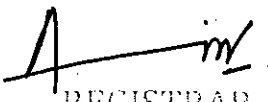


FORM OF ORDER SHEET

Court of _____

Case No. 1085/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/05/2023	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 02.05.2023 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on _____.</p> <p>By the Order of Chairman</p> <p> REGISTRAR</p>



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58

No. 72613 (1)/3004/2023/WP-MN

Dated. 11-May-2023

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

Khyber Pakhtun
Service Tribunal

To

✓ The Chairman, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

Binary No. 5323

Dated. 15/5/2023

Subject: Writ Petitions W.P 2341/2022 Title: Muhammad Younis Khattak VS Govt of KP

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and judgment of this Honble Court dated 02.05.2023 for compliance.

Deputy Registrar (J)

Encl: As above.

(17)

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.2341-P/2022

Muhammad Younis Khattak

Vs.

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

Date of hearing **02.05.2023**
Petitioner(s) by: **Ms. Neelam A.Khan, Advocate.**
Respondent(s) by: **Mr. Junaid Zaman, AAG and Mr.
Obaidullah Anwar, DAG.**

JUDGMENT

IJAZ ANWAR, J. This writ petition is filed under Article
199 of the Constitution of Islamic Republic of Pakistan, 1973,
with the following prayer:-

“In light of the herein-above mentioned facts and grounds, it is, therefore, humbly submitted that on acceptance of the petition this honorable Court may kindly be pleased for the following:-

- i. The petitioner has never been superseded during his entire regular service from the date of appointment till retirement, therefore, his actual inter-se-seniority reckoned with reference to his other colleagues identified by PSC on 04.01.1988 remains intact. Therefore, regular promotion of the petitioner already made to BS-19 vide Notification dated 21.01.2021 may be allowed with retrospective effect i.e. either from the date when his juniors were promoted or at least from the date when the petitioner was first time deferred on 24.03.2017 to BS-19, along with grant of service rights and its financial benefits which have been unlawfully infringed.*

44
-6

- ii. *The petitioner being fully eligible for promotion to BS-20 as per Working Papers which have already been submitted by PHE Department to Provincial Selection Board (PSB) through Establishment Department for the PSB Meetings held on 30.07.2021 and then on 06.04.2022 but for no reason the Petitioner was excluded without approval of the competent authority just before placing of the Working Papers in the PSB meetings for considerations and then his juniors were promoted to BS-20. Therefore, Notification of regular promotion of the petitioner may be allowed to BS-20 with retrospective effect, i.e. either from the date when posts of BS-20 fell vacant in PHE Department or at least from the date when juniors to the petitioner were promoted to BS-20, along with grant of service rights and its financial benefits which have been unlawfully infringed.*
- iii. *The respondent PHE Department has issued retirement Notification dated 25.04.2022 in respect of the petitioner, therefore, consequent upon issuance of Notification of the petitioner to BS-20 on regular basis, thereafter retirement Notification of the petitioner may also be allowed in BS-20 as Chief Engineer PHE Department Khyber Pakhtunkhwa instead in BS-19, along with service rights and financial benefits which have been unlawfully infringed.*
- iv. *The Petitioner had been promoted from BS-17 to BS-18 with retrospective effect vide PHE Department Notifications dated 18.10.2011 and dated 13.06.2016 on the directions of this Honorable Court vide Judgments in WP No.2751/2010, WP No.1085/2011 and WP No.683/2015 with COC No.1-P/2016. Since all the Petitions were decided in favor of the Petitioner but the Respondents had denied financial benefits & arrears, therefore, the petitioner due arrears of BS-18 with effect from 31.03.2010 may be allowed.*
- v. *This Honorable Court had decided the petitions in WP No.2751/2010, WP No.1085/2011 and WP No.683/2015 with COC No.1-*

P/2016 in favour of the Petitioner, thus benefits granted resultant of butterfly effect of these judgments continued as implied directions to respondents to abstain from such unlawful actions in future but the respondents badly violated instructions of this Honorable Court and obstructed & deferred the Petitioner's promotion by one way or other till his retirement from service. Therefore, the Provincial Selection Board, which has not been notified by the Provincial Govt., be declared as of no legal value and the respondent Chief Minister Khyber Pakhtunkhwa (competent authority) be directed to constitute a Board working under his chairmanship or the parliamentary members accompanied with other stakeholders to deal the promotion cases on neutral basis and the unlawful monopoly of a single cadre officers/ non-professional cadres could be avoided in future which has badly damaged working & service rights of the professional cadres in the province.

- vi. *The respondents are liable to be proceeded in Suo-Moto Contempt of Court for their willful contravention, disregard and dishonor of the Constitution of Pakistan and this august Court's judgments dated 09.12.2010 and 20.10.2011 in WP No.2751/2010, WP No. 1085/2011 and WP No.683/2015 with COC No.1-P/2016 and Honorable Apex Court Judgments 1985-SCMR-1158 & others having binding effect as per art-189 & 190 of the Constitution of Pakistan 1973, therefore, suo-moto Contempt of Court proceeding be initiated against the respondents and be debarred from holding offices of public interest.*
- vii. *And to grant in favour of petitioner any other relief as deemed appropriate by the Honorable Judge in the given circumstances of the case”.*

2. Comments were called from the respondents, who furnished the same, wherein, they opposed the issuance of desired writ asked for by the petitioner.

3. Arguments heard and record perused.

4. Through the instant petition, the petitioner is claiming promotion to BPS-19 with retrospective effect and also seeking proforma promotion to the post of BPS-20 on the ground that his juniors were promoted recently. Though, the petitioner has attained the age of superannuation and retired from service on 25.04.2022, albeit, he remained a civil servant irrespective of his retirement for the purpose of jurisdiction of the Khyber Pakhtunkhwa Service Tribunal. We when questioned the learned counsel for the petitioner as to whether the petitioner has alternate remedy of filing appeal before the Khyber Pakhtunkhwa Service Tribunal and that the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, she stated that malafidely throughout the petitioner was deferred and as such, his promotion is to be given antedation, besides, he is also entitled to be considered for proforma promotion to BPS-20.

5. In the case titled "Chief Secretary, Government of Punjab, Lahore and others Vs. Ms. Shamim Usman (2021 SCMR 1390)", the Hon'ble Supreme Court of Pakistan has considered the cases pertaining to claim for proforma promotion and held that the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 would be equally applicable even for claim pertaining to proforma promotion. As such, while respectfully

following the judgment of the Hon'ble Supreme Court of Pakistan, above referred, we are of the view that the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to entertain constitutional petition pertaining to terms and conditions of service of a civil servant.

6. In the instant case, since the petitioner has duly submitted his representation/departmental appeal, similarly, the case is otherwise ripe as the requisite comments have already been submitted by the respondents; as such, we, instead of dismissing the instant writ petition, transmit it to the Khyber Pakhtunkhwa Service Tribunal to treat it as service appeal and to decide the same in accordance with law. Office shall retain copies of the memo of this writ petition for the purpose of record.

Announced
Dt:02.05.2023


2 JUDGE


JUDGE

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Wajid Ahmad

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

CHECK LIST

1.	Case Title	Muhammad Younis Ishaq VERSUS Govt of K.P. workers	
2.	Case is duly signed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3.	The law under which the case is preferred has been mentioned.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Approved file cover is used.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Affidavit is duly attested and appended.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Case and annexures are properly paged and numbered according to index.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8.	Certified copies of all requisite documents have been filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
10.	Case is within time.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
13.	Power of attorney is in proper form.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
14.	Memo of addressed filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
15.	List of books mentioned in the petition.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.

M. Younis
2
(Petitioner)

Name:- *Neelam A. Khan S.C.*
Signature:- *[Signature]*
Dated:- *22 6 2022*

FOR OFFICE USE ONLY

Case:- _____
Case received on _____
Complete in all respect: Yes/ No, (If No, the grounds) _____
Date in court:- _____

Signature _____
(Reader)

Date:- _____

Countersigned:- _____
(Deputy Registrar)

The Computer Office P.H.C. Peshawar

06/07
Scanned USB Received
22 JUN 2022
Signature _____

Copy handed over to AG

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 2341 - P / 2022.

Service Appeal no. 1085/2023

Muhammad Younis Khattak

Chief Engineer (Retd) PHE Department, Peshawar. (Petitioner)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary,

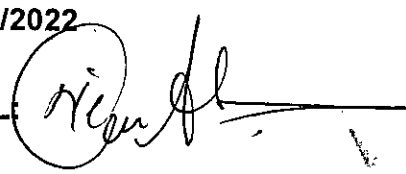
Peshawar and others.

--- (Respondents)

Through:

Date: 22 / 06 / 2022

COUNSEL:



PETITIONER

(Muhammad Younis Khattak)

Cell # 0300-5885636

IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR WRIT PETITION

Date of Filing: 22.06.2022
District: Peshawar

Case Type: Writ Petition

Category Code: 0 5 0 7 0 9

(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: ---

If certiorari:

Writ of:

Heabus
Corpus

P5rohibition

Mandamus
✓

Qua
Warranto

Certiorari

If Certiorari:

Forum	Date	Interlocutory/ Final Order	Case Pertains to
NA	NA	NA	<input checked="" type="checkbox"/> SB
NA	NA	NA	<input type="checkbox"/> DB

Petitioner Name:	Muhammad Younis Khattak
Cell:	0300-5885636
Address	Chief Engineer (Retd) PHE Deptt: Peshawar.
CNIC No.	11101-0433164-9
Email Address	emyounuskh@gmail.com

Counsel for Petitioner(s)	Neelam A.Khan
Mobile No.	0300-5955133
Address	
CNIC No.	17301-1335650-8
Email Address	neelamakhanasc@gmail.com

Respondents	Govt. of Khyber Pakhtunkhwa through Chief Secy.
Address	Civil Secretariat, Peshawar.

ORIGINAL ORDER/ ACTION/ INACTION COMPLAINED OF:

Levy of taxes

PRAYER

Notification of regular promotion of the petitioner may be allowed to BS-20 with retrospective effect. i.e. either from the date when posts of BS-20 fell vacant in PHE Department or at least from the date when juniors to the petitioner were promoted to BS-20 along with grant of service rights and its financial benefits which have been unlawful infringed, and other previous promotions with retrospective effect and financial benefits of BS-19 and BS-18.

LAW/ RULES/ GOVERNING THE ORIGINAL PROCEEDINGS/ ACTION/ LOCATION -

1. Constitution of Pakistan
2. Law books

Signature

Note: Any suggestion to improve the preformat will be appreciated.

22.6.2022

Deputy Registrar
22 JUN 2022

Deputy Registrar
23 JUN 2022

BEFORE THE PESHAWAR HIGH COURT PESHAWARWrit Petition No. 2341-P - P / 2022.Appeal No. 1085/2023
Muhammad Younis Khattak

Chief Engineer (Retd) PHE Department, Peshawar.

(Petitioner)

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

--- (Respondents)

Deputy Registrar

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PETITIONER
(Muhammad Younis Khattak)

Date: 22 06 /2022

BEFORE THE PESHAWAR HIGH COURT PESHAWAR**Writ Petition No. 2341-P-2022.**

Appeal No. 1085/2023

Muhammad Younis Khattak

Chief Engineer (Retd) PHE Department, Peshawar. (Petitioner)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. Chief Minister Khyber Pakhtunkhwa, through Principal Secretary to C.M, Peshawar.
4. Federal Secretary, Establishment Division, Cabinet Secretariat Islamabad through Deputy Attorney General Peshawar High Court.
5. Additional Chief Secretary P&D Department Khyber Pakhtunkhwa Peshawar.
6. Provincial Selection Board, through Secretary Establishment Deptt: Khyber Pakhtunkhwa Peshawar.
7. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
8. Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
9. Secretary Law Department, Khyber Pakhtunkhwa Peshawar.
10. Secretary Finance Department Khyber Pakhtunkhwa Peshawar.
11. Special Secretary Regulations, Establishment Deptt: Khyber Pakhtunkhwa Peshawar.
12. Accountant General Khyber Pakhtunkhwa Peshawar.
13. Section Officer (PSB), Establishment Deptt: Peshawar.
14. Section Officer (Estt) PHE Department Peshawar.

_____(RESPONDENTS)

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JUN 2022

WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

Respectfully Sheweth:


Abstract of the Petition:-

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Deputy Registrar

22 JUN 2022

ABSTRACT of the Petition:-

- a. **The Petitioner, Muhammad Younis**, was initially appointed in BPS-17 on the recommendation of Public Service Commission vide Irrig: & PHE Department Notification dated 26.04.1988.
- b. The respondents had considered the petitioner for promotion to BS-18, after 22 years regular service against required only 5 years of service for promotion, **but was deferred for the first time** in the Provincial Selection Board (PSB) meetings held on **09.03.2010** for no justified grounds, whereas other juniors were promoted to BS-18.
- c. The petitioner had agitated his unlawful deferment to BS-18 post in the Peshawar High Court vide Writ Petition No.2751/2010 and a Judgment was passed on 09.12.2010 in favor of the petitioner. This judgment was communicated to respondents.
- d. The respondents again considered the petitioner for promotion and the petitioner was **deferred for the third time** in the Provincial Selection Board (PSB) meetings held on **28-02-2011**, despite the fact that the PHC judgment dated 09-12-2010 was clear on the point, then filed WP No.1085/2011 and WP No.683/2015 with COC No.1-P/2016 for promotion to BS-18 and correction of the notification for promotion with retrospective effect. The Respondents partially granted due service rights and **denied** financial benefits & arrears to the petitioner.
- e. During long pendency of the Petitioner promotion to BS-18, in the meanwhile most of his juniors were promoted two steps to BS-19, thus the **Petitioner could not claim for seniority position** against the juniors who were already promoted to next high rank of BS-19.
- f. That on the basis of Seniority-cum-Fitness for Non-Selection-Posts the petitioner standing at S.No.2 was **first time considered** for promotion to BS-19 in the KPK Provincial Selection Board meeting held on 24.03.2017 against the available 2 No. vacant Posts of BS-19, but was **deferred** unjustifiably and for unknown reasons.

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 Deputy Registrar

22 JUN 2022

- g. That the petitioner standing at S.No.2 was **2nd time considered** for promotion to BS-19 in the Provincial Selection Board meeting held on 28.12.2017 against the same 2 No. vacant Posts of BS-19. The petitioner was **again deferred** unjustifiably and for unknown reasons. A junior standing at S.No.4 in the panel for promotion was promoted on regular basis vide Notification dated 08.01.2018.
- h. The Petitioner had then filed Petition in this august Court vide W.P. No. 891-P/2018 against his unlawful deferment in the PSB Meetings dated 24.03.2017, 28.12.2017 and PHED Promotion Notification dated 08.01.2018. The Petition was **dismissed** by this august Court Order dated 30.05.2018, on the ground that "Writ Petition against deferment of the petitioner by the PSB is not maintainable, hence dismissed, accordingly". The Petitioner was provided **NO OTHER REMEDY** for claim of constitutionally protected service rights. **Thus**, the Petitioner service career, financial benefits and others badly suffered for 04 long years as kept deferred for no fault on his part, despite more than 30 years regular service against required 12 years in BS-17 & above.
- i. **An Inquiry** was initiated against the Petitioner, after his 2nd time deferment dated 28.12.2017, vide PHED letter dated **18.01.2018** through an Inquiry Committee. The Inquiry Committee had submitted **Inquiry Report on date 08.03.2018** and then PHED notified **exoneration** of the Petitioner vide **Notification dated 27.04.2018**. **Findings** of the Inquiry Report were much more than a special report in respect of the Petitioner, but petitioner was unlawfully obstructed from promotion to BS-19 & above and financial loss.
- j. The **Petitioner** after 04 years unlawful deferment was **promoted** from BS-18 to **BS-19** vide PHED **Notification dated 21.01.2021** but **no retrospective benefits** were granted of the unlawful deferment. **Thus**, the Petitioner service career, financial benefits and others badly suffered for 04 long years as kept deferred for no fault on his part, despite more than 30 years regular service against required 12 years in BS-17 & above. And no retrospective promotion neither from date when he was to be eligible along with other colleagues but

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obstructed in September 2010 from BS-19 nor from date of his first deferment on 24.03.2017.

- k. The Respondent PHE Department had issued Tentative Seniority List dated 10.02.2021 of BS-19 officers. The Petitioner had submitted Representation dated 18.02.2021 & 14.04.2022 for correction of seniority position in the Seniority List of BS-19 with reference to the actual seniority position of the Petitioner fixed by the Public Service Commission vide **PSC Letter dated 04.01.1988** for appointment of Asstt: Engineer (BS-17) as per its Final **Selection-Order sequence** of the qualified candidates, which had been established after exhausting then S&GA Department 3-Tier Formula.
- l. The Petitioner had submitted **Representation dated 01.06.2021** for Condonation of Probation Period and consideration for promotion to next grade of BS-20 on the grounds of regular service on BS-19 Post since 15.03.2017 and due to unlawful deferment for 04 years. And that exemption in probation period was already granted to so many officers including juniors to petitioner in PHED. But not responded.
- m. The Respondent PHE Department had submitted a **Panel of 04 No. Senior Officers** including petitioner and **Working Papers** to Establishment Department for promotion to a vacant post of BS-20. The Petitioner Applications dated 18.02.2021 & 11.04.2021 for Correction in Seniority and Appl: dated 01.06.2021 for Condonation of Probation Period were kept pending and not highlighted to the Chairman PSB in its meeting held on 30.07.2021. **Out of the panel 2No. Officers** were already **ineligible**, due to their age less than 58 years and having no Senior Management Course (**SMC**) required training for officers of age less than 58 years, but they were included in the panel against the promotions policy for consideration in PSB. The Petitioner name was unlawfully dropped from PSB consideration. Thus, a **junior officer, in one person panel**, was considered in the PSB and the one, Qaiser Zaman, was promoted to the selection post of BS-20, despite conditionality, his Canada dual-nationality, voluntarily return with NAB Peshawar and also a junior to the petitioner. PHED Notification dated 11.08.2021.

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Deputy Registrar

- n. Petitioner had submitted Representations to the Governor Khyber Pakhtunkhwa and to the Chief Secretary for Review of the PSB recommendations dated 30.07.2021 and requested for Personal Hearing, but not heard,
- o. The Respondent PHE Department issued again a Tentative Seniority List (BS-19) dated 24.12.2021 for 2nd time without issuing a Notification of Final Seniority List (BS-19) of the earlier Tentative Seniority List (BS-19) dated 10.02.2021.
- p. The Petitioner had submitted a Representation for correction in the Tentative Seniority dated 24.12.2021 with reference to the Petitioner earlier Application dated 18.02.2021. But not responded.
- q. The Respondent PHE Department **vide SO (Estt) PHED Letter dated 17.02.2022** had submitted a **Panel of 09 No. Senior Officers (BS-19) and Working Papers**, on Tentative Seniority List dated 24.12.2021, to the Establishment Department for Promotions of PHED Officers to **03 No. vacant posts of BS-20**. The Petitioner Applications dated 19.01.2022, 18.02.2021, 11.04.2021 and 01.6.2021 were kept undecided.
- r. The Petitioner being senior most as per sequence of actual Final-Selection-Merit-Order vide Public Service Commission Letter dated 04.01.1988 and during entire service the Petitioner had never been superseded, therefore, fully eligible and had submitted **Application dated 18.03.2022** to the Respondents for grant of **Regular Promotion** to BS-20 by Circulation before his Retirement on **04.04.2022**.
- s. The Respondent Establishment Department had issued vide **SO(PSB) Letter dated 30.03.2022** for PSB Meeting scheduled for 06.04.2022, agenda item S.No.31 -Panel of 09 No. Senior Officers for 03 No. vacant posts of PHED.
- t. The Respondents had **unlawfully dropped name of the Petitioner** before placing the Working Papers for consideration in the PSB Meeting. **Neither** the Petitioner Application dated 18.03.2022 was entertained for his Regular Promotion to BS-20 **nor his Working**

Papers were placed before PSB for his Promotion with retrospective effect from date when the Posts of BS-20 fell vacant, thus badly violated the Laid down Principle of the Honorable Supreme Court of Pakistan vide Judgement 1985-SCMR-1158 having binding effect as per art-189 & 190 of the Constitution of Pakistan.

- u. 03 No. officers who were junior to the Petitioner were promoted to the selection posts of BS-20 in the PSB Meeting held on 07.04.2022, despite conditionality, their dual-nationality and voluntarily return with NAB Peshawar, vide PHED Notifications dated 27.04.2022.
- v. The Petitioner had submitted Representation dated 08.04.2022 to the Competent Authority (Chief Minister KPK) for grant of Promotion to BS-20 with reference to earlier Application dated 18.03.2022, but not responded. The Petitioner had submitted Application dated 09.05.2022 to the Respondents & PHE Department to Communicate Decision of the Competent Authority (Chief Minister KPK), but not responded.
- w. The Respondents on a short Notice has conducted PSB Meeting on 27.04.2022 for a single officer of PHE Department and promoted Mr. Masood-ur-Rehman to BS-20 before his retirement on 30.04.2022 vide Establishment Department Notification dated 24.05.2022. Discrimination and Mala-fide of the Respondents are evident, cause a similar case and Application of the Petitioner dated 18.03.2022 was not entertained, whereas for another junior officer Masood-ur-Rehman a special PSB Meeting dated 27.04.2022 was called before his retirement on 30.04.2022.
- x. The petitioner Muhammad Younis Chief Engineer PHE Department (BS-19) has been retired from govt. service upon attaining age of superannuation on 04.04.2022 vide PHED Notification dated 25.04.2022, whereas his junior Mr.Masood-ur-Rehman in similar situation has been promoted to BS-20 3-days before his retirement on attaining age of superannuation and the petitioner being senior has been deprived, therefore, this instant petition.

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DETAILS OF FACTS:-

1. **PETITIONER:-** That the **Petitioner Muhammad Younas Khattak** is a **Civil Engineer** (B.E-Civil-1987 & PEC Regt 9700) and was initially recommended by KPK (Ex-NWFP) Public Service Commission vide **PSC Letter dated 04.01.1988** for appointment as **Asstt: Engineer (BS-17)** as per its **Final Selection-Order sequence of the qualified candidates**, which had been established after exhausting then **S&GA Department 3-Tier Formula** i.e. **1st: PSC Passing-Merit-Order** of qualified candidates, **2nd: Formation of Block of 24 seats** and then distribution of available vacant Posts of Merit & Zonal quota seats and **3rd: Merit & Zonal quota seats Rotation Sequence** in a Block formula for adjustment of qualified candidates against their Zonal quota seats from their Passing Merit-Order & Zones concerned. Consequent upon the PSC recommendation the **Irrig: & PHE Department** had issued **Appointment Notification dated 26.04.1988**. (Annex-A, B, page- 31, 33)
2. **DEPARTMENT:-** That the Provincial Public Health Engineering (PHE) Department re-established vide E&A Department Notification dated **24-11-2009** (Annex-C, page- 35)
3. That the respondents had earlier **obstructed & deferred the Petitioner's promotion** from BS-17 to BS-18 and other juniors were promoted to BS-18 Posts in the Provincial Selection Board meeting held on 09.03.2010 and Notification issued on 31.03.2010. **This initial obstruction** and the Petitioner claim for service rights made further complications to him. The Petitioner had approached this honorable Court for claim of the constitutionally protected due service rights, but during pendency other juniors, who could not be promoted to BS-18 with the earlier batch on 31.03.2010 for reasons falling on their part and not upon the department, were promoted to BS-18 and further to BS-19.
4. That the Petitioner was promoted to the Post of BS-18 w.e.f. 31.03.2010 vide Public Health Engineering Department

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Notification dated 18.10.2011 and dated 13.06.2016 on the direction of this honorable Court. (Annex-D, E, page- 36, 37).

5. That the Petitioner (BS-18) was posted as "Superintending Engineer (BS-19) PHE Circle D.I.Khan in OPS" vide PHE Department **Notification dated 15.03.2017**. (Annex-F, page- 38).
6. That the respondents had then **obstructed & deferred the Petitioner's promotion** from grade BS-18 to BS-19 and was **deferred** for the first time in PSB meeting held on **24.03.2017** and then subsequently on **28.12.2017** and a junior **Mr. Masood-ur-Rehman** was promoted vide **Notification date 08.01.2018**. (Annex-G, H, J, page- 39, 41, 45).
7. That the Petitioner being aggrieved had approached this honorable Court vide **W.P. No. 891-P/2018** with **humble PRAYER**, reproduced its actual text as following:-

7.
i. the recommendation of the Provincial Selection Board in respect of the petitioner in the PSB meetings held on **24.03.2017 and 28.12.2017 and the Promotion Notification dated 08.01.2018 based on the PSB minutes**, wherein the petitioner has been deferred and obstructed from promotion to the rank of BPS-19, may be declared illegal, coram-non-judice, discriminatory and based on mala-fide. **Furthermore**, order be kindly passed to issued Promotion Notification of the petitioner to the rank of BPS-19 with its retrospective effect and with effect from the date when the promotion of the petitioner was due for BPS-19 and juniors in BS-18 were promoted to BS-19.

7.
ii. the Provincial Selection Board be declared as of no legal value and the Chief Minister Khyber Pakhtunkhwa (competent authority) be directed to constitute a Board working under the chairmanship of the parliamentary members and other stakeholders to deal the promotion cases on neutral basis and the monopoly of a single cadre officers could be avoided which has badly damaged the professional cadres.

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7.
iii. the respondents are liable to be proceeded in Suo-Motu Contempt of Court for their willful contravention, disregard and dishonor of the Constitution of Pakistan and this august Court's judgments dated 09.12.2010 and 20.10.2011, therefore, Suo-Motu Contempt of Court proceeding be initiated against the respondents and be debarred from holding offices of public interest.
7.
iv. to grant in favour of petitioner any other relief as deemed appropriate in the circumstances of the case but not specifically asked for in this petition due to less knowledge.
8. That the Petitioner W.P.# 891-P/2018 was dismissed by this august Court Order dated 30.05.2018, on the ground that "writ petition against deferment of the petitioner by the PSB is not maintainable, hence dismissed, accordingly". The Petitioner was provided NO OTHER REMEDY for claim of constitutionally protected due service rights. (Annex-A22 page- 143).
9. That a so called Inquiry against the Petitioner, initiated after his 2nd time deferment on 28.12.2017, was issued vide PHED letter dated 18.01.2018 to the Inquiry Committee. (Annex-K, page- 46)
10. That the Inquiry Committee had submitted Inquiry Report on date 08.03.2018 and then PHED notified exoneration of the Petitioner vide Notification dated 27.04.2018. (Annex-L, M, page- 47, 51).
11. That the Petitioner's promotion from BS-18 to BS-19 was continuously obstructed for 04 years and kept as Deferred unlawfully. The Petitioner repeatedly submitted Representations for due rights of Promotion to BS-19. (Annex-A16, page- 103).
12. That the Petitioner has been Promoted from BS-18 to BS-19 against the vacant posts of "Superintending Engineers /Directors BS-19" vide PHE Department Notification dated 21.01.2021, after his 33 Years of Service Length whereas required is 12 Years. (Annex-N, page- 52)

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13. That the PHE Department issued a **Tentative Inter-se-seniority** List of BS-19 Officers on **10.02.2021**. The Petitioner was reflected at S.No.7 instead required at S.No.2 (**Annex-P**, page- 53)
14. That the Petitioner submitted **Representation** dated **18.02.2021** & **11.04.2021** for **Correction of Seniority** position in the PHED Tentative Seniority List dated 10.02.2021. (**Annex-Q**, page-55,58)
15. That the Petitioner submitted **Representation** dated **01.06.2021** for **Condonation of Probation Period** in BS-19 and to consider for promotion to next rank of BS-20. (**Annex-R**, page- 59)
16. That the Respondents submitted a **Panel of 04 No. PHED Officers and Working Papers** to Establishment Department for promotion to a vacant post of BS-20 without any final decision on the Petitioner Applications dated 18.02.2021 & 11.04.2021 for Correction in Seniority and dated 01.06.2021 for Condonation of Probation Period. **Out of the above 04 officers Two** were already not eligible due to their age less than 58 years and having no SMC required training, but **were included in the panel** against the promotions policy.
17. That the Respondents had **unlawfully dropped name of the Petitioner** just before placing the above para-16 Working Papers for consideration in the **PSB** meeting held on **30.07.2021**. Thus, a **single officer panel** was considered in the PSB and one **Mr. Qaiser Zaman** was promoted to the selection post of BS-20, despite his Canada dual-nationality, voluntarily return with NAB Peshawar and a junior to the petitioner. PHED Notification dated 11.08.2021. (**Annex-S**, page- 61, 66).
18. That the Petitioner had submitted Representation dated **09.08.2021** to the **Governor KPK** for REVIEW of the PSB held on 30.07.2021 and my Application for **Personal Hearing** dated **25.10.2021**, but not heard and **granted no relief**. (**Annex-T**, page- 67, 68).

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19. That the Petitioner had submitted Representation dated **14.09.2021** to the Chief Secretary KPK for **Personal Hearing** and for **REVIEW** of the PSB held on 30.07.2021 and decision on my other Application dated 18.02.2021 and 01.06.2021, but not heard and **granted no relief.** (Annex-U, page- 69)
20. That the Petitioner had submitted Application dated **29.10.2021** to **communicate decision**, if any, on the Application for Condonation dated 01.06.2021 but no response. **Annex-V, p-70**
21. That the Respondents had **not issued Notification of Final Seniority List (BS-19)** after issuance of the PHED Tentative Seniority List of BS-19 dated 10.02.2021.
22. That the Respondents had placed **Working Papers, on Tentative Seniority List** dated 10.02.2021, to the PSB Meeting held on 30.07.2021 for Promotions of PHED Officers from BS-19 to BS-20.
23. That the Respondents had **issued for 2nd time** the PHED **Tentative Seniority List** of BS-19 dated **24.12.2021** (Annex-W, page- 71).
24. That the Petitioner had submitted **Application** dated **19.01.2022** in connection with earlier Applications dated 18.02.2021 & others for **Correction in the 2nd time** issued PHED **Tentative Seniority List** of BS-19 dated **24.12.2021**, but not decided. (Annex-X, page- 75).
25. That the Respondent PHE Department vide **SO (Estt) PHED Letter** dated **17.02.2021** had submitted **Working Papers, on Tentative Seniority List** dated 24.12.2021, to the Establishment Department for Promotions of PHED Officers from BS-19 to BS-20 against 03 No. available vacant Posts. (Annex-Y, page-78).

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26. That the Petitioner being senior most and fully eligible had submitted **Application dated 18.03.2022** to the Respondents for grant of **Promotion to BS-20 by Circulation** before his Retirement on 04.04.2022. (Annex-Z, page- 79).
27. That the Respondent Establishment Department had issued a **Letter dated 30.03.2022** along with Agenda of PSB Meeting scheduled for 06.04.2022. In the Agenda at S.No.31 a Panel of **09 No. Senior Officers for 03 No. vacant posts** of PHED had been reflected for Promotion from BS-19 to BS-20. (Annex-A1, page- 80).
28. That the Respondents conducted **PSB Meeting on 06.04.2022 & 07.04.2022**. The Respondents had **unlawfully dropped name of the Petitioner** before placing the above para-25 Working Papers for consideration in the **PSB Meeting**. Thus, 03 No. officers who were junior to the Petitioner **were promoted to the selection posts of BS-20**, despite their dual-nationality, voluntarily return with NAB Peshawar, vide E&AD Notifications dated 27.04.2022. (Annex-A2, page- 83, 84).
29. That the Petitioner has submitted **Representation dated 08.04.2022** to the Competent Authority (**Chief Minister KPK**) for grant of Promotion to BS-20 by Circulation with reference to earlier Application dated 18.03.2022, but not responded. (Annex-A3, page- 85).
30. That the Petitioner has submitted **Application dated 09.05.2022** to the Respondents & PHE Department to **Communicate Decision** of the Competent Authority (**Chief Minister KPK**), but not responded. (Annex-A4, page- 86).
31. That the Respondents on a **short notice has conducted PSB Meeting on 27.04.2022** for a single officer of PHE Department and **promoted Mr. Masood-ur-Rehman to BS-20** before his retirement on 30.04.2022. Establishment Department **Notification dated 24.05.2022** is attached. (Annex-A6, page- 87).

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32. That the Respondent PHE Department has issued **Notification dated 25.04.2022**, wherein the Petitioner consequent upon attaining age of superannuation has been retired from govt service as Chief Engineer PHE Department in BS-19. (**Annex-A5**, page- 87).
33. The Petitioner being aggrieved **had earlier approached this Honorable Court** for claim of due service rights, the reason, the **respondents'** actions are entirely based on mala-fide intensions, discriminatory attitude, arbitrary & unconstitutional, illegal and without lawful authority which badly affected the petitioner service career and **deprived** him of his lawful **service rights & financial benefits**. The petitioner is forced to seek his due service rights from the court of law. Petitioner being aggrieved and no adequate remedy available, has been **constrained to file this instant petition** on the following amongst other grounds:-

GROUND:-

- A. That the Petitioner had earlier approached this august Court against the Respondents for claim of his due service rights. And it's the reason that the **Petitioner is forced to seek his lawful rights through the courts of law**, cause the Respondents are conscious of the fact that Petitioner after troublesome exercise in the courts will either succeed or not to achieve his rights but on other side there will be no harm to them for their willful misdoings.
- B. That the PHE Department was re-established on 24.11,2009 and before Nov,2009 it was a merged Works & Services Department. The Petitioner and his group PHE cadre were defending their service rights against other former C&W cadre in the W&S Department and that conflicts badly affected the Petitioner due to cadre discrimination. Then in 2010 and ahead for few years Administrative Secretaries of the re-established PHE Department were from the former opponent cadre (C&WD) to the Petitioner (PHE cadre) who continuously obstructed the Petitioner and badly affected his service career along with financial loss.

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- C. **That the Petitioner in the year 2010 was unlawfully obstructed for promotion from BS-17 to BS-18, thus filed WP No.2751/2010, WP No.1085/2011 and WP No.683/2015 with COC No.1-P/2016 for promotion from BS-17 to BS-18 and for correction of the notification for promotion with retrospective effect. Since all the Petitions were decided in favor of the Petitioner but after many years hard struggle the Petitioner was partially granted due service rights and the Respondents denied financial benefits & arrears. During long pendency & obstruction of the Petitioner's due service rights from BS-17 to BS-18, in the meanwhile most of his juniors were promoted two steps to BS-19, thus the Petitioner could not claim for seniority position against those who were already promoted to next high rank of BS-19. Thus mala-fide of the Respondents is evident on face and the Petitioner is forced to seek his lawful rights through the court of law. (Annex-A17-A21, page-114,118,123,136).**
- D. **That the Petitioner was serving his duties in March, 2017 on the vacant Post of BS-19 as Superintending Engineer PHED D.I.Khan in OPS. The PHE Department had submitted Working Papers of senior officers to Establishment Department for Promotions from BS-18 to BS-19. The Petitioner was unlawfully obstructed in PSB Meeting held on 24.03.2017 and was deferred for no fault on his part. Mala-fide of the Respondents is evident and the Petitioner suffered. (Annex-G, page-39)**
- E. **That the Petitioner was serving his duties on the vacant Post of BS-19 as Superintending Engineer PHED D.I.Khan in OPS. The PHE Department had submitted for 2nd time Working Papers of senior officers to Establishment Department for Promotions from BS-18 to BS-19. The Petitioner was again unlawfully obstructed in PSB Meeting held on 28.12.2017 and was deferred for no fault on his part. And a junior officer Mr. Masood-ur-Rehman was promoted to Seniority-Cum-Fitness Post of BS-19 unlawfully. Mala-fide of the Respondents is evident and Petitioner suffered. (Annex-H,J, page-41, 45).**

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- F. That the Petitioner had file Petition in this honorable Court vide **W.P. No. 891-P/2018** against his unlawful deferment in the PSB Meetings dated 24.03.2017, 28.12.2017 and PHED Promotion Notification dated 08.01.2018. The Petition was dismissed by this august Court Order dated 30.05.2018, on the ground that "writ petition against deferment of the petitioner by the PSB is not maintainable, hence dismissed, accordingly". The Petitioner was provided **NO OTHER REMEDY** for claim of constitutionally protected service rights. Thus, the Petitioner service career, financial benefits and others badly suffered for 04 long years as kept deferred for no fault on his part, despite more than 30 years regular service against required 12 years in BS-17 & above. **Mala-fide of the Respondents** is evident and Petitioner suffered. (Annex-A22, page-143).
- G. That a so called **Inquiry** against the Petitioner, initiated after his **2nd time deferment** dated 28.12.2017, was issued vide PHED letter dated 18.01.2018 to the Inquiry Committee. The Inquiry Committee had submitted **Inquiry Report** on date 08.03.2018 and then PHED notified **exoneration** of the Petitioner vide **Notification** dated 27.04.2018. **Findings of the Inquiry Report** were much more than a special report in respect of the Petitioner. **Mala-fide of the Respondents** is evident and Petitioner suffered. (Annex-K,L,M, page-46, 47, 51).
- H. That the **Petitioner** after 04 years unlawful deferment was **promoted** from BS-18 to **BS-19** vide PHED **Notification** dated 21.01.2021 but **no retrospective benefits** were granted of the unlawful deferment. Thus, the Petitioner service career, financial benefits and others badly suffered for 04 long years as kept deferred for no fault on his part, despite more than 30 years regular service against required 12 years in BS-17 & above. **Mala-fide of the Respondents** is evident and the Petitioner suffered. (Annex-N, page-52).

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- I. That the Respondent PHE Department had issued Tentative Seniority List dated 10.02.2021 of BS-19 officers. The Petitioner had submitted **Representation dated 18.02.2021 & 14.04.2022** (Annex-Q, page-55) **for correction of seniority position** in the Seniority List of BS-19 with reference to the actual seniority position of the Petitioner identified by the Public Service Commission vide **PSC Letter dated 04.01.1988** (Annex-A, page-31) issued for appointment of Asstt: Engineer (BS-17) as per its **Final Selection-Order sequence of the qualified candidates**, which had been established after exhausting then **S&GA Department 3-Tier Formula i.e. 1st: PSC Passing merit-order of qualified candidates, 2nd: Formation of Block of 24 seats and then distribution of available vacant Posts of Merit & Zonal quota seats and 3rd: Merit & Zonal quota seats Rotation Sequence in a Block formula for adjustment of qualified candidates against their Zonal quota seats from Passing Merit-Order & Zones concerned.** Consequent upon the PSC recommendation the **Irrig: & PHE Department** had issued **Appointment Notification dated 26.04.1988.** Since the Petitioner from the date of his initial appointment has never been superseded during his entire regular service in PHE Department, therefore, **Petitioner actual Seniority-Position /Final-Selection-Order** reckoned with reference to his other colleagues by the PSC vide Letter dated 04.01.1988 **shall remain intact.** Representation of Petitioner not decided thus **Mala-fide of the Respondents** is evident and the Petitioner suffered.
- J. That the Petitioner had submitted **Representation dated 01.06.2021 for Condonation of Probation Period** and consideration for promotion to next grade of BS-20 on the grounds of regular service on BS-19 Post since 15.03.2017 and unlawful deferment for 04 years. And that exemption in probation period was already granted to so many officers in PHED. **But no response** as it was not communicated. **Mala-fide of the Respondents** is evident and the Petitioner suffered. (Annex-R, page-59)

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K. That the Respondent PHE Department had submitted a Panel of 04 No. Senior Officers and Working Papers to Establishment Department for promotion to a vacant post of BS-20 (Annex-S PSB agenda Addl: item No.04, page-61-66), whereas the Petitioner Applications dated 18.02.2021 & 11.04.2021 (Annex-Q, page-55) for Correction in Seniority and Appl: dated 01.06.2021 (Annex-R, page-59) for Condonation of Probation Period were kept pending and no final decision of the competent authority communicated. Details are given as following:

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i. Two No. Officers out of the above 04 were already not eligible, due to their age less than 58 years and having no Senior Management Course (SMC) required training for officers of age less than 58 years, but they were included in the panel against the promotions policy, cause only eligible officers can be included in the Panel for consideration in PSB. Mala-fide of the Respondents is evident.

k

ii. The Respondents/Establishment Deptt had not brought the herein-above Applications of the Petitioner dated 01.06.2021 in the notice of the PSB for its consideration, cause same condonation in probation were already granted to other officers of PHED & W&SD. Mala-fide of the Respondents is evident. (Annex-A7- A11, page-89,90,92,93,97).

k

iii. The Respondents/Establishment Deptt had unlawfully dropped name of the Petitioner, being senior most among the above 04, just before placing the Working Papers for consideration in the PSB meeting held on 30.07.2021. Thus, a junior officer, meaning one person panel, was considered in the PSB and the one, Qaiser Zaman, was promoted to the selection post of BS-20, despite conditionality, his Canada dual-nationality, voluntarily return with NAB Peshawar and also a junior to the petitioner. E&AD Notification dated 11.08.2021, (Annex-S page-66). Mala-fide of the Respondents is evident and the Petitioner suffered.

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- iv. That the Petitioner had submitted **Representation dated 09.08.2021 & 25.10.2021** to the Governor Khyber Pakhtunkhwa and dated 14.09.2021 to the Chief Secretary for Review of the PSB recommendations dated 30.07.2021 and requested for Personal Hearing, but not heard, (Annex-T, page-67, 68). **Mala-fide of the Respondents** is evident and the Petitioner suffered.
- k
- v. That the Petitioner had submitted **Reminder dated 29.10.2021** to the Secretary PHE Department for decision on the Condonation Application dated 01.06.2021; but not responded, (Annex-V, page-70). **Mala-fide of the Respondents** is evident and the Petitioner suffered.
- L. That the Respondent **PHE Department issued again a Tentative Seniority List (BS-19) dated 24.12.2021** for 2nd without issuing a Notification of Final Seniority List (BS-19) of the earlier Tentative Seniority List (BS-19) dated 10.02.2021. **Mala-fide of the Respondents** is evident. (Annex-W, page- 71)
- M. That the Petitioner had submitted a **Representation dated 19.01.2022 for correction in the Tentative Seniority** dated 24.12.2021 with reference to the Petitioner earlier Application dated 18.02.2021. But not responded. **Mala-fide of the Respondents** is evident. (Annex-X, page-75)
- N. That the Respondents had **not issued Notification of Final Seniority List (BS-19)** after issuance of the PHED Tentative Seniority List (BS-19) dated 24.12.2021 and the earlier one issued on 10.02.2022, but processed case for promotions. **Mala-fide of the Respondents** is evident. (Annex-P,W, page-53,71).
- O. That the Respondent PHE Department **vide SO (Estt) PHED Letter dated 17.02.2022** had submitted a **Panel of 09 No. Senior Officers (BS-19) and Working Papers**, on Tentative Seniority List dated 24.12.2021, to the Establishment Department for Promotions of PHED Officers to **03 No. vacant posts of BS-20**. The Petitioner Applications dated 19.01.2022, 18.02.2021, 11.04.2021 and 01.6.2021 etc for Correction in Seniority and for Condonation of Probation Period were kept pending and no final decision of the competent authority communicated. **Mala-fide of the Respondents** is evident and Petitioner suffered. Annex-Y, page-78

- P. **That the Petitioner being senior most as per sequence of actual Final Selection-Order vide Public Service Commission Letter dated 04.01.1988 and during entire service the Petitioner has never been superseded, therefore, fully eligible and had submitted Application dated 18.03.2022 to the Respondents for grant of Regular Promotion to BS-20 by Circulation before his Retirement on 04.04.2022. (Annex-Z, page-79).**
- Q. **That the Respondent Establishment Department had issued vide SO(PSB) Letter dated 30.03.2022 along with Agenda of PSB Meeting scheduled for 06.04.2022. In the Agenda at S.No.31 a Panel of 09 No. Senior Officers for 03 No. vacant posts of PHED had been reflected for Promotion from BS-19 to BS-20. Mala-fide of the Respondents is evident and Petitioner suffered cause his Retirement on 04.04.2022. (Annex-A1, page-80).**
- R. **That the Respondents conducted PSB Meeting on 06.04.2022 & 07.04.2022 with reference to SO(PSB) Letter dated 30.03.2022 as herein-above para-Q. Whereas, the Petitioner Applications dated 19.01.2022, 18.02.2021, 11.04.2021 and 01.6.2021 etc for Correction in Seniority and for Condonation of Probation Period were kept pending and no final decision of the competent authority communicated. Details are given as following:-**
- i. **The Respondents had unlawfully dropped name of the Petitioner before placing the Working Papers for consideration in the PSB Meeting (Annex-Y,page-78). Mala-fide of the Respondents is evident, cause neither the Petitioner Application dated 18.03.2022 was entertained for his Regular Promotion to BS-20 nor his Working Papers were placed before PSB for his Promotion with retrospective effect from date when the Posts of BS-20 fell vacant, thus badly violated Laid down Principle of the Honorable Supreme Court of Pakistan vide Judgement 1985-SCMR-1158 having binding effect as per art-189 & 190 of the Constitution of Pakistan and the Respondents are liable to be proceeded for Suo-Motu Contempt of Court for willful disregard of the Apex Court standing orders which were already brought in their notice.**

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- ii. That, **03 No. officers** who were junior to the Petitioner were promoted to the selection posts of **BS-20** in the **PSB Meeting held on 07.04.2022**, despite conditionality, their dual-nationality and voluntarily return with NAB Peshawar, vide **PHED Notifications dated 27.04.2022**. **Mala-fide of the Respondents** is evident and Petitioner suffered. (Annex-A2, page-83,84).
- S. That the Petitioner had submitted **Representation dated 08.04.2022** to the Competent Authority (**Chief Minister KP**) for grant of Promotion to BS-20 with reference to earlier Application dated 18.03.2022, but not responded. **Mala-fide of the Respondents** is evident and Petitioner suffered. Annex-A3, page-85).
- T. That the Petitioner had submitted **Application dated 09.05.2022** to the Respondents & PHE Department to **Communicate Decision** of the Competent Authority (**Chief Minister KP**), but not responded. **Mala-fide of the Respondents** is evident. (Annex-A4, page-86).
- U. That the Respondents on a **short Notice** has conducted **PSB Meeting on 27.04.2022** for a single officer of PHE Department and promoted **Mr. Masood-ur-Rehman** to **BS-20** before his retirement on 30.04.2022. Establishment Department Notification dated **24.05.2022** is attached. **Discrimination and Mala-fide of the Respondents** are evident, cause a similar case and Application of the Petitioner dated 18.03.2022 was not entertained, whereas for another junior officer Masood-ur-Rehman a special PSB Meeting dated 27.04.2022 was called before his retirement just after 03 days on 30.04.2022. (Annex-A6, page-88)
- V. That the Respondent PHE Department has issued Notification dated 25.04.2022, wherein the Petitioner consequent upon attaining age of superannuation has been retired from govt service as Chief Engineer PHE Department in BS-19. (Annex-~~88~~, page-~~87~~)

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 22 JUN 2022

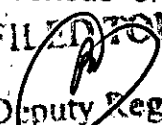
W. That the respondents willfully contravene, disregard and dishonor the Constitution of Pakistan and they willfully obstructed the Petitioner from the very beginning from promotion to BS-18, then to BS-19 and then to BS-20, cause of their mala-fide intentions, discriminatory attitude and lawlessness which badly affected the petitioner service career and also financial loss faced directly and indirectly. They had already been warned by this honorable Court vide Judgment dated 09.12.2010 in W.P No-2751/2010, Judgment dated 20.10.2011 in W.P No-1085/2011 and in COC No.1-P/2016 in WP No.683-P/2016, thus the respondents are liable to be proceeded in Suo-Motu Contempt of this august Court and the Apex Court judgements. The Respondents lawlessness attitude is based and connected with background history which has affected service career and financial loss to the Petitioner. The Respondents know that there would be no harm to them for their misdoings, but on the other hand the Petitioner and similar other employees would badly suffer for one & other reasons in the Courts of Law bearing own cost whereas for the Respondents the Law Deptt / AG Office would defend at the cost of govt treasury. (Annex-A7-A11 & A16-A21, page-89,90,92,93,95,96,97 & 103-113,114-142).

X. That the Respondents have acted in excess of power & authority and obstructed to defer the promotion of the Petitioner to BS-18 for 02 years (2010-11) directly and 06 years (2010-2016) indirectly for getting retrospective effect, to BS-19 deferred for 04 years (2017-20) directly and 08 years (2013-20) indirectly as juniors to petitioner were promoted and then finally obstructed for BS-20 directly and indirectly till retirement from service on 04.04.2022. **The Respondents acted against law & policy and also contrary to terms & conditions of service**, thus badly damaged due service rights of the Petitioner.

Y. That the Respondents' actions have adversely affected the service career of the petitioner and deprived him from his lawful rights of service experience on high rank posts at proper time.

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Deputy Registrar

- Z. That acts of the Respondents are **arbitrary**, hence intervention of this hon'able Court is essential. As a matter of facts **Petitioner has prime-facie case**, has accrued lawful rights but the Respondents with their mala-fide intention have kept him deprived from promotion, infringed his lawful rights, caused damage and irreparable loss to his service career. Principle of balance of convenience also lies in favor of the Petitioner.
- AA. That the Chief Executive /Chief Minister Khyber Pakhtunkhwa has not constituted Khyber Pakhtunkhwa Provincial Selection Board (PSB) through any standing Notification for considering promotions of various cadre officers for BS-17 and above. Thus, a self-constituted PSB of Officers from Federal/Provincial Cadre Services and Non-Engineer Cadres is nothing but a team to grasp powers beyond jurisdiction which badly damage service careers of other professional cadre officers which force them roaming in the courts of law, whereas on other hand they enjoy administrative posts and incentives upto BS-22 instead retiring from service in BS-20 like other professional cadre officers. The process is unconstitutional and mala-fide on the rights of other professions thus need reconstitution.
- BB. That the PSB meeting held 24.03.2017, 28.12.2017 for Petitioner Promotion to BS-19 and then PSB meeting held on 30.07.2021 & 06.04.2022 for Petitioner Promotion to BS-20 have been attended by the officers from Federal/Provincial Cadre Services only who have decided fate of the professional engineers at their own good will and personal liking disliking, thus the recommendations of the PSB was decision of the Respondent No-1 and his sub-ordinates only and not a neutral Board thus its decisions are liable to be struck down as void.
- CC. That the competent authority (Respondent No.2) has **not constituted** a neutral KPK Provincial Selection Board (PSB) and its Members, through any such notification thus recommendations of the PSB are unlawful and void. The PSB needs to be properly constituted by the competent authority with the consensus of all stakeholders.

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 Deputy Registrar

HUMBLE SUBMISSIONS AND PRAYER:-

In light of the herein-above mentioned facts and grounds it is, therefore, humbly submitted that on acceptance of the petition this honorable Court may kindly be pleased for the following:-

- i. the petitioner has never been superseded during his entire regular service from the date of appointment till retirement, therefore, his actual inter-se-seniority reckoned with reference to his other colleagues identified by PSC on 04.01.1988 remains intact. Therefore, regular promotion of the petitioner already made to BS-19 vide Notification dated 21.01.2021 may be allowed with retrospective effect i.e. either from the date when his juniors were promoted or at least from the date when the petitioner was first time deferred on 24.03.2017 to BS-19, along with grant of service rights and its financial benefits which have been unlawfully infringed.
- ii. the petitioner being fully eligible for promotion to BS-20 as per Working Papers which have already been submitted by PHE Department to Provincial Selection Board (PSB) through Establishment Department for the PSB Meetings held on 30.07.2021 and then on 06.04.2022 but for no reason the Petitioner was excluded without approval of the competent authority just before placing of the Working Papers in the PSB meetings for considerations and then his juniors were promoted to BS-20. Therefore, Notification of regular promotion of the petitioner may be allowed to BS-20 with retrospective effect, i.e. either from the date when posts of BS-20 fell vacant in PHE Department or at least from the date when juniors to the petitioner were promoted to BS-20, along with grant of service rights and its financial benefits which have been unlawfully infringed.
- iii. the respondent PHE Department has issued retirement Notification dated 25.04.2022 in respect of the petitioner, therefore, consequent upon issuance of Notification of the

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Deputy Registrar

petitioner to BS-20 on regular basis, thereafter retirement Notification of the petitioner may also be allowed in BS-20 as Chief Engineer PHE Department Khyber Pakhtunkhwa instead in BS-19, along with service rights and financial benefits which have been unlawfully infringed.

- iv. the Petitioner had been promoted from BS-17 to BS-18 with retrospective effect vide PHE Department Notifications dated **18.10.2011** and dated **13.06.2016** on the directions of this Honorable Court vide Judgements in WP No.2751/2010, WP No.1085/2011 and WP No.683/2015 with COC No.1-P/2016. Since all the Petitions were decided in favor of the Petitioner but the Respondents had denied financial benefits & arrears, therefore, the petitioner **due arrears of BS-18 with effect from 31.03.2010** may be allowed.
- v. This Honorable Court had decided the petitions in WP No.2751/2010, WP No.1085/2011 and WP No.683/2015 with COC No.1-P/2016 in favour of the Petitioner, thus benefits granted resultant of butterfly effect of these judgements continued as implied directions to respondents to abstain from such unlawful actions in future but the respondents badly violated instructions of this Honorable Court and **obstructed & deferred the Petitioner's promotion** by one way or other till his retirement from service. **Therefore**, the Provincial Selection Board, which has not been notified by the provincial govt, be declared as of no legal value and the respondent Chief Minister Khyber Pakhtunkhwa (competent authority) be directed to constitute a Board working under his chairmanship or the parliamentary members accompanied with other stakeholders to deal the promotion cases on neutral basis and the unlawful monopoly of a single cadre officers /non-professional cadres could be avoided in future which has badly damaged working & service rights of the professional cadres in the province.
- vi. the respondents are liable to be proceeded in Suo-Motu Contempt of Court for their willful contravention, disregard and dishonor of

the Constitution of Pakistan and this august Court's judgments dated 09.12.2010 and 20.10.2011 in WP No.2751/2010, WP No.1085/2011 and WP No.683/2015 with COC No.1-P/2016 and Honorable Apex Court Judgements 1985-SCMR-1158 & others having binding effect as per art-189 & 190 of the Constitution of Pakistan 1973, therefore, Suo-Motu Contempt of Court proceeding be initiated against the respondents and be debarred from holding offices of public interest.

- vii. And to grant in favour of petitioner any other relief as deemed appropriate by the Honourable Judge in the given circumstances of the case.

Through:


COUNSEL



PETITIONER

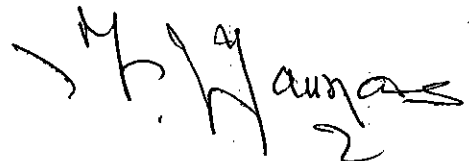
CERTIFICATE:

It is hereby declared and certified that the petitioner has filed no such case in any other court of law regarding the matter in question.

Through:

Date 22/06/2022.


COUNSEL


PETITIONER

Reference Books:

Constitution of Pakistan 1973, Supreme Court Rules,
K.P.K EstaCode, Civil Servants Act-1973, Service Tribunals Act 1974.

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Deputy Registrar
22 JUN 2022

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 2341- - P / 2022.

Muhammad Younis Khattak
Chief Engineer (Retd) PHE Department, Peshawar. (Petitioner)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others. --- (Respondents)

AFFIDAVIT:

I, Muhammad Younas Khattak S/o Moin-ud-Din (the Petitioner) resident of Nowshera Cantt, do hereby solemnly affirm and declare on Oath that the contents of the captioned writ petition filed in this honorable High Court Peshawar are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

M Younas
DEPONENT

N.I.C # 11101-0433164-9 ✓

Cell# 0300 5885636

Identified by;
DATE: 22/06/2022

NEELAM A-KHAN
ASC

Neelam A Khan
COUNSEL:

FILED TODAY
Deputy Registrar
22 JUN 2022

No: 10718

Certified that the above was verified on solemnly affirmation before me in office, this 22 day of June 2022 by M. Younas Khattak s/o Moin ud din r/o Nowshera who was identified by Neelam A. Khan Who is personally known to me:

[Signature]
Oath Commissioner
Peshawar High Court Peshawar
22/06/2022

Madam verified



Online Service for verification of NADRA Identity Card



Card Verification

Identity Card Number : 11101-0433164-9

Verification Date : June 22, 2022



[Start New Verification](#)

This person has been given exemption of expiry being Senior Citizen and does not require renewal for rest of his or her life.

CNIC Verification

Card Status: Verified

Name	Muhammad Younis
Father Name	Moin Ud Din
Gender	Male
Country of Stay	Pakistan
Citizen Number	11101-0433164-9
DOB	05-04-1962
Issue Date	29-07-2015
Date of Expiry	29-07-2025
Card Type	Smart CNIC
Old NIC	15562402448
Present Address	سٹیشن روڈ، مکان نمبر 22/1، نوشہرہ کینٹ، تحصیل و ضلع نوشہرہ
Permanent Address	سٹیشن روڈ، مکان نمبر 22/1، نوشہرہ کینٹ، تحصیل و ضلع نوشہرہ

BEFORE THE PESHAWAR HIGH COURT PESHAWARWrit Petition No. 2341 - - P / 2022.

Muhammad Younis Khattak
Chief Engineer (Retd) PHE Department, Peshawar. (Petitioner)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others. --- (Respondents)

ADDRESSES OF PARTIES:

Muhammad Younas Khattak,
Chief Engineer (Retd),
H.No. 22/1, Cantt Station Road, Nowshera.

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Chief Minister Khyber Pakhtunkhwa, through Principal Secretary, Chief Minister Secretariat Peshawar.
4. Federal Secretary, Establishment Division, Cabinet Secretariat Islamabad through Deputy Attorney General Peshawar High Court.
5. Additional Chief Secretary P&D Department Civil Secretariat Peshawar.
6. Provincial Selection Board Khyber Pakhtunkhwa, through Secretary Establishment Deptt: Civil Secretariat Peshawar.
7. Senior Member Board of Revenue Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
8. Secretary PHE Department Works Secretariat Peshawar.
9. Secretary Law Department, Civil Secretariat Peshawar.
10. Secretary Finance Department Civil Secretariat Peshawar.
11. Special Secretary Regulations, Establishment Deptt: Civil Secretariat Peshawar.
12. Accountant General Khyber Pakhtunkhwa Fort Road Peshawar.
13. Section Officer (PSB), Establishment Deptt: Civil Secretariat Peshawar.
14. Section Officer (Estt) PHE Department, Works Secretariat Peshawar.

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Deputy Registrar
22 JUN 2022

(RESPONDENTS)

Through:
Date: 22 / 06 / 2022

COUNSEL:

Muhammad Younis Khattak
PETITIONER

CONFIDENTIAL

Telephone No. 75085



Annex
 Section Officer
 Public Health Engg. Department
 Khyber Pakhtunkhwa

From: Secretary,
 Public Service Commission
 Peshawar Cantt.

To: The Secretary,
 Irrigation & Public Health Engineering Dept.

No. 10440-FNE/4

Dated 4 Jan, 1988

Subject: Recruitment of Assistant Engineers Civil in P.H.E. D

Sir,

I am directed to refer to your letter No. SO(E)IRPHE/4-3 dated 3.8.87 on the subject noted above and in state that Comm: recommends the following for appointments:-

Vacancy Relation	Allocation	Merit Order	Name and Father Name	Domicile	Adjustment
2ND BLOCK					
20th	Zone-2	22	Mr Fazle Subhan S/O ✓ Fazli Khaliq	Peshawar	Own Quota
21st	Zone-3		No qualified candidate.		
3RD BLOCK					
1st	Merit	35	Syed Javed Iqbal S/O ✓ Ayub Shah	Peshawar	Merit quota
2nd	Zone-1	-	No qualified candidate.		
3rd	Zone-2	37	Mr Abdur Sadi S/O ✓ Abdul Aziz	Peshawar	Own quota
4th	Zone-3	-	No qualified candidate.		
5th	Zone-4	62	Mr. Muhammad Badiq S/O ✓ Khusro Sharif	Karak	Own quota
6th	Zone-5	-	No qualified candidate.		
7th	Merit	40	Mr Abdul Latif Khan S/O ✓ Dilbar Khan	Mardan	Merit quota
8th	Zone-1	-	No qualified candidate.		
9th	Zone-2	44	Mr Khameed S/O ✓ Pezal Hussain	Mardan	Own quota
10th	Zone-3	-	No qualified candidate.		

nc

- 11th Zone-4 63 Mr Muhammad Younis S/O Moinud Din ✓ Peshawar Own quota
- 12th Zone 5 - No qualified candidate.
- 13th Merit 45 Mr Ishrat Ali S/O Bisharat Ali ✓ Peshawar Merit quota
- 14th Zone-1 - No qualified candidate.
- 15th Zone-2 48 Mr Baharullah Khan S/O ✓
Muhammadulish Khan Peshawar Own quota

2- The following candidates of zone 2 & 4 are adjusted against the unfilled share of zone 1, 3 & 5, subject to subsequent compensation by the beneficiaries

- 2ND BLOCK**
- 1st Zone-3 52 Mr Liaqat Ali S/O Yousef Ali ✓ Peshawar Against Zone-2
 - 2nd Zone-1 54 Mr Qaiser Zaman S/O ✓
Muhammad Zaman Khan Mardan Against Zone-2
 - 4th Zone-3 55 Mr Asjad Ali S/O Issud Din ✓ Peshawar Against Zone-2
 - 6th Zone-5 56 Mr Farid Ahmad S/O ✓
Abdul Rashid Khan Peshawar Against Zone-2
 - 8th Zone-1 65 Mr Gul Shahid Khan S/O ✓
Azam Badshah Karak Against Zone-4
 - 10th Zone-3 66 Mr Niazatullah S/O ✓
Muhammad Ibrahiz DIKhan Against Zone-4
 - 12th Zone-5 80 Mr Sarfraz Jahon S/O ✓
Shafiq ul Jan Jannu Against Zone-4
 - 14th Zone-1 87 Mr Masood-Ur-Rahman Khan S/O ✓
Abdur Rehman DIKhan Against Zone-4

Up-to-date Zonal stats after filling in the above vacancies will be as f

	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share:-	9	1	11	10	8	8	57
Adjustment:-	9	4	20	7	15	2	57
Net:-	-	3	-9	3	-7	+6	-

Schedule of Ex-Servicemen and disable persons is Nil.

Recommendations in favour of the recommendees are provisional subject to medical fitness and paraul of ACKs on Merit No. 22, 55 and 80 which may please made available by the department at the earliest.

Original applications (with enclosures) of the recommendees are with for your record. Please acknowledge receipt.

(Signature)
Abdus Salam
Deputy Secretary

(Handwritten initials)

GOVERNMENT OF N.Y.F.P.
IRRIGATION AND PUBLIC HEALTH
ENGINEERING DEPARTMENT.

NO. SO(E)J&PHE/4-3/81/4625-4/33
Dated Pesh: the 26/4/1988.

NOTIFICATION.

Annex-B

Consequent upon the recommendations of the N.Y.F.P., Public Service Commission, the following recommendees are hereby appointed as Assistant Engineers in the Public Health Engineering Department, on temporary basis in BS-17(2065-155-3925) with usual allowances on the terms and conditions already accepted by them. On appointment their services are hereby placed at the disposal of the Chief Engineer, Public Health Engg: Department for further posting.

2. They would undergo four (4) months initial training in line with para-1-16 of B & R Manual of orders. On the expiry of training (during last week of training period) the examination would be held in the office of the Chief Engineer, Public Health Engg: Department and if they qualify the examination would be considered ^{fit} for assigning the regular charge.

3. They should report to the Chief Engineer, Public Health Engg: Department within one month for initial training after issuance of this Notification or otherwise their appointment shall be considered as cancelled:-

S.No.	Recommendees.
1.	Mr. Fazli Subhan S/O Fazli Khaliq.
2.	Syed Javed Iqbal S/O Ayub Shah.
3.	Abdus Sami S/O Abdul Aziz.
4.	Abdul Latif Khan S/O Dilbar Khan.
5.	Khanzeb S/O Fazal Hussain.
6.	Ishrat Ali S/O Basharat Ali.
7.	Baharullah Khan S/O Mohammedullah Khan.
8.	Ishaq Ali S/O Yousaf Ali.
9.	Qaiser Zaman S/O Mohammad Zaman.
10.	Amjad Ali S/O Imaduddin.
11.	Farid Ahmad Khan S/O Abdur Rashid Khan.
12.	Mohammad Siddique S/O Mohammad Sharif.

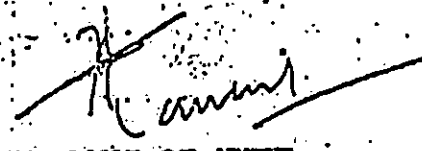
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13. Mr. Muhammad Younis S/O Moinuddin.
14. Mr. Gul Shahid Khan S/O Azam Dad Shah.
15. Mr. Niamatullah S/O Mohammad Ibrahim.
16. Mr. Sarfaraz Jehan S/O Shafiqullah Khan.
17. Mr. Masoodur Rehman S/O Abdur Rehman.

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4. The appointment of the recommendees at Serial No. 1, 10 and 16 shall be subject to the condition that their previous service A.C.Rs are found satisfactory by this department.


7 SECRETARY TO GOVT. OF NWFP,
IRRIGATION AND PHE DEPARTMENT.

Endst: No. SO(E) I&PHE/4-3/81.

Dated 25-4-1988.

Copy forwarded for information and necessary action to the:-

1. Accountant General, NWFP, Peshawar.
2. Chief Secretary to Govt. of NWFP, Peshawar.
3. Secretary, Public Service, NWFP, Peshawar w/r to his letter NO. 10440-PHE/4, dated 4-1-1988.
4. Chief Engineer, Public Health Engg. Department, Peshawar.





Annex-C 35

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMIN. DEPARTMENT
(Regulation Wing)**

Dated Peshawar, the 24th November, 2009

ORDER

No. SO(O&M)E&AD/2-22/2006-Vol-IV. Consequent upon the bifurcation of Works and Services Department into Communication and Works Department and Public Health Engineering Department, and in pursuance of the Establishment Administration Department Notification No. SO(O&M)E&AD/2-22/2006-Vol-III dated 24-11-2009, the competent authority is pleased to order that the Engineers and staff working in their respective defunct departments before merger of Communication & Works Department and Public Health Engineering Department shall revert back to the re-established Communication & Works Department and Public Health Engineering Department as per terms & conditions of their initial recruitment.

**CHIEF SECRETARY
GOVERNMENT OF NWFP**

Endst. No. & Date Even

Copy to:-

1. The Additional Chief Secretary, NWFP, P&D Department.
2. The Additional Chief Secretary (Home), Home Department.
3. The Additional Chief Secretary (FATA), FATA Secretariat.
4. All Administrative Secretaries to Govt. of NWFP.
5. The Secretary to Governor, NWFP.
6. The Principal Secretary to Chief Minister, NWFP.
7. All Divisional Commissioners in NWFP.
8. All Heads of Attached Departments, NWFP.
9. Director Information, NWFP.
10. All District Coordination Officers/Political Agents in FATA.
11. Accountant General, NWFP.
12. Registrar Peshawar High Court, Peshawar.
13. Registrar Service Tribunal, NWFP Peshawar.
14. Secretary Public Service Commission, NWFP Peshawar.
15. Private Secretary to Governor, NWFP.
16. Private Secretary to Chief Minister, NWFP.
17. All PSs to Provincial Ministers in NWFP.
18. PS to Chief Secretary, NWFP.
19. Controller, Government Printing Press Peshawar.
20. The Section Officer (Secrete), Establishment Department, NWFP.


(JAN SAID)
SECTION OFFICER (O&M)

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

Dated Peshawar, the October 18, 2011.

NOTIFICATION

36

No.SO(Estt)/PHED/1-17/2011 Consequent upon recommendations of the Provincial Selection Board (PSB), in its meeting held on 05-10-2011, the competent authority has been pleased to promote the following Assistant Engineers/Sub Divisional Officers (BPS-17) of the Public Health Engineering Department to the post of Executive Engineer (BPS-18) on regular basis, with immediate effect.

1. Mr. Liaqat Ali
2. Mr. Muhammad Younas
3. Mr. Gul Shahid
4. Mr. Kaiser Farooq
5. Mr. Shaukat Rehman

Annex-D

2. They will be on probation for a period of one year.
3. In order to actualize their promotion, the competent authority is further pleased to order the postings/transfers of the following officers, with immediate effect, in the public interest:-

S. No	Name	From	To	Remarks
1.	Mr. Liaqat Ali	SDO PHE Khyber Agency (FATA)	Design Engineer (BS-18) O/o the C.E (South) PHED Peshawar	On regular basis
2.	Mr. Muhammad Younas	Section Officer (Tech) PHE Secretariat Peshawar	Technical Officer (BS-18) O/o the C.E (South) PHED Peshawar	On regular basis
3.	Mr. Gul Shahid	Executive Engineer (OPS) PHE Division Shangla	Executive Engineer (BS-18) PHE Division Shangla	On regular basis
4.	Mr. Kaiser Farooq	Executive Engineer (OPS) PHE Division Mansehra	Executive Engineer (BS-18) PHE Division Mansehra	On regular basis
5.	Mr. Shaukat Rehman	Executive Engineer (OPS) PHE Division Battagram	Executive Engineer (BS-18) PHE Division Battagram	On regular basis

sdj
**(ENGR. YOUSAF JAMAL)
SECRETARY PHED**

Endst: No.SO(Estt)/PHED/1-17/2011

Dated Peshawar, the October 18, 2011

Copy forwarded for information and necessary action to the:-

1. Additional Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Additional Chief Secretary (FATA) Warsak Road Peshawar.
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
4. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar.
5. Secretary to Governor Khyber Pakhtunkhwa Peshawar.
6. Secretary E&A Department Khyber Pakhtunkhwa Peshawar
7. Accountant General Khyber Pakhtunkhwa Peshawar.
8. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
9. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
10. Chief Engineer (South/North) PHE Department Khyber Pakhtunkhwa, Peshawar.
11. Chief Engineer (FATA) Works & Services Department, Peshawar.
12. Deputy Secretary (Admn) PHE Department Peshawar
13. All Superintending Engineers in PHE Department Khyber Pakhtunkhwa.
14. All Executive Engineers in PHE Department Khyber Pakhtunkhwa.
15. District/Agency Accounts Officer concerned.
16. Manager Govt: Printing Press Peshawar for publication in the next issue of Govt Gazette.
17. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
18. Officers concerned.
19. Office Order/Personal Files

AC

[Signature]
**(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTT)**



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the June 13, 2016

NOTIFICATION

Annex E 37

No.SO(Estt)/PHED/14-10/2012: Pursuant to the Peshawar High Court Peshawar Order dated 19-04-2016, passed in COC No:1-P/2016 in Writ Petition No.683-P/2015 as a sequel to Peshawar High Court Peshawar Judgment(s) dated 27-10-2015 & 20-10-2011, rendered in Writ Petition(s) No.683-P/2015 and No.1085/2011 respectively, the competent authority has been pleased to approve the ante dated promotion of Mr. Muhammad Younas Khattak, Technical Officer o/o the Chief Engineer (South) PHE Peshawar, from BPS-17 to BPS-18 w.e.f. the date when his juniors were promoted i.e. 31-03-2010 instead of 18-10-2011, while partially modifying this Department's notification No.SO(Estt)/PHED/1-17/2011 dated 18-10-2011 to the extent of the petitioner.

2. Nexus to the above, the officer has already gained his inter-se-seniority of the lower post of Assistant Engineer/SDO (BPS-17) amongst his colleagues in terms of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

**SECRETARY
PHE DEPARTMENT**

Endst: No.SO(Estt)/PHED/14-10/2012:

Dated Peshawar, the June 13, 2016

Copy forwarded to the:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa, C&W Department Peshawar.
4. Secretary to Govt: of Khyber Pakhtunkhwa, Law Department Peshawar.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Additional Registrar (Judl:), Peshawar High Court Peshawar w/r to Peshawar High Court judgments/orders quoted above.
7. Advocate General, Khyber Pakhtunkhwa Peshawar.
8. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar.
9. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
10. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
11. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
12. PS to Secretary PHE Department Khyber Pakhtunkhwa.
13. Officer concerned.
14. Office Order / Personal Files.


(SAJID NAWAZ)
SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the March 15, 2017

NOTIFICATION

No.SO(ESTT)/PHED/1-46/2016-17: The competent authority has been pleased to order the following postings/transfers of officers of the Public Health Engineering Department, in the interest of public on administrative grounds:-

S.No	Name	From	To	Remarks.
1.	Engr. Abdul Latif, BPS-19	Superintending Engineer PHE Circle Bannu	Superintending Engineer PHE Circle Abbottabad	Against the vacant post
2.	Engr. Muhammad Sadiq Khattak, BPS-18	Superintending Engineer HQ (North) PHE Peshawar	Superintending Engineer PHE Circle Malakand	Against the vacant post in his own pay & scale
3.	Engr. Muhammad Younas, BPS-18	Technical Officer (South) PHE Peshawar	Superintending Engineer PHE Circle D.I. Khan	Against the vacant post in his own pay & scale

SECRETARY

No.SO(ESTT)PHED/1-46/2016-17

Dated Peshawar, the March 15, 2017

Copy forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar
3. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar
4. Superintending Engineer PHE Circle Bannu/D.I. Khan/Malakand/Abbottabad.
5. Executive Engineers PHE Divisions concerned.
6. District Accounts Officer Bannu/D.I. Khan/Malakand/Abbottabad.
7. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
8. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
9. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar.
10. Officers concerned.
11. Office Order / Personal Files.

SECTION OFFICER (ESTT)

Smpt
21/3/2017

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CONFIDENTIAL
IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUKHWA 39
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-15/2016/P-32
Dated Peshawar, the 05.04.2017

To

The Secretary to
Government of Khyber Pakhtukhwa,
PHE DEPARTMENT

Annex - G

SUBJECT: MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 24.03.2017.

PROMOTION OF EXECUTIVE ENGINEER BS-18 TO THE POST OF
SUPERINTENDING ENGINEER BS-19

Dear Sir,

I am directed to refer to PHE Department letter No. SO (Estt) PHED/1-17/2015-16 dated 25.01.2017 on the subject and to forward herewith an extract of item No (7) of the minutes/recommendations of the meeting of Provincial Selection Board held on 24.03.2017 for further necessary action.

Yours faithfully

(MUHAMMAD NAEEM KHAN)
SECTION OFFICER (PSB)

Encl: As Above

Endst. of even No. & date.

A copy is forwarded to the Section Officer (Estt), Govt of Khyber Pakhtukhwa, PHE Department. He is requested to depute his representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

AC

PHE DEPARTMENT

(Meeting of PSB held on 24.03.2017)

40

SUBJECT:- PROMOTION OF EXECUTIVE ENGINEER BS-18 TO THE POST OF SUPERINTENDING ENGINEER BS-19

Secretary PHE apprised the Board that due to promotion and retirement, 02 (two) post of Superintending Engineer BS-19 are lying vacant.

2. According to service rules the post is required to be filled as under:-

"By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Technical officers with twelve years of service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University."

3. The service record of the officers included in the panel was discussed as follows:-

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Sadiq Khattak BE (Civil)	His date of birth is 16.04.1961. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-18 on 31.03.2010. The Board observed that he is involved in a NAB case. The Board recommended to defer his promotion.
2.	Mr. Muhammad Younas BE (Civil)	His date of birth is 05.04.1962. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-18 on 18.10.2011. The Board thoroughly discussed his service record and observed that a special report is required to be submitted by the department for consideration of his promotion. The Board recommended to defer his promotion.

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CONFIDENTIAL
IMMEDIATE



Annex-4

GOVERNMENT OF KHYBER PAKHTUKHWA
ESTABLISHMENT DEPARTMENT

41

No. SO(PSB)ED/1-15/2017/P-34
Dated Peshawar, the 02.01.2018

To

The Secretary to
Government of Khyber Pakhtukhwa,
PUBLIC HEALTH ENGINEERING DEPARTMENT

**SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 28.12.2017**

**PROMOTION OF EXECUTIVE ENGINEER BS-18 TO THE POST OF
SUPERINTENDING ENGINEER BS-19**

Dear Sir,

I am directed to refer to PHE Department letter No. SO (Estt) PHED/1-17/2017/PSB/Vol-IV dated 10.11.2017 on the subject and to forward herewith an extract of item No (5) of the minutes/recommendations of the meeting of Provincial Selection Board held on 28.12.2017 as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rules 4 (1) (a) of the Khyber Pakhtunkhwa has approved the recommendation of the PSB for further necessary action.

Yours faithfully

(DAULAT KHAN)
SECTION OFFICER (PSB)

Encl: As Above

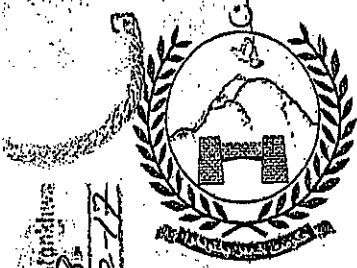
Endst. of even No. & date.

A copy is forwarded to the Section Officer (Estt), Govt of Khyber Pakhtukhwa, **PHE Department**. He is requested to depute his representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

NE

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT



42

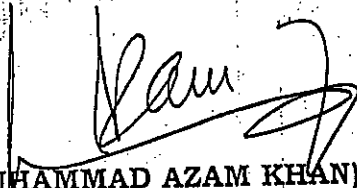
Office of the PSBM
Date: 32.12.17
Date: 29.12.17
No. 5748

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject: - APPROVAL OF RECOMMENDATIONS OF PROVINCIAL SELECTION BOARD ON PROMOTIONS.

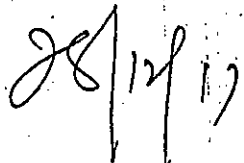
The Provincial Selection Board met on 28.12.2017 at 1030 hours and considered promotion cases of civil servants to BS-17 and above. The PSB cleared and recommended cases of employees of Establishment, Information, PIT, C&W, P&D, Environment, Finance, Population Welfare, Mineral Development, Industries, Agriculture, E&SE, Higher Education, Health, Zakat, Labour and Irrigation departments. Approved minutes are added as Flag "A"

2. The Chief Minister, Khyber Pakhtunkhwa may kindly approve recommendations of the PSB as detailed in its minutes placed below.


(MUHAMMAD AZAM KHAN)
Chief Secretary
Govt of Khyber Pakhtunkhwa

Chief Minister

Approved.



C.S.


1-1-2018
Chief Minister
Khyber Pakhtunkhwa



SUBJECT:- PROMOTION OF EXECUTIVE ENGINEER BS-18 TO THE POST OF SUPERINTENDING ENGINEER BS-19

Secretary PHE apprised the Board that due to promotion and retirement, 02 (two) posts of Superintending Engineer BS-19 are lying vacant.

2. According to service rules the post is required to be filled as under:-

"By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Technical Officers with twelve years of service in BS-17 and above, possessing degree in B.E/B.Sc Engineering (Civil) from a recognized University.

3. The service record of the officers included in the panel was discussed as follows:-

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Sadiq Khattak BE (Civil)	His date of birth is 16.04.1961. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-18 on 31.03.2010. The Board in its meeting held on 24.03.2017 recommended to defer his promotion as he was involved in a NAB case. Position is still the same. The Board recommended to defer his promotion.
2.	Mr. Muhammad Younas BE (Civil)	His date of birth is 05.04.1962. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-18 on 31.03.2010. The Board in its meeting held on 24.03.2017 recommended to defer his promotion as the Board observed that a special report in respect of the Officer is required to be submitted by the department, which has not yet been provided by the department. The Board directed to further watch the performance of the Officer and submit a special report based on objective assessment to the PSB in its next meeting. The Board recommended to defer his promotion.
3.	Mr. Gul Shahid Khan	His date of birth is 05.01.1963. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-18 on 18.10.2011. The Board observed that he is involved in a NAB case. The Board recommended to defer his promotion.

Attested
 Section Officer (PHE)
 Govt. of Khyber Pakhtunkhwa
 Establishment Department

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46

4	Mr. Masood Rehman	<p>His date of birth is 01.02.1962. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-18 on 31.03.2010. No enquiry is pending against him. His service record upto 2016 is generally good.</p> <p>The Board recommended the Officer for promotion to the post of Superintending Engineer Bs-19 on regular basis. He will be on probation for a period of one year.</p>
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[Handwritten Signature]

Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

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

Dated Peshawar, the January 08, 2018

45

Annex-3

NOTIFICATION

No.SO(Estt)/PHED/1-17/2017-18: The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote Mr. Masood-ur-Rehman, Executive Engineer (BPS-18) of the Public Health Engineering Department to the post of Superintending Engineer (BPS-19) on regular basis; with immediate effect.

2. The officer, on his promotion, will remain on probation for a period of one year in term of Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. The posting/transfer of the officer will follow.

**SECRETARY
PHE DEPARTMENT**

Endst:No.SO(Estt)/PHED/1-17/2017-18

Dated Peshawar, the January 08, 2018

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar
3. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
4. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
5. All Executive Engineers PHE Department Khyber Pakhtunkhwa.
6. District Accounts Officer Nowshera.
7. Manager Govt: Printing Press Peshawar for publication in the next issue of Govt Gazette.
8. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
10. Officer concerned.
11. Office Order/Personal File.


SECTION OFFICER (ESTT)

NE



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

No.SO(Estt)/PHED/8-51/2018
Dated Peshawar, the January 18, 2018

MOST IMMEDIATE - CONFIDENTIAL

To

- i. Mr. Kamran Rehman,
Secretary to Govt: of Khyber Pakhtunkhwa,
Transport Department, Peshawar
- ii. Engr. Zahid Abbas,
Chief Engineer (South) Irrigation Department

Subject: **DISCIPLINARY PROCEEDINGS.**

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to approve initiation of disciplinary proceedings against the following officers, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

- i. Engr. Nemat Ullah (BPS-19),
The then Chief Engineer South (OPS) PHE,
Now Director Design o/o C.E (South) PHED
- ii. Engr. Muhammad Younas Khattak (BPS-18),
The then Superintending Engineer (OPS),
PHE Circle D.I. Khan now Superintending Engineer (H/Q)
O/o the Chief Engineer (South) PHED

(NC)

2. Consequently, the Competent Authority has further been pleased to appoint you as Inquiry Committee to investigate the charges/conduct a formal inquiry under the provision of the said Rules against the aforesaid officers in light of the attached Charge Sheets/Statement of Allegations, with the request to submit your findings/ recommendations/report within a period of 30 (thirty) days positively.

Yours faithfully,

Encls: As above

o/c SECTION OFFICER (ESTT)

ENDST: OF EVEN NO. & DATE

Copy forwarded to the:

1.	Chief Engineer (South) PHED Peshawar Superintending Engineer PHE Circle D.I. Khan	They are directed to provide all relevant record to the Inquiry Officer as and when required to him for the purpose of inquiry.
2.	Engr. Nemat Ullah, Director Design o/o the C.E (South) PHED Peshawar.	They are hereby served with Charge Sheet & Statement of allegations, with the direction to appear before the Inquiry Committee on the date, time and venue fixed by them for the purpose of inquiry proceedings and submit their replies within stipulated time.
3.	Engr. Muhammad Younas Khattak (BPS-18), Superintending Engineer (H/Q) o/o the C.E (South) PHED Peshawar.	
4.	PS to Chief Secretary Khyber Pakhtunkhwa	For information please.
5.	PS to Secretary PHE Department Peshawar	

o/c SECTION OFFICER (ESTT)

Confidential
Out Today
Through Special
Messenger



Annex-L 47

GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Min Rashid Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar
Ph: 091-9223546
Fax: 091-9212556

No. SO (G)/TD/10-15/Disp.Act/
Dated: 08/03/2018 2/43

To

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

1172
16/3/18

SUBJECT: DISCIPLINARY PROCEEDINGS.

Reference the Govt. of Khyber Pakhtunkhwa Public Health Engineering Department letter No.SO(Esst)/PHED/15-2/2017/NAB/VR dated 18.01.2018 on the subject noted above and to enclose herewith Inquiry Report in respect of Engineer Nematullah, BS-19, and Engineer Muhammad Younas Khattak, BS-18, PHE Department, consisting of 03 pages and 126 pages of annexures for information and further necessary action at your end, please.

(KAMRAN REHMAN KHAN)
Secretary to Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Department

Encl: AA (03+126=129pages)

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16/03/18.

SO(E)

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Date: 16/3/18

INQUIRY REPORT

Subject: INQUIRY AGAINST ENGR. NEMATULLAH (BPS-19), THE THEN CHIEF ENGINEER SOUTH (OPS), PHE, NOW DIRECTOR DESIGN O/O THE C.E (SOUTH) PHED & ENGR. MUHAMMAD YUNAS KHATTAK (BPS-18), THE THEN SUPERINTENDING ENGINEER (OPS) PHE CIRCLE DI KHAN, NOW SUPERINTENDING ENGINEER (H/Q), O/O THE CHIEF ENGINEER (SOUTH), PHED, PESHAWAR

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A two members committee was notified by the competent Authority to conduct inquiry under rule 5(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 against Engr. Nematullah (BPS-19), Director Design O/O the C.E (South) PHED, the then Chief Engineer South (OPS), PHE and Engr. Muhammad Younas Khattak (BPS-18), Superintending Engineer (H/Q), O/O the Chief Engineer (South) PHED, the then Superintending Engineer (OPS) PHE Circle DI Khan (**Annex-A**).

The charges leveled against Engr. Nematullah (BPS-19) were that he miserably failed to deliver as Chief Engineer (OPS) PHED and that his tenure was marked with poor governance, inefficiency, unnecessary delay in execution of developmental schemes, less interest in government job and exercise of authority in an efficient and judicial manner.

Similarly the charges leveled against Engr. Muhammad Younas Khattak (BPS-18) were that he miserably failed to deliver as Superintending Engineer (OPS) PHED Circle, DI Khan and that his tenure was marked with poor governance, inefficiency, unnecessary delay in execution of developmental schemes, less interest in government job and exercise of authority in an efficient and judicial manner.

Copies of Charge Sheets and Statements of allegations are added as **Annex-B** and **Annex-C**, respectively.

1) BACKGROUND OF THE CASE:

The brief history relates to delay in processing and approval of tenders for an ADP work "Construction/ Rehabilitation of Water Supply & Sanitation Schemes in Khyber Pakhtunkhwa, PK-64, District DI Khan", Sub head, "Drainage System Moez Abad to Malang Road Pull, Zafar Abad along Tank", forwarded by the SE DI Khan, initially on 31/08/2017, for approval of the Chief Engineer (South), PHED. Contractors expressed their grievances and proceeded to courts (**Annex-D**). Moreover a complaint was submitted to the Secretary PHED by the District Nazim against the delays in issuing of work orders (**Annex-E**). Furthermore a protest was also staged at the press club Peshawar. The tender was finally cancelled upon the recommendations of the Technical Committee, comprising of the Secretary PHED, Chief Engineer (North), Director Monitoring, DS (Tech:), Chief Engineer (South), SE PHED DI Khan and XEN PHED DI Khan.

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13/3/18

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2) PROCEEDINGS:

Charge Sheets along with statement of allegations, under rule 3(a) of E&D rules, were served upon the accused/officers Engr. Nematullah Director Design and Engr. Muhammad Younas Khattak, Superintending Engineer (H/Q), vide Public Health Engineering Department letter No. SO(Estt)/PHED/8-51/2018 (**Annex-F**), dated 18/01/2018. Meetings of the inquiry committee were held on 06/02/2018, 09/02/2018, 16/02/2018 and 23/02/2018 and proceedings held.

Engr. Nematullah was called on 09/02/2018 under rules 12(a) of the E&D rules, where he submitted his statement and replied to all queries of the committee under oath. He denied the charges leveled against him and explained that tender for the aforementioned ADP work was forwarded by the office of Superintending Engineer, PHED circle DI Khan. During scrutiny of the tender documents he observed that the bid was participated by 43 contractors who quoted their rates in the range of 31.5% below to 7% below on the engineer's estimate. The bid was decided on toss between only four bidders, who quoted equal rates of 10% below and was not offered to the lowest bidder, on the basis of self made criteria. Earnest Money and 8% additional bid security was returned to other contractors, in clear violation of the codal formalities and procurement rules.

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The case was later-on referred to the Secretary PHED and KPPRA for obtaining guidance. The tender was finally cancelled upon the recommendations of the Technical Committee, headed by the Secretary PHED, during its meeting held on 08/11/2017, and the work was put to retender. Delays occurred in the process which resulted in anxiety among the contractors and resulted in agitation. It was added that the accused officer reported the matter of disobedience of the then SE DIKhan to the Secretary office, both verbally and in writing and requested for holding inquiry against him and even requested for his transfer.

Engr. Nematullah further added that no such written or verbal indications have been conveyed from the higher ups (Secretary Office) regarding his ill performance and regarded the instant inquiry against him as unjustified. He further requested to judge his performance and governance from his past record (Annex-G).

Similarly Engr. Muhammad Younas Khattak was called through a notice to appear before the committee on 09/02/2018. The notice was served through his Junior clerk (Mr. Farzand Ali) who confirmed and testified on oath that the notice and allegations have been communicated to him personally (written statement of Junior clerk added as Annex-H). Office of the Secretary PHED was also contacted for conveying message to him, but he failed to appear before the committee. Meanwhile he submitted his request vide his letter No. Camp-21/SE/HQ/PHED, dated 07/02/2018 that he needs time to go through the allegations and requested that he will submit his written statement on a suitable date (Annex-J).

The Superintending Engineer attended the committee meeting on 16/02/2018 and 23/02/2018 wherein he submitted his statement on oath and responded to queries of the committee, besides submitting his written reply to statement of allegations (Annex-K).

He responded that he and the Executive Engineer DI Khan has acted in the interest of the Govt. and the public and no violation of any law has been made. He has responded in his written statement that he took actions against contractors for quoting unworkable rates which resulted in complaints from these contractors. Moreover the SDO PHE Sub Division Tank was recommended for transfer. The Naib Nazim Tank, being a friend of the SDO, was aggrieved and started agitation.

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The accused Superintending Engineer further added in his written statement that he remained SE PHED Circle DI Khan for only 9 month (from 20/03/2017 to 09/01/2018) and termed it a short period. It was added further that most of other activities in the circle got improved due to correspondence with KPPRA and other solutions.

50

Findings:

a) Engr. Nematullah, Director Design:

- i. Prosecution was replied by Engr. Nematullah with satisfactory replies and documentary evidences provided to support his statements.
- ii. Nothing could be established regarding his poor governance, inefficiency, etc.
- iii. The charge of delaying the project activities, on Engr. Nematullah, in approval of the tender, weighed a bit where after he satisfied the committee.
- iv. Nothing substantial could be found against him.

b) Engr. Muhammad Younas Khattak:

- i. No delay in the project activities could be proved against Engr. Muhammad Younas Khattak.
- ii. Poor governance of the office of the circle prevailed prior to his taking charge of the circle where an executive engineer (OPS) was party to the local representatives and contractors. This later on turned to a grave situation of giving the impression that delays are being occurred.
- iii. He acted in accordance with the rules and regulations as and when issue was brought in front of him and disposals was made according to his best abilities.

Recommendations:

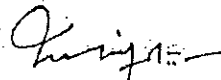
a) Engr. Nematullah:

In light of the foregoing charges against Engr. Nematullah, Director Design, the accused are not proved.

b) Engr. Muhammad Younas Khattak:

Similarly charges against Engr. Muhammad Younas Khattak, Superintending H/Q (South) the accused are not proved.

NO



(Engr. Zahid Abbas)
Chief Engineer (South), Irr: Deptt:
Khyber Pakhtunkhwa



(Mr. Kamran Rehman)
Secretary Transport Deptt:
Khyber Pakhtunkhwa

13/3/18



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Peshawar, the April 27, 2018

51

NOTIFICATION

Annex-M

No.SO(ESTT)/PHED/8-51/2018: WHEREAS, the following officers of the Public Health Engineering Department were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, on account of "inefficiency, unnecessary delay in execution of schemes, less interest in government jobs and failure in exercise of authority in an efficiency and judicial manner":-

- i. Engr. Nemat Ullah (BPS-19),
The then Chief Engineer South (OPS) PHE,
Now Director Design o/o C.E (South) PHED
- ii. Engr. Muhammad Younas Khattak (BPS-18),
The then Superintending Engineer (OPS),
PHE Circle D.I. Khan now Superintending Engineer (H/Q)
O/o the Chief Engineer (South) PHED

2. AND WHEREAS, for the said act of misconduct, they were served with charge sheets and statements of allegations.

3. AND WHEREAS, an inquiry committee comprising of Mr. Kamran Rehman Khan (BS-20), Secretary Transport & Mass Transit Department and Engr. Zahid Abbas (BS-20), Chief Engineer (South) Irrigation Department was constituted to conduct the inquiry against the accused officers and submitted the inquiry report.

4. NOW, THEREFORE, the competent authority, after having considered the charges, material on record, explanation of the accused officers and recommendation of the Inquiry Committee and in exercise of powers conferred under Rule 14 (3) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to exonerate the above-named officers of PHE Department from the charges leveled against them.

SECRETARY
PHE DEPARTMENT

Ne

Endst No.SO(ESTT)/PHED/8-51/2018:

Dated Peshawar, the April 27, 2018

Copy forwarded for information & necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (South) PHE Department Peshawar
3. Chief Engineer (North) PHE Department Peshawar
4. Superintending Engineer PHE Circle D.I. Khan
5. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
6. Officers concerned.
7. Office Order File / Personal Files.

SECTION OFFICER (ESTT)

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27/4.



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the January 21, 2021

52

NOTIFICATION

Annex N

No.SO(ESTT)/PHED/1-17/2020-21. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote the following Executive Engineers (BPS-18) of the Public Health Engineering Department to the posts of Superintending Engineers (BPS-19) on regular basis, with immediate effect:-

S.No	Name of officer	Remarks
1.	Mr. Muhammad Younas	
2.	Mr. Kaiser Farooq	Subject to final decision of the Supreme Court of Pakistan in suo moto case No.17 of 2016.
3.	Mr. Irfan Rashid	
4.	Mr. Muhammad Yousaf	Subject to final decision of the Supreme Court of Pakistan in suo moto case No.17 of 2016.
5.	Mr. Sohail Ahmad Khan Alizai	
6.	Mr. Walayat Ullah Khan	Subject to final decision of the Supreme Court of Pakistan in suo moto case No.17 of 2016.

- The officers, on their promotion, will remain on probation for a period of one year in term of Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
- The postings/transfers of the above-named officers will follow.

SECRETARY
PHE DEPARTMENT

Endst:No.SO(ESTT)/PHED/1-17/2020-21

Dated Peshawar, the January 21, 2021

Copy forwarded for information and necessary action to the:-

- Accountant General Khyber Pakhtunkhwa Peshawar.
- Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar
- Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
- Chief Engineer (Merged Areas) PHE Khyber Pakhtunkhwa Peshawar.
- All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
- All Executive Engineers PHE Department Khyber Pakhtunkhwa.
- District Comptroller of Accounts/District Accounts Officer concerned.
- Manager Govt: Printing Press Peshawar for publication in the next issue of Govt Gazette.
- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- Officers concerned.
- Office Order/Personal Files.

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SECTION OFFICER (ESTT)

21/2021



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the February 10, 2021

53

Annex P

TENTATIVE SENIORITY LIST OF SUPERINTENDING ENGINEERS (BPS-19)
PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA
AS STOOD ON 10-02-2021


22

Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of 1st Entry in Govt. Service	Date of appointment/promotion in present grade	Remarks
1.	Khan Zeb	B.E. (Civil) /M.S (Civil), EMBA (Management), MBA (HRM),	02-08-1963	Mardan	26-04-1988	11-11-2010	
2.	Ishrat Ali	B.E (Civil)	01-01-1964	Peshawar	26-04-1988	06-05-2013	
3.	Baharullah	B.E. (Civil)	01-07-1964	Peshawar	24-04-1988	11-12-2014	
4.	Qaiser Zaman	B.E (Civil)/M.Sc (Civil)	13-11-1961	Mardan	26-04-1988	11-12-2014	
5.	Amjad Ali	B.E (Civil)	22-11-1962	Charsadda	26-04-1988	08-09-2015	
6.	Muhammad Sadiq Khattak	B.E (Civil)	16-04-1961	Karak	26-04-1988	03-10-2019	He was deferred by the PSB in its earlier meetings held on 24-03-2017 and 28-12-2017. He was promoted subsequently and he retained his original seniority.
7.	Muhammad Younas	B.E (Civil)	05-04-1962	Bannu	26-04-1988	21-01-2021	He was deferred by the PSB in its earlier meetings held on 24-03-2017 and 23-09-2019. He was promoted subsequently and retained his original seniority.
8.	Gul Shahid Khan	B. E (Civil)/Master of Engg: In Water Resources Engg:	05-01-1963	Karak	24-04-1988	03-10-2019	He was deferred by the PSB in its earlier meeting held on 28-12-2017. He was promoted subsequently and he retained his original seniority.
9.	Masood-ur-Rehman	B.E (Civil)	01-05-1962	D.I.Khan	26-04-1988	08-01-2018	
10.	Hikmat Sher	B.E (Civil)	19-02-1962	Khyber	01-10-1987	03-10-2019	
11.	Kaiser Farooq	B.E (Civil)	23-09-1962	Malakand	01-10-1987	21-01-2021	
12.	Irfan Rasheed	B.E (Civil)/ M.Sc (Civil)	01-01-1963	Peshawar	01-10-1987	21-01-2021	

Ne

Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of Ist Entry In Govt. Service	Date of appointment/ promotion in present grade	Remarks
13.	Muhammad Yousaf	B.E (Civil)	27-03-1966	D.I. Khan	01-08-1992	21-01-2021	
14.	Sohail Ahmed Khan Alizai	B.E (Civil)	15-02-1968	Haripur	12-01-1994	21-01-2021	
15.	Walayatullah Khan	B.E (Civil)	28-03-1968	SWA	12-01-1994	21-01-2021	

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SECTION OFFICER (ESTT)
PHE DEPARTMENT

- v. The qualified candidates who although carrying high merit-orders than others but were leftover and when they could not be adjusted, through the Rotations-formula neither against the Merit seats nor against their concerned Zonal Quotas in the First-Round byexhausting all the available 17 No. Posts/Seats, then they were placed in surplus/waiting.
- vi. The candidates who were placed in surplus/waiting and belonged to Zones-2 &4 were then adjusted in the 2nd-Round against the seats of other Zones-1,3 &5 which fell vacant due to "No Qualified Candidates" available from the Zones and those vacant seats were then transferred on loan basis to the Zones-2 &4 for adjustment of its candidates already placed in surplus/waiting.
- vii. The No. of Seats, which were transferred on loan basis from Zones-1,3 &5 to Zones-2 &4, were intended to be deducted & taken back in future from Zones-2 &4 when suitable & qualified candidates of the Zones-1,3 &5 would be available.
- viii. The candidates who were adjusted in the 2nd-Round could not surpass seniority position of the candidates who were adjusted in the First-Round and should be placed at the bottom of the candidates of the First-Round, also as per standing surplus pool policy. The candidates of 2nd-Round cannot be given a better position in seniority than the candidates of First-Round on the basis of their high merit-orders, because this plea of their high merit-orders is useless and of no legal value in the cases if actual qualified candidates of Zones-1, 3 &5, carrying very low merit-orders than the other qualified candidates of other Zones with high merit-orders, were available to fill their Own Quota seats of Zones-1, 3 &5 in the First-Round.
- ix. The qualified candidates who are adjusted first in the Rotations-formula stand senior to those who are adjusted later in the Rotations-formula. Because the qualified candidates of the 2nd-Round, who although carrying high merit-orders than some of those carrying low merit-orders and were already adjusted against their Own Zonal Quotas in the First Round and all the available 17 No. seats were also exhausted, were leftover in the First-Round and would not have been adjusted if seats of Zones-1, 3 &5 were already filled by its own qualified candidates might even carry very low merit-orders.
- x. The PSC Letter dated 04.01.1988 is very much authentic and all the qualified candidates have rightly been adjusted at proper Serial No.s after exercising all the parameter of the merit-orders, Zonal Quotas and Rotations-formula. Thus all the qualified and adjusted candidates properly placed at their Serial No.s carry their reflected positions for their inter-se-seniority among them. And further inter-se-seniority positions among them cannot be changed on one way or other.
6. that in the PSC Letter dated 04.01.1988 my name has been reflected in the qualified candidates in the First Round at S.No.11 (3rd Block), adjusted just after Mr. Khan Zeb and before Mr. Ishrat Ali.
7. that the PHE Department has circulated a Tentative Seniority List of BS-19 on 10.02.2021 and my name has been reflected at S.No.07. (Annex-E)

Dr. J. M. S. R.

Cont. P-3

NO

8. that the Public Health Engineering Department Khyber Pakhtunkhwa, being administrative department, is custodian of my service record and ensures constitutionally for protection of my service rights, therefore, it is essential to correct my inter-se-seniority position in the Tentative Seniority List of BS-19 which has been circulated on 10.02.2021.
9. that as per the PSC Letter dated 04.01.1988 my inter-se-seniority position in the PHE Department Seniority List of BS-19 shall have to be reflected at S.No.02, immediately after Mr. Khan Zeb and before Mr. Ishrat Ali, but I have been placed wrongly at junior position to my others juniors also including the surplus and adjusted later in the 2nd-Round against the seats of other Zones transferred/taken on loan basis.
10. That earlier I could not claim the rights because I was deferred for promotion to BS-18 and was making representations for Promotion and the correction in the Notification for Promotion to BS-18 with its retrospective effect, whereas my other colleagues standing junior to me as per the PSC Letter dated 04.01.1988 were already promoted to next high rank of BS-19. The moment when I have been promoted to BS-19 and reflected in the Tentative Inter-se-seniority List dated 10.02.2021 and placed at par in the BS-19 then I herein humbly submit for lawful correction of my due right of seniority position.

SUBMISSIONS:

Sir, in light of the herein-above mentioned facts I humbly submit that my seniority position may kindly be corrected at an early date on the herein-above mentioned facts & grounds, so that I might be an eligible candidate for the vacant posts of BS-20 in the PHE Department. I shall be highly obliged.

Yours Obediently,

M. Younis Khattak
(Muhammad Younis Khattak)
Superintending Engineer (BS-19),
Public Health Engg: Department,
Bannu.

Copy for information to:

1. PS to the Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary Estab: & Administration Department Khyber Pakhtunkhwa, Peshawar.
3. SO (Estt:) Public Health Engg: Department Peshawar.

M. Younis Khattak
(Muhammad Younis Khattak)

NO

Dated: 11.04.2021

To,

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

**Subject: APPLICATION FOR CORRECTION IN THE SENIORITY LIST OF BS-19
PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER
PAKHTUNKHWA.**

Respected Sir,

With due regards I Muhammad Younis Khattak (Applicant) humbly submit additional documents as following:

1. That I have submitted the above subject Application dated 18.02.2021 to your good office for necessary consideration.
2. That the PHE Department had submitted a C.M No.586-P/2016 in the COC No.01-P/2016 in Writ Petition No. 683-P/2015 in the Peshawar High Court Peshawar for placing on File additional documents including a **Confidential Letter of Secretary Public Service Commission (PSC) No.10440-PHE/14 dated 04.01.1988**, addressed to then Secretary Irrig: & PHE Department NWFP Peshawar.
3. That attested copy of the aforementioned document, C.M No.586-P/2016 in the COC No.01-P/2016 in Writ Petition No. 683-P/2015, has been collected from the Peshawar High Court and is hereby furnished in original for office record file. **(Annex - A1)**

PRAYER:


Sir, I humbly submit that the herein-above mentioned document (Annex-A1) my kindly be entertained as an additional document for supporting my application dated 18.02.2021 and that my seniority position in BS-19 may kindly be corrected on the facts & grounds and that my name be reflected just after Engr. Khan Zeb in BS-19 Seniority List of PHED. Consequent upon correction I shall stand to be an eligible candidate for the vacant posts of BS-20 in the PHE Department. I shall be highly obliged for a favourable decision on my application.

Yours Obediently,

(Muhammad Younis Khattak)
Superintending Engineer (BS-19),
Public Health Engg: Department,
Bannu.

Copy for information to:

1. PS to the Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. SO (Estt:) Public Health Engg: Department Peshawar.


(Muhammad Younis Khattak)

Bannu, Dated: 01.06.2021

To,

The Hon'able Chief Secretary,
Govt of Khyber Pakhtunkhwa, Peshawar.

Representation: (Through Proper Channel)

Subject: APPLICATION for condonation of probationary period and to allow for consideration in PSB for promotion to next grade.

Respected Sir,

With due regards I Muhammad Younis Khattak (Applicant), Superintending Engineer (BS-19) PHE Department, humbly submit a few paras as following:

FACTS:

1. that I am a regular govt civil servant and was initially appointed in BS-17 on the recommendations of Khyber Pakhtunkhwa (Ex-NWFP) Public Service Commission vide Irrig: & PHE Department Notification dated 26.04.1988. (Annex-A)
2. that I was appointed by Promotion to BS-18 on 31.03.2010 vide Public Health Engg: Department Notification dated 18.10.2011 read with Notification dated 13.06.2016. (Annex-B)
3. that I was appointed by Promotion to BS-19 with a Probation period of One Year vide Public Health Engg: Department Notification dated 21.01.2021 (Annex-C), with further explanatory note given as under:-
 - i. I was eligible for promotion to BS-19 earlier, therefore, my case for promotion from BS-18 to next grade BS-19 was considered for the first time in the Provincial Selection Board meeting on 24.03.2017, but was deferred for reason which was beyond my control and no fault lying on my part. Copy of the PSB minutes attached.
 - ii. I was considered again in the PSB meetings held on 28.12.2017 & subsequently others and was deferred for reason which was beyond my control and no fault lying on my part. Copies of the PSB minutes attached.
4. that I being the senior most in BS-18, therefore, I was posted as Superintending Engineer (BS-19) PHE Circle D.I.Khan in own pay & scale (OPS) vide PHE Department Notification dated 20.03.2017 (Copy attached). Since then, I had continuously performed govt duties for four years on the Posts of BS-19 in OPS, till my regular Promotion to BS-19 on 21.01.2021.
5. that I have been serving in the PHE Department for the last 34 years without any service break and that I have never been superseded during my service in the department and have clean service record.
6. that my regular retirement from service is due next year in April, 2022.

Signature
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Cont. P-21

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7. Ready references and Laid-down Principle of the Hon'able Supreme Court of Pakistan are; (i. 1985-SCMR-1158, ii. 1997-PLC(C.S)-1210-SC, iii. 1998-PLC(C.S)-980-F.S.Tr, and others) Content Reproduced as, "Promotion be made to the post when it fell vacant. The Officer is entitled to ante-dated promotion with retrospective effect from the date when the post fell vacant earlier". Supreme Court Order has binding effect on all other courts and Institutions u/art-189 & 190 of the Constitution of Pakistan 1973.

8. SUBMISSIONS:

Sir, In light of the herein above mentioned facts, therefore, my humble submissions are as following:

- i. that, balance of my probation period approximately 07 months & 15 days may kindly be condoned on the grounds that I have already served on the Post of BS-19 in OPS for 04 years with satisfactory performance record.
- ii. that the period 2017, 2018, 2019 & 2020 of my service on the Posts of BS-19 (in OPS BS-18) may kindly be allowed for recording/evaluating my PERs in BS-19 instead counting in (OPS of BS-18), wherein I have already submitted the aforementioned period PERs for record file to PHE Department.
- iii. that, I am fully eligible with 34 years of service length for the post of BS-20 which falls vacant since long in the department, therefore, I may kindly be allowed and be considered sympathetically for promotion to the post on the ground of eligibility, fitness & that my retirement is due in April, 2022 i.e. just after 09 months.
- iv. I shall be highly obliged.

Yours Obediently,

(Muhammad Younis Khattak)
Superintending Engineer (BS-19),
Public Health Engg. Department,
Bannu.

Copy for information to:

1. Secretary Estab. & Administration Department Khyber Pakhtunkhwa, Peshawar.
2. PS to the Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. SO (Estt.) Public Health Engg. Department Peshawar.

(Muhammad Younis Khattak)

NO

AGENDA OF THE PBB MEETING TO BE HELD ON 30.07.2021 AT 01:30 PM				
ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
26.	Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18	2	1	Irrigation
27.	Promotion of Director NTFP BS-10 to the post of Additional Director General (Biological Sciences) BS-20 in Pakistan Forest Institute	1	1	Environment
28.	Promotion of Sub-Divisional Wildlife Officers BS-17 to the post of Deputy Conservator Wildlife / Divisional Wildlife Officers BS-18	20	07	Environment
29.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in NTFP Directorate of Forest Department	2	1	Environment
30.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in I&HRD&M Directorate of Forest Department	2	1	Environment
31.	Appointment of Assistant Director BS-17 to the post of Deputy Director BS-18 on acting charge basis in Research & Development (R&D) Directorate of Forest Department	1	1	Environment
Addl 1	Promotion of Assistant Directors BS-17 to the post of Deputy Directors BS-18 in Directorate of Local Fund Audit, Khyber Pakhtunkhwa	8	4	Finance
Addl 2	Appointment of conservator of Forests BS-19 to the post of Chief Conservator of Forests BS-20 on acting charge basis in Forest Department	5	2	Environment
Addl 3	Promotion of Lecturers BS-17 (Basic Science & Humanity Group) to the post of Assistant Professors BS-18 (Basic Science & Humanity Group)	10	5	Industries
Addl 4	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20	4	1	PHE
Addl 5	Promotion of Assistant Engineers / SDOs BS-17 to the post of Executive Engineers BS-18	22	11	PHE
Addl 6	Promotion of Superintending Engineer / Director BS-19 to the post of Chief Engineer / Director General BS-20	5	2	Irrigation
Addl 7	Promotion of Assistant Engineer / SDO BS-17 to the post of Executive Engineer BS-18	22	11	Irrigation

IMMEDIATE
CONFIDENTIAL

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO. SO(PSB)ED/1-15/2021/P-43
Dated Peshawar the 04.08.2021

To

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

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 30.07.2021.

PROMOTION OF SUPERINTENDING ENGINEER BS-19 TO THE POST OF CHIEF ENGINEER BS-20.

Dear Sir,

I am directed to refer to Public Health Engineering Department letter No. SO(Estt)/PHED/1-17/2020-21, dated 24.06.2021 on the subject and to forward herewith an extract of **Additional Agenda Item No (04)** of the minutes/recommendations of the meeting of Provincial Selection Board held on **30.07.2021** as well as copy of approved summary wherein the Chief Minister, Khyber Pakhtunkhwa being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendations of the PSB, for further necessary action.

Yours faithfully,


SECTION OFFICER (PSB)

Encl: As Above.



ADDITIONAL ITEM NO. (04)**PUBLIC HEALTH ENGINEERING DEPARTMENT**

(Meeting of PSB held on 30.07.2021)

SUBJECT: - PROMOTION OF SUPERINTENDING ENGINEER BS-19 TO THE POST OF CHIEF ENGINEER BS-20.

Secretary Public Health Engineering apprised the Board that due to retirement, the post of Chief Engineer BS-20 is lying vacant.

2. According to the service rules, the post is required to be filled as under:-

"By promotion, on the basis of selection on merit, from amongst the Superintending Engineer / Director Design / Director Technical / Director Labs / Projects BPS-19, with at least seventeen years service in BPS-17 and above, possessing degree in B.E / B.Sc. Engg. (Civil), from a recognized University and have successfully the Senior Management Course".

3. The service record of the officer included in the panel was discussed as follows: -

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Ishrat Ali. B.E (Civil)	His date of birth is 01.01.1964. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-19 on 06.05.2013. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. The Board was informed that the officer was entered into VR with NAB. Moreover, his PER for the year 2012 to 2020 are also not available. The Board did not considered his promotion
2.	Mr. Bahar Ullah. B.E (Civil)	His date of birth is 01.07.1964. He joined government service on 24.04.1988 in BS-17. He was promoted to BS-19 on 11.12.2014. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. The Board was informed that the officer was entered into VR with NAB. Moreover, his PER for the year 2012 to 2020 are also not available. The Board did not considered his promotion
3.	Mr. Qaiser Zaman. B.E (Civil) M.Sc (Civil)	His date of birth is 13.11.1961. He joined government service on 26.04.1988 in BS-17. He was promoted to BS-19 on 11.12.2014. He has completed prescribed length of service for promotion. As per Promotion Policy, amended vide Notification dated 28.08.2020, an officer who is likely to retire within two years on attaining the age of superannuation on the scheduled date of commencement of training shall be exempted

Sect.
Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

AC

	<p><i>[Signature]</i> Section Officer (PSB) Govt. of Khyber Pakhtunkhwa Establishment Department</p>	<p>from SMC. The officer has attained 58 years, therefore, he is exempted from mandatory training. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 64 and the Board awarded him 10 out of 15 marks.</p> <p>The Board recommended his promotion on regular basis and shall be on probation till his retirement subject to final decision of the Supreme Court of Pakistan in Suo Motu case No. 17 of 2016.</p>
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(Engr M. Younis)
BS-19 (PHED)

Comprehensive Efficiency Index

	Basic Scale	Aggregate Score	Weight-age Factor	Points Obtained.
PERs Quantified Score 42:28 @70%	Present Scale BPS-18 & 19	85.50 / 11	$7.77 \times 6 \times 42 / 50$	39.17
	Previous Scale BPS-17	151 / 19	$7.94 \times 4 \times 28 / 50$	17.80
	1. Additions*	-	-	-
	2. Deletions**	-	-	-
	Sub Total :			
Notional Marks of SMC @ 35%			$56.97 \times 35 / 100$	19.93
	Grand Total			76.90

Evaluation by PSB out of 30 marks



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

66

Dated Peshawar, the August 11, 2021

NOTIFICATION

NO.SO(E-I)E&AD/9-363/2021. The Competent Authority, on the recommendations of the Provincial Selection Board, in its meeting held on 30.07.2021, is pleased to promote Mr. Qaiser Zaman, Superintending Engineer (BS-19) to the post of Chief Engineer (BS-20) on regular basis, with immediate effect, *subject to final decision of the August Supreme Court of Pakistan in Suo Motu Case No. 17/2016.*

2. The officer on promotion shall remain on probation till his retirement, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

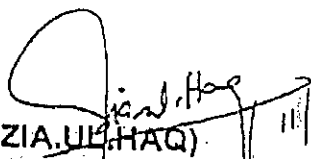
3. Posting/transfer in respect of Mr. Qaiser Zaman (BS-20) Chief Engineer, will be issued later on.

CHIEF SECRETARY,
GOVERNMENT OF KHYBER PAKHTUNKHWA

Encls. No & Date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Public Health Engineering Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Chief Engineer, Public Health Engineering Department, Peshawar.
6. Chief Engineer (Central) Public Health Engineering Department.
7. Chief Engineer (North) Public Health Engineering Department.
8. Superintending Engineer, PHE Circle, Peshawar.
9. Superintending Engineer (H.Q) office of the Chief Engineering (South) PHE Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment, E&A Department/SO (Admn) E&AD.
12. Officers concerned.
13. Controller, Govt Printing Press, Peshawar.


(ZIA.ULLAH)
SECTION OFFICER (ESST-I)
PH: & FAX # 091-9210529



Bannu, Dated: 09.08.2021

To,

The Hon'able Governor,
Govt of Khyber Pakhtunkhwa, Peshawar.

Annex-T 67

Representation: (Through Proper Channel)

Subject: APPLICATION FOR REVIEW ON THE ADDL: ITEM NO.04 OF THE PSB MEETING DATED 30.07.2021 AND TO ALLOW ME FOR CONSIDERATION IN PSB FOR PROMOTION TO NEXT GRADE BS-20 IN PHE DEPTT.

Respected Sir,

With due regards I **Muhammad Younis Khattak (Applicant)**, Superintending Engineer (BS-19) Public Health Engineering Department, humbly submit a few paras as following:

FACTS:

1. That I am a regular govt civil servant with 34 years of service and was initially appointed in BS-17 vide Irrig: & PHE Department Notification dated 26.04.1988 on the recommendations of Khyber Pakhtunkhwa (Ex-NWFP) Public Service Commission vide letter dated 04.01.1988.
2. That subsequently I was appointed by Promotion to BS-18 and then BS-19 on date 31.03.2010 and 21.01.2021 respectively.
3. That I have submitted Applications;
 - i. FOR CORRECTION in the Inter-se-seniority of BS-19 on date 18.02.2021.
 - ii. FOR CONDONATION of Probationary Period on date 01.06.2021.
4. That the herein-above para-3 Applications were pending for decision and the PHE Department processed a PANEL OF 4 No. OFFICERS to the Provincial Selection Board (PSB) in Aug, 2021 for ONE No. BS-20 POST. My name was placed at S.No.4 instead placing it at S.No.1 as per Commission Selection Merit Order dated 04.01.1988.
5. That the first 02 No. Officers were not eligible as per the Criteria/Policy for Promotion to BS-20, therefore, their case could not be placed before the PSB for considering in the PSB Meeting held on 30.07.2021. And when considered unlawfully then they should have been either superseded or deferred, but no such action has been recommended by the PSB.
6. That in the PSB Meeting a PANEL OF SINGLE Officer reflected at S.No.3 was considered unlawfully despite low Quantification Score 64 and his deficiencies which were concealed and recommended for promotion to BS-20.
7. That I being the senior most in BS-19 but placed by the PHE Department at S.No.4 in the panel for PSB. My name was dropped unlawfully for consideration in the PSB, despite highest quantification score 77 and clean service record at verge of retirement

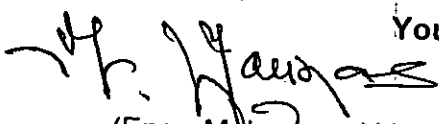
8. SUBMISSIONS:

In light of the herein-above mentioned facts, therefore, it is humbly submitted for your gracious order as following please:

- I. The Addl: Item No. 04 of the PSB Meeting dated 30.07.2021 may kindly be suspended and ordered for review by considering a panel of eligible officers.
- II. Further process shall be stopped for issuance of a Notification based on the PSB Meeting dated 30.07.2021 and if issued then shall remain suspended till final decision on the Application for Review.

All Docs attached:

Yours obediently,


(Engr. Muhammad Younis Khattak)
Superintending Engineer (BS-19),
Public Health Engg: Department, Bannu.

Copies for information & necessary action to:

- The Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- PS to the Chief Secretary Khyber Pakhtunkhwa Peshawar.

Peshawar, Dated: 25.10.2021
Cell # 0300-5885636.
E.Mail: emyounuskh@gmail.com

To,

The Principal Secretary to Governor,
Govt of Khyber Pakhtunkhwa, Peshawar.

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Subject: APPLICATION FOR REVIEW ON THE ADDL: ITEM NO.04 OF THE PSB MEETING DATED 30.07.2021 AND TO ALLOW ME FOR CONSIDERATION IN PSB FOR PROMOTION TO NEXT GRADE BS-20 IN PHE DEPTT.

Reference: Governor's Secretariat Letter No. SO-I/17-2/GS/19/5744-46 dated 22.10.2021
Sir,

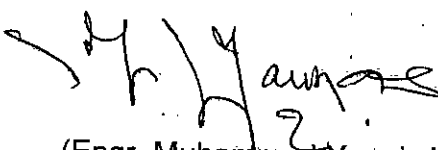
Please refer to the above noted subject and the reference letter and I **Muhammad Younis Khattak (Applicant)**, Superintending Engineer (BS-19) Public Health Engineering Department Peshawar, humbly submit that I may kindly be granted an opportunity for **PERSONAL HEARING** at Competent Forum before final decision on my Departmental Appeal addressed to the Hon'able Governor Khyber Pakhtunkhwa vide my earlier Application dated 09.08.2021. I shall be obliged.

Yours Sincerely,

(Engr. Muhammad Younis Khattak)
Director Design (BS-19),
PHE Department, Hayatabad Ph-V,
Peshawar.

Copies for information & necessary action to:

- PS to Governor, Khyber Pakhtunkhwa, Peshawar.
- PS to the Chief Secretary Khyber Pakhtunkhwa Peshawar.
- PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.


(Engr. Muhammad Younis Khattak)
Director Design (BS-19),



Peshawar Dated: 14.09.2021

To,

The Honorable Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Ammed- U 69

**Subject: REQUEST FOR PERSONAL HEARING IN;
APPLICATION FOR REVIEW ON THE ADDL: ITEM NO.04 OF THE PSB MEETING
DATED 30.07.2021 AND OTHER APPLICATIONS DATED 18.02.2021 & 01.06.2021.**

Respected Sir,

With due regards I, **Muhammad Younis Khattak (Applicant)**, Director Design (BS-19), Public Health Engineering Department Peshawar, humbly submit a few paras as following:

FACTS:

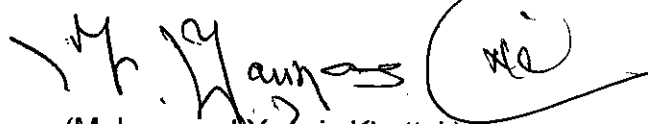
1. That I am a regular govt civil servant with 34 years of service and was initially **appointed in BS-17** vide Irrig: & PHE Department **Notification dated 26.04.1988** on the recommendations of Khyber Pakhtunkhwa (Ex-NWFP) Public Service Commission vide **letter dated 04.01.1988**.
2. That subsequently I was appointed by **Promotion to BS-18** and then **BS-19** on date **31.03.2010** and **21.01.2021** respectively.
3. That I have submitted Applications as given under;
 - i. **APPLICATION FOR REVIEW** on the addl: item No.04 of the PSB meeting held on 30.07.2021. Submitted to Honorable Governor Khyber Pakhtunkhwa on 09.08.2021.
 - ii. **FOR CORRECTION in the Inter-se-seniority** of BS-19 on date **18.02.2021** to the Secretary PHE Deptt.
 - iii. **FOR CONDONATION of Probationary Period** on date **01.06.2021** to the Chief Secretary Khyber Pakhtunkhwa through Secretary PHE Deptt.
4. That the Applications as noted in herein-above para-3 are pending for decision and the PHE Department has notified promotion of my junior colleague to BS-20 through Establishment Department Khyber Pakhtunkhwa.
5. That a paper-book of my APPLICATIONS along with annexures is attached with this application as (**Annex – AA**)

HUMBLE SUBMISSIONS:

Sir, in light of the herein-above mentioned facts it is humbly submitted that an **opportunity of PERSONAL HEARING before your good office** may kindly be granted to the undersigned for presentation and defending my stance on the available record. Being a senior officer at the verge of retirement, therefore, I do not prefer roaming in the Courts for claim of my service rights which could be resolved at the level of your good office. I shall be highly obliged.

Yours Obediently,

APPLICANT:


(Muhammad Younis Khattak)
Director Design (BS-19),
P.H.Engg: Department, Peshawar.

Copy to the Secretary Public Health Engg: Deptt: Khyber Pakhtunkhwa, Peshawar.

(Muhammad Younis Khattak)

Peshawar Dated: 29.10.2021

(REMINDER)

To,

The Secretary to Govt,
Public Health Engg: Department,
Khyber Pakhtunkhwa, Peshawar.

Annex - V 70

(Representation)

Subject: APPLICATION for condonation of probationary period and to allow for consideration in PSB for promotion to next grade (BS-20).

Respected Sir,

With due regards I **Muhammad Younis Khattak (Applicant)**, Director Design (BS-19) PHE Department, humbly submit a few paras as following:

1. that I have submitted the above subject **APPLICATION Dated 01.06.2021** addressed to Chief Secretary Khyber Pakhtunkhwa and its copy to your good office.
2. that the Establishment Department has forwarded the above subject Application to your good office for "Views/Comment" vide its No. SOR-V(E&AD)/6-1/PHE/2021 dated 24.06.2021.
3. that the PHE Department and the E&A Department have **not communicated any final decision on my Application**, whereas I have been affected for promotion to BS-20 on the same ground of probation period in the PSB meeting held on 30.07.2021, despite a senior most officer.
4. that I have never been superseded during my 34 years regular service and I stand as a senior most officer in BS-19 as per the Original Seniority reckoned in relation to my other colleagues by the Public Service Commission Khyber Pakhtunkhwa in its letter to Secretary Irrig: & PHE Department dated 04.01.1988.
5. that copies of the following documents are hereby attached for supporting my application: 1985-SCMR-1158, 1998-SCMR-88 and W&S Department notification No. SOE-I/W&SD/4-5/72 dated 28.07.2009.
6. I shall be highly obliged for an early necessary action.

Yours Obediently,

(Muhammad Younis Khattak)
Director Design (BS-19),
Public Health Engg: Deptt, Peshawar

Copy for information to:

- i. Secretary E & A Department Khyber Pakhtunkhwa, Peshawar.
- ii. PS to the Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- iii. SO (Estt:) Public Health Engg: Department Peshawar.

(Muhammad Younis Khattak)

Annex-W 71



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/13-77/2019-20
Dated Peshawar, the December 24, 2021

MOST IMMEDIATE

To

1. The Chief Engineer (South),
PHE Khyber Pakhtunkhwa Peshawar
2. The Chief Engineer (North),
PHE Khyber Pakhtunkhwa Peshawar
3. The Chief Engineer (Center),
PHE Khyber Pakhtunkhwa Peshawar
4. The Chief Engineer (East),
PHE Khyber Pakhtunkhwa Peshawar
5. The Director (Technical),
Public Health Engg: Department Peshawar
6. All Superintending Engineers,
PHE Department, Khyber Pakhtunkhwa
7. All Executive Engineers,
PHE Department Khyber Pakhtunkhwa
8. The Deputy Secretary (Tech),
PHE Department Peshawar
9. All Assistant Engineers/SDOs,
PHE Department Khyber Pakhtunkhwa

Chief Engineer East, PHE Department
Discy No. 423
Date 29/12/21
Case No. E-1
CD
Supdr:

Subject: **TENTATIVE SENIORITY LISTS OF BPS-20, BPS-19, BPS-18 & BPS-17 OFFICERS OF THE PHE DEPARTMENT.**

I am directed to refer to the subject noted above and to enclose herewith tentative seniority lists of Chief Engineers (BPS-20), Superintending Engineers (BPS-19), Executive Engineers (BPS-18) and Assistant Engineers/SDOs (BPS-17) of the Public Health Engineering Department Khyber Pakhtunkhwa for information and circulation amongst the concerned officers with the request to offer objections & omissions, if any, within one month for subsequent correction before issuance of the final seniority list.

Encls: As above.

SECTION OFFICER (ESTT)

24.12.2021

ENDST: NO & DATE AS ABOVE:

Copy forwarded to PS to Secretary PHE Department, Peshawar

SECTION OFFICER (ESTT)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT

Dated Peshawar, the December 22, 2021

**TENTATIVE SENIORITY LIST OF SUPERINTENDING ENGINEERS (BPS-19)
PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA
AS STOOD ON 22-12-2021**

Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of 1st Entry in Govt. Service	Date of appointment/promotion in present grade	Remarks
1.	Ishrat Ali	B.E (Civil)	01-01-1964	Peshawar	26-04-1988	06-05-2013	
2.	Baharullah	B.E (Civil)	01-07-1964	Peshawar	24-04-1988	11-12-2014	
3.	Amjad Ali	B.E (Civil)	22-11-1962	Charsadda	26-04-1988	08-09-2015	
4.	Muhammad Younas	B.E (Civil)	05-04-1962	Bannu	26-04-1988	21-01-2021	
5.	Gul Shahid Khan	B.E (Civil)/Master of Engg: In Water Resources Engg:	05-01-1963	Karak	24-04-1988	03-10-2019	He was deferred by the PSB in its earlier meetings held on 28-12-2017 and 23-09-2019. He was promoted subsequently and retained his original seniority. He was deferred by the PSB in its earlier meeting held on 28-12-2017. He was promoted subsequently and retained his original seniority.
6.	Masood-ur-Rehman	B.E (Civil)	01-05-1962	D.I.Khan	26-04-1988	08-01-2018	
7.	Hikmat Sher	B.E (Civil)	19-02-1962	Khyber	01-10-1987	03-10-2019	
8.	Kaiser Farooq	B.E (Civil)	23-09-1962	Malakand	01-10-1987	21-01-2021	
9.	Irfan Rasheed	B.E (Civil)/ M.Sc (Civil)	01-01-1963	Peshawar	01-10-1987	21-01-2021	
10.	Muhammad Yousaf	B.E (Civil)	27-03-1966	D.I. Khan	01-08-1992	21-01-2021	
11.	Sohail Ahmed Khan Alizai	B.E (Civil)	15-02-1968	Haripur	12-01-1994	21-01-2021	
12.	Walayatullah Khan	B.E (Civil)	28-03-1968	South Waziristan	12-01-1994	21-01-2021	
13.	Muhammad Amjad Shamsher	i. B.E (Civil) ii. M.Sc (Envir Engg) iii. Diploma in Procurement & Supply Chain Management (DP&SCM)	18-04-1969	Bannu	12-01-1994	05-08-2021	

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Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of Ist Entry in Govt. Service	Date of appointment/promotion in present grade	Remarks
14.	Shahid Mehmood	B.E (Civil)	27-04-1972	Mansehra	15-11-1997	05-08-2021	
15.	Irshad Khan	B.E (Civil)	15-04-1968	Mohmand Agency	15-11-1997	05-08-2021	
16.	Shahzada Behram	B.Sc (Civil)	04-11-1963	Mardan	08-10-1987	05-08-2021	
17.	Abdul Rahim	B.Sc (Civil)/M.Sc (Environmental Engg:)	25.08.1965	Bannu	16.09.1993	05-08-2021	
18.	Mir Adam Khan	B.Sc (Civil)	28-02-1966	FR Bannu	17-10-1987	05-08-2021	


SECTION OFFICER (ESTT)
PHE DEPARTMENT

22.12.2021

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT

Dated Peshawar, the December 22, 2021

TENTATIVE SENIORITY LIST OF CHIEF ENGINEERS (BPS-20)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA, AS IT STOOD ON 22-12-2021

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Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of 1 st Entry in Govt. Service	Date of Appointment/Promotion in Present Grade	Present Posting	Remarks
1.	Bahramand Khan	B.E (Civil)/M.Sc (Civil Enngg.)	11-03-1962	Peshawar	01-06-1987	02-11-2016	On deputation to the KP Mobilizing Authority.	
2.	Abdus Sami	B.E (Civil) /M.Sc (P.H.Enngg.)	02-02-1962	Peshawar	24-04-1988	26-01-2021	C.E (North) PHED	
3.	Abdul Latif	B.E (Civil)	10-04-1962	Mardan	26-04-1988	26-01-2021	C.E (South) PHED	

SECTION OFFICER (ESTT)

22-12-2021

Peshawar, Dated: 19.01.2022

To,

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

Annex-X⁷⁵

Subject: APPLICATION FOR CORRECTION IN TENTATIVE SENIORITY LIST OF BS-19 DATED 22.12.2021 PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA.

Respected Sir,

With due regards I Muhammad Younis Khattak (Applicant) humbly submit a few paras as following:

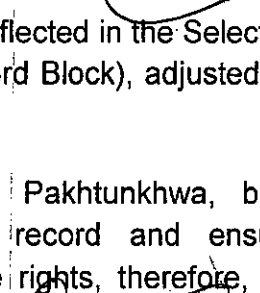
1. that I am a regular govt civil servant and was **appointed in BS-17** on the recommendations of Khyber Pakhtunkhwa (Ex-NWFP) Public Service Commission in 1988 vide Irrig: & PHE Department **Notification dated 26.04.1988. (Annex-A)**
2. that I was appointed by **Promotion to BS-18 on 31.03.2010** vide Public Health Engg: Department **Notification dated 18.10.2011 & 13.06.2016**, whereas most of my junior colleagues were already promoted to next high rank of BS-19 earlier. **(Annex-B)**
3. that I was appointed by **Promotion to BS-19** vide Public Health Engg: Department **Notification dated 21.01.2021. (Annex-C)**
4. that I am serving in the department for the last 34 years without any service break and that I have **never been superseded** during my service.
5. that I had submitted my **REPRESENTATION Dated 18.02.2021** (previously) against PHE Department Tentative Seniority List of (BS-19) circulated on 10.02.2021 **(Annex-C1)**. But the same could not be decided and even promotion to BS-20 were made in July-2021 on the disputed PHED Seniority List of BS-19 **(Annex-C2)**.
6. that PHE Department Khyber Pakhtunkhwa has now **freshly issued a Tentative Seniority List of (BS-19) circulated vide letter dated 24.12.2021 (Annex-C3)**. And my name Muhammad Younis has wrongly been reflected at S.No.4 instead placing at S.No.1 in the aforesaid Tentative Seniority List of (BS-19) dated 24.12.2021.
7. that my Inter-se-Seniority position is intact since my appointment on 26.04.1988 as per Public Service Commission (ex-N.W.F.P) Recommendation Letter **No.10440-PHE/14 dated 04.01.1988 (Confidential)**, addressed to Secretary Irrig: & PHE Department **(Annex-D)**, which is self-explanatory;

BRIEF EXPLANATION as following : The former S&GAD Provincial Government of Khyber Pakhtunkhwa (ex.N.W.F.P) in the year 1987-88 had standing notified policy of Zonals Quota Provision and Zonals-Rotation-Formula for adjustment of qualified candidates by the Public Service Commission i.e.

- i. **PSC has applied and exhausted a 3-tiers formula;** to finally select qualified candidates, recommend for appointment and assign **Selection-Merit-Order of Inter-se-Seniority** in its Letter to the Department.
- ii. **The 3-tiers formula consisting of;** Formation of Block, Zonals-Quota-Seats and Zonals-Rotation-Formula.
- iii. **What is a BLOCK:** Formation of one Block is consisted of 24 No. of vacant Posts /Seats for recruitment by the PSC in BS-17.

(Signature)

- 76
- iv. The 24 No. Posts were distributed among (Merit & other 5No. Zones) in the Province. The 5No. Zones were framed on the basis of domiciles of districts /area concerned.
 - v. **Zonals-Rotation-Formula:** It's carrying high weightage was framed, to practically adjust the qualified candidates, Serial-wise and Rotation-wise as per their **Commission Passing Merit Orders** against the seats of Merit and seats of their concerned Zonal quotas. The 24 Seats Block distributed in the following order: Merit, Zone-1, Zone-2, Zone-3, Zone-4, Zone-5 then Merit, Zone-1, Zone-2, Zone-3, Zone-4, Zone-5 then Merit, Zone-1, Zone-2, Zone-3, Zone-4, Zone-5 and then Merit, Zone-1, Zone-2, Zone-3, Zone-4, Zone-5.
 - vi. Seats of Merit were common & open to all qualified candidates, i.e. from all Zones, which were to be filled in Rotation-wise & Serial-wise and were not meant to be filled only from the top most high passing-merit-orders, e.g. candidates from Zone-2 carrying high merit-order No.22 & 37 were adjusted against Own Zone-2 Quota seats, whereas subsequently others of low Passing-merit-order No.40 and 45 of the same Zone-2 candidates were adjusted against the Merit seats through Zonals-Rotation-Formula.
 - vii. The qualified candidates who although carrying high Passing-merit-orders than others but were left-over and they could not be adjusted, through the Zonals-Rotation-Formula neither against the Merit seats nor against their concerned Zonal Quotas in the 1st-Round after exhausting the 3-tiers formula on the available 17 No. Posts/Seats. The left-over qualified candidates were placed in surplus and could not have been recommended for appointment, if all the seats were filled 1st-Round through their own zones qualified candidates.
 - viii. The **left-over candidates from 1st-Round**, placed in surplus and who could not be adjusted in the 1st-Round against the available 17 No. seats, **were then adjusted in the 2nd-Round** against the non-filled seats of other Zones-1,3 &5 which **fell vacant due to "No Qualified Candidates"** available from the Zones and those vacant seats were then transferred on loan basis to the Zones-2 &4 for adjustment of its left-over candidates already placed in surplus.
 - ix. The No. of Seats which were transferred on loan basis from Zones-1,3 &5 to Zones-2 &4 were intended to be deducted & taken back in future from Zones-2 &4 when suitable & qualified candidates of the Zones-1,3 &5 would be available.
 - x. The candidates who were adjusted in the **2nd-Round could not surpass seniority position of the candidates who were adjusted in the 1st-Round** as per 3-tiers formula. They were placed at the bottom of the candidates of the First-Round. The candidates of 2nd-Round could not be given a better position in seniority than the candidates of the 1st-Round after exhausting the 3-tiers formula.
 - xi. The PSC Letter dated 04.01.1988 is very much authentic and the qualified candidates who have finally been selected have rightly been adjusted at proper Serial No. as per its Selection-Merit Order after exhausting 3-tiers formula. And the Inter-se-Seniority positions among them has been assigned as per their Final Selection-Merit-Order in the PSC Letter dated 04.01.1988, which cannot be shuffled by the department.

8. that in the PSC Letter dated 04.01.1988 my name has been reflected in the Selection-Merit-Order of qualified candidates in 1st-Round at S.No.11 (3rd Block), adjusted just after Mr. Khan Zeb (Late) and before Mr. Ishrat Ali.
9. that the Public Health Engineering Department Khyber Pakhtunkhwa, being administrative department, is custodian of my service record and ensures constitutionally u/art-240 & 241 for protection of my service rights, therefore, it is
- 

essential to correct my inter-se-seniority position in the Tentative Seniority List of BS-19 which has been circulated on 24.12.2021.

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10. that as per the PSC Letter dated 04.01.1988 my inter-se-seniority position in the PHE Department Seniority List of BS-19 should be reflected at S.No.01, placing before Mr. Ishrat Ali instead wrongly placing at junior position to my others juniors also including the surplus and adjusted later in the 2nd-Round from surplus candidates against the seats of other Zones on loan basis.
11. That earlier I could not claim the rights because I was deferred for promotion to BS-18 and was making representations for Promotion and the correction in the Notification for Promotion to BS-18 with its retrospective effect, whereas my other colleagues standing junior to me as per the PSC Letter dated 04.01.1988 were already promoted to next high rank of BS-19. The moment when I have been promoted to BS-19 and reflected in the Tentative Inter-se-seniority List dated 10.02.2021 & 24.12.2021 and placed at par in the BS-19 then I herein humbly submit for lawful correction of my due right of seniority position, cause I have never been superseded and my Inter-se-Seniority position is intact during my regular service as reckoned in the PSC Final Selection-Merit-Order Letter dated 04.01.1988.

SUBMISSIONS:

Sir, in light of the herein-above mentioned facts I humbly submit that my seniority position may kindly be corrected at an early date on the herein-above mentioned facts & grounds, so that I might be a senior most and an eligible candidate for the vacant posts of BS-20 in the PHE Department. I shall be highly obliged.

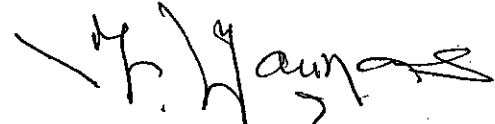
Yours Obediently,



(Muhammad Younis Khattak)
Chief Engineer (East) (in OPS),
PHE Department, Peshawar.

Copy for information to:

1. SO (Estt:) Public Health Engg: Department Peshawar.



(Muhammad Younis Khattak)





GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No. SO(Estt)/PHED/1-17/2020-21

Dated Peshawar, the February 17, 2022

78

To

Annex-Y

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department, Peshawar

Attention: Section Officer (PSB) _____

④
18-2-2022

Subject:

**WORKING PAPER FOR PROMOTION OF SUPERINTENDING
ENGINEER (BPS-19) TO THE POSTS OF CHIEF ENGINEER
(BPS-20) IN PUBLIC HEALTH ENGINEERING DEPARTMENT.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith 7-sets of the Working Paper for promotion of Superintending Engineers (BPS-19) to the posts of Chief Engineer (BPS-20) in Public Health Engineering Department alongwith other relevant documents for consideration of the Provincial Selection Board, please.

Encls: As above.

Yours faithfully

SECTION OFFICER (ESTT)

ENDST: NO & DATE AS ABOVE:

Copy is forwarded for information to PS to Secretary PHE Department Peshawar.

SECTION OFFICER (ESTT)

nic



**OFFICE OF THE CHIEF ENGINEER (EAST)
PUBLIC HEALTH ENGG: DEPARTMENT, PESHAWAR.**

79

No. 01 / Camp / CE (East) / PHED,
Dated Peshawar the 18th March, 2022

To,

The Hon'able Chief Secretary,
Peshawar, Khyber Pakhtunkhwa.

Annex-2

SUBJECT: APPLICATION FOR GRANT OF PROMOTION AND ALLIED INCENTIVES BY CIRCULATION TO THE VACANT POSTS OF BS-20 IN PUBLIC HEALTH ENGG: DEPARTMENT.

Reference: Section Officer (Estt:) PHED Letter dated 17.02.2022.

Respected Sir,

With due regards I Muhammad Younis Khattak, the undersigned applicant, humbly submit a few para as following:

1. That I have been initially appointed in BS-17 through Khyber Pakhtunkhwa Public Service Commission vide Irrig: & PHE Deptt: Notification dated 26.04.1988.
2. That I am a senior engineer and "Regular PHE Cadre Civil Servant in BS-19" and presently posted (in OPS) as Chief Engineer (East) Public Health Engg: Department Peshawar.
3. That I am fully eligible for promotion to BS-20 as per standing criteria in service rules of PHED.
4. That the PHE Department has submitted working papers of "Superintending Engineers (BS-19) for promotion to the 3No. vacant posts of Chief Engineers (BS-20) in PHE Department" to Establishment Department vide above reference letter.
5. That my date of birth is 05.04.1962 as per my NIC# 1110104331649 and service record.
6. That my date of **Retirement From Regular Service is 04.04.2022 (A.N)**.

SUBMISSIONS:

Sir, in light of the above mentioned facts, it is therefore humbly submitted that **Promotion and its allied incentives including actualization to the Post of BS-20** may kindly be granted to the undersigned Applicant **by circulation before my Retirement on 04.04.2022(A.N)** attaining age of superannuation. I shall be highly obliged.

APPLICANT:

Muhammad Younis Khattak (BS-19),
CHIEF ENGINEER (East) in OPS,
PHE Department, Peshawar.

Copies forwarded to the:

1. PS to Secretary Public Health Engg: Department, Khyber Pakhtunkhwa.
2. Section Officer PSB Establishment Department, Peshawar.

Muhammad Younis Khattak,
CHIEF ENGINEER (East).

(NIC)



Annex-A1 80

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. 80(PSD)ED/ 1-1/2022/PSA
Dated Peshawar, the 30.03.2022

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 06.04.2022 at 10:00 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting as per agenda of the meeting attached.

Yours faithfully,

[Signature] 30.3.2022
SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Reg.) Establishment Department

SECTION OFFIC

(NI)

	BS-19 to the post of Regional Director BS-20.			
23.	Promotion of Assistant Inspector General of Prison/Superintendent, District Jail BS-18 to DIO Prison BS-19	03	08	Home
24.	Promotion of Senior Parole/Probation officer BS-17 to the post of Deputy Director BS-18	03	01	Home
25.	Promotion of Deputy Superintendent Jail BS-17 to the post of AIO Prison/Superintendent District Jail BS-18	11	06	Home
26.	Promotion of Assistant/Sub Treasury officer BS-17 to the post of District Accounts officers/ Treasury officer BS-18 Finance Department	04	02	Finance
27.	Promotion of Assistant Director IT BS-17 to the post of Deputy Director IT BS-18	25	15	Finance
28.	Promotion of Additional Legislation Officer BS-19 n.c.b to the post of Additional Legislation Officer BS-19 on regular basis	02	01	LAW
29.	Promotion of Deputy District Attorney BS-18 to the post of District Attorney BS-19	36	23	LAW
30.	Promotion of Private Secretary BS-17 to the post of Principal Staff Officer/Senior Private Secretary BS-18 on acting charge basis	04	02	LAW
31.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 PHE department	09	03	PHE
32.	Promotion of Assistant Engineers/SDOs BS-17 to the post of Executive Engineers BS-18	10	06	PHE
33.	Promotion of Assistant Engineers/SDOs BS-17 to the post of Technical Officers/Deputy Director (M&E) BS-18	06	05	PHE
34.	Proforma Promotion of Engr. Syed Daud Jan retired Chief Engineer BS-20 on A.C.B to the post of Chief Engineer BS-20 on regular basis in the light of Khyber Pakhtunkhwa Service Tribunal Judgment.	01	01	C & W
35.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20	12	02	C & W
36.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 on regular basis.	10	05	C & W
37.	Promotion of Assistant Engineer/SDOs BS-17 to the post of Executive Engineer BS-18 on regular basis	08	04	C & W
38.	Appointment of Junior Architects BS-17 to the post of Senior Architects BS-18.	02	02	C&W
39.	Promotion of Director Licensing BS-19 to the post of Additional Director General BS-20	03	02	Mineral
40.	Promotion of Senior Mineral Processing Engineer BS-18 to the post of Principal Research officer BS-19 in the Directorate of Mines.	01	01	Mineral
41.	Promotion of Senior Mineralogist BS-18 to the post of chief Geochemist BS-19.	02	01	Mineral
42.	Promotion of Database Administrator BS-17, Manager Information & Assistant Manager GIS to the post of Deputy Director GIS BS-	03	02	Minerals

(MC)

Endst. of even No. & date.

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A copy is forwarded to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Administration Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Energy & Power Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports Department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, P & D Department.
5. The Chairman Provincial Inspection Team Khyber Pakhtunkhwa.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries Department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Department.
9. The Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, PHE Department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, C & W Department.
13. The Secretary to Govt. of Khyber Pakhtunkhwa, Mineral & Development Department.
14. The Secretary to Govt. of Khyber Pakhtunkhwa, E & SE Department.
15. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment Department.
16. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture Department.
17. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
18. The Secretary to Govt. of Khyber Pakhtunkhwa, HED Department.
19. The Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs department with the request to attend the meeting alongwith Advocate General, Khyber Pakhtunkhwa for legal opinion in litigation cases.

They are requested to kindly attend meeting of the PSB to be held on 06.04.2022 at 10:00 AM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

SECTION OFFICER (PSB)

Endst of even No. & date.

A copy is forwarded to: -

1. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.
2. The Section Officer (E-I)/(E-II)/(E-IV)/ (Secret), Establishment Department.
3. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.

SECTION OFFICER (PSB)

(NI)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Dated Peshawar, the April 27, 2022

NOTIFICATION

NO.SO(IE-JIE&AD)/9-353/2022. On the recommendations of Provincial Selection Board, in its meeting held on 07.04.2022, the following Superintending Engineers (BS-18) are hereby promoted to the post of Chief Engineers (BS-20), of Public Health Engineering Department, on regular basis, subject to final decision of the Supreme Court of Pakistan in Suo Moto case No. 17 of 2016:-

S. No.	NAME OF OFFICER	PRESENT POSTING
1.	Engr. Ishrat Ali	Chief Engineer, Sector Reforms Unit (SRU), Public Health Engg. Department, Peshawar.
2.	Engr. Gul Shahid Khan	Chief Engineer, Center Public Health Engg. Department, Peshawar.

2. The Engineers, on promotion, will remain on probation for a period of one year or till retirement, as the case may be, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon above, officers mentioned Sr. No. 1 & 2 are allowed to actualize their promotion.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Encl. of even No. & date

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, PHE Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Chief Engineer (South) PHE, Peshawar.
6. Chief Engineer (North) PHE, Peshawar.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretaries Establishment & Administration Departments.
9. PS to SSE/SO (Secret)/DS (Admn) and ACO Cypher E&AD.
10. Officers concerned.
11. Controller, Government Printing Press, Peshawar.

NE

(ZIA.UL HAQ) 27/4/22
SECTION OFFICER (ESTT-I)
PH: NO. 091-9210529



84

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Dated Peshawar, the April 27, 2022

NOTIFICATION

NO.SO(E-I)E&AD/9-363/2022. On the recommendations of Provincial Selection Board, in its meeting held on 07.04.2022, Engr. Irfan Rashid, Superintending Engineer (BS-19), is hereby promoted to the post of Chief Engineer (BS-20), of Public Health Engineering Department, on regular basis, with immediate effect.

2. The officer, on promotion, will remain on probation till his retirement, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

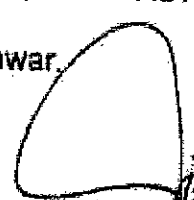
3. Posting/transfer Notification in respect of officer, will be issued later on.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. of even No. & date

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, PHE Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Chief Engineer (South) PHE, Peshawar.
6. Chief Engineer (North) PHE, Peshawar.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretaries Establishment & Administration Departments.
9. PS to SSE/SO (Secret)/DS (Admn) and ACO Cypher E&AD.
10. Officers concerned.
11. Controller, Government Printing Press, Peshawar.


(ZIA.UL.HAQ) 27/4/2022
SECTION OFFICER (ESTT-I)
PH: NO. 091-9210529

To, The Hon'able Chief Minister,
Khyber Pakhtunkhwa, Peshawar.
(Through: Secretary PHE Department Peshawar)

Annex-A₃ 85

SUBJECT: APPLICATION FOR GRANT OF PROMOTION AND ALLIED INCENTIVES BY CIRCULATION TO THE VACANT POSTS OF BS-20 IN PUBLIC HEALTH ENGG: DEPARTMENT.

Reference: Section Officer PHED No. SO(E)/PHED/1-17/2020-21 dated 17.02.2022.

Respected Sir,

With due regards I Muhammad Younis Khattak, the undersigned applicant, humbly submit a few para,s as following:

1. That I have been initially appointed in BS-17 through Khyber Pakhtunkhwa Public Service Commission vide Irrig: & PHE Deptt: Notification dated 26.04.1988.
2. That I am a senior engineer and "Regular PHE Cadre Civil Servant in BS-19" and posted as Chief Engineer (East) Public Health Engg: Department Peshawar (in OPS).
3. That I am fully eligible for promotion to BS-20 as per standing criteria in service rules of PHED.
4. That the PHE Department has submitted Working Papers to Establishment Department vide above reference letter for promotions of "Superintending Engineers (BS-19) to 3No. vacant posts of Chief Engineers (BS-20) in PHE Department".
5. That my date of birth is 05.04.1962 as per my NIC# 1110104331649 and service record.
6. That my date of **Retirement From Regular Service is 04.04.2022** (A.N).
7. That I have already submitted an **APPLICATION to the Chief Secretary** Khyber Pakhtunkhwa on above noted subject, vide my letter No. 01/Camp/CE(East)/PHED, **dated 18.03.2022**.
8. That the **PSB meeting** was held on **6th & 7th April, 2022** and my name was **deleted**.
9. That pendency and non-conducting of PSB meeting was not a pendency on my part.
10. That earlier my promotion to BS-19 was unlawfully kept pending as "**deferred for four (04) years**" by the PSB authority and intentionally caused me damages in my constitutionally protected service rights to next ranks and direct financial loss, till unpaid.

SUBMISSIONS:

Sir, in light of the above mentioned facts, it is therefore humbly submitted that **Promotion and its allied incentives including actualization to the Post of BS-20** may kindly be granted to the undersigned Applicant **by circulation with retrospective effect i.e. from the date when the posts of BS-20 fall vacant, before notifying my Retirement on 04.04.2022(A.N)** on attaining age of superannuation. I shall be highly obliged for sympathetic consideration.

References: Supreme Court Judgement/Laid down Principle: 1985-SCMR-1158 & others.

APPLICANT:

Muhammad Younis Khattak (BS-19),
Ex-CHIEF ENGINEER (East) in OPS,
PHE Department, Peshawar.

Copies forwarded for inf: & n/action to:

- i. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar w/r to Para-7 above.
- ii. The Addl: Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- iii. The Principal Secretary to the Hon'able Chief Minister Khyber Pakhtunkhwa.
- iv. The Secretary Public Health Engg: Department, Khyber Pakhtunkhwa.
- v. The Secretary Law Department, Khyber Pakhtunkhwa, Peshawar.
- vi. Accountant General, Khyber Pakhtunkhwa, Peshawar w/r my Personal #00079394.
- vii. Section Officer (PSB) Establishment Department, Peshawar.
- viii. SO(E) PHE Department Peshawar.

(Muhammad Younis Khattak)

No. 04 / Camp / CE (East) / PHED,
Dated Peshawar the 9th May, 2022

To, The Section Officer (Estt.),
Public Health Engg: Department,
Khyber Pakhtunkhwa, Peshawar.

Annex A4 86

SUBJECT: APPLICATION FOR GRANT OF PROMOTION AND ALLIED INCENTIVES BY CIRCULATION TO THE VACANT POSTS OF BS-20 IN PUBLIC HEALTH ENGG: DEPARTMENT.

Reference: 1. **APPLICATION to the Chief Secretary** Khyber Pakhtunkhwa vide my letter No. 01/Camp/CE(East)/PHED, dated 18.03.2022.
2. **APPLICATION to the Chief Minister** Khyber Pakhtunkhwa vide my letter No. 03/Camp/CE(East)/PHED, dated 08.04.2022.

Please refer to the above noted subject and the reference letters and I Muhammad Younis Khattak, the undersigned Applicant, submit a request to kindly provide me the final decision of the competent authority, if any, on my above reference REPRESENTATIONS, regarding my Promotion to BS-20 on the Working Papers submitted by PHE Department to the Provincial Selection Board vide Letter No. Section Officer PHED No. SO(E)/PHED/1-17/2020-21 dated 17.02.2022 for promotions of "Superintending Engineers (BS-19) to 3No. vacant posts of Chief Engineers (BS-20) in PHE Department".

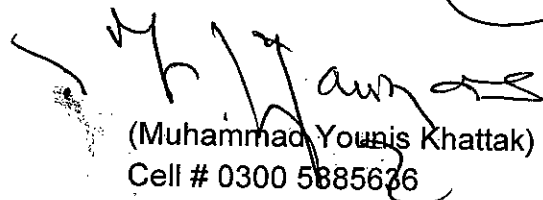
NOTE: I reserve my lawful right to approach the appropriate forum for protection of my service rights and **secondly to file a reference** against the competent authority for violation of Constitutional articles and Oath of the Office.

APPLICANT:

Muhammad Younis Khattak (BS-19),
Ex-CHIEF ENGINEER (East),
PHE Department, Peshawar.

Copies forwarded for inf: & n/action to:

- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- The Addl: Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- The Principal Secretary to the Chief Minister Khyber Pakhtunkhwa.
- The Secretary Public Health Engg: Department, Khyber Pakhtunkhwa.
- The Secretary Law Department, Khyber Pakhtunkhwa, Peshawar.
- Section Officer (PSB) Establishment Department, Peshawar.


(Muhammad Younis Khattak)
Cell # 0300 5885626
<emyounuskh@gmail.com >



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

Dated Peshawar, the April 25, 2022

NOTIFICATION

No.SO(ESTT)/PHED/1-79/97/PF: In pursuance of sub-section (1) of section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), Engr. Muhammad Younis (BPS-19), Chief Engineer (OPS) East Public Health Engineering Department Peshawar, shall stand retired from Government Service with effect from 04-04-2022 (A/N) on attaining sixtieth (60th) year of age, as his date of birth is 05-04-1962.

2. In terms of sub rule (1) of Rule 20 of the Civil Servants Revised Leave Rules 1981, and instructions there-under issued from time to time, sanction is hereby accorded to the encashment of leave preparatory to retirement, equal to 365-days in favour of the above-named officer.

**SECRETARY
PHE DEPARTMENT**

Endst No. SO(ESTT)/PHED/1-72/97/PF:

Dated Peshawar, the January 26, 2022

Copy forwarded for information & necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Department Peshawar.
3. Chief Engineer (Center) PHE Department Peshawar.
4. Chief Engineer (East) PHE Department Peshawar.
5. Chief Engineer (North) PHE Department Peshawar.
6. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
7. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
8. PA to Additional Secretary PHE Deptt Khyber Pakhtunkhwa Peshawar.
9. Officer concerned.
10. Office Order / Personal File.

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25/4/22

SECTION OFFICER (ESTT)

Annex- A6 88



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar May 24, 2022

NOTIFICATION

NO.SOE-III(E&AD)-363/PHE/2022 Consequent upon the recommendations of the Provincial Selection Board, in its meeting held on 27.04.2022, Mr. Masood-ur-Rehman, Superintending Engineer (Rtd. BS-19) of Public Health Engineering Department is hereby promoted to the post of Chief Engineer (BS-20) Public Health Engineering Department w.e.f 27.04.2022, on national basis, in terms of Para-VII of the Promotion Policy-2009, circulated by the Establishment Department vide letter No. SOE-III(E&AD)/1-3/2008 dated 28.01.2009.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, PHE Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Chief Engineer (South), PHE Department.
6. Chief Engineer (North), PHE Department.
7. Managing Director, Khyber Pakhtunkhwa Information Technology Board, Peshawar.
8. Director General, Information, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment.
11. Officer Concerned.
12. Manager, Govt. Printing Press Peshawar.

(ZIA ULLHAQ) 24/5/2022
SECTION OFFICER (ESTT. I)
PH# 091-9210529

Sulaiman Shah

Annex - A7

89

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the July 28, 2008

2008

NOTIFICATION:

No. SOE-I/W&SD/4-5/72: The competent authority, in light of the recommendations of Provincial Selection Board is pleased to promote Engr. Zahid Arif Assistant Engineer/Assistant Director (BS-17) to the rank of Executive Engineer/Deputy Director (Bs-18) and from Executive Engineer/Deputy Director (BS-18) to the rank of Superintending Engineer/Director/EDO (BS-19) in W&S Department from the presumptive dates noted below:

- I. Executive Engineer/Deputy Director (BS-18) -- 16.07.2003
- II. Superintending Engineer/Director/EDO (BS-19) -- 31.12.2008

2. His promotion will be subject to final order of Supreme Court of Pakistan. The officer is however, will be on probation in BS-19 for a period of one year.

Secretary to Govt of NWFP
Works & Services Department

End of even number and date

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister NWFP Peshawar
2. Accountant General NWFP, Peshawar
3. All Administrative Secretaries Govt of NWFP, Peshawar
4. All Chief Engineers, W&S Peshawar.
5. Political Secretary to Chief Minister NWFP, Peshawar
6. All Executive District Officers Works & Services
7. Deputy Director Works & Services Malakand
8. District Accounts Officer Malakand
9. Incharge Computer Cell, W&S Department, Peshawar.
10. PS to Chief Secretary NWFP, Peshawar
11. PS to Secretary, W&S Peshawar.
12. Officer concerned.
13. Office order File/Personal File.

NI

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(ANWAR-UL-HAQ)
SECTION OFFICER (ESTT-I)

GOVERNMENT OF N.W.F.P.
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the March 31, 2010

NOTIFICATION

No.SO(Estt)/PHED/1-17/2010 Consequent upon the recommendations of the Provincial Selection Board (PSB), in its meeting held on 09-03-2010, the competent authority has been pleased to promote the following Assistant Engineers/Sub Divisional Officers (BS-17) of the Public Health Engineering Department to the rank of Executive Engineer (BS-18) on regular basis, with immediate effect.

1. Mr. Niamatullah Banochi
2. Mr. Abdul Bashir
3. Mr. Rehmat Ali
4. Mr. Abdus Sami
5. Mr. Abdul Latif
6. Mr. Khan Zeb
7. Mr. Ishrat Ali
8. Mr. Baharullah
9. Mr. Amjad Ali
10. Mr. Muhammad Sadiq Khattak
11. Mr. Irfan Rasheed
12. Mr. Nasir Latif

2. They will be on probation for a period of one year or till retirement whichever ever is earlier. However, their promotion will be subject to the final order of NWFP Services Tribunal and Supreme Court of Pakistan on the main petition.

3. Consequent upon their promotion, the competent authority is further pleased to order the posting/transfer of the following officers of PHE Department, with immediate effect, in the public interest:-

S. No	Name of Officer	From	To
1.	Niamatullah Banochi	Executive Engineer (OPS) PHE Division Mansehra	Executive Engineer PHE Division Mansehra
2.	Abdul Bashir	Assistant Design Engineer o/o the C.E (South) PHED	Design Engineer o/o the C.E (South) PHED.
3.	Rehmat Ali	Executive Engineer (OPS) PHE Division Karak.	Executive Engineer PHE Division Karak.
4.	Abdus Sami	Section Officer (Tech) PHE Department.	Design Engineer o/o the C.E (North) PHED
5.	Abdul Latif	Executive Engineer (OPS) PHE Division Abbottabad.	Executive Engineer PHE Division Abbottabad.
6.	Khan Zeb	Deputy Secretary (Technical) (OPS) PHE Department.	Design Engineer o/o C.E (North) PHE Department for actualization of promotion and re-posted as DS (Tech) PHED.
7.	Ishrat Ali	Executive Engineer (OPS) PHE Division Swat.	Executive Engineer PHE Division Swat..
8.	Baharullah	Executive Engineer (OPS) PHE Division Swabi..	Executive Engineer PHE Division Swabi.
9.	Amjad Ali	Executive Engineer (OPS) PHE Division Mardan.	Executive Engineer PHE Division Mardan..
10.	Muhammad Sadiq Khattak	Executive Engineer (OPS) PHE Division Battagram.	Executive Engineer PHE Division Battagram..

11.	Irfan Rasheed	Assistant Design Engineer (Waiting for posting).	Technical Officer o/o Chief Engineer (N) PHED.
12.	Nasir Latif	Executive Engineer (OPS) PHE Division Nowshera..	Executive Engineer PHE Division Nowshera..
13.	Mehboob ur Rehman	Design Engineer (OPS) o/o the C.E (North) PHED	Assistant Design Engineer o/o the C.E (North) PHED.


(ENGR. AHMAD JAN)
SECRETARY PHED

Endst: No.SO(Estt)/PHED/1-17/2010

Dated Peshawar, the March 31, 2010

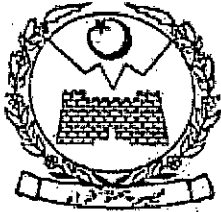
Copy forwarded for information and necessary action to the:-

1. Additional Chief Secretary NWFP Peshawar.
2. Additional Chief Secretary (FATA) Warsak Road Peshawar.
3. Principal Secretary to Chief Minister NWFP Peshawar.
4. Political Secretary to Chief Minister NWFP Peshawar.
5. Secretary to Governor NWFP Peshawar.
6. Accountant General NWFP Peshawar.
7. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
8. DG-cum-Secretary PDMA/PARRSA NWFP, Peshawar
9. DG-cum-Secretary PERRA NWFP, Abbottabad
10. PS to Chief Secretary NWFP, Peshawar.
11. Chief Engineer (North) PHE Department NWFP, Peshawar.
12. Chief Engineer (South) PHE Department, NWFP, Peshawar.
13. Registrar NWFP Services Tribunal Peshawar.
14. All Superintending Engineers in PHE Department.
15. All Executive Engineers in PHE Department.
16. District/Agency Accounts Officer concerned.
17. Manager Government Printing Press Peshawar for publication in the next issue of Govt Gazette.
18. Incharge Computer Cell PHE Department.
19. PS to Secretary PHE Department.
20. Office Order/Personal Files


(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTT)







Annex-A9 92

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Peshawar, the May 24, 2010

NOTIFICATION

No.SO(Estt)/PHED/1-17/2010 The competent authority is pleased to waive-off the bar of one year probation period, after their promotion to the rank of Executive Engineers (BS-18), of the following officers for consideration of their promotion by the Provincial Selection Board to the rank of Superintending Engineer (BS-19):-

1. Mr. Niamatullah Banochi
2. Mr. Abdul Bashir
3. Mr. Rehmat Ali
4. Mr. Hassan Khan
5. Mr. Fazal-e-Subhan
6. Mr. Abdus Sami
7. Mr. Abdul Latif
8. Mr. Khan Zeb
9. Mr. Ishrat Ali
10. Mr. Baharullah
11. Mr. Amjad Ali
12. Mr. Muhammad Sadiq Khattak
13. Mr. Masood-ur-Rehman
14. Mr. Irfan Rasheed
15. Mr. Nasir Latif
16. Mr. Muhammad Yousaf
17. Mr. Sohail Ahmed Alizai

(Handwritten signature)

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24/05/2010

(Handwritten signature)
ENGR. MUHAMMAD PERVEZ NASIR)
SECRETARY PHED

Endst: No.SO(Estt)/PHED/1-17/2010

Dated Peshawar, the May 24, 2010

Copy forwarded for information to the:-

1. Additional Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Political Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
4. Accountant General Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. Chief Engineer (North) PHE Department Khyber Pakhtunkhwa, Peshawar.
7. Chief Engineer (South) PHE Department, Khyber Pakhtunkhwa, Peshawar.
8. All Superintending Engineers in PHE Department.
9. Section Officer (PSB) Establishment (F&A) Department Peshawar.
10. Incharge Computer Cell PHE Department.
11. PS to Secretary PHE Department.
12. Officers concerned.
13. Office Order/Personal Files

(Handwritten signature)

(Handwritten signature)
(SHABBIR AHMAD AWAN)
SECTION OFFICER (ESTT)

GOVT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT

Dated Peshawar, the November 11, 2010

NOTIFICATION

No.S0(Estt)/PHED/1-17/2010 Consequent upon the recommendations of the Provincial Selection Board (PSB), in its meeting held on 1-1-10-2010, the competent authority has been pleased to promote the following Executive Engineers (BS-18) of the Public Health Engineering Department to the rank of Superintending Engineer (BS-19) on regular basis, with immediate effect.

1. Mr. Ifikhar Ahmad Malik
2. Mr. Sikandar Khan
3. Mr. Sanobar Khan
4. Mr. Muhammad Arif
5. Mr. Ghulam Mujtaba
6. Mr. Muhammad Ibrahim
7. Mr. Niamatullah Banochi
8. Mr. Abdul Bashir
9. Mr. Abdus Sami
10. Mr. Abdul Latif
11. Mr. Khan Zeb

2. They will be on probation for a period of one year or till retirement which ever is earlier.

3. In order to actualize their promotion, the competent authority is further pleased to order the postings/transfers of the following officers of PHE Department, with immediate effect, in the public interest:-

S. No	Name of Officer	From	To
1.	Ifikhar Ahmad Malik	Superintending Engineer (OPS) PHE Circle Mardan	Superintending Engineer PHE Circle Mardan
2.	Sikandar Khan	Chief Engineer North (OPS) PHE Department Peshawar	Superintending Engineer (II/Q) o/o C.E (North) PHED for actualization of promotion and re-posted as Chief Engineer North (OPS) PHED.
3.	Sanobar Khan	Superintending Engineer (OPS) PHE Circle Peshawra	Superintending Engineer PHE Circle Peshawar
4.	Muhammad Arif	Superintending Engineer (OPS) PHE Circle D.I.Khan	Superintending Engineer PHE Circle D.I.Khan
5.	Ghulam Mujtaba	Superintending Engineer (OPS) PHE Circle Kohat	Superintending Engineer PHE Circle Kohat
6.	Muhammad Ibrahim	Superintending Engineer (OPS) PHE Circle Bannu	Superintending Engineer PHE Circle Bannu
7.	Niamatullah Banochi	Superintending Engineer (OPS) PHE Circle Abbottabad	Superintending Engineer PHE Circle Abbottabad
8.	Abdul Bashir	Director Design (OPS) O/o the CE (South) PHED Peshawar	Director Design O/o the CE (South) PHED Peshawar
9.	Abdus Sami	Director P&M (OPS) PHE Secretariat Peshawar	Director (P&M) PHE Secretariat Peshawar
10.	Abdul Latif	Superintending Engineer II/Q (OPS) O/o the CE (South) PHED Peshawar	Superintending Engineer (II/Q) O/o the CE (South) PHED Peshawar

S. No	Name of Officer	From	To
11.	Khan Zeb	Deputy Secretary (Technical) PHE Department Peshawar	Superintending Engineer PHE Circle Swat
12.	Ishrat Ali	Superintending Engineer (OPS) PHE Circle Swat	Deputy Secretary (Technical) PHE Department Peshawar

J. Jamal
(ENGR. YOUSAF JAMAL)
SECRETARY PHED

Endst: No.SO(ESTI)/PHED/1-17/2010

Dated Peshawar, the November 11, 2010

Copy forwarded for information and necessary action to the:-

1. Additional Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Additional Chief Secretary (FATA) Warsak Road Peshawar.
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
4. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar.
5. Secretary to Governor Khyber Pakhtunkhwa Peshawar.
6. Secretary E&A Department Khyber Pakhtunkhwa Peshawar
7. Accountant General Khyber Pakhtunkhwa Peshawar.
8. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar
9. DG-cum-Secretary PDMA/PaRRSA Khyber Pakhtunkhwa, Peshawar
10. DG-cum-Secretary PERRA Khyber Pakhtunkhwa, Abbottabad
11. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
12. Chief Engineer (North) PHE Department Khyber Pakhtunkhwa, Peshawar.
13. Chief Engineer (South) PHE Department, Khyber Pakhtunkhwa, Peshawar.
14. Deputy Secretary (Admn) PHE Department Peshawar
15. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar.
16. All Superintending Engineers in PHE Department.
17. All Executive Engineers in PHE Department.
18. District/Agency Accounts Officer concerned.
19. Manager Government Printing Press Peshawar for publication in the next issue of Govt Gazette.
20. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
21. Office Order/Personal Files

Shabbir Ahmed Awan
(SHABBIR AHMED AWAN)
SECTION OFFICER (ESTI)

NU



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

95

Dated Peshawar, the May 6, 2013

NOTIFICATION

No.SO(Estt)/PHED/1-17/2012-13. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote Mr.Ishrat All, Executive Engineer (BPS-18), presently working as Deputy Secretary (Tech) in the Public Health Engineering Secretariat, to the post of Superintending Engineer (BPS-19) on regular basis, with immediate effect.

2. The officer, on promotion, will remain on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servants Act, 1973 readwith Rule-15(1) of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon the above, the officer is hereby posted as Superintending Engineer (HQ) (BPS-19) office of the Chief Engineer (South) Peshawar against the vacant post. He will also continue to look after the work of Deputy Secretary (Technical) PHE Secretariat, in addition to his own duties till further orders.

SECRETARY

Endst:No.SO(Estt)/PHED/1-17/2012-13 Dated Peshawar, the May 6, 2013

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Peshawar.
3. Chief Engineer (North) PHE Peshawar.
4. Superintending Engineer (HQ) office of Chief Engineer (South) PHE Peshawar.
5. Manager Government Printing Press Peshawar for publication in the next issue of Govt Gazette.
6. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
7. Officer concerned.
8. Office Order/Personal File.

(Signature)

(Signature)
6/5/13

(MUHAMMAD YUNAS)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG. DEPARTMENT

Dated Peshawar, the December 11, 2014

96

NOTIFICATION

No. SO(Estt)/PHED/1-17/2013-14. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote the following Executive Engineers (BPS-18) of the Public Health Engineering Department to the posts of Superintending Engineers (BPS-19) on regular basis, with immediate effect:-

1. Mr. Baharullah,
Executive Engineer (BPS-18),
PHE FATA Division Kohat
2. Mr. Qaiser Zaman,
Executive Engineer (BPS-18),
PHE Division Lakki Marwat

2. The officers, on their promotion, will remain on probation for a period of one year in terms of Section 6 (2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 (1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. In order to actualize their promotion, the competent authority is further pleased to order the postings/transfers of the following officers of PHE Department, with immediate effect, in the public interest:-

S. No	Name of Officer	From	To	Remarks
1.	Mr. Baharullah	Executive Engineer (BPS-18), PHE FATA Division Kohat.	Director Design (BPS-19) Office of the Chief Engineer (South) PHE Peshawar	Against the vacant post
2.	Mr. Qaiser Zaman,	Executive Engineer (BPS-18), PHE Division Lakki Marwat	Superintending Engineer HQ (BPS-19) Office of the C.E (South) PHE Peshawar for actualization of his promotion on regular basis and reposted as S.E PHE Circle Mardan (BPS-19) w.e.f. 01.01.2015	On promotion/transfer of Engr. Mohammad Arif Khan
3.	Mr. Adnan Ahmad	Executive Engineer (OPS) PHE Secretariat (waiting for posting)	Services placed at the disposal of FATA Secretariat for further posting as Executive Engineer (OPS), PHE FATA	Vice S.No.1

SECRETARY

Endst: No. SO(Estt)/PHED/1-17/2013-14 Dated Peshawar, the December 11, 2014

Copy forwarded for information and necessary action to the:-

1. Secretary (AT&C), FATA Secretariat, Warsak Road Peshawar
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Additional Accountant General (PR), Pakistan Revenue Sub Office Peshawar.
4. Chief Engineer (South) PHE Peshawar.
5. Chief Engineer (North) PHE Peshawar.
6. Chief Engineer (FATA) Works & Services Peshawar
7. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
8. All Executive Engineers PHE Department Khyber Pakhtunkhwa.
9. Executive Engineer PHE FATA Division Kohat.
10. District/Agency Accounts Officers concerned.
11. Manager Govt. Printing Press Peshawar for publication in the next issue of Govt Gazette.
12. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
13. Officers concerned.
14. Office Order/Personal Files.

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(Handwritten signature)



9/19

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the April 17, 2014

NOTIFICATION

No.SO(Estt)/PHE/13-1/77-B. In pursuance of Section 8 (5) of the Khyber Pakhtunkhwa Civil Servants Act 1973, the final seniority of the Superintending Engineers (BPS-19) of the Public Health Engineering Department, as it stood on 30-09-2013 is notified as detailed below:-

Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of Ist Entry in Govt. Service	Date of appointment/promotion in present grade.	Remarks
1.	Sanobar Khan	B.E (Civil)	31-08-1956	Mardan	05-09-1983	11-11-2010	
2.	Muhammad Arif	B.E (Civil)	15-02-1956	Mardan	09-07-1983	11-11-2010	
3.	Ghulam Mujtaba	B.E (Civil)	05-11-1956	Kohat	20-10-1983	11-11-2010	
4.	Bahramand Khan	B.E (Civil)	11-03-1962	Peshawar	01-06-1987	05-07-2012	
5.	Niamatullah Banochi	B.E (Civil) /M.Sc (P.H.Engg)	20-04-1960	Bannu	01-06-1987	11-11-2010	
6.	Abdul Bashir	B.E (Civil)	20-04-1960	Mardan	01-06-1987	11-11-2010	
7.	Rehmat Ali	B.E. (Civil)	01-04-1959	Karak	01-06-1987	12-10-2012	
8.	Abdus Sami	B.E(Civil) / M.Sc (P.H.Engg:)	02-02-1962	Peshawar	24-04-1988	11-11-2010	
9.	Abdul Latif	B.E (Civil)	10-04-1962	Mardan	26-04-1988	11-11-2010	
10.	Khan Zeb	B.E. (Civil) /M.S (Civil), EMBA (Management),	02-08-1963	Mardan	26-04-1988	11-11-2010	
11.	Ishrat Ali	B.E (Civil)	01-01-1964	Peshawar	26-04-1988	06-05-2013	

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

32

Annex - A11

98

No.SO(Estt)/PHED/13-1/77-B

Dated Peshawar, the April 17, 2014

2

Copy forwarded for information to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa
3. Chief Engineer (South/North) Public Health Engineering Department Khyber Pakhtunkhwa
4. Director (P&M) Public Health Engineering Department Khyber Pakhtunkhwa
5. All Superintending Engineers Public Health Engineering Department Khyber Pakhtunkhwa
6. All Executive Engineers Public Health Engineering Department Khyber Pakhtunkhwa
7. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar
8. PS to Chief Secretary Khyber Pakhtunkhwa
9. PS to Secretary Establishment & Admn Department Khyber Pakhtunkhwa
10. PS to Secretary Public Health Engineering Department Khyber Pakhtunkhwa
11. Manager Government Printing & Press for publication in the next issue of official gazette
12. Officers concerned
13. Office Order File / Personal Files


17/04/2014
SECTION OFFICER (ESTT)

43



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

No.SO(Estt)/PHED/13-77/2019-20
Dated Peshawar, the March 01, 2021

99

MOST IMMEDIATE

Annex - A12

To

The Director Recruitment,
Public Service Commission,
Khyber Pakhtunkhwa, Peshawar

Subject: **VERIFICATION OF PSC LETTER NO.10440-PH/14 DATED
04-01-1988.**

I am directed to refer to the subject noted above and to state that some officers of PHE Department have submitted a Photostat copy of the erstwhile NWFP Public Service Commission letter No.10440-PH/14 dated 04-01-1988 (copy enclosed) and they claimed their seniority in order of the said letter.

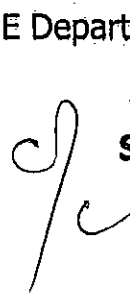
2. It is, therefore, requested to kindly verify the copy of aforesaid letter according to your office record enabling this department to proceed further in the matter.

Encls: As above.

 **SECTION OFFICER (ESTT)**

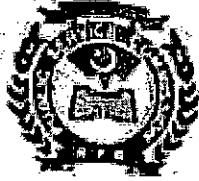
ENDST: NO & DATE AS ABOVE:

Copy forwarded to PS to Secretary PHE Department, Peshawar

 **SECTION OFFICER (ESTT)**



Annex - A13



**KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION**

21 out Road Peshawar Cantt.
Tele: # 091-9214341 Ext # 121

No. KP/PSC/DR/004368

Date: 07/4/2021

To


The Secretary
Public Health Engineering Department
Khyber Pakhtunkhwa Peshawar.

Subject: VERIFICATION OF PSC LETTER NO. 10440-PIE/D DATED 04/01/1988.

Dear Sir,

I am directed to refer to your letter No. SO(Est)/PHED/13-77/2019-20 dated 1/03/2021 on the subject noted above and to state that the quoted letter has not been traced due to shilling of office twice, therefore cannot be verified.

Our earlier letter No. KP/PSC/DR/2021/004203 dated 06/04/2021 may kindly be treated as withdrawn please.


Director (Recruitment)
KPSC





Annex - A14

101

Office Of The
DISTRICT ACCOUNTS OFFICER

Bannu Cantt Bannu

Ph# 0928-9270068 Fax# 0928-

9270030

No. DAO/BU/Admn-I /2020-2021 - 224-16

Dated 09-04-2021

To

The Accountant General,
Khyber Pakhtunkhwa Peshawar.

**Subject: ANTE-DATED PROMOTION OF MR. MUHAMMAD YOUNAS P.NO (79394)
SECTION OFFICER (TECHNICAL) TO THE POST OF TECHNICAL OFFICER B-18
WITHOUT THE APPROVAL OF PROVINCIAL SELECTION BOARD.**

Memo:

Kindly refer to your good office letter No. H-24(80)BANNU/Vol-III/1169, dated:18-03-2021, on the subject mention above and to state that his office communicated your office implementation of the honorable Peshawar High Court decision regarding ante-dated promotion of the officer namely Muhammad Younas, presently working as Superintending Engineer, Public Health Engineering Bannu and requested for submission of the honorable Peshawar High Court decision and reason for non-drawl of his promotion arrear well in time. Consequently he communicated attested photocopy of the said judgement and did not share his view about non drawl of ante-dated promotion arrear. The case is briefly that Mr. Muhammad Younas SE PHE Bannu submitted writhe petition for his ante-dated promotion w.e.f 31-03-2010 instead of 18-10-2011 and accordingly the honorable PHC decided the case in his favour on 13-06-2016, at that time the officer concern was under audit jurisdiction of your good office at different post as below.

<u>Post</u>	<u>Department</u>	<u>Period</u>
1) Section Officer Public Health Eng Peshawar		01-02-2008 to 31-10-2011
2) Technical officer	Public Health Eng Peshawar	01-11-2011 to 28-02-2017
3) Superintending Eng Public Health Eng Peshawar		01-01-2018 to 30-09-2020
4) Superintending Eng PHE Circle D.I.Khan		01-03-2017 to 31-12-2017

Surprisingly in the above said period the officer has neither submitted his claim to your good office nor submitted to DAO D.I.Khan for unknown reason. On 10-02-2021, the officer requested this office for revised pay slip on account of ante-dated promotion on the eve of PHC judgment. According to this office records on his transfer to Bannu, only LPC was received, showing him paid up-to 30-09-2020 while rest of his P-File held in your office. The officer stressing for his re-fixation but due to non availability of his P-File along with Service Statement up-to date, re-fixation is not possible. In this regard this office has already requested for submission of P-File a/w Service Statement vide this office letter No.DAO/BU/PR-1/P-File/AR-12, 2841/2020-21but so for no fruitful results received and still the matter is the same (Copy attached). Therefore, it is requested that his re-fixation either may kindly be made at your good office, if post is available in that particular period or his P-File a/w Service Statement may kindly be furnished to this office for re-fixation.


District Accounts Officer
Bannu

Copy to:

Muhammad Younas, Superintending Engineer PHE Bannu. ✓


District Accounts Officer
Bannu



Annex - A15
GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the February 01, 2022

102

NOTIFICATION

No.SO(ESTT)/PHED/1-46/2021: Consequent upon expiry of the period of major penalty "Reduction to lower post for a period of one year", already notified vide this Department notification of No.SO(ESTT)/PHED/15-2/2017/NAB/VR: dated 25-11-2020, the competent authority is pleased to order restoration of the following officers of Public Health Enng: Department against their actual posts, as noted against each, with effect from 25-11-2021, in the interest of public service:-

S #	Name	From	To	Remarks
1.	Mr. Amjad Ali	Design Engineer (BPS-18) O/o the C.E (South) PHED Peshawar	Superintending Engineer (BPS-19) H/Q O/O:the C.E (South) PHED Peshawar	Against the vacant post
2.	Mr. Shaukat Rehman	Executive Engineer (OPS) PHE Division Kolai Palas Kohistan with additional charge of the vacant post of XEN PHE Division Lower Kohistan	Executive Engineer (BPS-18) PHE Division Kolai Palas Kohistan with additional charge of the vacant post of XEN PHE Division Lower Kohistan	Against the existing post

SECRETARY
PHE DEPARTMENT

No.SO(ESTT)PHED/1-46/2021

Dated Peshawar, the February 01, 2022

Copy forwarded for information & necessary action to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Chief Engineer (South/East) PHE Department Peshawar
4. Superintending Engineer PHE Circle Mansehra.
5. Executive Engineer PHE Division Kolai Palas Kohistan.
6. District Comptroller of Accounts Kolai Palas Kohistan.
7. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
8. Officers concerned.
9. Office Order / Personal Files.


SECTION OFFICER (ESTT)

No.



Annex - A 16

103

**OFFICE OF THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT PESHAWAR**

Email Address: emyounuskh@gmail.com / Phone No. +92-300-5885636

No. Camp-02 /S.E (H/Q) /PHED

Dated Peshawar the, 12 / 01 /2018

To,

(Mr. Pervez Khan Khattak)
The Honorable Chief Minister,
Khyber Pakhtunkhwa, Peshawar.

Subject: - Appeal against;
i. Recommendations of the PSB in its meeting dated 28.12.2017,
ii. Promotion Notification No.SO(Estt)/PHED/1-17/2017-18 dated 08.01.2018.

Respected Sir,

I, Engr. M. Younas khattak, humbly submit as following;

1. That I am a regular Civil Servant, present PHE Department employee and appointed by promotion in BPS-18 on 31.03.2010.
2. That initially I was appointed in BPS-17 on 26.04.1988 through Public Service Commission Khyber Pakhtunkhwa and since then I have served my government duties without any break. My regular total service length till consideration in PSB dated 28.12.2017 is 29 years & 08 months.
3. That as per regular service length I am eligible for appointment by promotion to all posts of BS-19 and above.
4. That my working papers for promotion to BPS-19 were placed for consideration, against 02 available vacancies in PHED, in the PSB meeting held on 28.12.2017.
5. That I stood at S.No.2 in the PHE Deptt: Final Inter-se-Seniority List of BPS-18. And Working-Papers of eligible 04 No. Officers of BPS-18 were placed before the PSB for consideration and promotions to BPS-19.
6. That the promotions cases of PHE Deptt: Officers from BPS-18 to BPS-19 were consider as Agenda Item No.05. And the PSB exhausted all the list of 04 No. Officers against the available 02 vacancies in the PHE Department. The consideration and recommendations of the PSB meeting dated 28.12.2017 are given as under:
 - i. Engr. M. Sadiq Khattak, — "The Board recommended to defer his promotion", cause of NAB case.
 - ii. Engr. M. Younas Khattak: His date of birth is 05.04.1962. He joined govt. service on 26.04.1988 in BS-17. He was promoted to BS-18 on 31.03.2010. The Board in its meeting held on 24.03.2017 recommended to defer his promotion as the Board observed that a special report in respect of the officer is required to be submitted by the department, which has not yet been provided by the department. The Board directed to further watch the performance of the Officer and submit a special report based on objective assessment to the PSB in its next meeting. "The Board recommended to defer his promotion".

- iii. **Engr. Gul Shahid Khattak** — “The Board recommended to defer his promotion”, cause of NAB case.
- iv. **Engr. Masood ur Rehman**, appointed in BS-17 on 26.04.1988 and promoted to BS-18 on 31.03.2010.
“The Board recommended the Officer for promotion to the post of Superintending Engineer BS-19 on regular basis. He will be on probation for a period of one year”.

7. That on the recommendations of the PSB, the PHE Department issued Notification No.SO(Estt)/PHED/1-17/2017-18 dated 08.01.2018, wherein Engr. Masood-ur-Rehman has been promoted to BPS-19 on Regular Basis with immediate effect.

GRIEVANCES OF THE APPLICANT:

8. That the **Provincial Selection Board** has exceeded its mandate as assigned to it in the EstaCode Khyber Pakhtunkhwa.
9. That the PSB has consider working papers of the **Officer**, as reflected at **S.No.1** in the PHED Seniority List of (BS-18), and has deferred his case. He has been deferred and not superseded for what so ever be the reason, therefore, the one number vacant post shall be kept vacant for his consideration immediately the reason of deferment is fulfilled.
10. That the PSB has consider working papers of the **Officer**, as reflected at **S.No.2** in the PHED Seniority List of (BS-18), and has deferred his case. He has been deferred for reasons beyond jurisdiction of the PSB, therefore, the one number vacant post shall be kept vacant for his consideration immediately the reason of deferment is fulfilled.
11. In light of the above para-(9 & 10) both the 02 number available vacancies have been exhausted and no vacant post was available for consideration of the **Officer**, as reflected at **S.No.3 & 4** in the PHED Seniority List of (BS-18). But the Officer at S.No.3 has been deferred and the Officer at S.No.4 has been promoted to BPS-19 on Regular Basis, which was totally illegal, unjustified and beyond jurisdiction of the PSB.
12. The **PSB meeting held on 24.03.2017** and its recommendations have not been communicated to the applicant.
13. **NOTE:** The PSB has neither been attended by the Secretary PHE Department nor the PSB has called the Applicant for appearance in person in the PSB meeting. Secondly, no one Senior Engineer of the PHED has been called as member of the PSB, whereas promotions of PHE Cadre Engineers have been discussed in the meeting on 28.12.2017. All the members in the PSB were totally outside the PHE Cadre Officers and no one of the members was neither directly nor indirectly related to the job descriptions or duties of the Applicant concerned.

HUMBLE SUBMISSIONS:

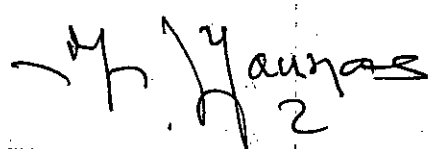
The Honorable Chief Minister is humbly requested for the following:

- i. to set-aside the PSB recommendations on agenda Item No.05 in its meeting dated 28.12.2017 as unlawful and beyond jurisdiction of the PSB.

- ii. to cancel the PHE Department Notification dated 08.01.2018 (para-7 above) as illegal and beyond jurisdiction and is unlawfully issued on the service rights of the Applicant.
- iii. to allow promotion of the Applicant to BPS-19 w.e.f. the date when the post of BS-19 fell vacant, cause the HCM is the competent authority and it is not mandatory upon him to accept and approve any recommendation placed before him by the PSB, either based on unlawful decisions due to less knowledge OR due to mala-fide for any reason and to chit the competent authority. Precedence is available on record, where the honorable Chief Ministers have exercised their authority against the PSB recommendations.
- iv. to constitute the PSB afresh under Chairmanship of the Parliamentary Members, Senior Most Officers of the Cadre as Members, Administrative Secretary of the Department concerned as Member and Members of the PAS / PMS Officers, if required. And if feasible open seminar shall be conducted for the purpose to bring a change which is motive of the present PTI Government.

I shall be obliged for sympathetic consideration of my appeal.

Yours Obediently,

Applicant/Appellant: 

(Engr. M. Younas Khattak)
Superintending Engineer H/Q,
PHE Department Peshawar.

Copy submitted to the Secretary PHE Department for information please.





OFFICE OF THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT PESHAWAR

Dated Peshawar the, 04 / 07 /2018

To,

Mr. Dost Muhammad Khan Justice (Rétd)
The Honorable Chief Minister Khyber Pakhtunkhwa.
(The Competent Authority)

106

Subject: - Representation against;

- i. Recommendations of the PSB in its meeting dated 28.12.2017 & 24.3.2017,
- ii. Promotion Notification No.SO(Estt)/PHED/1-17/2017-18 dated 08.01.2018.

Hon'able Sir,

I, Engr. M. Younas khattak, humbly submit as following;

1. That I am a regular Civil Servant and appointed by promotion in **BPS-18 on 31.03.2010** vide Public Health Engineering Department Notification dated 13.06.2016 with retrospective effect.
2. That initially I was appointed in BPS-17 on 26.04.1988 through Public Service Commission Khyber Pakhtunkhwa and since then I have served my government duties without any break. My regular total service length till consideration in PSB on 28.12.2017 was 29 years & 08 months.
3. That as per regular service length I am eligible for appointment by promotion to the posts of BS-19 and above. Earlier I was obstructed for promotion to BPS-18 on 09.03.2010, whereas my other colleagues similarly placed were promoted on 31.03.2010 and then to BPS-19 on 11.11.2010. My lawful service rights for promotion to BS-18 and then to BS-19 were badly infringed.
4. That my **Working Papers for promotion to BPS-19** were placed for consideration in the Provincial Selection Board Khyber Pakhtunkhwa (PSB), against available **02 No. vacancies** in the PHE Department. My case for promotion to BS-19 was considered in the PSB meeting held on 24.03.2017 and then on 28.12.2017 but was **DEFERRED unjustifiably**. I was reflected at S.No.2 in the PHE Deptt: Inter-se-Seniority List of BPS-18.
5. That the **Competent Authority has not given approval** to the PSB recommendations but a **junior officer standing at S.No.4** in the PHED Seniority List (BS-18) was promoted unlawfully to BPS-19 vide PHE Deptt: Notification dated 08.01.2018.
6. That I had submitted departmental appeal to the Hon'able Chief Minister but no response. Then I filed WP-891P/2018 in the Peshawar High Court which has been dismissed as not maintainable. (Judgment dated 30.05.18 & W.P copies attached)

PRAYER:

The Honorable Chief Minister is humbly requested to set aside the PSB recommendations on agenda Item No.05 in its meeting dated 28.12.2017 as unlawful and beyond jurisdiction of the PSB regarding standing criteria for promotion to BS-19.

Secondly, the PHE Department Notification dated 08.01.2018 (refer to para-5 above) may be cancelled and ORDER may graciously be passed to issue notification of the Applicant to BPS-19 with retrospective effect from the date when the BS-19 posts were falling vacant and junior officers in BS-18 were promoted to BS-19 illegally and beyond jurisdiction on the service rights of the Applicant.

Since, my writ petition has been dismissed and Service Tribunal is also barred to entertain an appeal based on Fitness, therefore, the Applicant has no other remedy and humbly submit this application for reconsideration, cause the EstaCode allow for it.

APPLICANT:


(Engr. M. Younas Khattak)
Superintending Engineer H/Q,
PHE Department Peshawar.

CC: Secretary PHE Department for information.



OFFICE OF THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT PESHAWAR

Dated Peshawar the, 30 / 07 /2018

To,

The Chief Secretary,
Government of Khyber Pakhtunkhwa.

107

Subject: - Representation against;

- i. Recommendations of the PSB in its meeting dated 28.12.2017 & 24.3.2017,
- ii. Promotion Notification No.SO(Estt)/PHED/1-17/2017-18 dated 08.01.2018.

Reference: CM Secretariat No. SOVI /CMS /KPK /4-2 /2018 /14560-62 dated 18.07.2018.

Sir,

I, Engr. M. Younas khattak, humbly submit as following;

1. That I am a regular Civil Servant and appointed by promotion in **BPS-18 on 31.03.2010** vide Public Health Engineering Department Notification dated 13.06.2016 with retrospective effect. My regular total service length till consideration in PSB on 28.12.2017 was 29 years & 08 months.
2. That my **Working Papers for promotion to BPS-19** were placed for consideration in the Provincial Selection Board Khyber Pakhtunkhwa (PSB), against available **02 No. vacancies** in the PHE Department. My case for promotion to **BS-19** was considered in the PSB meeting held on **24.03.2017** and then on **28.12.2017** but was **DEFERRED unjustifiably**. I was reflected at S.No.2 in the PHE Deptt: Inter-se-Seniority List of BPS-18.
3. That I was served with a Charge Sheet and then inquiry proceedings were initiated against me after my deferment from promotion to BS-19 on 28.12.2017. **The Inquiry Committee submitted its Report dated 08.03.2018 with its findings** to Secretary PHE Deptt. and then I was exonerated from the charges vide PHE Deptt: Notification dated 27.04.2018. **(Copies attached)**
4. That the **Competent Authority has not given approval** to the PSB recommendations but a junior officer standing at **S.No.4** in the PHED Seniority List (BS-18) was promoted unlawfully to **BPS-19** vide PHE Deptt: Notification dated 08.01.2018.
5. That I had submitted a **Departmental Appeal to the Hon'able Chief Minister** which has been forwarded vide above reference letter dated **18.07.2018** to the Establishment Department and to the PHE Department. **(Copy attached)**

Submissions:

In light of the above mentioned facts, therefore, it is humbly requested to set-aside the PSB recommendations on agenda Item No.05 in its meeting dated 28.12.2017, being unlawful and beyond jurisdiction of the PSB regarding standing criteria for promotion to BS-19 as per the PHE Department Service Rules for promotions.

- ii. **The Inquiry Committee has established its FINDINGS** in its Report dated 08.03.2018. The same may kindly be treated as a **SPECIAL REPORT**, which was based unlawfully for my deferment from promotion to BPS-19 in the earlier PSB meetings twice.
- iii. the PHE Department Notification dated 08.01.2018, as referred above, may be cancelled and **ORDER** may graciously be passed to issue notification of the Applicant to BPS-19 with it retrospective effect from the date when the BS-19 posts were falling vacant and junior officers in BS-18 were promoted to BS-19 on the service rights of the Applicant.

APPLICANT:


(Engr. M. Younas Khattak)
Superintending Engineer H/Q, PHED.

Copy for information & necessary action to:

1. Principal Secretary to the Chief Minister Khyber Pakhtunkhwa.
2. Secretary Public Health Engineering Department Peshawar.





OFFICE OF THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT PESHAWAR

Dated Peshawar the, 01 / 10 /2018

To,

The Chief Secretary,
Government of Khyber Pakhtunkhwa.

(Signature)
02-10-18

APPLICATION FOR PERSONAL HEARING

with reference to:

Subject: - Representation against;

- i. Recommendations of the PSB in its meeting dated 28.12.2017 & 24.3.2017,
- ii. Promotion Notification No.SO(Estt)/PHED/1-17/2017-18 dated 08.01.2018.

Reference: CM Secretariat No. SOVI /CMS /KPK /4-2 /2018 /14560-62 dated 18.07.2018.

Sir,

With due regards it is humbly submitted that I have filed a **Representation** dated **30.07.2018** to your office, regarding the above noted subject and the reference letter. I have not been intimated any such action till date, whereas Provincial Selection Board meetings have also been conducted several times and other cases of PHE Department have been discussed and recommended for promotions. The applicant was expecting positive results from the PSB but it was highly disappointing that the deferred cases of the previous PSB meetings were not even reflected on the Agenda of subsequent PSB meetings.

2. In light of the above mentioned facts I humbly submit that kindly **provide me an opportunity of personal hearing before you**, so that I may highlight and justify my stance for defending my long pending service rights, cause the Peshawar High Court has infringed remedy and not entertained my petition regarding deferment by the PSB.

APPLICANT:

(Signature)

(Engr. M. Younas Khattak)

Superintending Engineer H/Q, PHED.

Copy for information & necessary action, w/r to the above reference letter, to:

(Signature)
2/10/18
(Signature)
2-10-18

- i. Principal Secretary to the Chief Minister Khyber Pakhtunkhwa, Peshawar.
- ii. Secretary Establishment Department KPK, Peshawar.
- iii. Secretary Public Health Engineering Department KPK, Peshawar.

(Signature)

To,

The Secretary,
Public Health Engg: Department,
Khyber Pakhtunkhwa Peshawar.

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Subject: - Subject: - Representation against;

- i. Recommendations of the PSB in its meeting dated 28.12.2017 & 24.3.2017,
- ii. Promotion Notification No.SO(Estt)/PHED/1-17/2017-18 dated 08.01.2018.

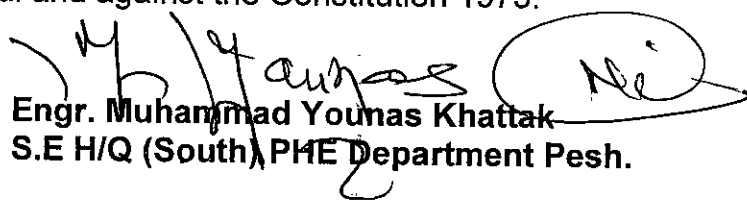
Reference: Section Officer (Estt) No. SO(E)/PHED/1-17/2016/PSB/Vol-IV dated 22.11.2018.

Sir,

with due regards I Engr. Muhammad Younas Khattak hereby submit as following:

1. That earlier I have submitted the following letters (Copies attached), given as under:
 - i. Representation to the Chief Minister Khyber Pakhtunkhwa dated 04.07.2018.
 - ii. CM Secretariat Letter No. SOVI/CMS/KPK/4-2/2018/14560-62 dated 18.07.2018.
 - iii. Representation to the Chief Secretary Khyber Pakhtunkhwa dated 30.07.2018.
 - iv. To Mr. Nimat Ullah then Director Design (South) PHED dated 03.08.2018.
 - v. Application to the Chief Secretary Khyber Pakhtunkhwa dated 30.07.2018 for PERSONAL HEARING.
2. That my **Working Papers for promotion to BPS-19** were placed for consideration in the Provincial Selection Board Khyber Pakhtunkhwa (PSB), **against available 02 No. vacancies** in the PHE Department. **My case for promotion to BS-19 was considered in the PSB meetings held on 24.03.2017 and then on 28.12.2017 but was DEFERRED unjustifiably.** I was reflected at S.No.2 in the PHE Deptt: Inter-se-Seniority List for BPS-18. The officers at S.No. 1, 2 & 3 were deferred but not superseded and a junior at S.No.4 Mr. Masood ur Rehman was promoted to BS-19 against the available two number vacant posts of BS-19 unlawfully. (Copies attached)
3. That the competent authorities of provincial government had initiated an Inquiry against the undersigned and Charge Sheet, based on inefficiency and bad performance in govt. duties during posting as SE PHE Circle D.I.Khan in the 2017, was served upon me. But earlier to issuance of the Charge Sheet /Inquiry I was also transferred from the posts of SE PHE Circle D.I.Khan and **all these actions were taken subsequent to my DEFERMENT in the PSB on 24.3.2017 & 28.12.2017.** The Inquiry Committee also furnished a **SPECIAL REPORT** in favour of the undersigned in its Findings Para,s and exonerated the undersigned with honor in its REPORT dt:08.3.2018. (Copy attached)
4. In light of the above mentioned facts it is humbly submitted that the "**Findings Para,s of the Inquiry Committee's REPORT dated 08.03.2018**" may kindly be placed before the PSB for favorable consideration of my promotion to BS-19 with retrospective effect from the date when the posts fell vacant (Ref: Supreme Court Judgments on Retrospective Effect have binding effect as per Art-189 of the Constitution). My case for promotion to BS-19 was unjustifiably deferred in the PSB meetings held on 24.03.2017 & then on 28.12.2017, therefore, the pending case of my deferment may be considered on priority in the forthcoming PSB meeting, as there was nothing pending on my part and my deferment was based on discrimination, unlawful and against the Constitution 1973.

Applicant:


Engr. Muhammad Younas Khattak
S.E H/Q (South) PHE Department Pesh.

Endst: Copies for inf: & n/action to:

1. The Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
2. All Members Provincial Selection Board Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (South) PHE Department Peshawar Diary No. 3986 dated 05.12.2018 and SO(Estt)/PHED/1-17/2016/PSB dated 22.11.2018.



**OFFICE OF THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT PESHAWAR**

Email Address: emyounuskh@gmail.com / Phone No. +92-300-5885636

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No. Camp-03 /S.E (H/Q) /PHED

Dated Peshawar the, 29 / 10 /2019

To,

The Honorable Chief Minister,
Khyber Pakhtunkhwa, Peshawar.
(Appellate Authority)

Subject: - Departmental Appeal against;

- i. Recommendations of the PSB in its meetings dated 23.09.2019 in connection with dated 24.03.2017 and 28.12.2017.
- ii. Promotion Notification No.SO(Estt)/PHED/1-17/2018-19 dated 03.10.2019 & dated 08.01.2018.

Respected Sir,

I, Engr. M. Younas khattak, humbly submit as following;

1. That I am a regular provincial govt. employee and a Civil Servant of the PHE Department Khyber Pakhtunkhwa. I was appointed by promotion in BPS-18 on 31.03.2010.
2. That initially I was appointed in BPS-17 through Public Service Commission Khyber Pakhtunkhwa vide Irrig: & PHE Deptt Notification dated 26.04.1988. Since then I have served my government duties without any break. My regular total service length till consideration for promotion to BS-19 in the PSB meeting dated 23.09.2019 was 31 years & 05 months, whereas required is 12 years of total service in BS-17 & above as per Promotion Criteria.
3. That as per regular service length I was eligible for appointment by promotion to the Post of BS-19 in the year 2000 and now it is end of 2019, therefore, 12 No. ACRs were required whereas my 26 No. ACRs till 31.12.2016 were available.
4. That my working papers for promotion to BPS-19, against 04 No. available vacancies in PHED, were **placed for consideration for 3rd time in the PSB meeting held on 23.09.2019**, for reason that earlier my promotion to BS-19 was deferred for two times since 24.03.2017 illegally and without lawful authority and juniors were promoted unlawfully.
5. That I stood at S.No.2 in the PHE Deptt: Final Inter-se-Seniority List of BPS-18. And the **Working-Papers of eligible Officers in BS-18 were placed before the PSB meeting dated 23.09.2019** for consideration and promotions to BPS-19.
6. That the **Agenda Additional Item No.03 of the PSB meeting dated 23.09.2019** and recommendations of Officers against available 04 No. vacancies are given as under:-
 - i. **Engr. M. Sadiq Khattak (B.E -Civil):** --- He was promoted to BS-18 on 31.03.2010. "The Board recommended the officer for promotion to the post of Superintending Engineer BS-19 on regular basis subject to final decision of the Supreme Court of Pakistan in Suo-Motu Case of 17/2016. He will be on probation for a period of one year."
 - ii. **Engr. M. Younas Khattak (B.E -Civil):** --- His date of birth is 05.04.1962. He joined govt. service on 26.04.1988 in BS-17. He was promoted to BS-18 on 31.03.2010. The Board in its meeting held on 24.03.2017 and 28.12.2017 recommended to defer his promotion as the Board observed that a special report

in respect of the officer is required to be submitted by the department for perusal of the Board. The Board observed that the requisite special report has not yet been provided by the department. Moreover, his PERs for the Year 2017 and 2018 are also not available. **"The Board recommended to defer his promotion"**. 11

iii. **Engr. Gul Shahid Khattak (B.E -Civil):** --- He was promoted to BS-18 on 18.10.2011. "The Board recommended the officer for promotion to the post of Superintending Engineer BS-19 on regular basis subject to final decision of the Supreme Court of Pakistan in Suo-Motu Case of 17/2016. He will be on probation for a period of one year."

iv. **Engr. Hikmat Sher (B.E -Civil):** --- He was promoted to BS-18 on 17.10.2012. "The Board recommended the Officer for promotion to the post of Superintending Engineer BS-19 on regular basis. He will be on probation for a period of one year".

7. That on the recommendations of the PSB as in para-6 above, the PHE Department further issued Notification No.SO(Estt)/PHED/1-17/2018-19 dated 03.10.2019, wherein Mr.M.Sadiq Khattak, Mr.Gul Shahid Khan and Mr.Hikmat Sher have been promoted to BPS-19 on Regular Basis with immediate effect.

GRIEVANCES OF THE APPLICANT:

8. That the **Applicant, Muhammad Younis Khattak**, was eligible as per required Criteria for promotion to the Non-Selection Post of Superintending Engineer (BS-19) and was considered in the Provincial Selection Board meetings held earlier on 24.03.2017 and 28.12.2017 and then on 23.09.2019. The observations and recommendations of the PSB in respect of the Applicant are reproduced as following:-

S.No.	PSB Meeting held on	Recommendation by PSB	Observation & Reasons by PSB
1	24.03.2017	Deferred	He was promoted to BS-18 on 31.03.2010. The Board thoroughly discussed his service record and observed that a special report in respect of the officer is required to be submitted by the department for consideration of his promotion.
2	28.12.2017	Deferred	He was promoted to BS-18 on 31.03.2010. The Board in its meeting held on 24.03.2017 observed that a special report in respect of the officer is required to be submitted by the department, which has not yet been provided by the department. The Board directed to further watch the performance of the officer and submit a special report based on objective assessment to the PSB in its next meeting.
3	23.09.2019	Deferred	He was promoted to BS-18 on 31.03.2010. The Board in its meeting held on 24.03.2017 and 28.12.2017 recommended to defer his promotion as the Board observed that a special report in respect of the officer is required to be submitted by the department for perusal of the Board. The Board observed that the requisite special report has not yet been provided by the department. Moreover, his PERs for the Year 2017 and 2018 are also not available.

Nil

8.i. The PSB has exceeded its mandate as assigned to it in the EstaCode Khyber Pakhtunkhwa/Federal regarding deferment of an officer. **The Board has not observed any shortcoming as per requisite criteria**, but a self-created term was applied for deferment of the Applicant. The term of "**Special Report**" neither exists in the promotion policy nor a part of the PERs/ACRs, thus totally illegal and without lawful authority, unjustified and unconstitutional on the protected service rights of the Applicant. 112

8.ii. The Chairman PSB immediately after 2nd time deferment himself initiated an enquiry/Charge-Sheet dated 18.01.2018 through a **TWO MEMBERS INQUIRY COMMITTEE**, comprising of Secretary Transport Department (BS-20) & Chief Engineer Irrigation Department Khyber Pakhtunkhwa. The Charges levelled against the Applicant were for Performance Evaluation Report which are reproduced as following:

"He (i.e. the Applicant) miserably failed to deliver as **Superintending Engineer (OPS) PHED Circle D.I.Khan** and that his tenure was marked with **poor governance, inefficiency, unnecessary delay in execution of developmental schemes, less interest in government job and exercise of authority in an efficient and judicial manner**".

8.iii. The Inquiry Committee submitted its **REPORT dated 08.03.2018** and furnished its **FINDINGS** which are reproduced as following:-

b) Engr. Muhammad Younas Khattak:

- i. No delay in the project activities could be proved against Engr. Muhammad Younas Khattak.
- ii. Poor governance of the office of the circle prevailed prior to his taking charge of the circle where an executive engineer (OPS) was party to the local representatives and contractors. This later on turned to a grave situation of giving the impression that delays are being occurred.
- iii. He acted in accordance with the rules and regulations as and when issue was brought in front of him and disposals was made according to his best abilities.

Recommendations:

a) Engr. Nematullah:

In light of the foregoing charges against Engr. Nematullah, Director Design, the accused are not proved.

b) Engr. Muhammad Younas Khattak:

Similarly charges against Engr. Muhammad Younas Khattak, Superintending H/Q (South) the accused are not proved.

8.iv. The PHE Department issued Notification dated 27.04.2018 and honorably exonerated the Applicant from all the Charges as levelled against him in the Charge-Sheet.

8.v. That as per EstaCode the Promotion Case of the Applicant to BS-19 was to be processed to the Competent Authority for approval immediately as the reason of deferment of the unlawful desire/observation of "Special Report" by the PSB was fulfilled after the Inquiry Committee Report dated 08.03.2018. And the Promotion Notification was to be issued with retrospective effect dated 24.03.2017, but the Case was kept pending for years with mala-fide intentions and the Applicant's service rights and financial benefits badly suffered for no fault.

8.vi. That the Applicant's Promotion Case was placed for consideration in the PSB for 3rd time in the PSB meeting held on 23.10.2019. The PSB did not entertained the Special Report as furnished by the Inquiry Committee dated 08.03.2018 and further added observations to furnish two No. PERs for the year 2017 and 2018, whereas there were no short coming as per required promotion criteria. These additional PERs caused a fresh cause of action to the previous two times illegal deferment and it confirms mala-fide (Impugned – A).

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8.vii. That the PHE Department issued Promotions Notification dated 03.10.2019 wherein Junior Officers have been promoted and the Applicant's Constitutionally protect service rights for promotion have been obstructed and infringed illegally and without lawful authority. (Impugned – B).

9. **NOTE:** The PSB dated 28.12.2017 had neither been attended by the Secretary PHE Department nor the PSB had called the Applicant for appearance in person in the PSB meeting. Secondly, no one Senior Engineer of the PHED was called as member of the PSB, whereas promotions of PHE Cadre Engineers were discussed in the meeting on 28.12.2017. All the members in the PSB were totally outside the PHE Cadre Officers and no one of the members was neither directly nor indirectly related to the job descriptions or duties of the Applicant concerned.

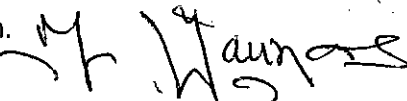
HUMBLE SUBMISSIONS:

In light of the above mentioned facts, my humble submissions are as following:-

- a. to set-aside the PSB recommendations on Agenda Additional Item No.03 in its meeting dated 23.09.2019 in connection with PHED Agenda Items in PSB meetings held on 24.03.2017 and 28.12.2017 as unlawful and beyond jurisdiction of the PSB mandate.
- b. to withdraw and cancel the PHE Department Notification dated 08.01.2018 and dated 03.10.2019 as subsequently based on the hereinabove para-a PSB meetings being illegal and beyond jurisdiction, wherein unlawfully obstructed and infringed constitutionally protected service rights of the Applicant.
- c. to allow promotion of the Applicant to BPS-19 w.e.f. the date when the post of BS-19 fell vacant, cause the HCM is the competent authority and it is not mandatory upon him to accept and approve any recommendation placed before him by the PSB, either based on unlawful recommendations due to less knowledge OR due to mala-fide intentions for any reason which tantamount to cheat the competent authority. Precedence is available on record, where the honorable Chief Ministers has exercised their authority against the PSB recommendations in promotions to BS-20 in the C&W/W&S Department.
- d. The Hon'able Chief Minister has not approved & notified constitution of the Provincial Selection Board Committee for promotion cases of all departments, therefore, a fresh PSBC may be constituted under the Chairmanship of the Members Provincial Assembly, Senior Most Officers of the Cadre as Members, Administrative Secretary of the Department concerned as Member and Members Finance Department. And if feasible then the matter may be referred to the Provincial Assembly for open discussion to bring a change which is motive of the government.

I shall be obliged for sympathetic consideration.

Applicant/Appellant:

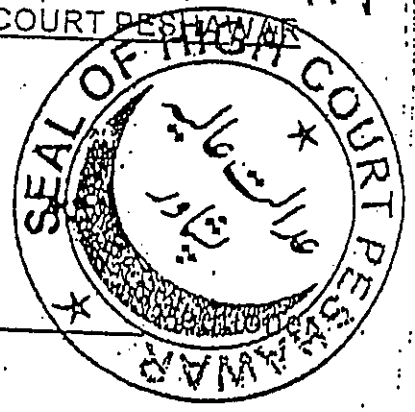

(Engr. M. Younas Khattak)
Superintending Engineer H/Q,
PHE Department Peshawar.



BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 2751 / 2010.

Engr. Muhammad Younas Khattak
SO(Technical) PHE Department Secretariat,
Peshawar.



VERSUS

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
3. Provincial Selection Board through Secretary Establishment Deptt: K.P Peshawar.
4. Secretary W&S Department (Defunct) through Secretary Establishment Deptt: K.P Peshawar.
5. Secretary C&W Department K.P Peshawar.
6. Secretary PHE Department K.P Peshawar.

Respondents

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WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

Prayer:- That on acceptance of this petition, it is humbly prayed for the following:-

- i. the decision of the Provincial Selection Board (PSB) taken in the meetings vide agenda item-6 in minutes of the meetings dated 09-03-2010 and agenda item-4 in minutes dated 22-6-2010 (refer to impugned orders-I & II, Annex-Q & T, page-73 & 82), wherein the petitioner has been deferred and obstructed from promotion from BPS-17 to BPS-18, may be declared illegal and without lawful authority and that the promotion notification of the petitioner be issued accordingly.
- ii. that the responsible senior officials may be exemplary punished and huge cost be imposed for willful obstruction and violation of law, rules and standing policy as the respondents not only compel the petitioner for seeking constitutionally protected lawful service rights from the honorable court again & again but they also overburden the judiciary and this chain of misdoings never break, as the respondents are fully conscious that their unlawful actions & orders can badly degrade & torture the petitioner mentally, physically, financially and career-wise, and their unlawful orders can either be reversed or not by the competent courts but there is no harm & sentence for them for the illegalities willfully committed.
- iii. to grant in favour of petitioner any other relief as deemed appropriate in the circumstances of case but not specifically asked for in this petition.

TESTED
EXAMINER
Peshawar High Court

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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

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

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	<p><u>ORDER</u> 09.12.2010</p>	<p><u>Writ Petition No.2751/2010 with Interim Relief.</u></p> <p>Present: Ms. Neelam A. Khan, Advocate, for Engr. Muhammad Younas Khattak, petitioner.</p> <p>Mr. Naveed Akhtar, Addl. AG, for the respondents.</p> <p>*****</p> <p><u>EIAZ AFZAL KHAN, C.J.</u>-Petitioner through the instant petition has asked for the issuance of an appropriate writ directing the respondents to send the working paper, vis-à-vis, his promotion to the Provincial Selection Board for decision in accordance with law.</p> <p>2. The learned counsel appearing on behalf of the petitioner contended that when many others, similarly placed, were considered and promoted, despite pendency of the cases against them, the working paper of the petitioner sent to the Provincial Selection Board for promotion couldn't be withdrawn on the sole</p>

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ATTESTED

EXAMINER
Peshawar High Court

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ground that a review petition was pending in the Hon'ble Supreme Court. The learned counsel next contended that where neither an inquiry is pending against the petitioner nor his PER is incomplete nor his seniority is disputed, the working paper is to be forwarded to the Provincial Selection Board for decision in accordance with law.

3. The learned Additional Advocate General appearing on behalf of the respondents very frankly conceded that mere pendency of review petition would not constitute a valid ground for the withdrawal of the working paper and assures the sending of the working paper for promotion of the petitioner to the Provincial Selection Board for decision in accordance with law as early as possible.

4. We have gone through the available record carefully and considered the submissions made by the learned counsel for the parties.

5. When for no valid reason, the working paper regarding promotion of the petitioner was withdrawn and the learned Addl. AG conceded thereto, we have no hesitation to admit and allow this petition and direct the respondents to send it to the Provincial

Q

ATTESTED
EXAMINER

DM

NO

Selection Board for consideration and decision in accordance with law as early as possible.

Announced
09.12.2010

St- Ejaz Azal Khan CJ

Sts- Mazhar Alan Khan CJ

CERTIFIED TO BE TRUE COPY

Examined
Peshawar High Court Peshawar
Authorized Under Section 75 Act's Order

11-12-10

8240

No.

Date of Presentation of Application 10.12.10

No of Pages 14-p

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Date of Preparation of Copy 11-12-10

Date of Delivery of Copy 11-12-10

Received By M. Yousaf

(Signature)

(Ejaz)

BEFORE THE PESHAWAR HIGH COURT PESHAWARWrit Petition No. 1085 / 2011.Engr. Muhammad Younas Khattak
Technical Officer PHE Department Secretariat,
Peshawar.

Petitioner

VERSUS

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Chief Minister Govt. of Khyber Pakhtunkhwa, through Principal Secretary to C.M. Peshawar.
3. Provincial Selection Board, through Secretary Establishment Deptt. K.P Peshawar.
4. Secretary W&S Department (Defunct), through Secretary Establishment Deptt. K.P Peshawar.
5. Secretary C&W Department K.P Peshawar.
6. Secretary PHE Department K.P Peshawar.

Respondents

WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

Respectfully Sheweth:

Deputy Clerk

01 APR 2011

Abstract of the Petition:-

The petitioner was appointed as a civil servant in BPS-17 on 26-04-1988. The respondents considered the petitioner for promotion and the petitioner was deferred for the first time in the Provincial Selection Board (PSB) meetings held on 09-03-2010. The petitioner was obstructed from promotion on the ground of so called incomplete record, whereas his juniors were promoted to the rank of BPS-18.

The respondents again considered the petitioner for promotion and the petitioner was deferred for the second time in the Provincial Selection Board (PSB) meetings held on 22-6-2010. The petitioner was obstructed from promotion on the ground that the Department /respondents have filed Review Petition in the Supreme Court of Pakistan against the Supreme Court Judgment dated 01-03-2010, wherein the Department CPLA-359/2009 against the petitioner's reinstatement order was dismissed.

Writ Petition Younas Khattak VS Chief Secretary KPK filed in March 2011

ATTESTED

EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

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

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	31.05.2011	<p><u>Writ Petition No.1085/2011</u></p> <p>Present: Ms. Neelam A. Khan, Advocate, for the petitioner.</p> <p>*****</p> <p>Once the learned Additional Advocate General conceded that the mere pendency of review can't constitute a ground for not considering the employee for promotion, how the same could be cited a reason for deferring the promotion of the petitioner is a question, we would like to resolve after hearing the respondents on a date in office. Adjourn.</p>

once

sd/ Ejaz Afzal Khan
sd/ Jahya Afridi

CERTIFIED TO BE TRUE COPY

S F 4/6/11
Peshawar High Court Peshawar
Authorised Under Section 75 Act Order

(Signature)

No. 17646

Date of Presentation of Application 1/6/11

No of Pages 2

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Urgent Fee ✓

Total ✓

Date of Preparation of Copy 2-6-11

Date Given For Delivery 2/6/11

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P.NO. 1085-2011

JUDGMENT

Date of hearing 20-10-2011

Petitioner (Engz. Muhammad Younas Khattak) By Miss Heelam
A. Khan, Adv.

Respondents (Chief Secretary, Govt of KPK, Peshawar etc.)
By Mr. Barrister Waqar Ali, Dy. A.G.

MAZHAR ALAM KHAN MIANKHEL, J:- The petitioner has asked for the issuance of writ directing the respondents to issue a notification with regard to promotion of the petitioner to the rank of Executive Engineer (BPS-18) with its retrospective effect i.e. from the date when the promotion of the petitioner was due. The petitioner has further asked for declaring the Order of Provincial Selection Board dated 28.2.2011 deferring the promotion of petitioner to be illegal, coram non judice, discrimination having been based on mala fide.

2. This case was fixed for hearing on 18.10.2011 and learned A.A.G. appearing on behalf of the respondents, at the very outset, informed the Court that issuance of notification by the authority is expected today as the Provincial Selection Board in its meeting held on 5.10.2011 has already recommended his name for promotion as Executive Engineer

May be (BPS-18). So, the case was adjourned to 20.10.2010.

(Ni)

ATTESTED
May
EXCISE &
PESHAWAR HIGH COURT

3. Today the learned D.A.G. Barrister Waqar Ali Khan produced the copy of notification dated 18.10.2011 reflecting the above noted fact of promotion of petitioner but with immediate effect to which the learned counsel for the petitioner expressed her concern and submitted that it should have been antedated/with retrospective effect from the date when his promotion was due to which the learned D.A.G. appearing for the respondents submitted that it can be later on considered.

4. The record of the case was perused which would reveal that the promotion of the petitioner, who was eligible for the same, was deferred for the first time on 9.3.2010 and the only reason given for the same was incomplete record without any details of the missing record. Second time, his promotion was deferred on 22.6.2010 on the ground that department has filed review petition against dismissal of its CPLA in the Apex Court and third time on 28.2.2011 was once again refused promotion for pendency of review. The law on the subject has been developed to the extent that even pendency of departmental inquiry would not be a hurdle in the way of promotion of an employee who is otherwise eligible for promotion. Similar observation were made by this Court in W.P. No. 2751/2010 vide order dated 9.12.2010. The last deferment of promotion of the petitioner on 28.2.2011 appears to be intentional, based on mala fide. This attitude and conduct of the respondents concerned is highly deplorable. It

Mr. Waqar

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 EXAMINER
 Peshawar High Court

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was in clear disregard of the order dated 9.12.2010 of this Court. This attitude of the respondents depicts that how much regard they have to the judgment/orders of the judiciary. This conduct on the face of it invites action under the law of contempt of Court but instead of taking any action, they are just warned to be careful in future.

122

The main petition of the petitioner is disposed of in the above terms that the petitioner be considered for promotion from the date when his promotion was due.

Announced:
20.10.2011

sd/ Mazhar Alam Khan
sd/ Azmatullah Malik

8

CERTIFIED TO BE TRUE COPY

Power
Examined
Peshawar High Court Peshawar
Authorized under Article 87 of
The Constitution of Pakistan 1973

22/11/2011

5339
Date of Presentation of Application 26/10/2011
No of Pages 152
Copying fee 300
Urgent Fee
Total 30
Date of Preparation of Copy 22-11-11
Date Given For Delivery 22-11-2011
Date of Delivery of Copy 22-11-2011
Received By *[Signature]*

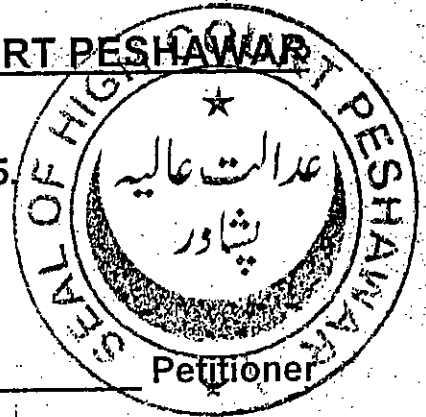
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Annex-A19 193

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION NO. 683-P/2015

Muhammad Younas Khattak
Deputy Director/T.O (BS-18),
PHE Department Secretariat, Peshawar.



VERSUS

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Chief Minister Govt. of Khyber Pakhtunkhwa, through Principal Secretary to C.M, Peshawar.
3. Provincial Selection Board, through Secretary Establishment Deptt: KPK Peshawar.
4. Secretary W&S Department (Defunct), through Secretary Establishment Deptt: KPK Peshawar.
5. Secretary C&W Department KPK Peshawar.
6. Secretary PHE Department KPK Peshawar.

_____ Respondents

**WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 FOR IMPLEMENTATION OF
PESHAWAR HIGH COURT JUDGMENT DATED
20.10.2011 IN WP NO. 1085/2011 IN TRUE SPIRIT.**

Respectfully Sheweth:

Abstract of the Petition:-

The petitioner was appointed as a Regular Civil Servant in BPS-17 on 26.04.1988 in the former Irrig: & Public Health Engg: Department. The petitioner was eligible for promotion to the posts of BPS-18 after satisfactory completion of Six (6) years regular service as per standing Service Rules of the Department. The respondents had considered the petitioner for the first time after his 22 years regular service for

ATTESTED
EXAMINER
Peshawar High Court.
24 JUN 2015

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
<p>23.06.2015</p>	<p><u>W.P. No.683-P/2015.</u></p> <p>Present: Ms. Neelam A. Khan, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG, for official respondents.</p> <p>*****</p> <p>Comments of respondents No.1 to 4 are still awaited. Reminder be issued to them to do the needful within a fortnight. Salaries of respondents No.1 to 4 are attached till the filing of the comments. Adjourned.</p> <p><i>Sd/- Waqar Ahmad Seth</i></p> <p><i>Sd/- Musarrat Hilali</i></p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>[Signature]</i> Peshawar Bench of the Peshawar High Court Authorized Under Article 187 of the Constitution of Pakistan 1973</p> <p>24 JUN 2015</p> <p><i>(No)</i></p>

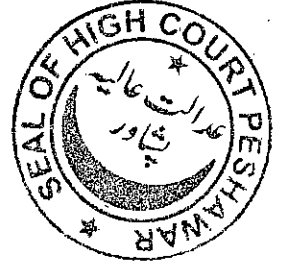


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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

2/6

Writ Petition No. 683-P/2015



JUDGMENT

Date of hearing.....27.10.2015.....

Petitioner(s).....*Muhammad Younas (Khattak)* by: *Nadeem - A. Khan - Advocate*
Respondent(s).....*By: Mian Qasim Khan Asst.*

WAQAR AHMAD SETH, J.- Muhammad Younas

Khattak, petitioner herein, through the instant constitutional petition, seeks issuance of an appropriate writ with the following prayer:-

"In the light of above mentioned facts and grounds, my humble submission is that on acceptance of this petition, this honourable Court may kindly be pleased for the following:

- i. the respondents' actions for obstructing the way of justice and noncompliance to the honorable Courts' judgments be declared illegal and unconstitutional in light of the Peshawar High Court judgment dated 20.10.2011 read with the Supreme Court of Pakistan judgment 14.09.2010 and KPK Service Tribunal judgments dated 17.11.2011, And order be kindly passed to the respondents to notify modification in the Notification dated 18.10.2011*

Nil

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ATTESTED
EXAMINER
Peshawar High Court

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for correcting the petitioner's promotion to BS-18 with retrospective effect and with effect from the date when the promotion of the petitioner was due for BS-18, which is 23.12.2004 as per Service Tribunal Judgment dated 17.11.2011.

ii. the Public Health Engg: Department Seniority Lists of BS-18 and above which have been notified subsequently by the respondents after 20.10.2011 and all the notifications of promotion to BS-19 which have been issued subsequently after 20.10.2011 in the PHE Department be declared illegal and null & void, cause this honorable Court judgment dated 20.10.2011 was kept pending and not implemented whereas subsequently other notifications of seniority lists and promotions were carried out after 20.10.2011. Firstly, correction in the petitioner's promotion notification dated 18.10.2011 for retrospective effect, w.e.f. 23.12.2004, be notified and appropriate position of the petitioner in the seniority lists of BS-18 be identified in accordance with Section 8(4) of Civil Servant Act 1973 read with Part-VI (Seniority) of Section-1 of Civil Servants APT Rules 1989 and Section-12 (Seniority) Esta Code KPK and then promotions from BS-18 to BS-19 be reconsidered and made as per standing law.

iii. this honorable Court may take cognizance of Contempt of Court Suo-Motu under the Contempt of Court Ordinance



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 Peshawar High Court

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2004 and the respondents be processed for Criminal Contempt as they willfully contravene, disregard, dishonor the Peshawar High Court judgment dated 20.10.2011 read with the Supreme Court of Pakistan Judgment 14.09.2010 KPK Service Tribunal Judgments dated 17.11.2011 and have committed subsequently other unlawful acts to divert the course of justice and to make the issue complicated. The respondents be debarred from holding offices of public interest and duties on any post of administrative nature.

iv. to impose huge cost on the respondents in the light of the above mentioned facts as the petitioner has been compelled to seek due lawful rights again and again from the honorable Courts. Further to grant any other relief as deemed appropriate in the circumstances of case but not specifically asked for in this petition in the interest of justice".

No

2. Comments were called for from the respondents, which they accordingly furnished and admitted the stance of the petitioner by stating that his case for promotion to the post of Executive Engineer (BPS-18), with retrospective effect, would be submitted before the Provincial Selection Board for consideration in compliance of order of this Court.

M. P. J.
ATTESTED
 EXAMINER
 Peshawar High Court

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3. We have heard the learned counsel for the parties and perused the record.

4. Earlier, the writ petition of the petitioner with regard to his promotion to the post of Executive Engineer (BPS-18) with retrospective effect was disposed of by this Court on 20.10.2011 and again, he has filed the instant Writ Petition for the same relief. The respondents, in their comments, have straightaway admitted the stance of the petitioner by stating that in compliance of order of this Court, his case for promotion to the post of Executive Engineer (BPS-18) with retrospective effect i.e. from the date when his juniors were promoted, would be again submitted before the Provincial Selection Board for consideration. In this view of the matter, the respondents are directed to give full satisfaction to the commitment made in their comments.

5. This Writ Petition is disposed of in above terms.

Dt.27.10.2015

(Nc)

Edwajar Ahmad Seth
JUDGE

Edy Muhammad Younis Tabeens
JUDGE

Nawab Shah

Handwritten signature and date: 28-10-15

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EXHIBIT TO BE TRUE COPY
09 APR 2021

Annex-A20

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M. NO. 586 P 2016

IN

COC No 01-P/2016

IN

W.P No. 683-P/2015

Muhammad Younas Khattak

VERSUS

Govt of Khyber pakhtunkhwa & others



PETITIONER

RESPONDENTS

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Application for Additional Documents		1
2.	Affidavit		2
3.	Notification		3-5
4.	Letter of Public Service Commission		6-7

[Signature]
Deponent

FILED TODAY
Deputy Registrar
02 MAR 2016

[Signature]
ATTESTED
EXAMINER
Peshawar High Court

[Handwritten mark]

IN THE PESHAWAR HIGH COURT, PESHAWARC.M. No. 586P/2016

IN

COC No.01-P/2016

IN

WP No.683-P/2015

Muhammad Younas Khattak

.....Petitioner

Versus

Chief Secretary Khyber Pakhtunkhwa etc

.....Respondents

**APPLICATION FOR PLACING ON FILE THE ADDITIONAL DOCUMENTS
IN THE ABOVE TITLED WRIT PETITION AS ALLOWED BY THIS
HON'BLE COURT VIDE ORDER DATED 01/03/2016.**

Respectfully Sheweth:-

1. That the above titled Writ Petition is pending adjudication before this Hon'ble Court in which next date of hearing is 09/03/2016.
2. That this Hon'ble Court was gracious enough to allow the Respondents to file additional documents in the above titled Writ Petition vide order dated 01/03/2016.
3. That in compliance with the Order dated 01/03/2016 passed by this Hon'ble Court the Respondents are filing the additional documents annexed with the application.

FILED TODAY

Deputy Registrar

02 MAR 2016

It is, therefore, humbly prayed that on acceptance of this application the additional documents may graciously be placed on file.

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EXAMINER
Peshawar High Court

Additional Advocate General,
Khyber Pakhtunkhwa,
Peshawar.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.M. No. 586 /2016

IN

COC No.01-P/2016

IN

WP No.683-P/2015

Muhammad Younas Khattak

Petitioner

Versus

Chief Secretary Khyber Pakhtunkhwa etc

Respondents

AFFIDAVIT

I, Muhammad Ali, Superintendent, office of the Public Health Engineering Department, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying application are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.

[Signature]
DEPONENT

CNIC No.17301-7531422-5

Identified by

[Signature]
NO.

Advocate General
Khyber Pakhtunkhwa
Peshawar

FILED TODAY

Dep. Secy

02 MAR 2016

No. 13823

Certified that the above was verified on solemnly affirmation before me in office, this 2nd day of March 2016, at Peshawar, by Muhammad Ali who was identified to me by *[Signature]* who is personally known to me.

Oath Commissioner
Peshawar High Court, Peshawar

Date: Peshawar, the March 17, 2015

NOTIFICATION

No. SO (Estt)/PHE/13-77/2015: Imp

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

Executive Engineers/Design Engineers/Technical Officers (SPS-18) of the Khyber Pakhtunkhwa Civil Servants Act 1973, the final Seniority of notified as detailed below:-

Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of Ist Entry in Govt. Service	Date of appointment / promotion in present grade	Remarks
1	Liaqat Ali	B.E (Civil)	02-06-1958	Charsadda	26-04-1988	18-10-2011	
2	Amjad Ali	B.E (Civil)	22-11-1962	Charsadda	26-04-1988	31-03-2010	
3	Muhammad Sadiq Khattak	B.E (Civil)	16-04-1961	Karak	26-04-1988	31-03-2010	
4	Muhammad Younas	B.E (Civil)	05-04-1962	Bannu	26-04-1988	18-10-2011	
5	Gul Shahid Khan	B.E (Civil)/ M. Eng.	05-01-1963	Karak	24-04-1988	18-10-2011	
6	Sarfraz Jehan	B.E (Civil)	16-03-1956	Bannu	26-04-1988	17-03-2011	
7	Masood-ur-Rehman	B.E (Civil)	01-05-1962	D.I. Khan	26-04-1988	31-03-2010	
8	Hikmat Sher	B.E (Civil)	19-02-1962	Khyber Agency	01-10-1987	17-10-2012	
9	Kaiser Farooq	B.E (Civil)	23-09-1962	Malakand Agency	01-10-1987	18-10-2011	
10	Irfan Rasheed	B.E (Civil)/ M.Sc (Civil)	01-01-1963	Peshawar	01-10-1987	31-03-2010	
11	Rehan Gul	B.E (Civil)/ M.Eng (Civil)	22-03-1963	Kohat	01-10-1987	15-01-2013	
12	Rasool Khan	B.E (Civil)	01-05-1963	Swat	03-01-1990	17-10-2012	

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

Seniority No	Name	Qualification	Date of Birth	Domicile	Date of 1st Entry in Govt. Service	Date of appointment / promotion in present grade	Remarks
13.	Nasir Latif	B.E (Civil)	01-01-1960	D.I.Khan	29-08-1989	31-03-2010	
14.	Muhammad Yousaf	B.E.(Civil)	27-03-1966	D.I.Khan	01-08-1992	31-03-2010	
15.	Sohail Ahmed Alizai	B.E (Civil)	15-02-1968	Haripur.	12-01-1994	31-03-2010	
16.	Shaida Muhammad	B.E (Civil) M.Sc (C/Engg)	01-04-1966	Swabi	12-01-1994	30-06-2011	
17.	Walayatullah Khan	B.E (Civil)	28-03-1968	SWA.	12-01-1994	17-03-2011	
18.	Muhammad Amjad Shamsheer	B.E (Civil)/ M.Sc (C/Engg)	18-04-1969	Bannu	12-01-1994	17-03-2011	
19.	Rehmatullah	B.E (Civil)	05-06-1959	D.I.Khan	01-09-1982	30-06-2011	
20.	Shaukat Rahman	B.E (Civil)/ M.Sc (WSE)	31-07-1968	Haripur	09-02-1995	18-10-2011	
21.	Shahid Mehmood	B.E (Civil)	27-04-1972	Mansehra	15-11-1997	17-03-2011	
22.	Irshad Khan	B.E (Civil)	15-04-1968	Mohmand Agency	15-11-1997	17-03-2011	
23.	Amil Muhammad	B.Sc Civil	12-01-1966	FR Bannu	07-04-1986	12-09-2013	
24.	Shahzada Behram	B.Sc Civil	04-11-1963	Mardan	08-10-1987	12-09-2013	
25.	Abdul Rahim	B.Sc Civil M.Sc (Civil)	25.08.1965	Bannu	16.09.1993	15-09-2014	
26.	Khan Muhammad Khan	B.Sc Civil	02.04.1968	NWA	16.09.1993	15-09-2014	
27.	Mir Adam Khan	B.Sc Civil	28-02-1966	FR Bannu	17-10-1987	15-09-2014	

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

CONFIDENTIAL

Telephone No. 75085



From: Secretary,
Public Service Commis.
Peshawar Cantt.

Amir
Section Officer (Estt)
Public Health Engg. Department
Peshawar

To: The Secretary,
Irrigation & Public Health Engng. Dept.

No. 10440-PHE/4

Dated 4 Jan, 1988

Subject: Recruitment of Assistant Engineers Civil in P.H.E. I

Sir,

I am directed to refer to your letter No. SO(E)I&PHD/4-3 dated 3.9.87 on the Subject noted above and to state that Commission recommends the following for appointments:-

Vacancy Rotation	Allocation	Merit Order	Name and Father Name	Domicile	Adjustment
2ND BLOCK					
20th	Zone-2	22	Mr Fazle Subhan S/O ✓ Fazli aliq	Peshawar	Own quota
21st	Zone-3	-	No qualified candidate.		
3RD BLOCK					
1st	Merit	35	Syed Javed Iqbal S/O Ayub Shah ✓	Peshawar	Merit quota
2nd	Zone-1	-	No qualified candidate.		
3rd	Zone-2	37	Mr Abdul Sami S/O Abdul Aziz ✓	Peshawar	Own quota
4th	Zone-3	-	No qualified candidate.		
5th	Zone-4	62	Mr. Muhammad Sadiq S/O ✓ Muhammad Sharif	Karak	Own quota
6th	Zone-5	-	No qualified candidate.		
7th	Merit	40	Mr Abdul Latif Khan S/O ✓ Dilbar Khan	Mardan	Merit quota
8th	Zone-1	-	No qualified candidate.		
9th	Zone-2	44	Mr Khanzeb S/O Fazal Hussain ✓	Mardan	Own quota
10th	Zone-3	-	No qualified candidate.		

No

4.1.88
 Deputy Secretary
 (Public Safety)
 Mr. J. J. J.

No

Recommendations in favour of the recommendees are provisional subject to medical fitness and personal or ACRs on merit No. 22, 55 and 60 which may please be available by the department at the earliest.
 Original applications (with enclosures) of the recommendees are 1th for your record. Please acknowledge receipt.

Schedule of Ex-Servicemen and disable persons is as follows.

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share:-	6	11	10	8	8	53
Adjustment:-	9	20	2	15	2	57
Net:-	-	-	13	-7	+6	-

up-to-date total after filling in the above vacancies will be as follows:-

14th Zone-1 87 Mr. Rasool Khan S/O Mr. Rasool Khan
 12th Zone-5 80 Mr. Saifur Rahman S/O Mr. Saifur Rahman
 10th Zone-3 66 Mr. Nisarullah S/O Mr. Nisarullah
 8th Zone-1 65 Mr. Gul Shaha Khan S/O Mr. Gul Shaha Khan
 6th Zone-5 56 Mr. Farid Ahmad S/O Mr. Farid Ahmad
 4th Zone-3 55 Mr. Ahmad Ali S/O Mr. Ahmad Ali
 2nd Zone-1 54 Mr. Gaiser Zaman S/O Mr. Gaiser Zaman
 2nd BLOCK 52 Mr. Liaquat Ali S/O Mr. Liaquat Ali
 2nd BLOCK 51 Mr. Liaquat Ali S/O Mr. Liaquat Ali

Share of zone 1, 3 & 5 subject to subsequent competition by the beneficiaries. The following candidates of zone 2 & 4 are adjusted against the unfilled

15th Zone-2 48 Mr. Beharullah Khan S/O Mr. Beharullah Khan
 14th Zone-1 - No qualified candidate.
 13th Merit 45 Mr. Iqbal Ali S/O Mr. Iqbal Ali
 12th Zone-5 - No qualified candidate.
 11th Zone-4 63 Mr. Muhammad Younis S/O Mr. Muhammad Younis

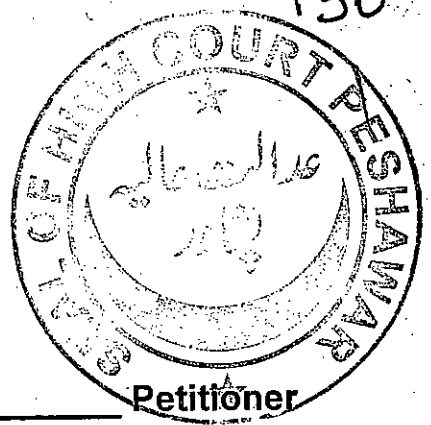
Annex-A2

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

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C.O.C. No. 1-P/2016,

IN
WRIT PETITION NO. 683-P / 2015.



Muhammad Younas Khattak
Deputy Director/T.O (BS-18),
PHE Department Secretariat, Peshawar.

VERSUS

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Chief Minister Govt. of Khyber Pakhtunkhwa, through Principal Secretary to C.M, Peshawar.
3. Provincial Selection Board, through Secretary Establishment Deptt: KPK Peshawar.
4. Secretary W&S Department (Defunct), through Secretary Establishment Deptt: KPK Peshawar.
5. Secretary C&W Department KPK Peshawar.
6. Secretary PHE Department KPK Peshawar.

_____ Respondents

APPLICATION FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS UNDER CONTEMPT OF COURT ACT, 2012 AND TO PASS ORDER FOR PUNISHMENT IN THE INTEREST OF JUSTICE.

Respectfully Sheweth:

1. That the above Writ Petition /Execution Petition No.683-P/2015 titled "Muhammad Younas Khattak VS Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar" was disposed of by this Honorable Court on 27.10.2015 (Annex-A) and has passed directions to respondents which are reproduced as under:

"2.Comments were called for from the respondents, which they accordingly furnished and admitted the stance of the petitioner by stating that his case for promotion to the post of Executive Engineer

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EXAMINER
Peshawar High Court
14 JUL 2016

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Deputy Registrar
30 DEC 2015

(BPS-18), with retrospective effect, would be submitted before the Provincial Selection Board for consideration in compliance of order of this court.

3. We have heard the learned counsel for the parties and perused the record.

4. Earlier, the writ petition of the petitioner with regard to his promotion to the post of Executive Engineer (BPS-18) with retrospective effect was disposed of by this Court on 20.10.2011 and again, he has filed the instant Writ Petition for the same relief. The respondents, in their comments, have straightway admitted the stance of the petitioner by stating that in compliance of order of this Court, his case for promotion to the post of Executive Engineer (BPS-18) with retrospective effect i.e. from the date when his juniors were promoted, would be again submitted before the Provincial Selection Board for consideration. In this view of the matter, the respondents are directed to give full satisfaction to the commitment made in their comments.

5. This Writ Petition is disposed of in above terms. (Court Order 27.10.2015)"

2. That it is on record of the Court File of the above title petition that the respondents had filed written comments in the month of august, 2015, wherein they had given commitment to this Honorable Court that they had submitted the case of the petitioner to the Provincial Selection Board (PSB) for compliance of the Peshawar High Court Order dated 20.10.2011 in W.P/Execution Petition No.1085 of the Petitioner.

3. That this Honorable Court Order dated 27.10.2015 in W.P/Execution Petition No.683-P/2015 has been communicated to the respondents by the Additional Registrar Judicial on 02.11.2015.

4. That the petitioner has also submitted Representation to the Respondent No.1 for implementation of the Honorable Peshawar High Court Order dated 27.10.2015 in the Execution Petition No.683-P/2015 read with Court Order dated 20.10.2011 in W.P/Execution Petition No.1085/2011 and others. (Annex-B)

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EXAMINER
Peshawar High Court

- 5. That this honorable Court has passed a judgments on 20.10.2011 and 27.10.2015 in continuation of this Honorable Court Judgment on 09.12.2010 in WP No. 2751/2010 in favour of the petitioner but the respondents willfully disobey this august Court judgments and willfully breach the commitment given to this Honorable Court in their written comments in august, 2015 in the above title petition. The respondents' actions are based on mala-fide, thus liable to be proceeded in contempt of court under the provisions of Contempt of Court Act, 2012.
- 6. That delivery of timely justice on the matter would diminish root cause of illegalities, thus resultantly cause reduction in cases which overburden the judiciary.

PRAYER:-

In the light of above mentioned facts and grounds, my humble submission is that on acceptance of this petition this honorable Court may kindly be pleased for the following:

- I. That this honorable Court may take cognizance of the **Contempt of Court under the Contempt of Court Act, 2012** and the respondents be processed for Criminal Contempt as they willfully contravene, disregard, breach of commitments and disobey the Peshawar High Court judgment dated 27.10.2015 in the W.P/Execution Petition No. 683-P/2015 read with Judgment dated 20.10.2011 in the W.P/Execution Petition No. 1085/2011 and others. The respondents be punished to the maximum and be debarred from holding offices of public interest and duties on any post of administrative nature.

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Deputy Registrar
30 DEC 2015

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EXAMINER
Peshawar High Court
14 JUL 2016

ii. the para's I, II & IV of the prayer in the above title petition "W.P/Execution Petition No.683-P/2015" be implemented through the respondents and the Notifications as prayed for in the petition be furnished in this Honorable Court before closing and final decision on the instant Application of Contempt of Court in W.P No. 683-P/2015 in the interest of justice..

M. Waqas

PETITIONER

Certificate:

It is certified that the petitioner has filed no such case in any other court of law regarding the matter in question.

M. Waqas

PETITIONER

Through:

Date 29/12/2015.

Neelam A. Khan

NEELAM A. KHAN

(Advocate Supreme Court Peshawar)

Reference Books:

Constitution of Pakistan 1973,
Contempt of Court Act-2012, COC Ord.2003.
K.P.K EstaCode, Civil Servants Act-1973.

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EXAMINER
Peshawar High Court
14 JUL 2015

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Deputy Registrar

30 DEC 2015

PESHAWAR HIGH COURT, PESHAWAR
FORM "A"
FORM OF ORDER SHEET.

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Court of
Case No.....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	18.01.2016.	<p><u>COC No.1-P/2016 in W.P.No.683-P/2015.</u></p> <p><u>Present:-</u> Ms.Neelam A.Khan, Advocate for the applicant.</p> <p style="text-align: center;">====</p> <p>Let the respondents be put on notice to submit reply to the instant petition within a fortnight as to why despite the directions of this court dated 27.10.2015 in W.P.No.683-P/2015, the case of the petitioner has not as yet been placed before the Provincial Selection Board for consideration.</p> <p style="text-align: right;"><i>U. Gulistan Rasmiy</i> <i>le Rasmiy</i></p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: center;"><i>(Signature)</i></p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;">Peshawar Examining Board, Peshawar High Court, Peshawar Authorised Under Article 87 of The Constitution of Pakistan Order 1984</p> <p style="text-align: center;">21 APR 2016</p> <p style="text-align: right;">(Signature)</p>

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<p><u>19/04/2016.</u></p>	<p><u>COC No. 1-P/2016 in WP No. 683-P/2015(D)</u></p> <p><u>Present:</u> Ms. Neelam A. Khan, Advocate, for the petitioner.</p> <p>Mr. Muhammad Sohail, AAG, for the respondents.</p> <p style="text-align: center;">====</p> <p>Latter was directed to produce any record showing as to whether the petitioner was superseded or not. He admitted at the bar that previously, thrice the case of petitioner was deferred and not superseded, in view of which, he is directed to produce promotion order of the petitioner w.e.f. the date when his juniors were promoted, failing which, the respondents, sitting in chair, shall appear in person for framing of charge. Adjourned to 24.5.2016.</p> <p style="text-align: right;"><i>Ede Wagon Ahmed Khan</i> <i>Re. Muhammad Sohail</i></p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;"><i>(Signature)</i></p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;"><i>(Signature)</i></p>

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Navab Shah

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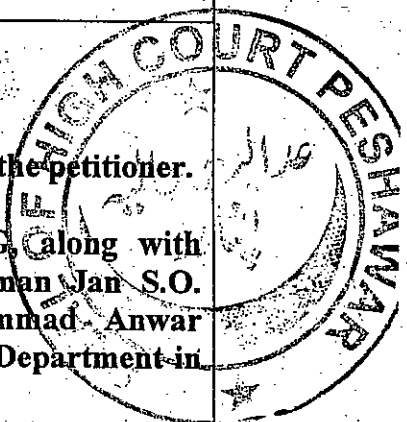
(Signature)

PESHAWAR HIGH COURT, PESHAWAR.

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ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<p><u>14/6/2016.</u></p>	<p><u>COC No. 01-P/2016 in WP No. 683-P/2015(D).</u></p> <p>Present: Ms. Neelam A. Khan, Advocate, for the petitioner.</p> <p>Syed Sikandar Hayat Shah, AAG, along with Sadiq Wazir Addl. Secretary, Usman Jan S.O. (Establishment) C&W & Muhammad Anwar Khan SO Litigation Establishment Department in person.</p> <p style="text-align: center;">===</p> <p>WAQAR AHMAD SETH, J.- Petitioner, through the instant petition, seeks implementation of judgment/order dated 27.10.2015 passed by this Court in Writ Petition No. 683-P/2015.</p> <p>2. At the very outset, learned Additional Advocate General produced Notification No. SO (Estt)/PHED/14-10/2012 dated 13.6.2016, placed on file, whereby the petitioner has been granted ante-dated promotion from BPS-17 to BPS-18 w.e.f. the date when his juniors were promoted i.e. 31.3.2010 instead of 18.10.2011.</p> <p>3. In view of the above, this petition has served out its purpose and is no more required to be kept pending. Disposed of as such.</p> <p style="text-align: right;"><i>Sd/- Wazir Ahmad Sd/- Sd/- Musabbat Hiclati.</i> JUDGE</p>
<p>28530</p>	<p>Date of Presentation of Application <u>16-06-16</u></p> <p>No. of Pages <u>12P</u></p> <p>Copying Fee <u>Nawab Shah</u></p> <p>Argent Fee <u>2400</u></p> <p>Total <u>2400</u></p> <p>Date of Preparation of Copy <u>14-07-16</u></p> <p>Given for Delivery <u>14-07-16</u></p> <p>Date of Delivery <u>14-07-16</u></p>



Dated 14.06.2016

CERTIFIED TO BE TRUE
 Peshawar High Court, Peshawar
 The Registrar
 14 JUL 2016

Annex-A₂₂ 143

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 891-P/2018.

Engr. Muhammad Younas Khattak
PHE Department Secretariat, Peshawar. _____ **Petitioner**

VERSUS

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Chief Minister Govt. of Khyber Pakhtunkhwa, through Principal Secretary to C.M, Peshawar.
3. Provincial Selection Board, through Secretary Establishment Deptt: Khyber Pakhtunkhwa, Peshawar.
4. Secretary PHE Department Khyber Pakhtunkhwa, Peshawar.
5. Federal Secretary Establishment Division Islamabad.
6. Accountant General Khyber Pakhtunkhwa.

_____ **Respondents**

**WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973**

Respectfully Sheweth:

Abstract of the Petition:-

- a. The petitioner is a Civil Servant and was initially appointed in BPS-17 through Public Service Commission on 26.04.1988. The petitioner has been promoted to BS-18 on 31.03.2010.
- b. Since the petitioner's promotion to BPS-18 was earlier obstructed by the herein-above respondents and during this pendency many officers who were supposed to be junior to the petitioner in BS-18, on the basis of date of regular appointment to BS-18 by promotion, were promoted further to BS-19. And the petitioner could neither be considered in the panels for promotion to BS-19 since March-2010 nor petitioner's representations were entertained for correction of his seniority in BS-18 and further promotion to BS-19 with retrospective effect.



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BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 891P/2018

Engr. Muhammad Younas Khattak
PHE Department Secretariat, Peshawar. _____ **Petitioner**
VERSUS

Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others.
----- **Respondents.**

AFFIDAVIT:

I, Muhammad Younas Khattak S/o Moin-ud-Din (the Petitioner) resident of Nowshera Cantonment, do hereby solemnly affirm and declare on Oath that the contents of the captioned writ petition filed in this honorable High Court Peshawar are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Court.

Identified by;

Mh Younas
2

DEPONENT

N.I.C # 11101-0433164-9

Through:

DATE: _____ / 02 / 2018

Neelam A. Khan

MISS NEELAM.A.KHAN

Advocate Supreme Court of Pakistan, Peshawar.

(Circular stamp)

NO: <u>15875</u>
Certified that the above was verified on solemnly affirmation before me in office, this <u>10th</u> day of <u>Feb</u> <u>2018</u> by <u>M. Younas Khattak</u> s/o <u>Moin-ud-Din</u> who was identified as <u>Moin-ud-Din</u> who is personally known to me:
Commissioner Court, Peshawar <i>(Signature)</i> 10/2/18

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.891-P/2018

JUDGMENT

Date of hearing.....30.05.2018.....

Petitioner: (Engineer Muhammad Younas Khattak) By
Mr. Muzammil Khan, Advocate.

Respondents: (Chief Secretary, Government of Khyber
Pakhtunkhwa, Peshawar and others) By Syed
Qaiser Ali Shah, Additional Advocate General
and Arbab Saiful Kamal, Assistant Attorney
General.

OALANDAR ALI KHAN, J.- Engr. Muhammad

Younas Khattak, PHE Department Secretariat,

Peshawar, petitioner, assailed recommendations of the

Provincial Selection Board in his case in the PSB

meetings held on 24.03.2017 and 28.12.2017 and the

promotion notification dated 08.01.2018 based on the

PSB minutes, whereby he was deferred and not

promoted to BPS-19; and prayed for issuance of

notification for his promotion to BPS-19 with

retrospectives effect from the date his promotion

was due. The petitioner also prayed for a direction to

the Chief Minister, Khyber Pakhtunkhwa (competent

authority) to constitute a board working under the

Chairman-Ship of the parliamentary members and

other stake-holders to deal with the promotion cases



on neutral basis as, according to the petitioner, the monopoly of single cadre officer had badly damaged the professional cadre; and further that the respondents be proceeded against in *suomotu* contempt of Court for willful contravention and disregard of the Constitution of Pakistan and Judgments of the august superior Courts.

2. In his writ petition, the petitioner claimed that having been appointed in PBS-17 through Public Service Commission on 26.04.1988, his promotion to BPS-18 was earlier, too, obstructed by the respondents and officers junior to him were promoted, firstly, to PS-18 and then to BS-19 and he was promoted to BS-8 on 31.03.2010, but he was not considered for promotion to BS-19 since March, 2010, and his representation for correction of his seniority in BS-18 and further promotion to BS-19 with retrospective effect were also not entertained. The petitioner also referred to the meeting of the Khyber Pakhtunkhwa Provincial Selection Board on 24.03.2017 wherein his case for promotion to BS-19 was considered against the two vacant posts, but was deferred for unknown reason, which was not communicated to him. There-after, he was again considered for promotion in the meeting of PSB held on 28.12.2017, but again deferred and the other deferred junior officers were recommended for

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promotion on regular basis and then promoted vide notification dated 08.01.2018. According to the petitioner, he was also not communicated his deferment on 28.12.2017; hence the instant writ petition on the grounds mentioned therein.

3. In their comments, respondents No.1 to 4 raised several legal and factual objections to the pleas of the petitioner raised in the writ petition, and contended that earlier promotion of the petitioner to BPS-18 on 18.10.2011 was anti-dated from the date when his juniors were promoted i.e. 31.03.2010 instead of 18.10.2011, in pursuance of the order of this Court in the WP and COC of the petitioner. The respondents pointed out that the case of the petitioner for his promotion to BS-19 was considered but deferred by the PSB after thorough discussion, as the PSB sought a special report. It was further pointed out the name of the petitioner was again considered for his promotion to BPS-19 but he was again deferred and a special report was required by the PSB regarding his performance. The respondents also refuted other allegations contained in the writ petition in their para-wise comments; while pointing out that an inquiry into the performance and conduct of the petitioner has also been initiated, which was still pending.



4. Arguments of learned counsel for the petitioner and learned AAG heard; and record perused.

5. During the course of arguments, a copy of notification dated 27.04.2018 was submitted whereby the petitioner along with another officer were exonerated of the charges levelled against them in the departmental inquiry, referred to in the comments of the respondents. Anyhow, the record would show that the petitioner was earlier, too, deferred from promotion, but he regained his seniority subsequently in pursuance of the direction/order of this Court. As such, deferment of case for promotion is not a final order of which a civil servant could possibly be aggrieved, as he/she regains his/her seniority after promotion on regular basis when the reason for deferment is removed.

6. Therefore, this writ petition against deferment of the petitioner by the PSB is not maintainable; hence dismissed, accordingly.

Announced
30-05-2018


JUDGE


JUDGE

Ayub

(D.B)

Hon'ble Mr. Justice Waqar Ahmed Seth.
Hon'ble Mr. Justice Qalandar Ali Khan.



Annex - A23

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1985 S C M R 1158

Present: Nasim Hasan Shah and M.S.H. Quraishi, JJ

GOVERNMENT OF N.-W.F.P. and others--Petitioners

versus

BUNER KHAN and others--Respondents

Civil Appeal Nos.26 and 27 of 1985 and Civil Petitions Nos. 235-P and 251-P of 1984, decided on 10th March, 1985.

(From the judgment of the N.-W.F.P. Service Tribunal, dated 9-8-1984, passed in Appeal No.42 of 1984).

Civil service-----

---Seniority--Quota fixed for direct recruitment and promotion in filling vacancy in higher posts--Direct recruits and promotees--Joint seniority list--Promotees to be considered for promotion with effect from dates when vacancies in their quota became available--Joint seniority list of officers directly recruited and those promoted to be issued according to Rules. [p. 1159] A

Bashirullah Khan, Asstt. A.-G. instructed by M. Qasim Imam, Advocate-on-Record (absent) for Petitioners in (Civil Petition No.235-P of 1984).

Qazi M.Jamil, Advocate Supreme Court, instructed by Z.Mehfuz Khan, Advocate-on-Record (absent) for Respondents (in Civil Petition No.235-P of 1984).

Qazi M. Anwar, Advocate Supreme Court instructed by S. Safdar Hussain, Advocate-on-Record (absent) for Petitioners (in Civil Petition No.251-P of 1984).

Nemo for Respondents (in Civil Petition No.251-P of 1984).

Date of hearing: 10th March, 1985.

JUDGMENT

M.S.H. QURAISHI, J.-- These two petitions are directed against one and the same order, dated 9-8-1984 of the N.-W.F.P. Service Tribunal.

2. Seventy-five per cent. of the posts in Grade-18 in the Provincial Education Department were to be filled in by promotion from among the Grade 17 Officers of that Department and 25% by direct recruitment. However, no proper rotation of the vacancies for the purpose appears to have been maintained. The five petitioners, i.e. , Shah Jehan and others, in Civil Petition No.251-P of 1984, were directly recruited, three of them on 30-12-1980 and two on 1-9-1982. Buner Khan and others, respondents in both the petitions, who are promotees, were promoted to Grade-18 on 12-5-1984. No joint seniority list in Grade-18 was thereafter notified, with the result that some of the direct recruits were promoted to

(Handwritten signature)

Grade-19 without the promotees being considered for such promotion. The promotees represented that their promotion be given retrospective effect from a date earlier than that of the direct recruits. But failing to succeed, they preferred an appeal before the Service Tribunal. The Tribunal held that maintenance of separate seniority lists, one of the promotees and the other of the direct recruits, was not proper and that promotion of the promotees with immediate effect on 12-5-1984 was also not proper as they should have been promoted with effect from the date when vacancies in their quota became available. The Tribunal further found that even on 30-12-1980 when the first three direct recruits were appointed, there were 12 vacancies, of which 9 could have been filled in by promotion with effect from that date. The Tribunal accordingly allowed the appeal and directed "the Government to promote the appellants (promotees) to Grade-18 posts w.e.f. the dates the vacancies were available and thereafter a joint seniority list of the Officers directly recruited and those promoted be issued according to the rules".

3. The learned Assistant Advocate-General, appearing for the petitioner, that is, the Government of N.-W.F.P., in Civil Petition No.235-P of 1984, questioned the finding of the Tribunal that there had been 12 vacancies in Grade-18 on 30-12-1980. He also questioned the jurisdiction of the Tribunal to direct the Government to promote the promotees. Under proviso (b)(i) to section 4 of the North-West Frontier Province Service Tribunals Act, 1974, no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining "the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade". Similar contention was raised on behalf of the petitioners in the other petition, who also challenged the maintainability of the promotees appeal itself before the Tribunal. It was further urged on their behalf that although the direct recruits had been appointed first on 30-12-1980 and then on 1-9-1982, the appointments had not been challenged by the promotees.

4. Be that as it may, the fact remains that the vacancies were not filled in according to the rotation under the Rules. The promotees were entitled to be considered against every vacancy which occurred in their quota. This apparently was not done and as such the grievance of the promotees is legitimate though we find force in the argument that the Tribunal itself could not direct the Government to promote them from a particular date. This legal aspect of the matter is not contested.

5. Accordingly, we convert these petitions into appeals and allow them to the extent that the direction of the Tribunal "to promote" the respondents herein (promotees) is modified and is substituted by the direction that the promotees shall be considered for promotion to Grade-18, post with effect from the dates when vacancies in their quota became available and that thereafter a joint seniority list of the Officers directly recruited and those promoted shall be issued according to the rules. The appeals are disposed of in the above terms leaving the parties to bear their own costs.

M. Z.
M.??
Order accordingly.



BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____ - P / 2022.

Muhammad Younis Khattak

Chief Engineer (Retd) PHE Department, Peshawar. (Petitioner)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others. --- (Respondents)

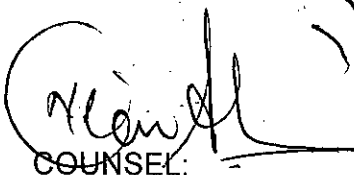
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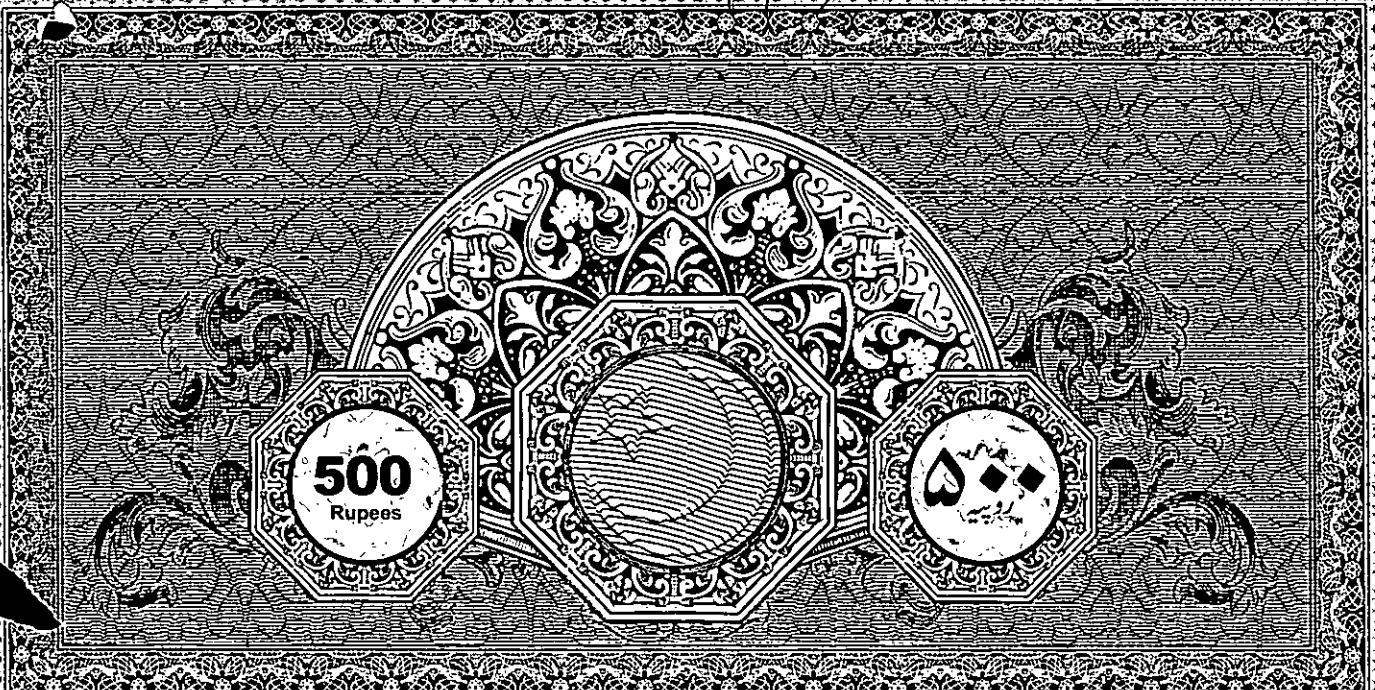
1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Chief Minister Khyber Pakhtunkhwa, through Principal Secretary, Chief Minister Secretariat Peshawar.
4. Federal Secretary, Establishment Division, Cabinet Secretariat Islamabad through Deputy Attorney General Peshawar High Court.
5. Additional Chief Secretary P&D Department Civil Secretariat Peshawar.
6. Provincial Selection Board Khyber Pakhtunkhwa, through Secretary Establishment Deptt: Civil Secretariat Peshawar.
7. Senior Member Board of Revenue Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
8. Secretary PHE Department Works Secretariat Peshawar.
9. Secretary Law Department, Civil Secretariat Peshawar.
10. Secretary Finance Department Civil Secretariat Peshawar.
11. Special Secretary Regulations, Establishment Deptt: Civil Secretariat Peshawar.
12. Accountant General Khyber Pakhtunkhwa Fort Road Peshawar.
13. Section Officer (PSB), Establishment Deptt: Civil Secretariat Peshawar.
14. Section Officer (Estt) PHE Department, Works Secretariat Peshawar.

__(RESPONDENTS)

Kindly take notice for your kind information that I am going to file the herein-above titled Petition in the Honorable Peshawar High Court Peshawar, wherein I have claimed due service rights of promotions and financial benefits.

Through:
Date: 22/06/2022


COUNSEL:
PETITIONER
2



500
Rupees

PAKISTAN COURT FEE

Before Peshawar High Court Peshawar
Imp: - writ Petition
Muhammed Younas Khattak

Gout of K.P. the chief Secretary
Peshawar & others

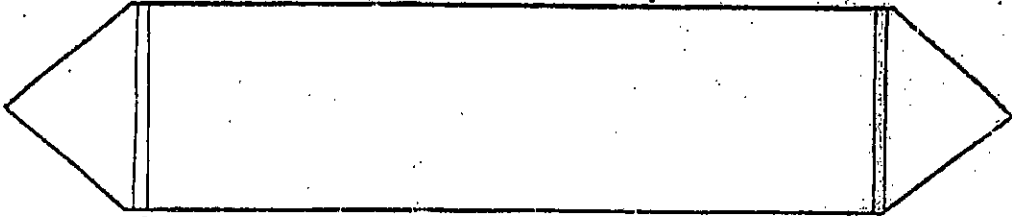
Petitioner

FILED TODAY
Deputy Registrar
22 JUN 2022

~~Muhammed Younas~~ Muhammed Younas
2
(Petitioner) -
NIC # 11101-0433164-9
636

Neelam Akhron
Asc

بعدالت جناب لیٹا اور بالائی کورٹ لیٹا



2 جناب
بنام گورنمنٹ K.P بزنس
چیف سینیٹ
دعویہ

محمد کولیس حسہ

22-6-2022

writ Petition

دعوی
مزم

M. H. Az

Nie # 1101-0433164-9
Petitioner

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آج مقام لیتا اور کیلئے نئے م 16 C ASC

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے کے وقت رٹ حالت ہ فیصلہ برحلاف دیے جواب دہی اور اقبال دعوی اور باسورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعوی اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری ٹیکٹ طرفہ یا اپیل کی برادگی اور منسوخی نیز دائر کرنے اپیل ٹرانس و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہولت۔ یہ داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشگی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترجم 22 جون 2022

After trial
Access for
Neelam - A - Khan
cell No 03005958733
CNIC 173011335650-8
12-C 18-7516

واہ العباد

کے لئے منظور ہے۔

مقام لیتا اور