High Court
Office No: 33 Adjacent :
Distt Bar Abbottabad



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. 3034 /A-5/254-E

Dated Peshawar 08 /08/2020

P28
24

To.


The Project Director,
SIRAN Right Bank Canal Project Abbotabad

Subject:- APPEAL AGAINST SENIORITY LIST OF CLERICAL STAFF
ISSUED BY SUPERINTENDING ENGINEER SWABI
IRRIGATION CIRCLE, SWABI

Reference:- Your letter No. 319 /PID/SIRAN/20/2-E, dated: 23-07-2020

I am directed to refer to your letter under reference and to forward herewith absorption order of Mr. Waleed Shahzad Assistant BS-16 issued vide this office No. 1958/A-5/2033-PF, dated: 30-03-2015 whereby the official was placed at the bottom of the seniority list of Swabi Irrigation Circle Swabi. Hence: his request/appeal is not genuine and is regretted please.

Encls: As Above:



SUPERINTENDING ENGINEER
(HEAD QUARTER)

Suppl. for n/a

*2-E
PD/56*



Q/Suppl.


Muhammad Urshad Khan Tanc
Advocate High Court
Office No: 33 Adjacent
Distt Bar Abbotabad



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

Phone No. 091-9212116 Fax No. 091-9212052 Email:chiefoffice@yahoo.com

229
98

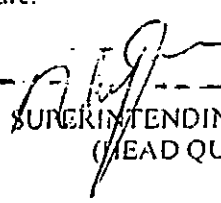
No. 1958 /A-5/2033-PF .

Dated Peshawar the 30/03/2015.

OFFICE ORDER

Mr. Waleed Shehzad Assistant office of the Chief Engineer (North) Irrigation Department Peshawar belonging to the Cadre strength of Regional office is hereby permanently transferred/absorption in the Cadre strength of Swabi Irrigation Circle Swabi with immediate effect with the following conditions:-


- 1) On his absorption in Swabi Irrigation Circle Swabi he will be placed at the bottom of the seniority list of Assistant/Head Clerk/Senior Scale Stenographer maintained in Swabi Irrigation Circle Swabi cadre.
- 2) In case of reversion/retrenchment, the official will be liable for repatriation to their parent cadre i.e Regional office cadre.


SUPERINTENDING ENGINEER
(HEAD QUARTER)

C.C

- 1) Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 2) Accountant General Khyber Pakhtunkhwa Peshawar.
- 3) Chief Engineer (North) Irrigation Deptt: Peshawar.
- 4) Superintending Engineer Swabi Irrigation Circle Swabi.
- 5) District Accounts Officer Swabi
- 6) Official concerned.

SUPERINTENDING ENGINEER
(HEAD QUARTER)


Muhammad Arshad Khan
Advocate High Court
Office No. 33 Ad...
Dist. Peshawar

کدش

وکالت نامہ

Service Tribunal KPIC Peshawar
Wahid Shehzad Govt of KPIC
Appellant
Service Appeal

اپنے حق کے لئے

مختار صاحب کی طرف سے دائر کی جانے والی درخواست کے تحت اس مقام

پر ایک درخواست کی تھی کہ صاحب کو صرف ایک کارروائی کا کارڈ لے کر ہی اس کا حق حاصل ہو گیا ہے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔
اس کے علاوہ اس نے اپنی درخواست میں لکھا ہے کہ اس کو اس کا حق حاصل ہونا چاہیے اور اس کے لئے اس کو کوئی اور صورت دیکھنی پڑی ہے۔

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21/7/2017

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All Accepted
Advocate
No. 32 A



POWER OF ATTORNEY

IN THE COURT OF Honble Service Tribunal K.P. Peshawar

Ref.# _____
waleed Shehzaed

Date: _____

(Petitioner)
(Appellant)
(Plaintiff)

Versus

Court of K.P. & others

(Defendant)
(Respondent)

I/We, the undersigned do hereby nominate and appoint

TAIMUR HAIDER KHAN
ADVOCATE, SUPREME COURT

On behalf of Respondent no 5

Know all to whom these presents shall come that I/We the undersigned appoint; the above named Advocate in District Peshawar, in the above mentioned case to do all the following acts, deeds and things.

1. To act, appear and plead in the above mentioned case in this court or any other court in which same may be tried or heard in the first instance or in appeal or review or revision or application or at any other stage of its progress until its final decision.
2. To present pleadings, appeals, case objection or petitioners for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defence of the said case at all stages.
3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or any manner relating to said cause.

AND I/We, hereby agree to ratify whatever the advocate or his substitute shall do in this behalf and I/We hereby agree not to hold the advocate or his substitute responsible for the result of the case in consequences of his absence from the Court when the said case is called up for hearing.

AND I/We in case of expiry of the said advocate any full fee or part payment thereof, will not claim in any manner whatsoever, or in case of disengagement of the said advocate will not make any claim regarding fee.

(Signature/thumb impression of the Executant)

[Handwritten Signature]
05/08/2022

Dated: 5-8-2022
Accepted subject of the terms
And full payment of Settled Fee

Taimur Haider Khan
Advocate, Supreme Court

Noor ul Basar, stenographer (office of the
superintending Engineer Swabi Irrigation
circle, Swabi

Accepted by
Muhammad
Advocate H.C.

Attested in
Accepted by
Taimur Haider Khan
Advocate Supreme Court

[Handwritten Signature]

103

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

Waleed Shehzad

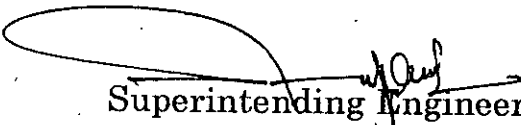
Versus

Government of KPK & Others

INDEX

S#	Description of documents	Annexure	Page No
1.	Reply of Appeal		1-4
2.	Affidavit		5
3.	Copy of Notification	"A"	6-10
4.	Copy of meeting regarding formation of circle cadre and countersigned undertaking received in this office	"B"	11-16
5.	Office order of Mr. Waleed Shehzad & service rule of irrigation deptt:	"C"	17-21
6.	Departmental Reply to Mr. Wali Shehzad vide Superintendent Engineer Swabi irrigation Circles letter No.7469-74/2-E dated 1309.2018 & chief Engineer South letter No.3054/A-5, dated 03.08.2020	"D"	22-24
7.	Power of Attorney	"E"	25

Dated:- ___/08/2022


Superintending Engineer
Swabi Irrigation Circle Swabi

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

Service appeal No. 3873/2021 Waleed Shehzad S/O Muhammad Miskeen, Office Assistant, belonged to Swabi Irrigation Circle Swabi presently posted in the office of the Project Director Siran Right Bank Canal Project Abbottabad.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Irrigation Khyber
Pakhtunkhwa Peshawar and others

Respectively Sheweth,

Para wise comments on behalf of respondents

1. That the appellant has got no cause of action to file instant appeal.
2. That the appeal is not maintainable.
3. That the instant appeal is barred by law and limitation.
4. That the appeal is bad for mis-joinder and non-joinder of parties.

Reply on Facts:

The brief facts of this service appeal are that the appellant Mr. Waleed Shahzad Assistant was appointed in Irrigation Department Khyber Pakhtunkhwa Peshawar. In the year 2012. The case was thoroughly checked but the service appeal of the appellant is not fair and satisfactory because he was transferred from Regional Cadre to Circle Cadre in the year 2015 and according to the rules he will be placed at the bottom of the Seniority list of Assistant /Head Clerks /Senior Scale Stenographer maintained in Swabi Irrigation Circle Swabi Cadre. Hence this appeal has been lodged by the appellant.

PARAWISE REPLY:

- 1) Agreed that the appellant was appointed as Office Assistant in the year 2012.

- 2) Agreed that the appellant served the Department with complete devotion, dedication and to the entire satisfaction of his superiors.
- 3) In-correct. In this context it is stated that the restructuring of Irrigation Department in Khyber Pakhtunkhwa are took place with effect from 01.07.2011. 03 No. Divisional Offices i.e Executive Engineer Swabi Irrigation Division-I Swabi, Executive Engineer Swabi Irrigation Division-II Swabi and Hazara Irrigation Division Abbottabad were placed under the jurisdiction of Swabi Irrigation Circle Swabi (Copy of Notification is attached as Annex-A).
- 4) In-correct. A situation need regarding creating a new Circle cadre arised because during that period the staff working in Swabi Irrigating Circle Office Swabi and its subordinate Divisional Offices previously belonged to Regional cadre Peshawar, Swat Irrigation Circle Swat cadre and Mardan Irrigation Circle Mardan.

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To solve the problem a high level meeting was held on 14.01.2015 under the chairmanship of Superintending Engineer (Head Quarter) Office of the Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar. It was decided by the Competent Forum that cases of only those officials shall be considered for absorption in Swabi Irrigation Circle Swabi who presently (that time) occupied position in the newly established Circle and actually affected due to restructuring.

The case of Mr. Waleed Shehzad does not come fit in the situation as his name stood in the Regional Cadre Strength (Maintained by the Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar) and was also working in Regional Office and was not affected person.

Furthermore, it is mention that the undertaking of Mr. Waleed Shehzad was not countersigned by the concerned Superintending Engineer because his name was not included in affected persons. (Copy of meeting regarding formation of circle cadre on 14.01.2015 and countersigned undertaking received in this office is attached as Annex-B)

5) The appellant was transferred from Regional Cadre to Circle Cadre vide Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar letter No. 1958/A-5/203-PF, dated 30.03.2015 in which the authority clearly stated in its transfer order that he will be placed at the bottom of the seniority list of Assistant/Head Clerk/Senior Scale Stenographer maintained in Swabi Irrigation Circle Cadre Swabi and the appellant agreed with this office order and submit arrival report on dated: 01/04/2015. (Office order of Mr. Waleed Shehzad and Service Rules of Irrigation Department is attached as Annex-C)

6) As per para No.5 above. Besides above it is to clarify that while issuing the seniority list of Swabi Irrigation Circle Swabi no injustice in his case has been done.

7) The appeal of the appellant was rejected by the committee constituted for the purpose decision issued vide Superintending Engineer Swab Irrigation Circle Swabi letter No. 7469-74/2-E, dated 13.09.2018 and Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar letter No. 3034/A-5, dated 03.08.2020 (Copy attached as Annex-D).

GROUNDS:-

- a) Incorrect. The seniority list issued by the department is based on facts, Laws and rules of the department.
- b) Incorrect. The undertaking of the appellant was not countersigned by the concerned Superintending Engineer because his name was not included in the affected person.
- c) Incorrect. As the appellant was transferred from Regional cadre to Circle cadre in 2015 and according to the rules he will be placed at the bottom of the seniority list maintained in Swabi Irrigation Circle Swabi.
- d) The appellant has got no cause of action to file instant appeal.

PRAYER:-

It is, therefore humbly prayed that on acceptance of instant replay on this service appeal, the case of the appellant may be dismissed, please.

1. Secretary Irrigation
Govt. of Khyber Pukhtunkhwa Peshawar.

2. Chief Engineer (North)
Irrigation Department
Khyber Pukhtunkhwa Peshawar.

3. Chief Engineer (South)
Irrigation Department
Khyber Pukhtunkhwa Peshawar.

4. Superintending Engineer
Swabi Irrigation Circle Swabi.

Affidavit

P-5

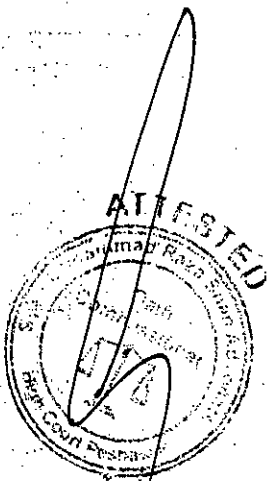
BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 3873/2021 WALEED SHEHZAD PETITIONER

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY IRRIGATION
KHYBER PAKHTUNKHWA PESHAWAR AND OTHERS..... RESPONDENTS

I Noor Rehman, Deputy Collector Swabi Irrigation Division Swabi do hereby solemnly affirmed and declared on oath that the contents of the para-wise comments are true and correct according to the best of my knowledge and nothing has been concealed from the Honorable Service Tribunal.



Deponent

Noor Rehman
Noor Rehman
Deputy Collector
Swabi Irrigation Division Swabi

GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Date Peshawar the 2nd May, 2011.

NOTIFICATION

1251
Upon approval by the competent authority and subsequent restructuring of Irrigation Department vide Establishment & Administration Department Notification (O&M)/ER/AD/2-14/2002 dated 17th March, 2011, the administrative jurisdiction and set up of the Chief Engineer (South), Chief Engineer (North) and Director General Small Dams shall be as under effect from 1st July, 2011:-

CHIEF ENGINEER (SOUTH) IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

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

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

- a. Executive Engineer, Peshawar Canal Division, Peshawar (With 04 Sub Divisions and one Deputy Collector).
 - i. Sub-Divisional Officer, Kabul River Canal Sub-Division Peshawar.
 - ii. Sub-Divisional Officer, Drainage Sub-Division Peshawar.
 - iii. Sub-Divisional Officer, Civil Canal Sub-Division Peshawar.
 - iv. Deputy Collector.
- b. Executive Engineer, Warsak Canal Division Peshawar. (With 03 Sub Divisions).
 - i. Sub-Divisional Officer, Gravity Canal Sub-Division Peshawar.
 - ii. Sub-Divisional Officer, Warsak Lift Canal Sub-Division, Peshawar.
 - iii. Sub-Divisional Officer, Pump House Sub-Division at Jaurud.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. DIRECTOR GENERAL SMALL DAMS KHYBER PAKHTUN KAWA PESHAWAR

Director Small Dams Khyber Pakhtunkhwa, (With 02 Divisions)

- i. Deputy Director Planning and Construction Division Peshawar
- ii. Deputy Director Planning and Construction Division Swat

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

Now, therefore:-

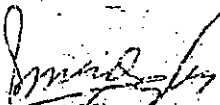
- i. The Superintending Engineers, Executive Engineers in Divisional Offices, and Deputy Directors in (Small Dams Directorate Khyber Pakhtunkhwa), are also declared as Drawing and Disbursing Officers for their respective offices
- ii. All Administrative powers pertaining to the Establishment of Regional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

Secretary Irrigation

Sl. No. Of even No & Date

Copy forwarded to the:-

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


 (Misal Khan)

Section Officer (Establishment)

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No. 1932/A-5/15-CE

Dated Peshawar the 30/03/2015

- 1) The Chief Engineer (North) Irrigation Deptt: Peshawar.
Superintending Engineers:-
- 2 Mardan Irrigation Circle Mardan.
 - 3 Swat Irrigation Circle Swat.
 - 4 Swabi Irrigation Circle Swabi.
 - 5 DIKhan Irrigation Circle DIKhan
 - 6 Bannu Irrigation Circle, Bannu
 - 7 Peshawar Irrigation Circle Peshawar.
- Executive Engineers:-
- 8 Mechanical Irrigation : Division Peshawar.
 - 9 Hydrology Irrigation Division Peshawar.
 - 10 Administrative Officer (South) Irrigation Department Peshawar.

Subject:- MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE.

I am directed to forward herewith minutes of meeting dated 14-1-2015 regarding issue of absorption of effects officials for furnishing undertaking on judicial stamp paper as well as No Object Certificate of concerned Superintending Engineers in light of decision made in the minutes for finalization of absorption please.

Encls: As above.

[Signature]
SUPERINTENDING ENGINEER
(HEAD QUARTER)

Copy of the above along with Minutes of the Meeting is forwarded to the Secretary to Khyber Pakhtunkhwa Irrigation Department Peshawar for information.

NO 3043-45 / 1-3 dt: 17-04-15
ALL KEENS
for n/a pl
SUPERINTENDING ENGINEER
Swabi Irrigation Circle
Swabi

SUPERINTENDING ENGINEER
(HEAD QUARTER)

P-12

MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE.

A meeting under the chairmanship of Superintending Engineer (Head quarter) South Irrigation Department was held on 14-01-2015 for finalization of the issue of cadre of various officials affected due to restructuring of Irrigation Department.

The following attended the meeting

- | | |
|--|----------|
| 1) Engr: Muhammad Mujahid Saeed
Superintending Engineer (Headquarters)
South Irrigation Department | Chairman |
| 2) Engr. Saeed-ur-Rehman
Superintending Engineer Swabi Irr: Circle Swabi. | Member |
| 3) Engr. Muhammad Rafique Khan
Superintending Engineer DIKhan Irr: Circle | Member |
| 4) Engr. Sheikh Muhammad Jalil Khan
Superintending Engineer Bannu Irr: Circle. | Member |
| 5) Engr: Shafiq-ur-Rehman
Superintending Engineer Swat Irrigation Circle. | Member |
| 6) Engr. Abdul Rehman Bacha
Executive Engineer Mechanical Irr: Divn: Peshawar. | Member |
| 7) Engr. Inayatullah Jan
SDO Mechanical Irr: Divn: Peshawar. | Member |
| 8) Mr. Javed Ali Administrative Officer
(South) Irrigation Department | Member |

Agenda of the meeting was as under:-

1. The issue of cadre of those officials who are affected due to the restructuring of the department.
2. To finalize the absorption of those officials who presently occupied the present position in the new set up.
3. Fixing the seniority issue of the officials affected due to the restructuring process according to rules.
4. To authorize the Superintending Engineer DIKhan Irrigation Circle DIKhan and Swabi Irrigation Circle Swabi, Charsadda Irrigation Division Charsadda and Flood Division DIKhan to exercise the powers of competent authority in the jurisdiction of Circle/Division.

The meeting started with recitation of Holy Quran. The chair welcomed the participants. The agenda points were deliberated upon the participants expressed their reservations and problem faced by them after restructuring of the Department.

After Threadbare discussion, the committee unanimously agreed on the following points.



Agenda item No.1

P-13

It was unanimously decided that cadre of only those officials shall be considered for changing who have presently occupied the position in the newly established circle/division and are belong to regional cadre and presently posted/adjusted in DIKhan, Swabi Circle or Flood Division DIKhan, Dir Irrigation Division Dir and Charsadda Irrigation Division Charsadda while no other case for absorption will be entertained of the officials who are not affected in the restructuring process.

Agenda item No.2

The participant are also agreed with the absorption of those officials who are presently occupied their position in the new set up and were affected due to restructuring of the Department and will be absorbed in the respective circle in order to avoid litigation in future.

Agenda item No.3

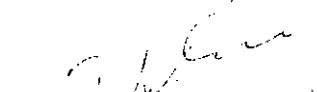
The committee is also agreed to placed the officials at the bottom of the seniority list of the respective Circle where they considered for absorption as a result of restructuring after obtaining proper undertaking on judicial stamp papers.

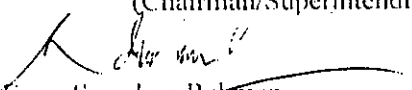
Agenda item No.4


The committee are also agreed with the issue of exercising power of the Superintending Engineer DIKhan and Superintending Engineer Swabi Irrigation Circle as competent authority at the jurisdiction of their respective circle.


The committee is also agreed upon the view points that the present absorption of the officials shall be considered as final and further case will not be considered after finalization the cadre.

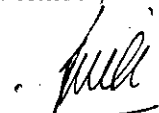
The meeting is ended with thanks from the chair.

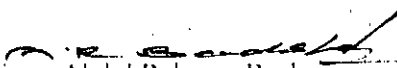

Engr. Syed Muhammad Mujahid Saeed
(Chairman/Superintending Engineer (H/Q))

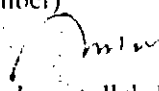

Engr. Saeed-ur-Behman
Superintending Engineer
Swabi Irr: Circle Swabi.
(Member)



Engr. Muhammad Ralique Khan
Superintending Engineer
DIKhan Irr: Circle
(Member)

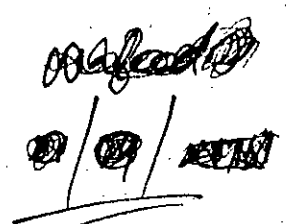

Engr. Sheikh Muhammad Jalil Khan
Superintending Engineer
Bannu Irr: Circle.
(Member)

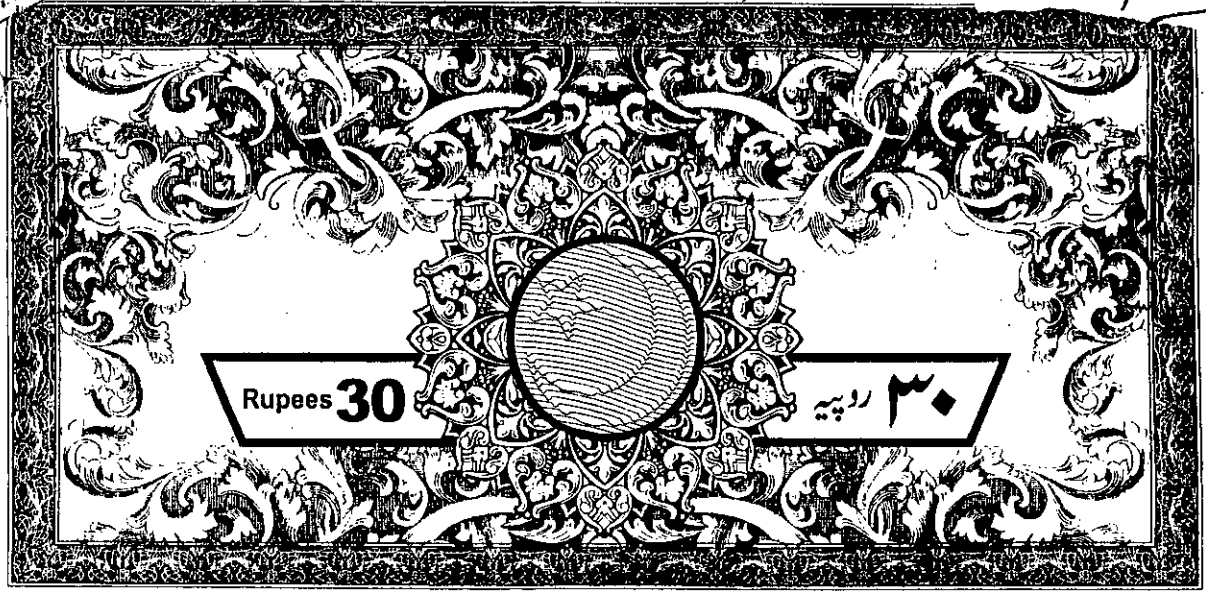

Engr. Shafiq-ur-Rehman
Superintending Engineer
Swat Irrigation Circle Swat.
(Member)


Engr. Abdul Rehman Bacha
Executive Engineer Mechanical Irr:
Divn: Peshawar.
(Member)


Engr. Inayatullah Jan SDO
Mdechanical Irr: Divn: Peshawar.
(Member)


Mr. Iqbal Ali
Administrative Officer
(Member)






Dated: 10-12-2014

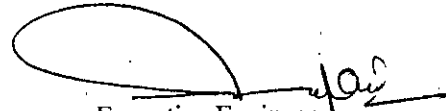
UNDER TAKING FOR PROMOTES OFFICIALS ON JUDICIAL STAMP PAPER.

I Mr. Muhammad Humayun Designation Head Clerk originally belongs to Circle/
Regional Cadre Swat Irrigation Circle Swat is willing by opted that I may be absorbed
in the Circle Cadre of Swabi Irrigation Circle Swabi and my seniority may be fixed
from the date of my initial appointment in the present post against the circle cader.


Signature: 

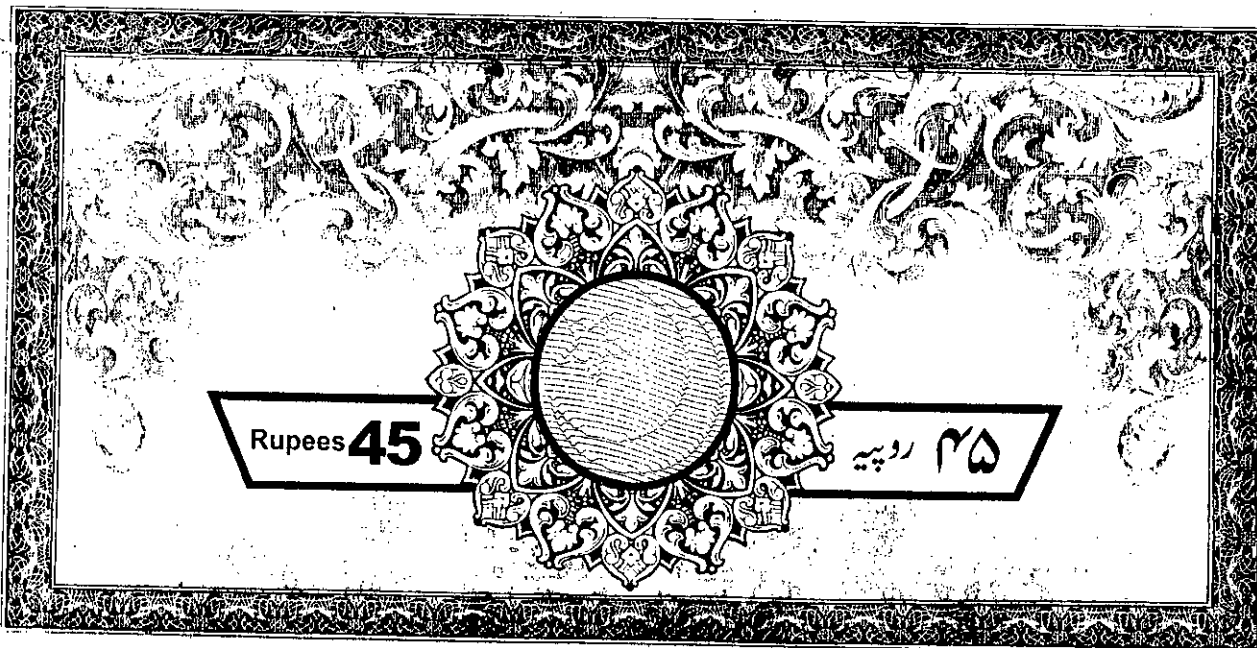
Name: **Muhammad Humayun.**

Office: **Hazara Irr: Division A.Abad**


Executive Engineer,
Hazara Irrigation Division A.Abad.

Countersigned:


Superintending Engineer,
Swabi Irrigation Circle Swabi.



Dated 17/10/2014 _____

UNDERTAKING FOR PROMOTES OFFICIALS ON JUDICIAL STAMP PAPER

I Naveed ul Zaman Designation Junior Clerk, originally belong to Regional Cadre Irrigation Department Khyber Pakhtunkhwa is willing by opted that I may be absorbed in the Circle Cadre of Mardan Irrigation Circle Mardan and my seniority may be fixed from the date of appointment in the present post against the Circle Cadre.

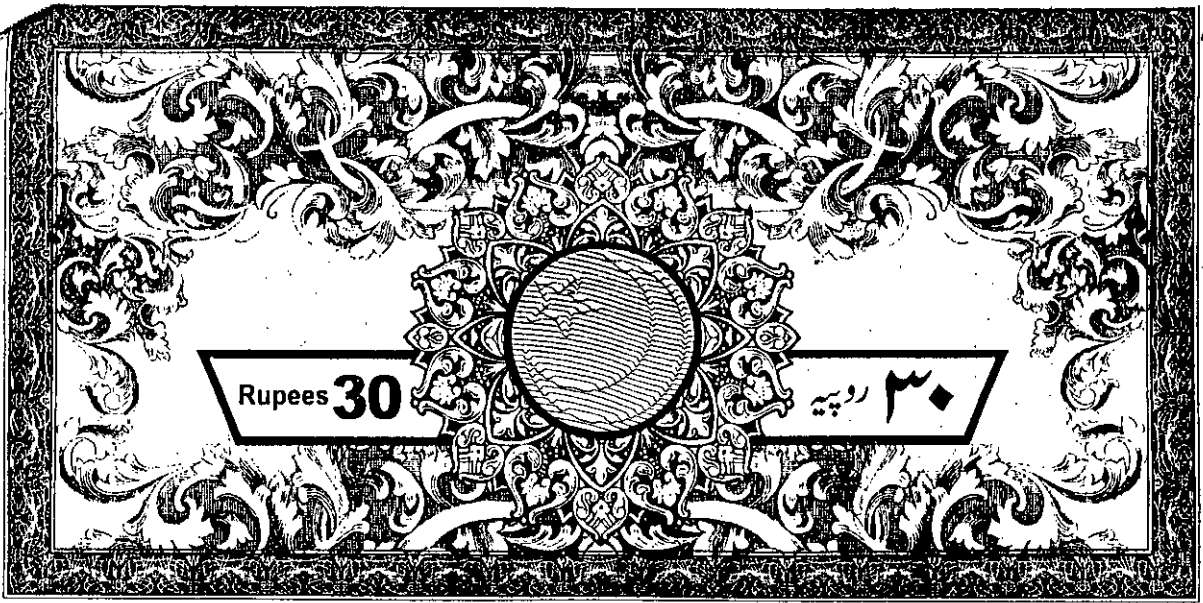
Signature [Signature]

Name Naveed ul Zaman

Office Swabi Irrigation Circle
Swabi

Countersigned

[Signature]
Superintending Engineer
Swabi Irrigation Circle
Swabi



Dated: _____

UNDER TAKING FOR PROMOTES OFFICIALS ON JUDICAL STAMP PAPER.

I Mr. Zafar Khan Designation Senior Clerk originally belongs to Circle/ Regional Cadre Swat Irrigation Circle Swat is willing by opted that I may be absorbed in the Circle Cadre of Swabi Irrigation Circle Swabi and my seniority may be fixed from the date of my initial appointment in the present post against the circle cader.

Signature: Zafar Khan

Name: Zafar Khan.

Office: Hazara Irr: Division A.Abad

[Signature]
Executive Engineer,
Hazara Irrigation Division A.Abad.

Countersigned:

[Signature]
Superintending Engineer,
Swabi Irrigation Circle Swabi.



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

Phone No. 091-9212116 Fax No. 091-9212052 Email: chiefoffice@yahoo.com

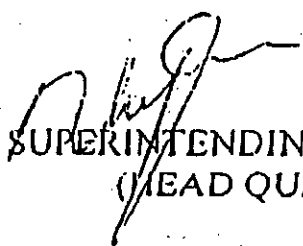
No. 1958 /A-5/2033-PP

Dated Peshawar the 30/03/2015.

OFFICE ORDER


Mr. Waleed Shehzad Assistant officer of the Chief Engineer (North) Irrigation Department Peshawar belonging to the Cadre strength of Regional office is hereby permanently transferred/absorption in the Cadre strength of Swabi Irrigation Circle Swabi with immediate effect with the following conditions:-

- 1) On his absorption in Swabi Irrigation Circle Swabi he will be placed at the bottom of the seniority list of Assistant/Head Clerk/Senior Scale Stenographer maintained in Swabi Irrigation Circle Swabi cadre.
- 2) In case of reversion/retrenchment, the official will be liable for repatriation to their parent cadre i.e Regional office cadre.


SUPERINTENDING ENGINEER
(HEAD QUARTER)

C.C

- 1) Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 2) Accountant General Khyber Pakhtunkhwa Peshawar.
- 3) Chief Engineer (North) Irrigation Deptt: Peshawar.
- 4) Superintending Engineer Swabi Irrigation Circle Swabi.
- 5) District Accounts Officer Swabi
- 6) Official concerned.


SUPERINTENDING ENGINEER
(HEAD QUARTER)

Annex-C P-18

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

**GOVERNMENT KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT,**

NOTIFICATION

Dated Peshawar the 17th February, 2011

NO.SO(E)IRR:/23-5/73: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No.SO(E)IRR:/23-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the **Appendix (pages 1 to 5)** to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province
Irrigation Department.

688

P-19

691 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.

11	Junior Scale Stenographer (BPS-12)	(a) Intermediate or D.Com From a recognized Board; and (b) A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing with computer knowledge of Microsoft Words and Excel.	18 to 30 years	By Initial Recruitment.
12	Accounts Clerk/ Senior Clerk (BPS-9)			By promotion, on the basis of seniority cum fitness, from among the Junior Clerks with atleast 5 years service in the respective regional or Circle cadre as such; Note: Promotion to the post of Accounts Clerk or Senior clerk in Regional Office cadre shall be considered from amongst the Junior Clerks of Regional Office Cadre and that of Circle Office Cadre from amongst the Junior Clerks of Circle Office Cadre).
13	Junior Clerk (BPS-7)	(a) Secondary School Certificate from a recognized Board; and (b) A speed of 30 words per minute in English typing.	18 to 30 years	(a) Sixty Seven percent by initial recruitment; and (b) Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and are under 45 years of age and have at least two years service as such in the respective Regional and Circle Office Cadre Note For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate which ever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.
PART-III COMPUTER ESTABLISHMENT				
14	Data Processing Supervisor (BPS-14)	Bachelor's Degree from a recognized University with 03 years Diploma in Computer Science, from recognize institute	18 to 30 years	(a). Twenty five percent by initial recruitment; and (b). Seventy five percent by promotion, on the basis of seniority cum fitness, from amongst the Data Entry Operators and Key Punch Operators with five years service as such.

P-20

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.

690

6. Geologist (BPS-17)	MSc. Geology from a recognized University with 03 years experience in the relevant field.	18 to 32 years	By initial recruitment.
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PART-3-MINISTERIAL ESTABLISHMENT

7. Administrative Officer/ Budget and Accounts Officer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents of the Department having at least three years service.
8. Superintendent (BS-16)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants, Head Clerks and Senior Scale Stenographers with at least five years service as such.</p> <p>Note 1: For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers shall be maintained. If the date of appointment of both the officials is the same, then Assistant shall rank senior.</p> <p>Note 2. Promotion to the post of Superintendents in Regional Office cadre shall be considered from amongst the Assistants, Head Clerks and Senior Scale Stenographers of Regional Office cadre and that of Circle Office Cadre from the Assistants, Head Clerks and Senior Scale Stenographers of Circle Office Cadre.</p>
9. Senior Scale Stenographer (BPS-15)	<p>a. Bachelor's Degree/ B.Com from a recognized University; and</p> <p>b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing.</p>	18 to 30 years	<p>a. Forty percent by initial recruitment; and</p> <p>b. sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least three years service as such.</p>
10. Assistants/Head Clerk (BPS-14)	Second Class Bachelor's Degree with Economics/ Statistics as one of the subject or B.Com, from a recognized University.	18 to 30 years	<p><u>In Regional Office Cadre</u></p> <p>a. Twenty five percent by initial recruitment; and</p> <p>b. seventy five percent by promotion, on the basis of the seniority cum fitness, from amongst Accounts Clerks and Senior Clerks in Regional Office Cadre with at least 5 years service as such.</p> <p><u>In Circle Office Cadre</u></p> <p>By promotion, on the basis of seniority cum fitness, from among the Accounts Clerks and Senior Clerks with at least 5 years service as such, in the Circle where the vacancies occurs.</p>

P-21

689

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.

APPENDIX

S#	Nomenclature of Post	Qualification for appointment	Age Limit	Method of recruitment
1	2	3	4	5
PART-I-ENGINEERING STAFF				
1.	Chief Engineer/ Director General (BPS-20)			By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/BSc Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3.	Executive Engineer/ Deputy Director (BPS-18)			By promotion, on the basis of seniority cum fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules.
4.	Assistant Engineer/Sub Divisional Officer/ Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<p>a. Sixty five percent by initial recruitment.</p> <p>b. ten percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who has acquired during service degree in Civil or Mechanical Engineering from a recognize university.</p> <p>c. five percent by promotion, on the basis of seniority cum fitness, from amongst the Sub Engineer's who joined service as degree holders in Civil/Mechanical Engineering and</p> <p>d. twenty percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineer's, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade A examination with ten years service as such.</p> <p>Note: - Provided that where candidate under Clause (b) & (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>
5.	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	<p>a. Eighty percent by initial recruitment; and</p> <p>b. twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized institute or Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.</p>



**OFFICE OF THE SUPERINTENDING ENGINEER,
SWABI IRRIGATION CIRCLE SWABI
PHONE & FAX No. 0938-224204**

Annex-D P-22

DISPOSAL OF APPEAL OF MR. WALEED SHAHZAD (ASSISTANT) AGAINST THE TENTATIVE SENIORITY LIST OF MINISTERIAL ESTABLISHMENT OF SWABI IRRIGATION CIRCLE SWABI

After restructuring of Irrigation Department Swabi Irrigation Circle notified Tentative Seniority List of Ministerial Establishment after detail checking and scrutiny of the existing ministerial staff of all positions and issued vide No. 6617-23/2-E dated: 17/05/2016 and circulated amongst all staff.

After issuance of seniority list 03 Nos appeals on the name of Mr. Muhammad Humayun (Head Clerk), Waleed Shahzad (Assistant) and Mr. Zafar Khan (Senior Clerk) having reservations were received in this office.


Hence after detail scrutiny of the record and rules of transfer/adjustment from one region to another region, it is concluded that seniority list of the Ministerial Staff issued vide notification quoted above is correct and no injustice is done with anyone.


The detail of the reservations of Mr. Waleed Shahzad (Assistant) and comments of the authority are as under:

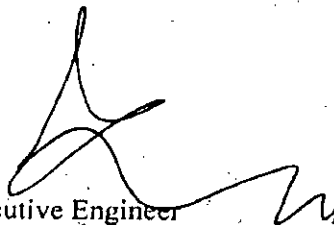
Reservation of the Applicant	Comments of the Authority
<p>I was appointed as Assistant by the Chief Engineer (South) vide letter No.8890-94/IB/A/15CE dated: 26/06/2012 and I joined Irrigation Department on 26/06/2012. I served 2 years and 9 months in office of the Chief Engineer (North) w.e.f 26/06/2012 to 31/03/2015.</p> <p>I was transferred to newly established Circle Swabi vide Chief Engineer (South) letter No. 1978/A/5-2033 PF dated: 30/03/2015 and I reported arrival for duty in Swabi Irrigation Circle on 01/04/2015.</p> <p>The staff working under Swabi Irrigation Circle belongs to the Regional Cadre Mardan Circle Cadre and Swat Circle Cadre.</p> <p>It is submitted with great concern that while preparing of the new separate seniority list of newly established Swabi Circle the date of appointment/Promotion to the present post of all the clerical staff have been taken by Superintending Engineer Swabi irrigation Circle Swabi for insertion in the new separate seniority list of Swabi Irrigation Circle Swabi but on the other hand my date of posting in the Swabi Irrigation Circle Swabi have been considered due to which junior most officials, who joined Irrigation Department/promoted after me (2013 onwards) have become senior than me. This is clear cut against the rules, regulations, unjustifiable and unlawful.</p> <p>It is therefore requested that my date of appointment to the present post i.e 26/02/2012 may please be considered for new seniority list of Swabi Circle Cadre instead of my date of posting in Swabi Irrigation Circle, please.</p>	<p>Formation of new Circle Cadres of Swabi Irrigation Circle Swabi and other Circle was on cards since restructuring of Irrigation Department from the date 01/07-2011.</p> <p>It was planned that new circle cadres shall be created and only those officials shall be considered/adjusted in these new circles, who have occupied the positions in the newly established circles and its subordinate offices and were affected due to restructuring of Irrigation Department and for this purpose proper undertaking on judicial stamp paper was asked from all the then existing Ministerial Staff which they accordingly provided.</p> <p>The above position was fully materialized by a high level committee in its meeting held on 14/01/2015 in office of the Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar.</p> <p>As far as the case of the appellant is concerned it is mentioned here that he belonged to the Regional Cadre of Irrigation: Department Peshawar and not affected due to the restructuring of Irrigation Department and as such his case does not come under the preview of above policy. However, he has been transferred, on his own request to Swabi Irrigation Circle Swabi vide Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar letter No. 1958/A-5/2033-P dated: 30/03/2015 with the following directions/conditions</p> <ol style="list-style-type: none"> 1. "On his absorption in Swabi Irrigation Circle Swabi he will be placed at the bottom of the seniority list of Assistants/Head Clerks/Senior Scale Stenographers maintained in Swabi Irrigation Circle Swabi cadre. 2. In case of reversion/retrenchment the official will be liable for recontrition to

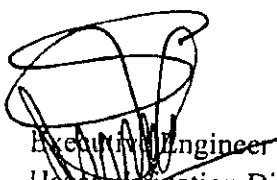
In compliance to the above direction as well as agenda item No.03 of the minutes of the meeting regarding formation of circle cadre held on 14/01/2015. He has been placed in the Tentative Seniority List of Ministerial Staff at proper place according to the policy and is not deprived of his rights.


Keeping in view the above reservations of the appellant are hereby disposed off unanimously.

1.  Superintending Engineer
Swabi Irrigation Circle
Swabi

2.  Executive Engineer
Swabi Irrigation Division-I
Swabi

3.  Executive Engineer
Swabi Irrigation Division-II
Swabi

4.  Executive Engineer
Hazara Irrigation Division
Abbottabad


5.  Superintendent
Swabi Irrigation Circle
Swabi

No. 7469-74 /2-E

Dated: 13 / 09 / 2018

Copy to the:-

1. Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar for information, please.
2. Chief Engineer (North) Irrigation Department Khyber Pakhtunkhwa Peshawar for information, please.
3. Executive Engineer Swabi Irrigation Division-I Swabi for information.
4. Executive Engineer Swabi Irrigation Division-II Swabi for information.
5. Executive Engineer Hazara Irrigation Division Abbottabad for information.
6. Mr. Waleed Shahzad (Assistant) for information.


Superintending Engineer
Swabi Irrigation Circle
Swabi

Annex-D

P-24

P-28



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

Ph: 091-9212116

Fax No. 091-9212652

E-Mail: chief@office@yahoo.com

No. 3034 /A-5/254-1:

Dated Peshawar 03 /08/2020

To:

The Project Director,
SIRAN Right Bank Canal Project Abbotabad

Subject:- APPEAL AGAINST SENIORITY LIST OF CLERICAL STAFF
ISSUED BY SUPERINTENDING ENGINEER SWABI
IRRIGATION CIRCLE, SWABI

Reference:- Your letter No. 319 /PD/SIRAN/20/2-1, dated: 23-07-2020

I am directed to refer to your letter under reference and to forward
herewith absorption order of Mr. Waleed Shahzad Assistant BS-16 issued vide this office
No. 1958/A-5/2033-PE, dated: 30-03-2015 whereby the official was placed at the bottom
of the seniority list of Swabi Irrigation Circle Swabi. Hence: his request/appeal is not
genuine and is regretted please.

Suppl. for mt

Encls: As Above:

*2-2E
PD/SB*

[Signature]
SUPERINTENDING ENGINEER
(HEAD QUARTER)



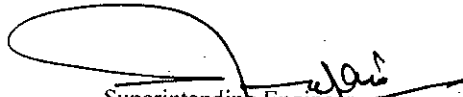
CP/Suppl


BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

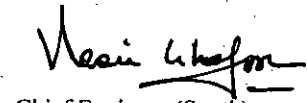
WALEED SHAHZAD VS SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA IRRIGATION DEPTT.; CHIEF ENGINEER (SOUTH) IRRIGATION DEPTT: KHYBER PAKHTUNKHWA, CHIEF ENGINEER (NORTH) IRRIGATION DEPTT: KHYBER PAKHTUNKHWA, AND SUPERINTENDING ENGINEER SWABI IRRIGATION CIRCLE SWABI.

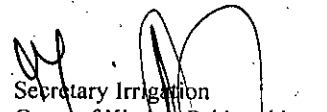
POWER OF ATTORNEY

Secretary to Govt: Of Khyber Pakhtunkhwa Irrigation Department Peshawar, Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar, Chief Engineer (North) Irrigation Department Khyber Pakhtunkhwa Peshawar, Superintending Engineer Swabi Irrigation Circle Swabi, do hereby authorize Mr. Noor Rehman Deputy Collector Swabi Irrigation Division Swabi, to attend the proceedings in the Honorable Court of Service Tribunal Peshawar in the subject case. He is also authorized to record statement, file and obtain any documents from the mentioned Court on behalf of the undersigneds.


Superintending Engineer
Swabi Irrigation Circle Swabi.


Chief Engineer (North)
Irrigation Department Khyber
Pakhtunkhwa Peshawar


Chief Engineer (South) 21/08/2022
Irrigation Department Khyber
Pakhtunkhwa Peshawar


Secretary Irrigation
Govt: of Khyber Pakhtunkhwa
Peshawar

(1)

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 3873/2021

Waleed Shehzad **Appellant**

VERSUS

Government of KP through Secretary Irrigation KP & others

..... **Respondents**

**PARAWISE REPLY ON BEHALF OF
RESPONDENT NO. 5/NOOR UL BASAR.**

Respectfully Sheweth;

Preliminary Objections;

- 1) That the appellant has got no cause of action to file instant appeal.
- 2) That that the appeal is not maintainable.
- 3) That the instant appeal is barred by law and limitation as the departmental appeal was regretted by the respondent Department i.e. apex committee consist of 5 members have been pleased to regret the same vides order No. 7469-74/2-E dated 13.09.2018 (*the same has gained finality*) and as per the Khyber Pakhtunkhwa service Rules, 1973 as well service tribunal Act, the appeal before this Hon'ble tribunal has to be filed within a period of 1 months, but there is nothing like that in instant case, and hence the instant appeal

(2)

being filed after the delay of two years and six months, thus, the instant appeal is badly time barred. This fact has also been concealed from this hon'ble tribunal. Mendaciously second departmental appeal was filed and the same has also been dismissed on 03.08.2020, though the law doesn't permit to do so.

- 4) That the appeal is bad for miss-jionder and non-joinder of parties.
- 5) That the appellant has concealed the coherent fact from this Hon'ble tribunal. The office order via letter No. 1958/A-5/2033-PF dated 30.03.2015 has been carried out as per the assent of the appellant wherein at Para No. 1 it is categorically mention as per the domain of law "1. On his absorption in Swabi Irrigation Circle he will be placed at the bottom of the seniority list of the Assistant/Head Clerk/Senior Scale Stenographer maintained in Swabi Irrigation circle Swabi Cadre. Further, the government of Khyber Pakhtunkhwa Irrigation Department notification dated 17.02.2011 nullify the unjustifiable stance/appeal of the appellant and it clearly depicts, that the respondent has been rightly placed at the top of seniority. More so, the ibid order/letter dated 30.03.2015 in respect of the appellant has never been challenged and even in the instant appeal the same has been mendaciously ignored.
- 6) That the respondent department i.e. Superintending Engineer Irrigation Circle Swabi as well as Chief Engineer (South) Irrigation Department KP has rightly been regretted

the departmental appeals of the appellant and on the basis of well sound reason. In fact, the answering respondent do seconded the same and relying upon.

- 7) That it is also rudimentary to bring into the kind knowledge of this Hon'ble tribunal, that after the inception of instant appeal, before admitting the same, so many dates were adjourned on behalf of appellant but astonishingly, the appellant has circulated a bad news in the department, that the worthy service tribunal has been pleased to stay the further seniority of the same post. in fact, on the scam proceedings, the process of promotion was pensile. After knowing the actual fact, finally the process of promotion of all the employees were processed, vides which the answering respondent has already been promoted to the post of Superintendent (BPS-17) vides notification dated 20th June 2022 and hence, after the ibid order, the very basis of the unjustifiable appeal is having no locus standi and has been infructious.

(Copy of the office order dated 30.03.2015, Copy of Irrigation Department Notification dated: 17.02.2011, Regrettal order dated 13.09.2018, 03.08.2020 alongwith promotion order via DPC dated 20.06.2022 of the answering respondent No. 5 are attached herewith)

Reply on Facts:

1. Para No. 1 needs no comments.

4

2. Para No. 2 also needs no comments.
3. Para No. 3, is incorrect the factum of the matter is that after the restructuring of the Irrigation Department KP, which was taken place w.e.f. 01.07.2011. three in numbers divisional offices i.e. Executive Engineer Swabi, Irrigation Division-I, Swabi, Executive Engineer Swabi, Irrigation Division-II, Swabi, Executive Engineer Hazara, Irrigation Division, Abbottabad were placed under the jurisdiction of Swabi Irrigation. **(Copy of the notification dated 02nd May 2011 alongwith and Minutes of the meeting regarding formation of the Circle cadres vide No. 1938/A-5/15-CE dated 30.03.2015 are appended herewith)**
4. Para No. 4 is incorrect, vehemently denied, the unjustifiable/the so called undertaking i.e. tantamount to self engineered having no legal value at all and most importantly the legal touchstone has not been followed. As the same has to be countersigned by the competent authority/Concern Superintendent Engineer, but there is nothing like that and hence even otherwise the same is not having the evidential and legal value at all.
5. Para No. 5 is incorrect, wrong facts has been pointed out. The detail has rightly been mentioned in the preliminary objections.
6. Para No. 6 is incorrect, vehemently denied, the actual fact has been repeatedly discussed by the High officials via 5

51

members committee in the ibid/attached regrettable order dated 13.09.2018, 03.08.2020. More so, the actual fact has also been discussed in the preliminary objections.

7. Para No. 7 is incorrect, vehemently denied and amounts to "Cock And Bull" sort of stance. In fact ignorance of law is of having no excuse what to say about the gigantic bar of limitation. Further, the detail, has also been mentioned in the preliminary objections via attached regrettal orders.

Reply on grounds;

- a. Ground "a" incorrect, the seniority list issued by the department is based on facts, laws and rules of the department.
- b. Ground "b" is incorrect, the undertaking of the appeal was not countersigned by the concern superintendent Engineer because his name was not included in the affected person.
- c. Ground "c" is incorrect, as the appellant was transferred from Regional Cadre to Circle Cadre in 2015 and according to the transfer order of the appellant, the appellant will be placed at the bottom of the seniority list maintained in Swabi Irrigation Circle Swabi.

6

d. Ground "d" is denied, the appellant has got no cause of action to prefer the instant appeal.

That any other ground will be agitated at the time of argument with the kind permission of this hon'ble Tribunal.

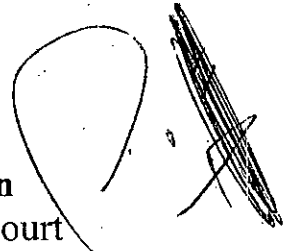
PRAYER:

Keeping in view, on the basis of expounded subject/ preliminary objection, facts and reply, it is humbly prayed, that the baseless case of the appellant may kindly be dismissed with heavy cost, similarly for the best administration of justice and fair play.

Respondent No. 5

Through

Taimur Haider Khan
Advocate, Supreme Court
Taimur Law Associates
Office No. 37, 2nd Floor
Malak Tower Pajjagi Road,
Peshawar
Cell No.0346-9192561



AFFIDAVIT:

I, Noor Ul Basar S/o Abdul Ghani, R/o Gar Munara Tehsil & District Swabi, (Respondent NO. 5), do hereby stated that the content of the above reply is true and correct to the best of my knowledge and nothing concealed herein from this Hon'ble tribunal.

DEPONENT

7

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. 1958 /A-5/2033-PF

Dated Peshawar the 30/03/2015.

OFFICE ORDER

Mr. Waleed Shelizad Assistant office of the Chief Engineer (North) Irrigation Department Peshawar belonging to the Cadre strength of Regional office is hereby permanently transferred/absorption in the Cadre strength of Swabi Irrigation Circle Swabi with immediate effect with the following conditions:-

- 1) On his absorption in Swabi Irrigation Circle Swabi he will be placed at the bottom of the seniority list of Assistant/Head Clerk/Senior Scale Stenographer maintained in Swabi Irrigation Circle Swabi cadre.
- 2) In case of reversion/retrenchment, the official will be liable for repatriation to their parent cadre i.e Regional office cadre.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

C.C

- 1) Secretary to Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar.
- 2) Accountant General Khyber Pakhtunkhwa Peshawar.
- 3) Chief Engineer (North) Irrigation Deptt: Peshawar.
- ✓ 4) Superintending Engineer Swabi Irrigation Circle Swabi.
- 5) District Accounts Officer Swabi
- 6) Official concerned.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

2-E

Signature
for A/G
09/4/15

8



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. 3034 /A-5/254-E

Dated Peshawar 03/08/2020

To,

The Project Director,
SIRAN Right Bank Canal Project Abbotabad

Subject:- APPEAL AGAINST SENIORITY LIST OF CLERICAL STAFF
ISSUED BY SUPERINTENDING ENGINEER SWABI
IRRIGATION CIRCLE, SWABI

Reference:- Your letter No. 319 /PI/SIRAN/2020-E, dated: 23-07-2020

I am directed to refer to your letter under reference and to forward herewith absorption order of Mr. Waleed Shahzad Assistant BS-16 issued vide this office No. 1958/A-5/2023-PI, dated: 30-03-2015 whereby the official was placed at the bottom of the seniority list of Swabi Irrigation Circle Swabi. Hence: his request/appeal is not genuine and is regretted please.

Incls: As Above

SUPERINTENDING ENGINEER
(HEAD QUARTERS)

2-E
PDS



Sp/

Muhammad Arshad
Advocate High Court
Swabi



OFFICE OF THE SUPERINTENDING ENGINEER
SWABI IRRIGATION CIRCLE SWABI
PHONE & FAX No. 0938-224204

9

DISPOSAL OF APPEAL OF MR. WALEED SHAHZAD (ASSISTANT) AGAINST THE TENTATIVE SENIORITY LIST OF MINISTERIAL ESTABLISHMENT OF SWABI IRRIGATION CIRCLE SWABI

After restructuring of Irrigation Department Swabi Irrigation Circle notified Tentative Seniority List of Ministerial Establishment after detail checking and scrutiny of the existing ministerial staff of all positions and issued vide No. 6617-23/2-E dated: 17/05/2016 and circulated amongst all staff.

After issuance of seniority list 03 Nos appeals on the name of Mr. Muhammad Humayun (Head Clerk), Waleed Shahzad (Assistant) and Mr. Zafar Khan (Senior Clerk) having reservations were received in this office.

Hence after detail scrutiny of the record and rules of transfer/adjustment from one region to another region, it is concluded that seniority list of the Ministerial Staff issued vide notification quoted above is correct and no injustice is done with anyone.


The detail of the reservations of Mr. Waleed Shahzad (Assistant) and comments of the authority are as under:


Reservation of the Applicant	Comments of the Authority
<p>I was appointed as Assistant by the Chief Engineer (South) vide letter No.8890-94/IB/A/15CE dated: 26/06/2012 and I joined Irrigation Department on 26/06/2012. I served 2 years and 9 months in office of the Chief Engineer (North) w.e.f 26/06/2012 to 31/03/2015.</p> <p>I was transferred to newly established Circle Swabi vide Chief Engineer (South) letter No. 1978/A/5-2033 PF dated: 30/03/2015 and I reported arrival for duty in Swabi Irrigation Circle on 01/04/2015.</p> <p>The staff working under Swabi Irrigation Circle belongs to the Regional Cadre Mardan Circle Cadre and Swat Circle Cadre.</p> <p>It is submitted with great concern that while preparing of the new separate seniority list of newly established Swabi Circle the date of appointment/Promotion to the present post of all the clerical staff have been taken by Superintending Engineer Swabi irrigation Circle Swabi for insertion in the new separate seniority list of Swabi Irrigation Circle Swabi but on the other hand my date of posting in the Swabi Irrigation Circle Swabi have been considered due to which junior most officials, who joined Irrigation Department/promoted after me (2013 onwards) have become senior than me. This is clear cut against the rules, regulations, unjustifiable and unlawful.</p> <p>It is therefore requested that my date of appointment to the present post i.e 26/02/2012 may please be considered for new seniority list of Swabi Circle Cadre instead of my date of posting in Swabi Irrigation Circle, please.</p>	<p>Formation of new Circle Cadres of Swabi Irrigation Circle Swabi and other Circle was on cards since restructuring of Irrigation Department from the date 01/07-2011.</p> <p>It was planned that new circle cadres shall be created and only those officials shall be considered/adjusted in these new circles, who have occupied the positions in the newly established circles and its subordinate offices and were affected due to restructuring of Irrigation Department and for this purpose proper undertaking on judicial stamp paper was asked from all the then existing Ministerial Staff which they accordingly provided.</p> <p>The above position was fully materialized by a high level committee in its meeting held on 14/01/2015 in office of the Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar.</p> <p>As far as the case of the appellant is concerned it is mentioned here that he belonged to the Regional Cadre of Irrigation: Department Peshawar and not affected due to the restructuring of Irrigation Department and as such his case does not come under the preview of above policy. However, he has been transferred, on his own request to Swabi Irrigation Circle Swabi vide Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar letter No. 1958/A-5/2033-P dated: 30/03/2015 with the following directions/conditions</p> <ol style="list-style-type: none">1. "On his absorption in Swabi Irrigation Circle Swabi he will be placed at the bottom of the seniority list of Assistants/Head Clerks/Senior Scale Stenographers maintained in Swabi Irrigation Circle Swabi cadre.2. In case of reversion/retranchment the

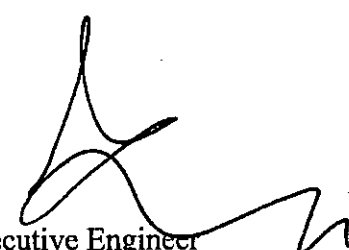
In compliance to the above direction as well as agenda item No.03 of the minutes of the meeting regarding formation of circle cadre held on 14/01/2015. He has been placed in the Tentative Seniority List of Ministerial Staff at proper place according to the policy and is not deprived of his rights.


10


Keeping in view the above reservations of the appellant are hereby disposed off unanimously.

1. 
Superintending Engineer
Swabi Irrigation Circle
Swabi

2. 
Executive Engineer
Swabi Irrigation Division-I
Swabi

3. 
Executive Engineer
Swabi Irrigation Division-II
Swabi

4. 
Executive Engineer
Hazara Irrigation Division
Abbottabad

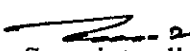
5. 
Superintendent
Swabi Irrigation Circle
Swabi

No. 7469-74 /2-E

Dated: 13 / 09 / 2018

Copy to the:-

1. Chief Engineer (South) Irrigation Department Khyber Pakhtunkhwa Peshawar for information, please.
2. Chief Engineer (North) Irrigation Department Khyber Pakhtunkhwa Peshawar for information, please.
3. Executive Engineer Swabi Irrigation Division-I Swabi for information.
4. Executive Engineer Swabi Irrigation Division-II Swabi for information.
5. Executive Engineer Hazara Irrigation Division Abbottabad for information.
6. Mr. Waleed Shahzad (Assistant) for information.


Superintending Engineer
Swabi Irrigation Circle
Swabi

ORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

11

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 2ND APRIL, 2011.

GOVERNMENT KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT,

NOTIFICATION

Dated Peshawar the 17th February, 2011

NO.SO(E)IRR:/23-5/73: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No.SO(E)IRR:/23-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the Appendix (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

Secretary to Government of the Khyber Pakhtunkhwa Province
Irrigation Department.

688

Printed and published by the Manager,
Suty. & Ptg. Dept., Khyber Pakhtunkhwa, Pesh.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011.

690

6.	Geologist (BPS-17)	MSc. Geology from a recognized University with 03 years experience in the relevant field.	18 to 32 years	By initial recruitment.
PART-II-MINISTERIAL ESTABLISHMENT				
7	Administrative Officer/ Budget and Accounts Officer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents of the Department having at least three years service.
8	Superintendent (BS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants, Head Clerks and Senior Scale Stenographers with at least five years service as such. Note 1: - For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers shall be maintained. If the date of appointment of both the officials is the same, then Assistant shall rank senior. Note 2. Promotion to the post of Superintendents in Regional Office cadre shall be considered from amongst the Assistants, Head Clerks and Senior Scale Stenographers of Regional Office cadre and that of Circle Office Cadre from the Assistants, Head Clerks and Senior Scale Stenographers of Circle Office Cadre.
9.	Senior Scale Stenographer (BPS-15)	a. Bachelor's Degree/ B.Com from a recognized University; and b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing.	18 to 30 years	a. Forty percent by initial recruitment; and b. sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least three years service as such.
10	Assistants/Head Clerk (BPS-14)	Second Class Bachelor's Degree with Economics/ Statistics as one of the subject or B.Com, from a recognized University.	18 to 30 years	In Regional Office Cadre a. Twenty five percent by initial recruitment; and b. seventy five percent by promotion, on the basis of the seniority cum fitness, from amongst Accounts Clerks and Senior Clerks in Regional Office Cadre with at least 5 years service as such. In Circle Office Cadre By promotion, on the basis of seniority cum fitness, from among the Accounts Clerks and Senior Clerks with at least 5 years service as such, in the Circle where the vacancies occurs.

13

11	Junior Scale Stenographer (BPS-12)	(a). Intermediate or D.Com From a recognized Board; and (b) A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing with computer knowledge of Microsoft Words and Excel.	18 to 30 years	By Initial Recruitment.
12	Accounts Clerk/ Senior Clerk (BPS-9)			By promotion, on the basis of seniority cum fitness, from among the Junior Clerks with atleast 5 years service in the respective regional or Circle cadre as such; Note. Promotion to the post of Accounts Clerk or Senior clerk in Regional Office cadre shall be considered from amongst the Junior Clerks of Regional Office Cadre and that of Circle Office Cadre from amongst the Junior Clerks of Circle Office Cadre).
13	Junior Clerk (BPS-7)	(a) Secondary School Certificate from a recognized Board; and (b) A speed of 30 words per minute in English typing.	18 to 30 years	(a) Sixty Seven percent by initial recruitment; and (b) Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and are under 45 years of age and have at least two years service as such in the respective Regional and Circle Office Cadre Note For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary school certificate which ever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.
PART-III COMPUTER ESTABLISHMENT				
14	Data Processing Supervisor (BPS-14)	Bachelor's Degree from a recognized University with 03 years Diploma in Computer Science, from recognize institute	18 to 30 years	(a). Twenty five percent by initial recruitment; and (b). Seventy five percent by promotion, on the basis of seniority cum fitness, from amongst the Data Entry Operators and Key Punch Operators with five years service as such.



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT
(Establishment Section)

151

Dated Peshawar the 20th June, 2022

NOTIFICATION:

No. SO(E)/IRRI:/5-2/70/Supt./Vol-II: The Competent Authority on the recommendations of Departmental Promotion Committee (DPC), in its meeting held on 24.03.2022, is pleased to promote **Mr. Noor-ul-Basar, Senior Scale Stenographer (BS-16)** to the post of Superintendent (BS-17) in Irrigation Department, on regular basis, with immediate effect:

2. The officer on promotion will remain on probation for a period of one year extendable for further one year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfers) Rules, 1989.
3. Consequent upon his promotion as Superintendent (BS-17) on regular basis, he will continue on his existing place of posting as Superintending (BS-17).

**Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department**

Endst. No. & date even.

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Engineer (South) Irrigation Department, Peshawar.
3. The Chief Engineer (North) Irrigation Department, Peshawar.
4. The Superintending Engineer, Swabi Irrigation Circle, Swabi.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. The District Accounts officer, Swabi.
7. PS to Secretary Irrigation Department, Khyber Pakhtunkhwa.
8. Officer concerned.
9. Master file.
10. Personal file of the officer.

Ijaz Khan
(IJAZ KHAN)
Section Officer (Estt:) 20/6/22



16

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

Date Peshawar the 2nd May, 2011.

NOTIFICATION

DE/IRR/9-3/97/Restructuring. Upon approval by the competent authority and subsequent restructuring of Irrigation Department vide Establishment & Administration Department Notification (O&M)/ES/AD/2-14/2002 dated 17th March, 2011, the administrative jurisdiction and set up of the Engineer (South), Chief Engineer (North) and Director General Small Dams shall be as under effect from 1st July, 2011:-

CHIEF ENGINEER (SOUTH) IRRIGATION DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

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

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

- a. Executive Engineer, Peshawar Canal Division Peshawar. (With 04 Sub Divisions and one Deputy Collector).
 - i. Sub-Divisional Officer, Kabul River Canal Sub Division Peshawar.
 - ii. Sub-Divisional Officer, Drainage Sub Division Peshawar.
 - iii. Sub-Divisional Officer, Civil Canal Sub Division Peshawar.
 - iv. Deputy Collector.
- b. Executive Engineer, Warsak Canal Division Peshawar. (With 05 Sub Divisions).
 - i. Sub-Divisional Officer, Gravity Canal Sub Division Peshawar.
 - ii. Sub-Divisional Officer, Warsak Lift Canal Sub Division Peshawar.

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3/8

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

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

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

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

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

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

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

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

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

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

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

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

- Executive Engineer, Swabi Irrigation Division No. 1 Swabi (With 02 Sub Divisions)
 - i. Sub Divisional Officer, Shahbazghari Irrigation Sub Division
 - ii. Sub Divisional Officer, Gohati Irrigation Sub Division Gohati

- 6. Executive Engineer Swabi Irrigation Division No. 2 Swabi. (With 02 Sub divisions and one Deputy Collector)
 - i. Sub Divisional Officer, Jagganath Irrigation Sub Division Jagganath.
 - ii. Sub Divisional Officer, Tehur Irrigation Sub Division Swabi.
 - iii. Deputy Collector.

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

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

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

- a. Executive Engineer Swat Irrigation Division Swat (With 03 Sub Divisions)
 - i. Sub Divisional Officer Swat Irrigation sub Division Swat.
 - ii. Sub Divisional Officer, Buner Irrigation Sub Division Buner.
 - iii. Sub Divisional Officer, Shangla Irrigation Sub Division Shangla.

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

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

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

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

C. DIRECTOR GENERAL SMALL DAMS KHYBER PAKHTUN KWA PESHAWAR

- i. Deputy Director Small Dams Khyber Pakhtunkhwa, (With 02 Divisions) Peshawar
- ii. Deputy Director Planning and Construction Division Peshawar (2 Assistant Directors)

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

20

Now, therefore:-


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

Secretary Irrigation

Sl. Of even No & Date

Copy forwarded to the:-

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



(Misal Khan)

Section Officer (Establishment)

11
11/11/11



OFFICE OF THE CHIEF ENGINEER (SOUTH)
IRRIGATION DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.
Phone No. 091-9212116 Fax No. 091-9212652 Email: chiefoffice@yahoo.com

No. 1938/A-5/15-CE

Dated Peshawar the 30 /03/2015

To

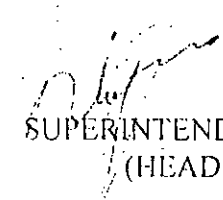
21

- 1) The Chief Engineer (North) Irrigation Deptt: Peshawar.
- 2) Superintending Engineers:-
- 3) Mardan Irrigation Circle Mardan.
- 4) Swat Irrigation Circle Swat.
- 5) Swabi Irrigation Circle Swabi.
- 6) DIKhan Irrigation Circle DIKhan
- 7) Bannu Irrigation Circle. Bannu
- 8) Peshawar Irrigation Circle Peshawar.
- 9) Executive Engineers:-
- 10) Mechanical Irrigation : Division Peshawar.
- 11) Hydrology Irrigation Division Peshawar.
- 12) Administrative Officer (South) Irrigation Department Peshawar.

Subject: MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE.

I am directed to forward herewith minutes of meeting dated 14-1-2015 regarding issue of effects officials for furnishing undertaking on judicial stamp paper as well as No Objection Certificate of concerned Superintending Engineers in light of decision made in the minutes of formation of absorption please.

Encls: As above.


SUPERINTENDING ENGINEER
(HEAD QUARTER)

Copy of the above along with Minutes of the Meeting is forwarded to the Secretary Govt: of Khyber Pakhtunkhwa Irrigation Department Peshawar for information.

SUPERINTENDING ENGINEER
(HEAD QUARTER)

MINUTES OF THE MEETING REGARDING FORMATION OF CIRCLE CADRE.

A meeting under the chairmanship of Superintending Engineer (Head quarter) South Irrigation Department was held on 14-01-2015 for finalization of the issue of cadre of various officials affected due to restructuring of Irrigation Department.

22

The following attended the meeting

- | | |
|--|----------|
| 1) Engr. Muhammad Mujahid Saeed
Superintending Engineer (Headquarters)
South Irrigation Department | Chairman |
| 2) Engr. Saeed-ur-Rehman
Superintending Engineer Swabi Irr. Circle Swabi. | Member |
| 3) Engr. Muhammad Rafique Khan
Superintending Engineer DIKhan Irr. Circle | Member |
| 4) Engr. Sheikh Muhammad Jalil Khan
Superintending Engineer Bannu Irr. Circle. | Member |
| 5) Engr. Shafiq-ur-Rehman
Superintending Engineer Swat Irrigation Circle. | Member |
| 6) Engr. Abdul Rehman Bacha
Executive Engineer Mechanical Irr. Divn. Peshawar. | Member |
| 7) Engr. Inayatullah Jan
SDO Mechanical Irr. Divn. Peshawar. | Member |
| 8) Mr. Javed Ali Administrative Officer
(South) Irrigation Department | Member |

Agenda of the meeting was as under:-

1. The issue of cadre of those officials who are affected due to the restructuring of the department.
2. To finalize the absorption of those officials who presently occupied the present position in the new set up.
3. Fixing the seniority issue of the officials affected due to the restructuring process according to rules.
4. To authorize the Superintending Engineer DIKhan Irrigation Circle DIKhan and Swabi Irrigation Circle Swabi, Charsadda Irrigation Division Charsadda and Flood Division DIKhan to exercise the powers of competent authority in the jurisdiction of Circle/Division.

The meeting started with recitation of Holy Quran. The chair welcomed the participants. The agenda points were deliberated upon the participants expressed their reservations and problem faced by them after restructuring of the Department.

After Threadbare discussion, the committee unanimously agreed on the following points.

Agenda item No.1

It was unanimously decided that cadre of only those officials shall be considered for changing who have presently occupied the position in the newly established circle/division and are belong to regional cadre and presently posted/adjusted in DIKhan, Swabi Circle or Flood Division DIKhan, Dir Irrigation Division Dir and Charsadda Irrigation Division Charsadda while no other case for absorption will be entertained of the officials who are not affected in the restructuring process.

23

Agenda item No.2

The participant are also agreed with the absorption of those officials who are presently occupied their position in the new set up and were affected due to restructuring of the Department and will be absorbed in the respective circle in order to avoid litigation in future.

Agenda item No.3

The committee is also agreed to placed the officials at the bottom of the seniority list of the respective Circle where they considered for absorption as a result of restructuring after obtaining proper undertaking on judicial stamp papers.

Agenda item No.4

The committee are also agreed with the issue of exercising power of the Superintending Engineer DIKhan and Superintending Engineer Swabi Irrigation Circle as competent authority at the jurisdiction of their respective circle.

The committee is also agreed upon the view points that the present absorption of the officials shall be considered as final and further case will not be considered after finalization the cadre.

The meeting is ended with thanks from the chair.

Engr. Syed Muhammad Mujahid Saeed
(Chairman/Superintending Engineer (H/O))

Engr. Saeed-ur-Rehman
Superintending Engineer
Swabi Irr: Circle Swabi.
(Member)

Engr. Muhammad Rafique Khan
Superintending Engineer
DIKhan Irr: Circle
(Member)

Engr. Sheikh Muhammad Jalil Khan
Superintending Engineer
Bannu Irr: Circle.
(Member)

Engr. Shafiq-ur-Rehman
Superintending Engineer
Swat Irrigation Circle Swat.
(Member)

Engr. Abdul Rehman Bacha
Executive Engineer Mechanical Irr:
Divn: Peshawar.
(Member)

Engr. Inayatullah Jan SDO
Mdechanical Irr: Divn: Peshawar.
(Member)

Mr. Ali
Administrative Officer
(Member)