

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

Appeal No.869/2022.

Aizaz Khan S/o Akhtar Qiaz Khan Ex-Lab Attendant,
O/o Chief Engineer C&W Department Peshawar.

Appellant

Versus

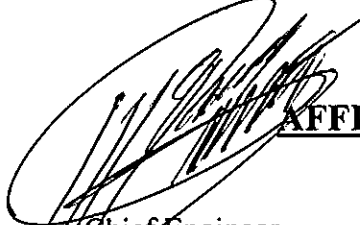
- 1- Govt: of Khyber Pakhtunkhwa through Secretary Communication and Works Department Peshawar.
- 2- Chief Engineer Central Design Office C&W Department Peshawar.

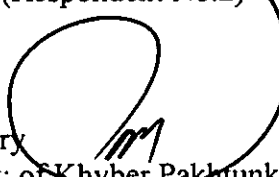
Respondents.

COUNTER AFFIDAVIT.

We the Respondents hereby affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and that nothing has been concealed from the Honorable Tribunal.




AFFIANT
Chief Engineer
Central Design Office
C&W Department Peshawar.
(Respondent No.2)


Secretary
to Govt: of Khyber Pakhtunkhwa
C&W Department Peshawar
(Respondent No.1)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.
Appeal No.869/2022.

Aizaz Khan S/o Akhtar Qiaz Khan Ex-Lab Attendant,
O/o Chief Engineer C&W Department Peshawar.

Appellant

Versus

- 1- Govt: of Khyber Pakhtunkhwa through Secretary Communication and Works Department Peshawar.
- 2- Chief Engineer Central Design Office C&W Department Peshawar.

Respondent

Parawise comments on behalf of Respondents No.1 and 2.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1- That the appeal is not maintainable in its present form.
- 2- That the appellant has no cause of action and locus standi.
- 3- That the appellant has not come to the Honorable Tribunal with clean hands.
- 4- That the appeal is bad due to mis-joinder and non-joinder of necessary party.
- 5- That the appellant has concealed the material facts from the Honorable Tribunal.
- 6- That the appellant is estopped by his own conduct to file the instant appeal.
- 7- That the appeal is barred by law & limitation.

FACTS

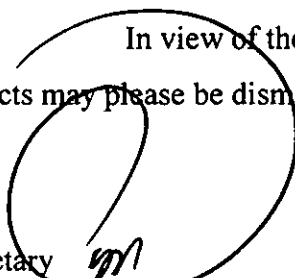
- 1- Pertains to appellant's record.
- 2- Pertains to appellant's Record.
- 3- An inquiry was conducted by then Chief Engineer(Central Design Office) into the matter of 07-No. appointments of Class-IV during 2013 to 2015 as per Section Officer(Establishment letter No. SOE/C&WD/17-4/2015, dated 06-07-2015(Annex-A). In this report(Annex-B), the Inquiry Officer(Chief Engineer) noted that the appointments were made without observing codal formalities/procedures in ESTA code. The report says "Neither proper procedure had been followed nor representatives of Administrative Department i.e. C&W Department participated in these appointments"(Annex-B-1). Hence the services of those employees were terminated under rule 11(i) of the NWFP Civil Servant Act 1973 read with Rule 15 of APT Rules 1989.
- 4- Pertains to record.
- 5- Pertains to record. (However, Khuzaif Shah was reinstated based on availability of sanctioned post in the department. As the appellant is a Lab Attendant, no vacancy is available to accommodate him).
- 6- Pertains to record.

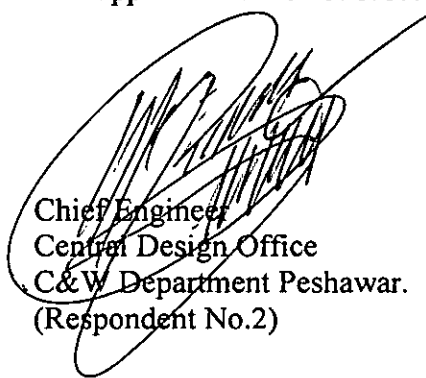
- 7- Pertains to record.
- 8- Correct to the extent that the case of the appellant was examined and regretted as his appointment was made without observing codal formalities/procedures under rules relating to appointments.
- 9- Not correct. The instant appeal has got no merits, hence the same may be dismissed with costs.

GROUND.

- A- Incorrect. The appellant was treated in accordance with laws, rules and facts.
- B- Not admitted. The case of appellant was examined and the appointment was found illegal and not covered under the APT Rules 1989. Hence, the services were dispensed with accordingly.
- C- Incorrect. Due procedure was not followed as explained in "B" above.
- D- Though "NOC" was submitted. (The dispensation order was made because the appointments were illegal as per APT Rules 1989).
- E- Incorrect. Same as "B" above.
- F- Incorrect. The appellant was treated in accordance with the law, rules & facts. Because of illegal appointments, the services of all illegal appointees were dispensed with and there is no question of making him victim of discrimination, demerits or favoritism, what-so-ever.
- G- Incorrect. Same as "F" above.
- H- Incorrect. Same as "F" above.
- I- Incorrect. Same as "F" above.
- J- Incorrect. The order was issued in accordance with laws, rules and facts.
- K- Pertains to record.
- L- Pertains to record.
- M- Pertains to record.
- N- Same as "F" above.
- O- Incorrect. Same as "F" above.
- P- The respondents may be allowed to raise additional grounds at the time of arguments.

In view of the above, it is humbly prayed that the appeal which is not based on facts may please be dismissed with costs.


Secretary
to Govt: of Khyber Pakhtunkhwa
C&W Department Peshawar.
(Respondent No.1)


Chief Engineer
Central Design Office
C&W Department Peshawar.
(Respondent No.2)

②
94 C&W
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INQUIRY REPORT

SUBJECT: FACTS FINDING INQUIRY INTO SEVEN
NOS. APPOINTMENTS OF CLASS-IV
DURING 2013-14, AND 2014-15 MADE BY
ENGR. ZARD ALI KHAN THE THEN CHIEF
ENGINEER (CDO) C&W PESHAWAR

2

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31



OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN OFFICE
C&W DEPARTMENT HOUSE NO. 13/28 STREET NO. 19
SHAMI ROAD KHYBER PAKHTUNKHWA PESHAWAR
Ph. No. 091-9211133 Fax. 091-9213923

No. 753/E-1(C) Dated. 13/07/2015

To

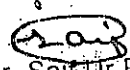
The Section Officer (Establishment),
Govt. of Khyber Pakhtunkhwa,
C&W Department Peshawar.

Subject: Facts Finding Inquiry into Seven Nos. Appointments of Class-IV during 2013-14 and 2014-15 made by Engr. Zard Ali Khan the then Chief Engineer (CDO) C&W Department Peshawar

Ref: Your letter No. SOE/C&WD/17-4/2015

Dated 06-07-2015 Ch: 31

Enclosed please find herewith the requisite inquiry report on the subject quoted above for further necessary action please.


Engr. Saif Ur Rehman Khan Gandapur
Chief Engineer (CDO) C&WD Peshawar
(Inquiry Officer)

INQUIRY REPORT

Subject: Facts Finding Inquiry into Seven Nos. Appointments of Class-IV during 2013-14, and 2014-15 made by Engr. Zard Ali Khan the then Chief Engineer (CDO) C&W Peshawar

Order:

I was directed vide C&W Department letter No. SOE/C&WD/17-4/2015 dated 06-07-2015 (annex-A) to conduct a fact finding inquiry in the subject matter, fix responsibility upon the involved officers/officials and submit report.

Background:

Consequent upon bifurcation of Works & Services Department into Communication & Works Department and Public Health Engg. Department, a post of Chief Engineer Central Design Office was created in November 2009 in C&W Department alongwith technical positions ranging from BPS-17 to BPS-20 and other allied posts of various cadres which included 93 Class-IV Posts (annex-B).

The then Chief Engineer CDO C&WD Peshawar (Engr. Khalid Shah) advertised posts of different categories of Class-IV in the press and appointed 34 persons during July 2010. However, later on the appointment orders of the said staff were cancelled in compliance with Secretary to Govt. of Khyber Pakhtunkhwa C&W Department letter No. SOE/C&WD/17-4/2010 dated 13-08-2010 (annex-C) for the reason that the appointments were made without observing codal formalities/procedure. The officials filed cases in the courts and the courts decided the cases in their favour and restored them with full back benefits.

As a result, 101 Class-IV Employees of different Cadres are working in CDO against sanctioned strength of 93 provided in Budget Book of Finance Department (annex-D). The Excess staff is drawing their Pay against other higher posts which are lying vacant in CDO and have been downgraded for the pay purpose (annex-E). Out of 31 Class-IV Employees appointed by the then Chief Engineer CDO (Engr. Khalid Shah) and later on their appointments were cancelled, 10 had been reinstated in Govt. Service in pursuance of Court Decision and 8 through Departmental Appeals being similar nature cases. In addition arrears of Rs. 5735256/= on account of Pay & Allowances were paid to the officials after restoration. The up to date list of Class-IV Employees of various cadres working in Chief Engineer Office, Principal Consulting Architect Office, RR&MT Regional Laboratory Peshawar and Circle Laboratories under the charge of the respective Superintending Engineers and name of Authorities who made their appointments is also enclosed (annex-F).

One, Mr. Jawad Khan whose order was cancelled, also filed service appeal in Khyber Pakhtunkhwa Service Tribunal against the cancellation order dated 18-08-2010. His appeal was allowed with full back benefits. Two other remaining persons namely Adnan Yaqub and Arif Shah whose appointments were made by Engr. Khalid Shah as Lab Attendants and later cancelled have also applied to the Department for their reinstatement.

Findings:

The available record was examined and it came to light that:

1. The then Chief Engineer CDO (Engr. Zard Ali Khan) had made 07 appointments of Class-IV for CDO during 2013-14 and 2014-15, as tabulated below:

Sl. No.	Name	Designation	BPS	Appointment No. & Date
1.	Huzaif Shah	Driver	04	191/E-3 24-12-2013
2. ✓	Shabeer Ahmad	Driver	04	192/E-3 24-12-2013
3. ✓	Muhammad Asghar	Naib Qasid	01	2-E/51 03-04-2014
4.	Aizaz Khan	Lab Attendant	02	534/E-2, 11-07-2014
5. ✓	Kashifullah	Chowkidar	01	03-E/1234 31-12-2014
6. ✓	Musarrat Nazir	Lab Attendant	02	3-E/1334 21-01-2015
7.	Noor Hussain	Sweeper	01	3-E/1335 21-01-2015


2. The said appointments had been made without observing Codal Formalities/Procedure required under rules relating to appointments to these posts (Basic Pay Scale 1 to 4) provided in ESTA Code (annex-G) reproduced below:

“Provided further that the appointment in Basic Pay Scale 1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, [or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers]”

In a nutshell neither proper procedure had been followed nor representative of Administrative Department i.e. C&WD participated in these appointments. (Copies of appointment orders enclosed).

Conclusion:

In view of above, it is concluded that 07 Nos. appointments of Class-IV Employees during 2013-14 and 2014-15 had been made by the then Chief Engineer (Engr. Zard Ali Khan) without observing codal formalities/procedure for which responsibility goes to Engr. Zard Ali Khan Khattak the then Chief Engineer CDO and Mr. Mubarak Ali Shah Administrative Officer CDO C&W Department Peshawar.


ENGR. SAIF UR REHMAN KHAN GANDAPUR
CHIEF ENGINEER (CDO) C&WD PESHAWAR
(INQUIRY OFFICER)



OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P. 2-A, SHAMI ROAD PESHAWAR

No. 191/F-III Dated 24/12/2013

OFFICE ORDER

On the recommendation of the Departmental Selection Committee as per its meeting held on 16/12/2013, the Competent Authority is pleased to offer a post of Driver (BPS-04) 5200-230-12100, to Mr. Huzaf Shah S/O Knair-Un-Nabi Mohallah Saidan Jalbai Tehsil Lahore District Swabi on the following terms and conditions:-

1. He will get pay at the minimum of BPS-04 (5200-230-12100) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purposes, be a Civil Servant except for the purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.
4. His employment in Communication & Works Department (CDO) is purely temporary and his service are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of one year extendable up to two years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
7. He has to join duty at his own expenses.
8. He shall have to serve any where in Khyber Pakhtunkhwa.
9. If he accepts the post on the above conditions, he should report to the office of the Chief Engineer (CDO) C&W Department K.P. Peshawar, within 14-days of the receipt of this offer and produce original documents in connection with his qualification/Driving License, domicile and health/age etc.

CHIEF ENGINEER
24/12

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. P.S. to Secretary, to Govt. of K.P. C&W Department Peshawar.
3. Mr. Khuzaf Shah S/O Knair-Un-Nabi, Mohallah Saidan, Jalbai, Tehsil Lahore Distt. Swabi
4. Cashier Local.

CHIEF ENGINEER

6

2

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P. 8-A, SHAMI ROAD PESHAWAR

No. 192/E-III Dated 24/12/2013

ORDER

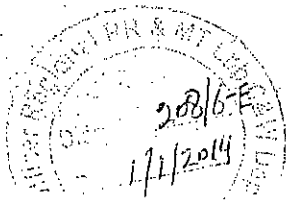
On the recommendation of the Departmental Selection Committee as per its meeting held on 16/12/2013, Competent Authority is pleased to offer a post of Driver (BPS-04) 5200-230-12100, to Mr. Shabeer Ahmad Khan Sher Ahmad Khan (Present address= House No. 143, Street No. 27, Sector D-4, Phase-1, Hayatabad Peshawar) the following terms and conditions:-

1. He will get pay at the minimum of BPS-04,(5200-230-12100) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purposes, be a Civil Servant except for the purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.
4. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of one year extendable up to two years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
7. He has to join duty at his own expenses.
8. He shall have to serve any where in Khyber Pakhtunkhwa.
9. If he accepts the post on the above conditions, he should report to the office of the Research Officer RRMT Lab C&WD Phase-V, Hayat Abad Peshawar, within 14-days of the receipt of this offer and produce original documents in connection with his qualification/Driving License, domicile and health/age etc.

CHIEF ENGINEER

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. P.S. to Secretary, to Govt. of K.P.C&W Department Peshawar.
3. Research Officer, RRMT Lab. C&WD Phase-V, Hayatabad Peshawar.
4. Mr. Shabeer Ahmad Khan S/O Sher Ahmad Khan Vill. PO Bada Mir Abbas, Tehsil & Distt. Bannu
5. Cashier Local.



Shahzad (S. Clerk)

For n. acting

CHIEF ENGINEER

3



OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P 8-A SHAMI ROAD PESH:

No.2 E/ 51 Dated 03 / 04 / 2014

OFFICE ORDER

On the recommendation of the Departmental Selection Committee as per its meeting held on 16/12/2013, the Competent Authority is pleased to offer a post of Naib Qasid (BPS-01) to Mr. Muhammad Asghar S/O Mian Akbar Zaman, resident of Mohallah Mian Khel Dak Ismail Khel, District Nowshera on the following terms and conditions:-

1. He will get pay at the minimum of BPS-01,(4800-150-9300) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall, for all intents and purposes, be a Civil Servant except for the purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by the Government to his account in the said fund, in the prescribed manner and rate fixed by the Government from time to time.
4. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
5. He shall, initially be on probation for a period of one year extendable up to two years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
7. He has to join duty at his own expenses.
8. He shall have to serve any where in Khyber Pakhtunkhwa.
9. If he accepts the post on the above conditions, he should report to the Research Officer, RRMT Lab. C&W Department Phase-V, Hayatabad Peshawar within 14-days of the receipt of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.

[Handwritten signature]

Chief Engineer

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Research Officer, RRMT Lab. C&W Department Phase-V, Hayatabad Peshawar.
3. Mr. Muhammad Asghar S/O Mian Akbar Zaman, resident of Mohallah Mian Khel Dak Ismail Khel, District Nowshera.

Shahzad (A. Clerk)
[Handwritten signature]

[Handwritten signature]
Chief Engineer



CHIEF ENGINEER CENTRAL DESIGN OFFICE
C&W DEPARTMENT HOUSE NO. 13/28 STREET NO. 1
SHAMI ROAD KHYBER PAKHTUNKHWA PUNJAB WAK

Ph. No. 091-9211133

Fax. 091-9213923

No. 534/E-11

Dated 11/07/2014

OFFICE ORDER

On the recommendation of the Departmental Selection Committee as per its meeting held on 10/07/2014, the Competent Authority is pleased to offer a post of Lab. Attendant (BPS-02) to Mr. Aizaz Khan S/O Akhtar Qiaz Khan R/O Beri Khel, PO Khwaja Mad Mandan, Tehsil & District Bannu on the following terms and conditions:-

1. He will get pay at the minimum of BPS-02 (4900-170-10000) plus usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 for all intents and purposes be a civil servant and the laws applicable to the Civil Servants and Rules made there under.
3. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
4. He shall, initially be on probation for a period of one year extendable up to two years.
5. He shall, produce a Medical Certificate of fitness from the Medical Superintendent Bannu, before reporting himself for duty as required under the rules.
6. He has to join duty at his own expenses.
7. He shall have to serve any where in Khyber Pakhtunkhwa.
8. If he accepts the post on the above conditions, he should report to the office of Superintending Engineer C&W Circle Bannu / Asstt> Research Officer RRMT Lab. C&W Department Bannu within 14-days of the receipt of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.

[Signature]
Chief Engineer
11/7/14

Copy for forwarded to the:

1. Superintending Engineer C&W Circle Bannu.
2. Asstt. Research Officer, RRMT Lab. C&W Deptt. Bannu.
3. District Accounts Officer Bannu.
4. Mr. Aizaz Khan S/O Akhtar Qiaz Khan R/O Beri Khel PO Khwaja Mad Mandan, Tehsil & District Bannu.

Chief Engineer



OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P 8-A SHAMI ROAD PESH:

No.3-E/1234 Dated 31/12/2014

OFFICE ORDER

On the recommendation of the Departmental Selection Committee as per its meeting held on 30/12/2014, the Competent Authority is pleased to offer a post of Chowkidar (BPS-01) under Deceased Son's Quota to Mr. Kashifullah S/O Ghulam Akbar (Late) R/O Hazar Khwani Tehsil & District Peshawar on the following terms and conditions:-

1. He will get pay at the minimum of BPS-01,(4800-150-9300) plus usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 for all intents and purposes be a civil servant and the laws applicable to the Civil Servants and Rules made there under.
3. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
4. He shall, initially be on probation for a period of one year extendable up to two years.
5. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
6. He has to join duty at his own expenses.
7. He shall have to serve anywhere in Khyber Pakhtunkhwa.
8. If he accepts the post on the above conditions, he should report to the office of Chief Engineer CDO C&W Department Peshawar within 14-days of the receipt of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Kashifullah S/O Ghulam Akbar (Late) resident of Hazar Khwani Tehsil & District Peshawar.
3. Cashier (Local).

Chief Engineer

Chief Engineer



6

OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P 8-A SHAMI ROAD PESH:

No.3-E/1334 Dated 21/01/2015

OFFICE ORDER

On the recommendation of the Departmental Selection Committee as per its meeting held on 19/01/2015, the Competent Authority is pleased to offer a post of Lab. Attendant (BPS-02) to Mr. Musarrat Nazir S/O Tajbar Ali Shah resident of House No. E-7, Danish Abad near Railway Line University Road Peshawar (Pt. address= Mohallah Mian Khel Dak Ismail Khel, District Nowshera) on the following terms and conditions:-

1. He will get pay at the minimum of BPS-02,(4900-170-10000) plus usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 for all intents and purposes be a civil servant and the laws applicable to the Civil Servants and Rules made there under.
3. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
4. He shall, initially be on probation for a period of one year extendable up to two years.
5. He shall, produce a Medical Certificate of fitness from the Medical Superintendent Police & Services Hospital Peshawar, before reporting himself for duty as required under the rules.
6. He has to join duty at his own expenses.
7. He shall have to serve anywhere in Khyber Pakhtunkhwa.
8. If he accepts the post on the above conditions, he should report to the Research Officer, RRMT Lab. C&W Deptt. Phase-V, Hayatabad Peshawar within 14-days of the receipt of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.

Chief Engineer

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Research Officer, RRMT Lab. C&W Deptt. Peshawar
3. ✓ Musarrat Nazir S/O Tajbar Ali Shah House No. E-7, Danish Abad near Railway Line University Road Peshawar.

Chief Engineer

R-0

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1-2015



OFFICE OF THE CHIEF ENGINEER CENTRAL DESIGN
OFFICE C&W DEPARTMENT K.P 8-A SHAMI ROAD PESH.

No. 3-E/1335 Dated 21/01/2015

OFFICE ORDER


On the recommendation of the Departmental Selection Committee as per its meeting held on 19/01/2015, the Competent Authority is pleased to offer a post of Sweeper (BPS-01) to Mr. Noor Hussain S/O Said Mahmood Shah resident of Mohallah Mian Khel Dak Ismail Khel, District Nowshera on the following terms and conditions:-

1. He will get pay at the minimum of BPS-01, (4800-150-9300) plus usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act-1973 for all intents and purposes be a civil servant and the laws applicable to the Civil Servants and Rules made there under.
3. His employment in Communication & Works Department (CDO) is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14-days salary in lieu of the notice. In case he wishes to resign at any time, 14-days notice will be necessary or in lieu thereof 14-days pay will be forfeited.
4. He shall, initially be on probation for a period of one year extendable up to two years.
5. He shall, produce a Medical Certificate of fitness from the Medical Superintendent of District Head Quarter Hospital Mardan, before reporting himself for duty as required under the rules.
6. He has to join duty at his own expenses.
7. He shall have to serve anywhere in Khyber Pakhtunkhwa.
8. If he accepts the post on the above conditions, he should report to the Research Officer, RRMT Lab. C&W Circle Mardan within 14-days of the receipt of this offer and produce original documents in connection with his qualification, domicile and health/age certificate etc.


Chief Engineer

Copy for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Superintending Engineer C&W Circle Mardan
3. District Accounts Officer, Mardan
4. The Assistant Research Officer, RRMT Lab. C&W Circle Mardan.
5. Noor Hussain S/O Mahmood Shah, resident of Mohallah Mian Khel Dak Ismail Khel, District Nowshera.


Chief Engineer

Annexure 'A'

A



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/17-4/2015
Dated Peshawar, the July 06, 2015

TO:

The Chief Engineer (CDO)
C&W Peshawar

Subject:

Facts finding Inquiry into Seven Nos Appointments of Class-IV during 2013-14, and 2014-15 made by Engr. Zard Ali Khan the then CE (CDO) C&W Peshawar

I am directed to refer your office letter No.712/SA dated 02.07.2015 on the subject noted above and to state that Engr. Zard Ali Khan (retired) the then Chief Engineer (CDO) C&W Peshawar had made seven Nos appointments of Class-IV for Central Design Office during 2013-14 and 2014-15, despite the fact that the referred appointments exceeded the sanctioned strength of the CDO and authorized them against the higher posts for the purpose of pay. The Competent Authority has therefore desired to intimate, as to whether these appointments were made after fulfillment of all codal formalities besides the participation of the representative of Administrative Department in the DSC/DPC or otherwise.

2. It is therefore requested to conduct a formal fact finding inquiry in the subject matter case and fix responsibility upon the involved officers/officials and submit report

within 30 days positively, so as to proceed further in the matter.

Nomenclature	Initials
CE CDO C&W	
Principal Engr: (H/way)	
S.E. (HQ)	
Principal Engr (Buildings)	
Admn. Officer/ B&A Officer	
Diary No.	
Date	

(USMAN JAN)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

CE CDO C&W	
Deptt: Peshawar	
Diary No.	659/E-1(S)
Date:	7-7-2015

SECTION OFFICER (Estb)

Statement showing sanctioned strength of Class IV Employees under Chief Engineer (CDO) C&W
Department Peshawar

Sl. No.	Name of Office	Name of Post	BPS	Sanctioned Strength
1.	Chief Engineer CDO	Driver	04	06
		Daftari	02	04
		Naib Qasid	01	09
		Chowkidar	01	02
		Sweeper	01	01
2.	Principal Consulting Architect	Driver	04	01
		Daftari	02	01
		Naib Qasid	01	06
		Chowkidar	01	01
		Sweeper	01	01
3.	Research Officer RR&MT Lab Peshawar	Driver	04	02
		Lab Attendant	02	04
		Naib Qasid	01	04
		Chowkidar	01	02
		Sweeper	01	01
4.	C&W Circle Laboratory Kohat	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
5.	C&W Circle Laboratory Bannu	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
6.	C&W Circle Laboratory DI Khan	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
7.	C&W Circle Laboratory Mardan	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
8.	C&W Circle Laboratory Swat	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
9.	C&W Circle Laboratory Dir Lower	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
10.	C&W Circle Laboratory Abbottabad	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
11.	C&W Circle Laboratory Battagram	Driver	04	01
		Lab Attendant	02	02
		Naib Qasid	01	01
		Chowkidar	01	01
		Sweeper	01	01
TOTAL				93

Most immediate
Top priority

C Annexure C



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/17-4/2010
Dated Peshawar, the August 13, 2010

TO

The Chief Engineer (CDO)
C&W, Peshawar

Subject:

CANCELLATION OF APPOINTMENTS MADE BY CHIEF ENGINEER
(CDO) C&W, PESHAWAR

I am directed to refer to the subject noted above and to state that the competent authority has been pleased to direct that all the appointments made by the Chief Engineer (CDO) C&W Peshawar since its establishment, for his office may be cancelled today (13.08.2010) positively, as the appointments have been made without observing codal formalities/procedure, under intimation to all concerned.


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst even No. & date

Copy is forwarded to the:-

1. Special Assistant to Chief Minister, Khyber Pakhtunkhwa, Peshawar
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
4. Chief Engineer (CDO/Centre), C&W, Peshawar.
5. PS to Secretary, C&W, Peshawar

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Statement showing sanctioned strength/working strength of Class IV Employees under Chief Engineer
(CDO) C&W Department Peshawar

Sl. No.	Name of Office	Name of Post	BPS	Sanctioned Strength	Working Strength	Remarks
1.	Chief Engineer CDO	Driver Daftari Naib Qasid Chowkidar Sweeper	04 02 01 01 01	06 04 09 02 01	06 04 10 02 01	Rahátullah Driver drawing salary against the post of Stenographer. Lal Rahman Naib Qasid drawing his pay against Surveyor Post
2.	Principal Consulting Architect	Driver Daftari Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 01 06 01 01	02 03 07 02 02	(i) Noorullah Driver, (ii) Ashfaq Chowkidar, (iii) Zafar Iqbal & (iv) Waheed Ahmad Daftaries are drawing their salary against the post of Senior Architect D/Man. (v) Javed N.Q. against Architect Asstt. and (vi) Munaf Gul, Sweeper against the post of Stenographer
3.	Research Officer RR&MT Lab Peshawar	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	02 04 04 02 01	02 02 07 02 01	Aftab & Shah Faisal Naib Qasids are drawing pay against lab attendant & Arsala NQ against the post of Stenographer.
4.	C&W Circle Laboratory Kohat	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
5.	C&W Circle Laboratory Bannu	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
6.	C&W Circle Laboratory DI Khan	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
7.	C&W Circle Laboratory Mardan	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	

Sl. No.	Name of Office	Name of Post	BPS	Sanctioned Strength	Working Strength	Remarks
8.	C&W Circle Laboratory Swat	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
9.	C&W Circle Laboratory Dir Lower	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
10.	C&W Circle Laboratory Abbottabad	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
11.	C&W Circle Laboratory Battagram	Driver Lab Attendant Naib Qasid Chowkidar Sweeper	04 02 01 01 01	01 02 01 01 01	01 02 01 01 01	
	TOTAL			93	101	11 against other posts.

Detail of Officials who are drawing their Pay & Allowances against other Posts

Sl. No.	Name & Designation	Drawing Salary against the post
	<u>Structural Wing</u>	
1.	Mr. Rahatullah Driver (BPS-04)	Junior Scale Stenographer (BPS-14)
2.	Mr. Lal Rehman Naib Qasid (BPS-01)	Surveyor (BPS-01)
	<u>Architectural Wing</u>	
3.	Mr. Zafar Iqbal Daftari (BPS-02)	Senior Architectural Draftsman (BPS-13)
4.	Mr. Waheed Ahmad Daftari (BPS-02)	Senior Architectural Draftsman (BPS-13)
5.	Mr. Ashfaq Ahmad Chowkidar (BPS-01)	Senior Architectural Draftsman (BPS-13)
6.	Mr. Javed Naib Qasid (BPS-01)	Architectural Assistant (BPS-14)
7.	Mr. Noorullah Driver (BPS-04)	Senior Architectural Draftsman (BPS-13)
8.	Mr. Munaf Gul Sweeper (BPS-01)	Junior Scale Stenographer (BPS-14)
	<u>RR&MT Laboratory Peshawar</u>	
9.	Mr. Arsala Khan Naib Qasid (BPS-01)	Junior Scale Stenographer (BPS-14)
10.	Mr. Muhammad Aftab Naib Qasid (BPS-01)	Lab Attendant (BPS-02)
11.	Mr. Shah Faisal Naib Qasid (BPS-01)	Lab Attendant (BPS-02)

Statement showing detail of Class-IV Employees in the office of Chief Engineer CDO,
Principal Consulting Architect and Regional RR&MT Lab Peshawar

Sl. No.	Name of Employee	Designation	BPS	Sanctioned Strength	Working Strength	Appointed/Restored/Reinstated By or By Transfer	Remarks
CHIEF ENGINEER CDO							
1.	Feroz Khan	Driver	07	06	05	By Transfer	1 Post vacant due to retirement of Mr. Sartaj Khan Ex-Driver CDO.
2.	Niaz Khan	Driver	06			By Transfer	
3.	Wakeel Ahmad	Driver	04			By Transfer	
4.	Mansoor Ahmad	Driver	04			CE Sajid Hussain	
5.	Huzaf Shah	Driver	04			CE Zard Ali	
6.	Rahatullah	Driver	04				Against Jr. Scale Stenographer (BPS-14)
7.	Muneeb Khan	Daftari	02	04	04	By Transfer	
8.	Muhammad Nisar	Daftari	02			By Transfer	
9.	Nooran Shah	Daftari	02			By Transfer	
10.	Alamgeer Khan	Daftari	02			By Transfer	
11.	Muhammad Asad	Naib Qasid	01	09	09	CE Sajid Hussain	
12.	Ikramullah Jan	Naib Qasid	01			CE Sajid Hussain	
13.	Riaz Ahmad	Naib Qasid	01			CE Sajid Hussain	
14.	Wajid	Naib Qasid	01			CE Sajid Hussain	
15.	Fazal Khan	Naib Qasid	01			CE Sajid Hussain	
16.	Kausar Ali	Naib Qasid	01			CE Sajid Hussain	
17.	Khalid Hameed	Naib Qasid	01			CE Sajid Hussain	
18.	Qarib Ali Haidri	Naib Qasid	01			CE Khalid Shah	
19.	Haroon	Naib Qasid	01			CE Shaukat Ali Shah	
20.	Lal Rehman	Naib Qasid	01			By Transfer	Against Surveyor (BPS-11)
21.	Arif Khan	Chowkidar	01	02	02	CE Shaukat Ali Shah	
22.	Kashifullah	Chowkidar	01			CE Zard Ali	
23.	Nasir Younas	Sweeper	01	01	01	CE Khalid Shah	
Principal Consulting Architect							
24.	Khalid	Driver	04	01	01	CE Sajid Hussain	
25.	Noorullah	Driver	04			CE Zard Ali	Against Sr. Archtcl. D/Man (BPS-13)
26.	Qadeer Ahmad	Daftari	02	01	01	By Transfer	
27.	Zafar Iqbal	Daftari	02			CE Zard Ali	Against Sr. Archtcl. D/Man (BPS-13)
28.	Waheed Ahmad	Daftari	02			CE Zard Ali	Against Sr. Archtcl. D/Man (BPS-13)
29.	Karim	Naib Qasid	01	06	06	By Transfer	
30.	Shahzad Khan	Naib Qasid	01			CE Sajid Hussain	
31.	Muhammad Abbas	Naib Qasid	01			CE Sajid Hussain	
32.	Muhammad Arif Khan	Naib Qasid	01			CE Sajid Hussain	
33.	Faqir Hussain	Naib Qasid	01			By Transfer	
34.	Rehman	Naib Qasid	01			By Transfer	
35.	Javed	Naib Qasid	01			CE Zard Ali	Against Architectural Assistant (BPS-14)
36.	Sadaqat Shah	Chowkidar	01	01	01	By Transfer	
37.	Ashfaq Ahmad	Chowkidar	01			CE Zard Ali	Against Sr. Archtcl. D/Man (BPS-13)
38.	Haroon	Sweeper	01	01	01	By Transfer	
39.	Munaf Gul	Sweeper	01			CE Khalid Shah	Against Jr. Scale Stenographer (BPS-14)
RR&MT Lab Peshawar							
40.	Abdul Waheed	Driver	04	02	02	CE Sajid Hussain	
41.	Shabbir Ahmad	Driver	04			CE Zard Ali	
42.	Usman Shah	Lab Attend.	02	04	02	CE Sajid Hussain	2 Posts filled by Naib Qasids as per detail given in Sl. No. 44 & 45.
43.	Musarat Nazir	Lab Attend.	02			CE Zard Ali	
44.	Muhammad Aftab	Naib Qasid	01			CE Shaukat Ali Shah	Against Lab. Attendant (BPS-02)
45.	Shah Faisal	Naib Qasid	01			CE Sajid Hussain	Against Lab. Attendant (BPS-02)
46.	Aslam Khan	Naib Qasid	01	04	04	By Transfer	
47.	Liaqat Ali	Naib Qasid	01			CE Sajid Hussain	
48.	Muhammad Asghar	Naib Qasid	01			CE Zard Ali	
49.	Asif Khan	Naib Qasid	01			CE Shaukat Ali Shah	
50.	Arsala Khan	Naib Qasid	01			By Transfer	Against Jr. Scale Stenographer (BPS-14)
51.	Taj ul Akbar	Chowkidar	01	02	02	By Transfer	
52.	Muhammad Kamal	Chowkidar	01			CE Sajid Hussain	
53.	Yaqoob Masih	Sweeper	01	01	01	By Transfer	
	TOTAL			45	42		11 against others Posts

Statement showing detail of Class-IV Employees in the Circle Laboratories under Jurisdiction
of Chief Engineer CDO

Sl. No.	Name of Employee	Designation	BPS	Sanctioned Strength	Working Strength	Appointed/Restored/ Reinstated By or By Transfer	Remarks
C&W Circle Laboratory Kohat							
54.	Zahir Khan	Lab Attendant	02	02	02	CE Sajid Hussain	
55.	Arshad Nawaz	Lab Attendant	02			CE Sajid Hussain	
56.	Qasim Raza	Driver	04	01	01	CE Sajid Hussain	
57.	Rahim ullah	Naib Qasid	01	01	01	CE Sajid Hussain	
58.	Ainaz Ali	Chowkidar	01	01	01	CE Sajid Hussain	
59.	Raj Kumar	Sweeper	01	01	01	SE Circle Kohat	
C&W Circle Laboratory Bannu							
60.	Aizaz Khan	Lab Attendant	02	02	02	CE Zard Ali Khan	
61.	Ihsanullah Khan	Lab Attendant	02			CE Sajid Hussain	
62.	Tariqullah Khan	Driver	04	01	01	CE Sajid Hussain	
63.	Afsar Zaman	Naib Qasid	01	01	01	CE Sajid Hussain	
64.	Gulab Shah	Chowkidar	01	01	01	CE Sajid Hussain	
65.	Bahadur Ali	Sweeper	01	01	01	CE Sajid Hussain	
C&W Circle Laboratory DI Khan							
66.	Ijaz Ahmad	Lab Attendant	02	02	02	CE Sajid Hussain	
67.	Waseem Abbas	Lab Attendant	02			CE Sajid Hussain	
68.	Ghazanfar Abbas	Driver	04	01	01	CE Sajid Hussain	
69.	Muhammad Khalid	Naib Qasid	01	01	01	SE Circle DI Khan	
70.	Shah Jehan	Chowkidar	01	01	01	CE Sajid Hussain	
71.	Roshan Kumar	Sweeper	01	01	01	SE Circle DI Khan	
C&W Circle Laboratory Mardan							
72.	Muhammad Rashid Khan	Lab Attendant	02	02	02	CE Sajid Hussain	
73.	Farooq Nasir	Lab Attendant	02			CE Sajid Hussain	
74.	Zahid Khan	Driver	04	01	01	CE Sajid Hussain	
75.	Tahir Ali	Naib Qasid	01	01	01	CE Sajid Hussain	
76.	Bawar Shah	Chowkidar	01	01	01	CE Sajid Hussain	
77.	Noor Hussain	Sweeper	01	01	01	CE Zard Ali	
C&W Circle Laboratory Swat							
78.	Raees Ahmad	Lab Attendant	02	02	02	CE Sajid Hussain	
79.	Irfanullah	Lab Attendant	02			CE Sajid Hussain	
80.	Liaqat Ali	Driver	04	01	01	CE Sajid Hussain	
81.	Sangin Bacha	Naib Qasid	01	01	01	CE Sajid Hussain	
82.	Muhammad Naeem	Chowkidar	01	01	01	CE Sajid Hussain	
83.	Nasir Ali	Sweeper	01	01	01	CE Sajid Hussain	
C&W Circle Laboratory Dir Lower							
84.	Imran Ali Shah	Lab Attendant	02	02	02	CE Sajid Hussain	
85.	Abidullah	Lab Attendant	02			CE Sajid Hussain	
86.	Syed Abdur Rauf	Driver	04	01	01	By Transfer	
87.	Muhammad Said	Naib Qasid	01	01	01	By Transfer	
88.	Faridullah	Chowkidar	01	01	01	CE Sajid Hussain	
89.	Nasrullah	Sweeper	01	01	01	CE Sajid Hussain	
C&W Circle Laboratory Abbottabad							
90.	Sajib Habib	Lab Attendant	02	02	02	SE Circle Abbottabad	
91.	Saleem Babar	Lab Attendant	02			SE Circle Abbottabad	
92.	Sajid Khan	Driver	04	01	01	SE Circle Abbottabad	
93.	Raheel Ahmad	Naib Qasid	01	01	01	SE Circle Abbottabad	
94.	Raja Muhammad Safdar	Chowkidar	01	01	01	SE Circle Abbottabad	
95.	Zahoor Shah	Sweeper	01	01	01	SE Circle Abbottabad	
C&W Circle Laboratory Battagram							
96.	Taimur Rauf	Lab Attendant	02	02	02	CE Sajid Hussain	
97.	Kamran Aziz	Lab Attendant	02			SE Circle Battagram	
98.	Muhammad Zakir	Driver	04	01	01	SE Circle Battagram	
99.	Muhammad Shabir	Naib Qasid	01	01	01	CE Sajid Hussain	
100.	Saif ur Rehman	Chowkidar	01	01	01	CE Sajid Hussain	
101.	Hassan Ali	Sweeper	01	01	01	SE Circle Battagram	
TOTAL				48	48		

20

Annexure G



ESTA CODE

**ESTABLISHMENT CODE KHYBER PAKHTUNKHWA
(REVISED EDITION) 2011**

**A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS
RELATING TO THE TERMS AND CONDITIONS
OF PROVINCIAL CIVIL SERVANTS**

**COMPILED BY;
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

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

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

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

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

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

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

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

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

PART-III

INITIAL APPOINTMENT

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

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

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

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

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

(b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

⁴⁰(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

⁴¹Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar; Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathia Galli and Shahi Mohman Khana, Peshawar and any other House to be established by the Government:

⁴²Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ⁴³[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ⁴⁴{ }

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

(i) ⁴⁵where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;

(ii) in other cases as on the last date fixed for submission of applications for appointment.

⁴⁶(4) Where a civil servant dies during service, then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government service, the widow of such civil servant, to a post in any of the Basic Pay Scales 1 to 15:

Provided that the child or the widow, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows of the deceased civil servant, preference shall be given to the elder widow:

Provided also that the appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies in different pay scales is available at a time, and the child or the widow, as the case may be, possesses the qualifications making him or her

⁴⁰ Sub rule (2) of Rule 19 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

⁴¹ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

⁴² Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

⁴³ Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

⁴⁴ 2nd Proviso in sub-rule (2) and Rule 19 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008

dated 09-05-2008 and added vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

⁴⁵ Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

⁴⁶ Sub rule (4) substituted vide Notification No. SOR-VI(E&AD)1-3/03/11, dated 03-09-2006.

⁵⁹Recruitment Policy for the Provincial services.

(a) Recruitment to posts in BPS-16 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zilladars and Sub-Engineers will continue to be made through the NWFP Public Service Commission. However, the Commission may make efforts to finalize the recruitment within six months of the receipt of the requisition duly completed from the Administrative Department.

(b) Recruitment to posts in the various Government Departments as indicated below will also henceforth be made by the NWFP Public Service Commission:-

(i) **All Departments including Board of Revenue, NWFP-**

- (1) Senior Scale Stenographer(B-15)
- (2) Data Processing Supervisor(B-14)
- (3) Junior Scale Stenographer(B-12)
- (4) Assistant (B-11)⁶⁰
- (5) Draftsman(B-11)

(ii) **Board of Revenue-**

- (1) Sub-Registrar(B-14)
- (2) Excise and Taxation Inspector(B-11)

(iii) **Home & Tribal Affairs Department -**

- (a) Police-Department;
 - (1) Prosecuting Sub-Inspector (B-14)
- (b) Inspectorate of Prisons:
 - (1) Assistant Jail Superintendent (B-11)
- (c) Reclamation and Probation Department;
 - (1) Parole/Probation Officer(B-11)

(iv) **Industries, Commerce, Mineral Development, Labour and Transport Department-**

- (a) Directorate of Industries:
 - (1) Assistant Industrial Development Officer/
Assistant Price Stabilization Officer(B-11)
 - (2) Royalty Inspector(B-11)
 - (3) Surveyor(B-11)
- (b) Directorate of Manpower and Training:
 - (1) Instructor T.T.C(B-14)

⁵⁹ Issued vide S&GAD letter No.SOR.I (S&GAD)1-11791(C), dated 12.10.1993.

⁶⁰ The post of Assistant has now been placed in BS-14 universally

(v) **Cooperative Societies:**

- (1) Inspector(B-11)

(vi) **Communication and Works Department-**

- (1) Assistant Architectural Draftsman(B-14)
- (2) Senior Draftsman(B-13)

(vii) **Public Health Engineering Department-**

- (1) Motivation Officer(B-15)
- (2) Assistant Motivation Officer(B-14)
- (3) Lady Health Educator (B-12)

(viii) **Electric Inspectorate:-**

- (1) Sub-Inspector(B-11)

(ix) **Food Department-**

- (1) Assistant Food Controller(B-8)
- (2) Food Grain Inspector(B-6)

(x) **Directorate of Archives and Libraries-**

- (1) Preservation Assistant (B-11)
- (2) Cataloguer / Classifier (B-11)

(c) Initial recruitment to posts in BPS-15 and below other than the posts in the purview of the Public Service Commission, in all the departments shall continue to be made in accordance with Rule 10,11 and 12 (Part-III) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules,1989, the criteria as laid down in S&GAD letter No.SORI(S&GAD)4-1/75,dated 11.2.1987 and the zonal allocation formula contained in S&GAD Notification NO.SOS.III(S&GAD)3-39/70, dated 2.10.1973 as amended from time to time.

(d) No ad hoc appointment against any post in any pay scale shall be made.

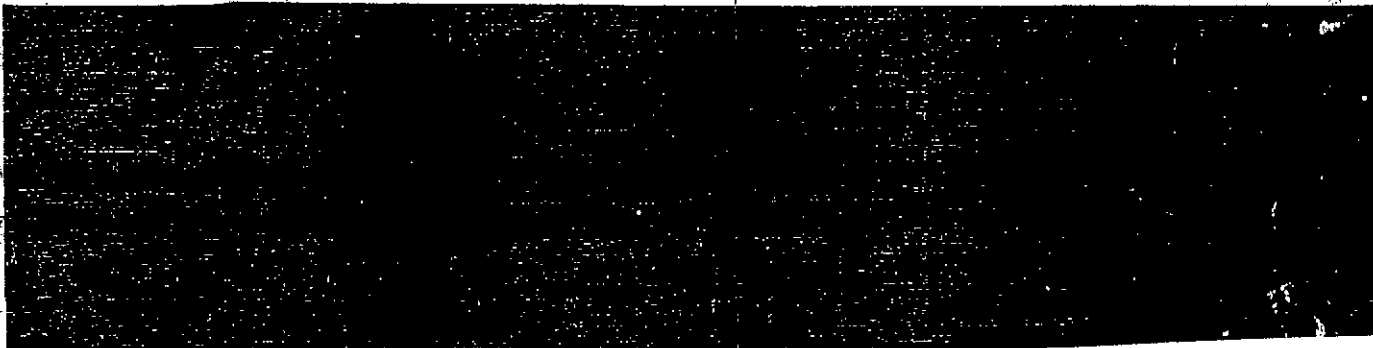
N.B: [ad hoc appointment is now allowed under the NWFP Public Service Commission Ordinance 1978 and the NWFP (Appointment, Promotion & Transfer) Rules 1989 for a period of one year]

(e) ⁶¹[.....]

Sub para-e and other entries under it relating to age relaxation were superseded by the NWFP Initial Appointment to Civil Posts (Relaxation of upper Age Limit) Rules, 2008.

Sub-
mission
of the
below

transport



- (f) The Regional/Zonal quota if not filled will be carried forward till suitable candidates are available from the Region/Zone concerned. No "Substitute" recruitment shall be made. Existing backlog, if any, in respect of any zone will not be carried forward and the Commission shall take a fresh start in respect of all posts under its purview. However, this condition will not be applicable in respect of posts which have already been advertised by the NWFP Public Service Commission.

⁶²In case female candidates with prescribed qualification do not become available in Zone-I after advertising at least three times, such vacancy/ vacancies shall be advertised fourth time for Merit Quota.

- (g) The vacancies in all the Departments shall be advertised in leading newspapers on ⁶³(Sunday). The advertisement in electronic media should be to the extent of drawing attention of all concerned to the relevant newspapers in which the vacancies are advertised.

- (h) Initial Recruitment to all the vacant posts shall be made on regular known periodic intervals in February and August each year after proper advertisement through electronic and national/regional media. After advertisement, a minimum period of 30 days should be allowed for receipt of applications. ⁶⁴[]

- (i) (Deleted).

- ⁶⁵(j) i) 2% quota for disabled persons already fixed shall stand and should be enforced strictly.

ii) 10% quota has also been fixed for female candidates in all the Provincial services which are filled up through initial recruitment in addition to their participation in the open merit. However, it shall not be applicable to cadres exclusively reserved for females. The vacancies reserved for women for which qualified women candidates are not available shall be carried forward and filled by women.

iii) The above orders shall also apply to initial appointments in all autonomous/semi-autonomous bodies/ corporations etc which are administratively controlled by the Provincial Government.

iv) The Commission shall revise the Requisition Form for all such posts for specifying the women's quota in the available vacancies and the Administrative Department shall intimate the quota for the women in the Requisition Form accordingly.

v) The above reservation shall not apply to:-

- > the percentage of vacancies reserved for recruitment on the basis of merit;
- > Short term vacancies likely to last for less than six months; and
- > Isolated posts in which vacancies occur only occasionally;

⁶² Entry added at the end of sub-para (f) vide No SOR-I(S&GAD)I-117/91 (C), 23-05-2000.

⁶³ The words "Friday" substituted in para(g) by Notification No. SOR-I(S&GAD)I-117/91 (C), 22-11-97

⁶⁴ Last sentence of sub-para (h) i.e. "A waiting list of eligible candidates shall be maintained for a period of six months" was deleted vide circular No. SOR-VI (E&AD)I-10/05 (IV), dated 31-12-2008.

Sub-Para-J substituted vide circular No. SOR-VI (E&AD)I-10/05 (IV), dated 25-07-2007.

⁶⁵ The one percent substituted by Notification No. SOR-I(S&GAD)I-1/80, Vol III dated 19.2.1999



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)/2-22/2003
Dated 12-05-2015.

To

Draw No: 9460
Date: 14-5-2015
Secretary C&W Deptt.
Khyber Pakhtunkhwa

1. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA), FATA Secretariat.
3. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.
5. All Deputy Commissioners in Khyber Pakhtunkhwa.
6. All Head of Attached Department Khyber Pakhtunkhwa.

14/5 AS/DSA

Subject: CONSTITUTION OF DISTRICT SELECTION/PROMOTION COMMITTEES

S.O. (G)

Dear Sir,

I am directed to refer to the subject noted above and to state that Provincial Government has been pleased to substitute the circular letter No.SORV(E&AD)2-22/2003 dated 12th June, 2013 at the extent of the composition of Departmental Selection Committee and Departmental Promotion Committee as follows:-

Attached Departments/Offices at District in Khyber Pakhtunkhwa

- | | | | |
|-----|--|-----|----------|
| (1) | Appointing Authority. | ... | Chairman |
| (2) | An officer to be nominated by the Administrative Department concerned (in case of Revenue Department, the member to be nominated by the Commissioner of the Division concerned). | ... | Member |
| (3) | An officer to be nominated by the Appointing Authority. | ... | Member |

2. It is requested to bring these instructions to the notice of all concerned for strict compliance.

Yours faithfully,

(KASHIF IQBAL JILANI)
SECTION OFFICER (REG-V)

Endst:of even No. & Date.

Copy forwarded to the:-

1. All Addl: Secretaries Establishment & Administration Department.
2. All Deputy Secretaries in Establishment & Administration Department.
3. All Section Officers in Establishment & Administration Department.
4. Private Secretary to Chief Secretary Khyber Pakhtunkhwa.
5. Private Secretary to Secretary Establishment Department.
6. Private Secretary to Special Secretary Establishment Deptt.

SECTION OFFICER (REG-V)