

27th Feb, 2023

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 and 2 and counsel for private respondents No. 3 and 4 present.

Let this appeal be fixed with the connected appeal No. 8646/2020. To come up on 10.05.2023 before D.B.

SCANNED
KPST
Peshawar



(Rozina Rehman)
Member(Judicial)



(Kalim Arshad Khan)
Chairman

10th May, 2023

SCANNED
KPST
Peshawar

1. Junior to counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondents present. Counsel for private respondents No. 3 & 4 present.

2. Junior to counsel for the appellant says that because of law and order situation, senior counsel for the appellant could not come. Adjourned. To come up for arguments on 07.06.2023 before D.B. P.P given to the parties.



(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman

Kaleem Ullah

31st Oct., 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Naeem, SO for official respondents present.

To come up for arguments alongwith connected appeal No. 1150/2012 on 01.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman


1-12-22


Deleted from the list, to come up on the next date on 27-2-23.



27.02.2023 Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 & 2 present. Clerk of learned counsel for private respondents present.

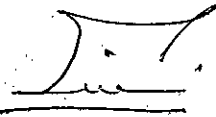
To come up for arguments alongwith connected Service Appeal bearing No. 1150/2012 today before D.B-I.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

27th July 2022 Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 & 2 and private respondent No. 3 in person present.


To come up for arguments alongwith connected Service Appeal No. 1150/2012 on 29.07.2022 before the D.B.



(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

29th July 2022 Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 & 2 present.

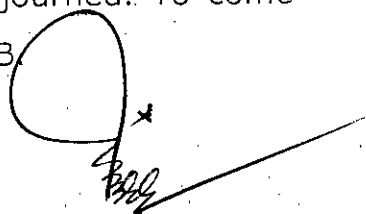
To come up for arguments alongwith connected Service Appeal No. 1150/2012 on 19.09.2022 before the D.B.


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

19.09.2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 & 2 and counsel for private respondent No. 4 present.

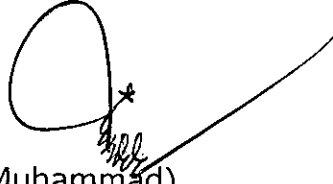
Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 31.10.2022 before the D.B.


(Mian Muhammad)
Member (Executive)

09.05.2022

Nemo for the appellant. Syed Naseer Ud Din Shah, Assistant Advocate General alongwith Mr. Hamayon, Supdt for respondents present.

Notice for prosecution of appeal be issued to the appellant and his counsel through registered post and to come up for arguments before the D.B on 14.07.2022.



(Mian Muhammad)
Member(E)



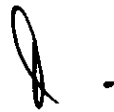
(Salah Ud Din)
Member(J)

14.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG alongwith Irfan Anjum, Assistant for official respondents present.

Mr. Asghar Ali, Advocate on behalf of private respondent No. 4 present.

Learned counsel for both the parties seek adjournment. Last opportunity is granted. To come up for arguments before the D.B on 27.07.2022.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

14.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.04.2022 for the same as before.


Reader

08.04.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for official respondents 1 & 2 and counsel for private respondents No. 3 to 5 present.

Joint request for adjournment is made on behalf of the parties. This is an old case, therefore, last chance is given to both the parties to argue the case on 09.05.2022, failing which the appeal will be decided on basis of available record. To come up for arguments before the D.B on 09.05.2022.



(Mian Muhammad)
Member(E)

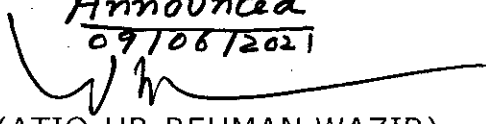



Chairman

ORDER
09.06.2021

Appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for official respondents present. Mr. Asghar Ali Advocate, on behalf of private respondent No. 4 present.


Vide our detailed order of today placed on file of Service Appeal bearing No. 1150/2012 titled "Abdul Rahim Versus Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department Peshawar and four others", the application filed by the petitioner, who is respondent No. 4 in the main appeal, for sine-die adjournment of the instant appeal being devoid of merit stands dismissed. To come up for arguments on the main appeal on 08.07.2021.


Announced
09/06/2021

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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.07.2021

Appellant alongwith clerk of counsel present. Mr. Usman Ghani, District Attorney for official respondents No. 1 & 2 present. Mr. Asghar Ali, Advocate, on behalf of private respondent No. 4 present and sought adjournment on the ground that he has not met the preparation for arguments due to certain domestic engagement. Appellant is having no objection on the adjournment. Adjourned. To come up for arguments before the D.B on 05.08.2021.


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

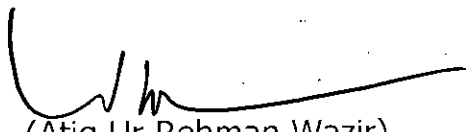

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.08.2021

Appellant alongwith clerk of counsel present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No.1 & 2 present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 15.12.2021 before D.B.



(Atiq Ur Rehman Wazir)

04.11.2021 Member (E)



Chairman

Counsel for the appellant and Kabirullah Khattak, Addl. AG for the official respondents and Junior to counsel for the private respondent No. 4 present.

Request for adjournment is made on behalf of Learned senior counsel for the appellant. Request is accorded. To come up for arguments on 02.12.2021 before the D.B.




(Rozina Rehman)
Member(J)



Chairman

2.12.21

Proposed D.B. on 15.12.21, the case is adjourned to 15.2.22 for final order.



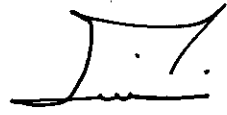
03.06.2021

Appellant alongwith his counsel Mr. Essa Khan, Advocate, present. Mr. Irfan Anjum, Assistant alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for official respondents No. 1 & 2 present. Mr. Asghar Ali, Advocate, on behalf of private respondent No. 4 present.

Arguments on the application submitted by private respondent No. 4 for sine-die adjournment of the instant appeal heard. To come up for order on sine-die adjournment application before the D.B on 09.06.2021..



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.11.2020

Appellant present in person.

Zara Tajwar learned Deputy District Attorney alongwith
Irfan Anjum Assistant for respondents present.

Appellant requested for adjournment as his counsel is not
available; granted. To come up for arguments on
15.01.2021 before D.B.



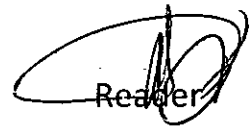
(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

15.01.2021

Junior to counsel for the appellant present. Addl: AG for
respondents present. Due to pandemic of Covid-19, the case is
adjourned to 31.03.2021 for the same.



Reader

31.03.2021.

Due to non-availability of us concerned
D.B. the case is adjourned to 03/06/2021
for the same as before



Reader

01.07.2020

Due to COVID-19, the case is adjourned to 27.07.2020
for the same.


Reader

27.07.2020

Due to COVID-19, the case is adjourned. To come
for the same on 14.09.2020 before D.B.



Reader

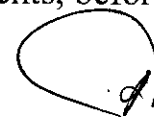
14.09.2020

Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney
alongwith Muhammad Irfan Assistant for respondents 1
& 2 present. None present on behalf of private
respondents No.3 & 4.

Notice be issued appellant/counsel and respondents
no.3 & 4 for 16.11.2020 for arguments, before D.B.


(Atiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

07.02.2020

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney on behalf of official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Appellant submitted reply on application submitted by private respondent No. 4 for sine-die adjournment of the appeal. The same is placed on record. Case to come up for arguments on application on 18.03.2020 before D.B.



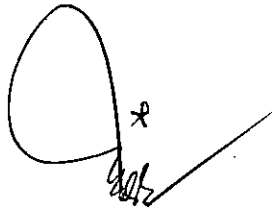
(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

18.03.2020

Appellant in person present. Mr. Muhammad Jan, DDA for respondents present. Appellant submitted reply on application for adjournment sine-die which is placed on file and seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on application for adjournment sine-die on 06.04.2020 before D.B.



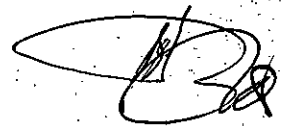
(MAIN MUHAMMAD)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

6.4.2020

Due to COVID 19, The case is adjourned to 1-7-2020 for same as before.



18.11.2019

Appellant alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Irfan, Assistant on behalf of official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Learned counsel for private respondent No. 4 submitted application for sine die adjournment of the appeal till the final decision of august Supreme Court of Pakistan. Copy of said application is handed over to learned counsel for the appellant as well as learned Deputy District Attorney. Application is placed on record. Case to come up for replication and arguments on said application on 30.12.2019 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

30.12.2019

Appellant in person present. Mr. Riaz Paidakhel learned Assistant Advocate General alongwith Irfan Anjum Assistant for the official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up further proceeding/arguments on 07.02.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

04.10.2019

Learned counsel for the appellant present.. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Zahid Ur Rehman Inspector for the respondents present. Arguments could not be heard due to learned counsel for the private respondent No.4 is not available. Last opportunity is granted. Adjourn. To come up for arguments on 17.10.2019 before D.B.


Member


Member

17.10.2019

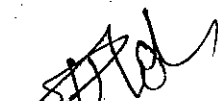
Appellant with counsel present. Mr. Usman Ghani learned District Attorney alongwith Mr. Zahid Ullah Junior Clerk for the official respondents present. Private respondent No.4 and his counsel absent. They be put to notice for 28.10.2019. Adjourn. To come up for arguments on the date fixed before D.B.


Member


Member

28.10.2019

Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents present. Learned counsel for private respondent was also present in the court, however, due to late arrival of learned counsel for the appellant, arguments could not be heard. Adjourned to 18.11.2019 before D.B.


Member


Member

31.07.2019


Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Irfan Assistant for official respondents present. Learned counsel for private respondent No.4 also present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 12.09.2019 before D.B.


Member


Member

12.09.2019

Appellant absent. Learned counsel for the appellant absent. However clerk to counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the official respondents and counsel for private respondent No.4 present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is ~~not available~~ Being an old case of the year 2014 adjourned on the payment of cost of Rs. 2000/- to be paid on behalf of appellant. To come up for arguments on 04.10.2019 before D.B.


(Hussain Shah)
Member


(M Hamid Mughal)
Member

15.03.2019

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Zahidullah Junior Clerk for the official respondents present.

Adjournment is sought on the ground that learned counsel for the appellant is engaged before the Honourable High Court in many cases today.

Adjourned to 28.05.2019 before the D.B.


Member


Chairman

03.05.2019

Appellant in person and Mr. Zia Ullah Learned Deputy District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 28.05.2019 before D.B.


Member


Member

28.05.2019

None for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Zahidullah, Junior Clerk for respondents present. Notices, be issued to the appellant and his counsel. Adjourned. Case to come up for arguments on 31.07.2019.


Member


Member

29.10.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 03.12.2018.


Reader

03.12.2018

Clerk to counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 & 2 and counsel for private respondents present. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 06.02.2019 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

06.02.2019

Clerk to counsel for the applicant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the Bar. Granted. To come up for arguments 15.03.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

Service Appeal No. 158/2014

13.06.2018

Appellant absent. Learned counsel for the appellant is also absent. However, clerk of the counsel for appellant present and seeks adjournment. Member copy of the present appeal is also not available on record. Counsel for the appellant is directed to provide Member copy of the present appeal on or before the next date of hearing. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Basharat Khan, Assistant for the respondents also present. Adjourned. To come up for arguments on 24.07.2018 before D.B.


(M. Amin Khan Kundi)
Member


(M. Hamid Mughal)
Member

24.07.2018


Clerk to counsel for the appellant and Mrm. Muhammad Jan learend Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14.09.2018 before D.B

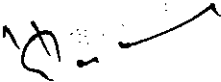

Member


Member

14.09.2018

Clerk to counsel for the appellant present. Learned counsel for respondents also present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is indisposed. Adjourned. To come up for arguments on 29.10.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 23.4.2018 before this D.B.


Member


Chairman

23.04.2018

Clerk to counsel for the appellant, Addl: AG for official respondents and counsel for private respondents present. Counsel for the appellant is directed to submit member copy of the instant service appeal on the next date of hearing. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 22.5.2018


(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

22.05.2018

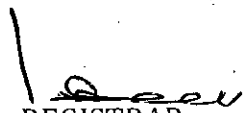


Clerk of the counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 13.06.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 212/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.11.2017	<p>The application for restoration of appeal No. 158/2014 submitted by Mr. Muhammad Issa Khan Khilil Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/11/17</p>
2	17/11/2017.	<p>This restoration application is entrusted to S. Bench to be put up there on <u>14/12/2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	14.12.2017	<p>Counsel for the petitioner present. Arguments on application for restoration of appeal heard and case file perused. Through instant petition the petitioner has prayed for setting aside order dated 31.10.2017 vide which the appeal of the present petitioner was dismissed due to non prosecution.</p> <p>Since the instant application has been filed well within time, hence the appeal be restored and be fixed for its previous proceedings on 16.02.2018 before D.B. Notices be also issued to the respondents for the date fixed.</p> <p style="text-align: right;"> (AHMAD HASSAN) MEMER</p>

Appeal No. 158/2014
Abdur Rahim vs Govt

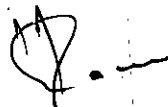
31.10.2017

Appellant absent. Learned counsel for the appellant also absent. Learned Deputy District Attorney and learned counsel for private respondents No. 3 & 4 present. Case called for several times but no one appeared on behalf of the appellant. Consequently the present appeal is dismissed in default. No order as to costs. File be consigned to be record room.

ANNOUNCED

31.10.2017


(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

06.12.2016

Counsel for the appellant, Mr. Irshad, Assistant Assistant alongwith Mr. Muhammad Jan, GP for official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Written reply on behalf of private respondent No. 4 not submitted. Learned counsel for private respondent No. 4 requested for time to file written reply. Request accepted. Member copy of the present appeal is also not available before the Tribunal. Learned counsel for the appellant is also directed to submit the Member copy of the present appeal on or before the next date of hearing. To come up for written reply/comments on behalf of private respondent No. 4 on 11-4-17.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

11.04.2017

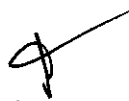
Counsel for the appellant present. Mr. Basharat, Assistant alongwith Mr. Muhammad Jan, Government Pleader for official respondents No. 1 & 2 and counsel for private respondents No. 3 and 4 also present. Written reply by private respondents No. 3 and 4 not submitted. Learned counsel for private respondents No. 3 and 4 requested for further time for submission of written reply. To come up for written reply/comments on behalf of private respondent No. 3 and 4 on 27.07.2017.

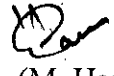

(Ahmad/Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

27.07.2017

Clerk to counsel for the appellant, Addl. AG for official respondents and counsel for private respondent no.4 present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for such record and arguments on 31.10.2017 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

27.04.2016

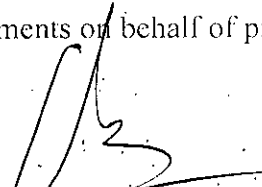
Appellant in person, Mr. Muhammad Yaséen, Superintendent alongwith Mr. Usman Ghani, Sr.GP for official respondents No. 1 and 2 and private respondents No. 3 and 4 in person present. Due to general strike of the Bar learned counsel for the appellant is not in attendance. Adjourned for rejoinder and arguments to 17.8.2016 before D.B.


Member


Chairman

17.08.2016

Counsel for the appellant, Mr. Muhammad Yasin, Superintendent Additional AG for official respondents No. 1 & 2 and counsel for private respondent No. 4 present. Learned counsel for private respondent No.4 submitted an application for setting-aside ex-parte proceedings against private respondent No. 4. Learned counsel for the appellant have no objections to set-aside the ex-parte proceedings against the private respondent No. 4. Application accepted. To come up for written reply/comments on behalf of private respondent No. 4 on 6-12-16.


Member


Member



22.06.2015

Appellant in person, M/S Muhammad Iqbal, Supdt. for respondent No. 1 and Muhammad Yasin, Supdt. for respondent No. 2 alongwith Addl: A.G for official respondents No. 1 and 2 present. None present for private respondents No. 3 and 4 despite notice. Proceeded ex-parte. To come up for written reply/comments on 24.8.2015 before S.B.


Chairman

24.08.2015

Appellant in person, M/S Muhammad Iqbal, Supdt. for respondent No. 1 and Muhammad Yasin, Supdt. for respondent No. 2 alongwith Addl: A.G for official respondents No. 1 and 2 present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 11.11.2015 before S.B.


Chairman

11.11.2015

Counsel for the appellant, M/S Muhammad Iqbal, Supdt. and Muhammad Yasin, Supdt. alongwith Addl: A.G for official respondents No. 1 and 2 present. Para-wise comments on behalf of respondents No. 1 and 2 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 27.4.2016.


Member

Reader Note:


28.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 02.02.2015 for the same.


Reader

02.02.2015

Clerk of counsel for the appellant present, and requested for adjournment due to pre-occupation of learned counsel for the appellant in the Supreme Court of Pakistan. Request accepted. To come up for preliminary hearing on 27.03.2015.


Member

27.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant claims to be senior from private respondents No. 3 and 4 and has preferred service appeal No. 1150/2012 which is fixed for final hearing for 13.10.2015. That vide impugned order dated 12.9.2013 respondents No. 1 and 2 have promoted private respondents No. 3 and 4 despite the facts that both the respondents were junior to the appellant. That the appellant preferred the departmental representation against the impugned order on 11.10.2013 which remained un-responded and hence the instant service appeal on 10.2.2014.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notice be issued to the respondents for written reply for 22.6.2015 before S.B.



Chairman

Appellant Deposited
Security & Process Fee



28.03.2014

Clerk of counsel for the appellant present and requested for adjournment as his counsel was busy in the Peshawar High Court, Peshawar. To come up for preliminary hearing on 22.05.2014.


Member

22.05.2014

Assistant to counsel for the appellant present and requested adjournment. To come up for preliminary hearing on 09.07.2014.


Member

09.07.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 24.09.2014.


Member

24.09.2014


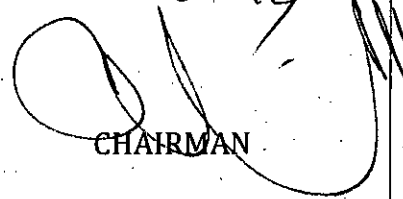
Assistant to counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 28.11.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 158/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/02/2014	<p>The appeal of Mr. Abdul Rahim presented today by Mr. Muhammad Isa Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-3-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 158/2014

Abdul Rahim

.....Appellant

Versus

The Govt. of KPK etc.

.....Respondents

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4.	Copy of Notification	B	14
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Abdul Rahim
Appellant

Through

Muhammad Isa Khan
Advocate Supreme Court

6-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 0300-5949173

Dated: 06/02/2014

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 158/2014

Abdul Rahim,
Executive Engineer (Acting Charge),
Public Health Engineering Division,
Batagram.....**Appellant**

Versus

- ✓ 1. Govt. of Khyber Pakhtunkhwa
through Secretary, Public Health
Engineering Department, Civil Secretariat,
Peshawar.
- ✓ 2. Chief Engineer,
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar.
- Es-P ✓ 3. Amil Muhammad, Executive Engineer,
Public Health Engineering Division,
Kohat.
- Ex-P ✓ 4. Shahzada Behram, Executive Engineer,
Public Health Engineering Division,
Dir Upper.....**Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED ORDER OF PROMOTION
OF RESPONDENTS NO. 3 & 4 DATED 12/9/2013
AND FOR THE PROMOTION OF THE APPELLANT.

Respectfully Sheweth,

1. That the Appellant was initially inducted as Sub-Engineer in BPS-11 in the Respondent's department vide Order dated 16/09/1993 (Annexure-A).
2. That on 30/5/1994, amendments were introduced in *the NWFP Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules 1979* and quota was fixed for various categories of Sub-Engineer vide Notification (Annexure-B).
3. That working papers was prepared by the department categorizing different Engineers i.e. Diploma of Associate Engineers and

Graduate Engineers, for promotion as ADOs (BPS-17) for the departmental promotion committee. It may be noted, that Graduate Engineers were further categorized as direct graduate Engineers and in-service graduate Engineers. Copy of working paper is attached as (Annexure-D).

4. That the matter was taken by the departmental promotion committee on 7/3/2008 and while recommending rest of the categories of Sub-Engineers for promotion, the case of the direct Sub-Engineers, including that of the Appellant, was deferred by holding (item No. 6A of the DPC dated 3/34/2008):-

"The promotion of direct Graduate Sub-Engineers (BPS-11) to the post of Assistant District Officer (BPS-17) PHE was considered by the committee against the available two vacancies.

The promotion of this category was deferred. The Chief Engineer PHE, Deputy Secretary (Admn) and Section Officer (Estt-II), Works and Services Department to re-examine the case in light of the relevant rules and submit report to the DPC for consideration in next meeting".

Copy of the minutes of the meeting is appended as (Annexure-D). However, they were posted as Assistant Engineer (BPS-17) on acting charge basis on the recommendation of DPC vide Notification on 16/9/2008 (Annexure-E).

5. That after fulfilling all the codal formalities, Appeals No. 195 and 196 of 2009 were filed in the Honourable Tribunal by both the effected direct graduate Engineers, which could not succeed and were dismissed vide a consolidated judgment dated 3/6/2009.

6. That the aforesaid judgment of this Honourable Tribunal was assailed by both the direct graduate Engineers in CP No. 438-P/09 and CP No. 439-P/09 before the August Supreme Court of Pakistan, which were accepted vide a single judgment dated 16/3/2011 (Annexure-F) and, while setting aside the impugned judgment of this Honourable Court, the following direction was made:-

"The office order dated 16/9/2008 of the Respondent No. 1 be modified/amended to the extent that services of the Appellants shall be deemed to be made on regular basis with all service benefits".

7. That in compliance with the judgment of Honourable Supreme Court of Pakistan, Secretary PHED vide Notification No. SO(Estt)PHED/4-53/B/2011 dated 3/6/2011 (Annexure-G), was ordered on regular basis with all service benefits. It was also ordered that the seniority of the

Appellant shall be fixed in terms of Para-6 of the Establishment and Administration Department letter No. SOR-1(S&GAD)1-29/75 dated 13/4/1987.

8. That in pursuance of the Supreme Court Judgment, the Appellant was regularized against the post of SDO with effect from 16/9/2008 instead of 25/3/2008. A tentative Seniority List (Annexure-H) was circulated, showing name of the Appellant at a wrong place, against which he filed representation/objection petition (Annexure-I) to the concerned authority. However, in the final seniority list dated 31/5/2012 which is impugned herein, the anomaly was not removed and the Appellant has been placed at S. No. 14 whereas as per law and rules, his name should have found mention at S. No. 11 of the final seniority list (Annexure-J).

9. That the Appellant filed yet another appeal/representation for correction in the final seniority list of SDOs/Assistant Engineers (BPS-17) on 26/6/2012 (Annexure-K), but it was not replied within the statutory period.

10. That the final seniority list was assailed in a Service Appeal which is pending before this Honourable Tribunal and is yet to be decided.

11. That vide Order dated 12/9/2013 (Annexure-L), the Respondents No. 3 and 4 have been regularized on posts of Executive Engineers (BPS-18), despite the undeniable fact that they both are junior to the Appellant and also an appeal for the correction of Seniority List showing them incorrectly senior to the Appellant is sub-judice.

12. That the Appellant made a representation against the impugned Order to Respondent

No. 1 on 11/10/2013 (Annexure-M), but it remained un-responded within the statutory period, hence, this appeal on the following grounds amongst the others:-

GROUND:

- A. That the Appellant has not been dealt with in accordance with law and rules on the subject.
- B. That the order of the August Supreme Court, referred to hereinabove, carries no ambiguity as to modification/amendment of the office order dated 16/9/2008 to the extent of giving regularization to the Appellant with all service benefits. These benefits certainly include the seniority as well, hence, the Appellant stands senior to Respondents No. 3 and 4 and, as such, he is entitled to regularization against the post of Executive Engineer (BPS-18) earlier than Respondents No. 3 and 4 or at least from the date of their regularization.

- C. That according to the NWFP Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules, 1979, the seniority of the Assistant Engineers is to be reckoned from the date of acquiring Degree or from the date of initial recruitment whichever is later. As the Appellant had acquired his degree in the year 1990 whereas the Respondents had obtained their degrees in the year 1994, therefore, they fall junior to the Appellant; and as per Rule-17 of the Khyber Pakhunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the senior person deferred for certain reason which is not attributable to him, regains his seniority on his promotion, even if made subsequent to the junior person (Annexure-N/1 and N/2).
- D. That as per mandate of the rules on the subject (Annexure-O) direct gradate Sub-

Engineers shall have preference in promotion over the in service graduate Sub-Engineers. On this score too, the Appellant was required to have been promoted on regular basis prior to the Respondents.


- E. That the Appellant seeks leave of the Tribunal, to urge additional grounds after the stance of the Respondents becomes known to him.


In view of the foregoing legal position, it is, therefore, prayed that the impugned Notification dated 12/9/2013 of promoting the Respondents No. 3 and 4 to the post of Executive Engineers (BPS-18) on regular basis may kindly be set-aside and the Appellant may be considered against it for promotion on regular basis. OR the Appellant may also be promoted on regular basis on the post of Executive Engineer (BPS-18) from the day he was posted on the same on acting charge basis or atleast from the date of regularization of the Respondents No. 3 and 4 i.e. September 12, 2013.

Any other relief as deemed appropriate in the circumstances of case, not specifically asked for may also be granted to appellant.


Appellant

Through


Muhammad Isa Khan
&


Akhter Ilyas
Advocates, Peshawar

Dated: 06/01/2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2014

Abdul RahimAppellant

Versus

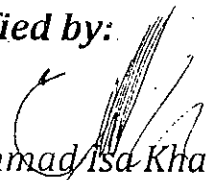
The Govt. of KPK & others.....Respondents

AFFIDAVIT

I, Abdul Rahim, Executive Engineer (Acting Charge), Public Health Engineering Division, Batagram do hereby solemnly affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


Deponent

Identified by:


Muhammad Isa Khan
Advocate Supreme Court

PUBLIC HEALTH ENGG: DEPART: NWFP

Endst No. 130445/189

Dated Peshawar the 16.9.1993

In consultation with the NWFP Public Service Commission.

Mr. Abdul Rahim S/o Ghafar Khan, Vill: Bannai Khan Kaghul Khel, P.O Ghoriwala, Tehsil and District, Bannu

Is hereby offered a post of Sub-Engineer in the Basic Pay Scale No. 11 plus usual allowances as admissible under the rules from time to time on the following terms and conditions:

1. The post purely temporary but likely to continue.
2. His services may be terminated at one month's notice without any reasons being assigned at any time irrespective of the fact that he is holding a post other than one to which he was originally recruited, or on the payment of one month's salary in lieu of the notice period.
3. He shall not leave the service unless his resignation is accepted by the competent authority should he desire to resign from service he may apply for the same with one month notice or alongwith one month pay in lieu of notice period.
4. He will be governed under Public Health Engineering Department Service Rules as regards service conditions.
5. He will be governed by such rules and orders relating to conduct efficiency and discipline, leave travelling allowance, medical attendance, pay etc as may be issued by Govt for the category of Govt Servants to which he will belong.
6. He will have to furnish a declaration in writing, (i) that he has not already been prescribed from service under the Govt of any local body and (ii) that he was not dismissed by any other agency.
7. He will be on probation for an initial period of two years extendable upto 3 years.
8. He will have to produce a medical certificate of fitness from the Medical Superintendent of the District at the time of joining duty.
9. He will be liable to serve anywhere in NWFP and Federally Administered Tribal Area.
10. No TA/DA is allowed for joining the place of posting.

If he accepts the appointment on the terms and conditions specified above, he should report for duty to the Executive Engineer PHE Division, Karak within 14 days of the issue this offer failing which the offer shall stand cancelled automatically.

Chief Engineer
Public Health Engg: Department
NWFP, Peshawar

Endst No. 130445/189

Dated Peshawar the 16.9.1993

[Handwritten Signature]
[Handwritten Initials]

A copy is forwarded to the:

1. Chief Engineer (Dev) PHED, Peshawar
2. Superintending Engineer PHE Circle, Kohat
3. Executive Engineer, PHE Division, Karak

The original certificates of the applicant may please be verified by him at the time of accepting arrival report. His date of arrival may please be reported to this office alongwith copies of testimonials. The declaration required vide item 6 above may please be obtained and sent to this office while intimating his date of arrival.

4. Mr. Abdul Rahim S/o Ghafar Khan, Vill: Bannai Khan Kaghul Khel, P.O Ghoriwala, Tehsil and District, Bannu

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GOVERNMENT OF NWFP
PUBLIC HEALTH ENGINEERING
DEPARTMENT

Annex - B

(14)



Dated Peshawar the 30.5.1994

NOTIFICATION-II

No. SO(E)/PHED/6-12/94.
In exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973 (NWFP Act, XVIII of 1973), the Governor of North West Frontier Province is pleased to direct that in the North West Frontier Province Irrigation & Public Health Engineering Department, Recruitment & Appointment Rules, 1979, the following further amendments shall be made namely:

AMENDMENTS

In the Schedule, in Column 7, against serial No.4 for clause (h) the following shall be substantiated namely:

1. 5% by promotion on the basis of seniority-cum-fitness from amongst the Sub-Engineers who have acquitted Degree in Engineering during service.
2. 5% by promotion on the basis of seniority-cum-fitness from amongst the Sub-Engineers who jointed service as Graduate Engineers.

Provided that if no Sub-Engineer in a category is available for promotion, the vacancy shall be filled in from the other category.

Secretary to Govt of NWFP
Public Health Engineer
Department

ndst No. SO(E)/PHED/6-12/94

Dated Peshawar the 30.5.1994

ny forwarded for information and necessary action to:

1. Secretary to Govt, NWFP Peshawar
2. Secretary to Chief Minister, NWFP, Peshawar
3. Private Secretary to Chief Secretary, NWFP, Peshawar
4. Chief Engineer, PHED, NWFP, Peshawar with Ref to his letter No.120115/4 dated 9.1.94
5. Chief Engineer (Dev), PHED, NWFP, Peshawar
6. Section Officer (R-II), S&GAID/9-24/94 dated 30.5.1994.
7. The Assistant Draftsman-II, Govt of NWFP, Law Department, Peshawar with reference to his letter NO.Reg-1(8)/76-2864 dated 25.5.1994.
8. The Manager Government Printing & Stationary Department, Peshawar for publication in the next issue of Government Gazette with the request that 30 printed copies of the Notification may kindly be supplied to this Department for further distribution.

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(Abdul Nazir Khan)
Section Officer (GEN/ESTT)

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Annex - C

15

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT



WORKING PAPER

Subject: PROMOTION OF SUB-ENGINEERS TO THE RANK OF ASSISTANT ENGINEER (BPS-17) THE DEPARTMENT.

54 No. posts of Assistant District Officers (BPS-17) are on the sanctioned strength of this Department. At present 45 ADOs are working (including 12 ADOs on long leave) and 9 posts are vacant including the one Mr. Dilawar Khan ADO Nowshera, who has since been retired from service. (Annexure-I & II)

2. According to the existing Service Rules, the method of appointment is as under: (Annexure-III).

- i. 70% by initial recruitment.
- ii. 5% by promotion on merit from amongst the Sub Engineers who possessed Degree of B.E./B.Sc Engg (Civil at the time of their joining service.
- iii. 5% by promotion on merit from amongst the Sub Engineers who have acquired the Degree of B.E./ B.Sc Engg (Civil) during service. The seniority to be determined from the date of acquiring Degree.
- iv. 20% by promotion on the basis of merit from amongst the Sub Engineer who hold a Diploma and have passed Departmental Professional Examination with atleast 10-years service as such.

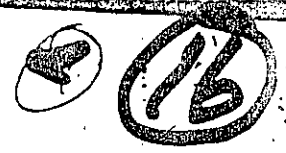
3. The existing position of appointment/shortfall of the posts of ADOs as per the above Service rules, is as under, the break-up of the posts is at Annexure-IV:

S./#	Particulars	Due share in 54 posts	Already appointed/ promoted	Short fall
1.	Initial recruitment (70%)	38	37	1
2.	Direct Graduate Sub Engineer (5%)	3	1	2
3.	In-Service Graduate Sub Engineers (5%)	3	1	2
4.	Diploma Holder Sub Engineers (20%)	11	7	4

4. Based on above, the said vacant 8 No. posts of ADOs may be filled in by promotion from amongst the following category of Sub Engineers.

S./#	Category	No. of posts	Remarks
1.	Direct Graduate Sub Engineers	2	
2.	In-Service Graduate Sub Engineers	2	
3.	Diploma Holder Sub Engineers	4	
Total:		8	

2



5. In view of above following panel of Sub-Engineers from each category is placed before the Departmental Promotion Committee for consideration & Selection of 8 sub Engineers for promotion as ADOs (BPS-17) (Annexure-V).

1. SELECTION OF 2 NO. SUB ENGINEER FOR PROMOTION TO THE POST OF ADO FROM DIRECT GRADUATE SUB ENGINEERS.

S.#	Name of Officer & Qualification	Date of entry into Govt. Service	Date of Promotion to the present post/Pay Scale	Eligibility for promotion/ Remarks
1.	Mr. Noor-ul-Basar B.Sc (C)	24/11/1992		
2.	Mr. Rifayat Ullah Khan B.Sc(C)	16/09/1993		On long leave -do-
3.	Mr. Abdur Rahim-II B.Sc(C) M.Sc(C)	16/09/1993		
4.	Mr. Khan Muhammad Khan B.Sc(C)	16/09/1993		
5.	Yousaf Khan B.Sc(C)	22/09/1993		
6.	Mr. Muhammad Nacem B.Sc(C)	16/09/1993		

2. SELECTION OF 2 NO. SUB ENGINEER FOR PROMOTION TO THE POST OF ADO FROM IN-SERVICE GRADUATE SUB ENGINEERS (ANNEXURE-VI).

S.#	Name of Officer & Qualification	Date of entry into Govt. Service	Date of Promotion to the present post/Pay Scale	Eligibility for promotion/ Remarks
1.	Mr. Amir Muhammad B.Sc (C)	07/04/1986		
2.	Mr. Shahzada Behram B.Sc(C)	08/10/1987		
3.	Mr. Barkatullah B.Sc(C)	18/12/1985		A minor penalty of stoppage of 3 increments was imposed on him
4.	Mr. Mir Adam B.Sc(C)	17/10/1987		
5.	Mr. Muhammad Imtiaz B.Sc(C)	16/09/1993		

3. SELECTION OF 4 NO. SUB ENGINEER FOR PROMOTION TO THE POST OF ADO FROM DIPLOMA HOLDER SUB ENGINEERS (BPS-16) (ANNEXURE-VII).

S.#	Name of Officer & Qualification	Date of entry to Govt. Service	Date of Promotion to the present post/Pay Scale	Eligibility for promotion/ Remarks
1.	Mr. Amanullah-I	26/04/1975		
2.	Mr. Muhammad Ismail	04/09/1975		
3.	Mr. Ghulam Muhammad	09/09/1975		
4.	Mr. Sajid ur Rehman	20/03/1976		
5.	Mr. Qadeerullah	26/03/1976		
6.	Mr. Muhammad Ramzan	21/08/1976		
7.	Mr. Juma Khan	28/08/1976		

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It is certified that the officials concerned;

- i) Fulfill the conditions as mentioned in the Establishment Department Circular letter No.SOR-VI(E&AD)1-16/2004, dated 20/09/2004 and are otherwise eligible for promotion to the rank of Assistant Engineer.
- ii) Hold the lower post on regular basis and not on adhoc.
- iii) Has the prescribed minimum length of qualifying service/ experience as required under the service/ recruitment Rules.
- iv) No penalty was imposed upon the officers during last five years.
- v) No Department/ Judicial inquiry is penalty pending against any of the officers/ officials.
- vi) The seniority list of officers/officials are attached herewith (Annex-III).
- vii) Synopsis of PETs/Chart of PERs and Bio-data are attached (Annex-IV).

S. The Departmental Promotion Committee is requested to determine the suitability of 8 Sub Engineers for promotion as ADE (BPS-17) on regular/acting charge basis.

(MUIHAMMAD ZAMAN)
DEPUTY SECRETARY (ADMN)
WORKS & SERVICES DEPTT

2

MINUTES OF DEPARTMENTAL PROMOTION MEETING
 HELD ON 03.03.2008 AT 1100 HRS UNDER THE CHAIRMANSHIP OF
 SECRETARY W&S DEPARTMENT

Annexure D
 18

A meeting of the Departmental Promotion Committee of the W&S Department was held on 03.03.2008 at 1100 hours under the Chairmanship of Secretary W&S in his office. The following attended the meeting:-

- 1) Mr. Mohammad Riaz Khan, Secretary to Govt. of NWFP, W&S Department. Chairman
- 2) Mr. Habib Ali, Chief Engineer, W&S Peshawar Member
- 3) Mr. Mohammad Aslam Khan, Chief Engineer PHE, Peshawar Member
- 4) Mr. Musharaf Khan, Section Officer (R-V), Establishment Department. Member
- 5) Mr. Raees Khan Afridi, Section Officer (SR-III), Finance Department. Member
- 6) Mr. Mohammad Zaman, Deputy Secretary (Admn), W&S Department. Secretary

2. The following items were discussed and decided as it is mentioned against each:

Item No.1: PROMOTION OF SUB ENGINEERS TO THE RANK OF ASSISTANT DIRECTOR (BPS-17)

- a) Promotion of Diploma Holder Sub Engineers (BPS-16) to the rank of Assistant Director (BPS-17) in the Works & Services Department

The promotion of Diploma Holder Sub Engineers (BPS-16) to the post of Assistant Director (BPS-17) was considered by the committee against the available twelve vacancies.

The Committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations.

1.	Mohammad Jamil-I	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
2.	Fazal Mohammad	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
3.	S.Ashiq Hussain	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.

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4.	Faizullah Khan-I	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
5.	Allah Nawaz-I	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
6.	Mohammad Shah Bangash	Superseded on account of not qualifying Departmental Professional Exam.
7.	Khalid Mehmood	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
8.	Wajid Ahmed	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
9.	Rahim Ghani	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
10.	Mohammad Iqbal-II	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
11.	Mohammad Arif-II	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
12.	Shakeel Ahmed	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
13.	Mohammad Mujahid	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.

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b) Promotion of Direct Graduate Sub Engineers (BPS-11) to the rank of Assistant Director (BPS-17) in the Works & Services Department

The promotion of Direct Graduate Sub Engineers (BPS-11) to the post of Assistant Director (BPS-17) was considered by the committee against the available one vacancy.

The Committee considered the official in the panel in order of their seniority/fitness and made the following recommendations.

1.	Mohammad Hassanat	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
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c) Promotion of In-Service Graduate Sub Engineers (BPS-11) to the rank of Assistant Director (BPS-17) in the Works & Services Department

The promotion of In-Service Graduate Sub Engineers (BPS-11) to the post of Assistant Director (BPS-17) was considered by the committee against the available four vacancies.

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The Committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations.

1.	Ahmed Jan Afridi	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
2.	Aurangzeb-II	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
3.	Abdul Hamid-II	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.
4.	Amir Jan	Recommended for promotion to the post of Assistant Director (BPS-17) on regular basis. He will be on probation for a period of one year.

Item No.2 PROMOTION OF ASSISTANTS (BPS-14) & SENIOR SCALE STENOGRAPHERS (BPS-15) TO THE RANK OF SUPERINTENDENT (BPS-16) IN WORKS & SERVICES DEPARTMENT

The promotion of Assistants (BPS-14) & Senior Scale Stenographers (BPS-15) to the post of Superintendents (BPS-16) was considered by the committee against the available four vacancies.

The Committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations.

1.	Momin Khan Assistant	Superseded for his non availability of ACRs of different periods.
2.	Amanullah Khan Assistant	Superseded for his non availability of ACRs of different periods.
3.	Mohammad Amin Assistant	Recommended for promotion to the post of Superintendent (BPS-16) on regular basis. He will be on probation for a period of one year.
4.	Nazir Gul Assistant	Recommended for promotion to the post of Superintendent (BPS-16) on regular basis. He will be on probation for a period of one year.
5.	Karim Nawaz Assistant	Superseded for his non availability of ACRs of different periods.
6.	Noor Islam Senior Scale Stenographer	Recommended for promotion to the post of Superintendent (BPS-16) on regular basis. He will be on probation for a period of one year.
7.	Abdul Hamid Marwat Assistant	Deferred on account of non availability of his ACRs for some periods.

Item No.3 PROMOTION OF CIRCLE HEAD DRAFTSMAN (BPS-16) TO THE RANK OF CHIEF DRAFTSMAN (BPS-17) IN WORKS & SERVICES DEPARTMENT

The promotion of Circle Head Draftsman (BPS-16) to the post of Chief Draftsman (BPS-17) was considered by the committee against the available four vacancies.

do

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The Committee considered the one official in the panel and made the following recommendations.

1.	Mohabat Khan Circle Head Draftsman	Recommended for promotion to the post of Chief Draftsman (BPS-17) on regular basis. He will be on probation for a period of one year.
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Item No.4 PROMOTION OF HEAD DRAFTSMAN (BPS-13) TO THE RANK OF CIRCLE HEAD DRAFTSMAN (BPS-16) IN WORKS & SERVICES DEPARTMENT

The promotion of Head Draftsman (BPS-13) to the post of Circle Head Draftsman (BPS-16) was considered by the committee against the available seven vacancies.

The Committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations:

1.	Noor Zaman	Deferred on account of non availability of his ACRs for some periods.
2.	Arshad Naveed	Recommended for promotion to the post of Circle Head Draftsman (BPS-16) on regular basis. He will be on probation for a period of one year.
3.	Umar Daraz	Recommended for promotion to the post of Circle Head Draftsman (BPS-16) on regular basis. He will be on probation for a period of one year.
4.	Manzoor Ahmed	Recommended for promotion to the post of Circle Head Draftsman (BPS-16) on regular basis. He will be on probation for a period of one year.
5.	Ghulam Murtaza	Recommended for promotion to the post of Circle Head Draftsman (BPS-16) on regular basis. He will be on probation for a period of one year.
6.	Amir Nawaz	Recommended for promotion to the post of Circle Head Draftsman (BPS-16) on regular basis. He will be on probation for a period of one year.

Item No.5 MOVE-OVER BPS-16 TO BPS-17 IN RESPECT OF MR. ABDUL BASEER QAZI SUB ENGINEER WORKS & SERVICES DEPARTMENT

The Departmental Promotion Committee considered the move-over case of Mr. Abdul Baseer Qazi Sub Engineer (Retired) Works & Services Department and recommended him for the grant of move-over from BPS-16 to BPS-17 w.c.f. 01.12.2001.

Item No.6

PROMOTION OF DIRECT GRDUATE SUB ENGINEERS (BPS-11) TO THE RANK OF ASSISTANT DISTRICT OFFICER (BPS-17) PHE WORKS & SERVICES DEPARTMENT

The promotion of Direct Graduate Sub Engineer (BPS-11) to the post of Assistant District Officer (BPS-17) PHE was considered by the committee against the available two vacancies.

The Committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations.

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"The promotion of this category was deferred. The Chief Engineer PHE, Deputy Secretary (Admn) and Section Officer (Estt-II) Works & Services Department to re-examine the case in light of the relevant rules and submit report to the DPC for consideration in next meeting."

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(b) PROMOTION OF IN-SERVICE GRDUATE SUB ENGINEERS (BPS-11) TO THE RANK OF ASSISTANT DISTRICT OFFICER (BPS-17) PHE WORKS & SERVICES DEPARTMENT

The promotion of In-Service Graduate Sub Engineer (BPS-11) to the post of Assistant District Officer (BPS-17) PHE was considered by the committee against the available two vacancies.

The committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations.

1.	Amil Mohammad	Recommended for promotion to the post of Assistant District Officer (BPS-17) PHE on regular basis. He will be on probation for a period of one year.
2.	Shahzada Behram	Recommended for promotion to the post of Assistant District Officer (BPS-17) PHE on regular basis. He will be on probation for a period of one year. He has to earn one ACR from o/o Chief Engineer PHE during the probation period.

(c) PROMOTION OF DIPLOMA HOLDER SUB ENGINEERS (BPS-16) TO THE RANK OF ASSISTANT DISTRICT OFFICER (BPS-17) PHE WORKS & SERVICES DEPARTMENT

The promotion of Diploma holder Sub Engineer (BPS-16) to the post of Assistant District Officer (BPS-17) PHE was considered by the committee against the available four vacancies.

The committee considered the officials in the panel in order of their seniority/fitness and made the following recommendations.

1.	Amanullah-I	Recommended for promotion to the post of Assistant District Officer (BPS-17) PHE on regular basis. He will be on probation for a period of one year. He has to earn one ACR from o/o Chief Engineer PHE during the probation period.
2.	Mohammad Ismail	Recommended for promotion to the post of Assistant District Officer (BPS-17) PHE on regular basis. He will be on probation for a period of one year.
3.	Ghulam Mohammad	Recommended for promotion to the post of Assistant District Officer (BPS-17) PHE on regular basis. He will be on probation for a period of one year.
4.	Sajjad-ur-Rahman	Recommended for promotion to the post of Assistant District Officer (BPS-17) PHE on regular basis. He will be on probation for a period of one year.

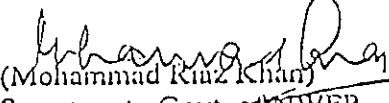
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Item No.7 PROMOTION OF CIRCLE HEAD DRAFTSMAN (BPS-16) TO THE RANK OF CHIEF DRAFTSMAN (BPS-17) IN PHE WORKS & SERVICES DEPARTMENT


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Mr. Mohammad Qasim, Circle Head Draftsman (BPS-16) has been cleared by the DPC for promotion to the rank of Chief Draftsman (BPS-17) on regular basis. He will be on probation for a period of one year.

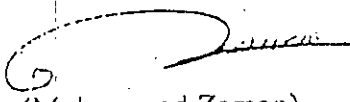

(Mohammad Riaz Khan)
Secretary to Govt. of NWFP
Works & Services Deptt:
(Chairman)

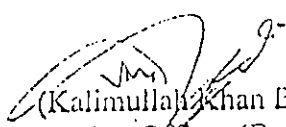

(Habib Ali)
Chief Engineer W&S
(Member)



(Mohammad Aslam Khan)
Chief Engineer PHE
(Member)


(Musharaf Khan)
Section Officer (Reg-V)
Establishment deptt:
(Member)


(Raees Khan Afridi)
Section Officer (SR-III)
Finance Department
(Member)


(Mohammad Zaman)
Deputy Secretary (Admn)
Works & Services Deptt:
(Secretary)


(Kalimullah Khan Baloch)
Section Officer (Estt-I)
Works & Services Deptt:
(Member)


(Syed Baqar Shah)
Section Officer (Estt-II)
Works & Services Deptt:
(Member)

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ANNEX - E

(24)

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the September 16, 2008

NOTIFICATION

No. SO(E-II)W&S/4-53(BY2008). On the recommendations of the Departmental Promotion Committee, the Provincial Government is pleased to appoint the following Sub Engineers to the rank of Assistant Engineers (BPS-17) on acting charge basis with immediate effect in the public interest:-

S.No	Name of Sub Engineers
1	Mr. Abdur Rahim
2	Mr. Khan Muhammad Khan
3	Mr. Barkatullah
4	Mir Adlam
5	Mr. Qandeerullah
6	Mr. Muhammad Ramzan
7	Mr. Juma Khan
8	Mr. Muhammad Afzal
9	Mr. Zafarullah
10	Mr. Amin Khan

2. The above officers so appointed will remain on probation for a period of one year in terms of section 6(2) of NWFP Civil Servants Act 1973 read with rule 15(1) of NWFP Civil Servants (Appointment, Promotion & transfer) Rules, 1989.

3. Postings / Transfers of the above officers will follow.

SECRETARY

No. SO(E-II)W&S/4-53(BY2008)

Dated Peshawar, the Sept 16, 2008

Copy forwarded to the:-

- 1) Accountant General NWFP Peshawar.
- 2) Additional Accountant General Pakistan Revenue Sub Office Pesh.
- 3) Chief Engineer PHE / W&S / FATA Peshawar.
- 4) EDOs W&S / DDOs PHE Works & Services concerned.
- 5) District Accounts Officers concerned.
- 6) PS to Chief Secretary NWFP.
- 7) PS to Secretary Works & Services Department.
- 8) Incharge Computer Cell, W&S Department.
- 9) Officers concerned.
- 10) O/O File / Personal Files.

(SYED BAKAR SHAH)
SOE-II

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(Appellate Jurisdiction)

Present:

Mr. Justice Nasir-ul-Mulk
Mr. Justice Amir Hani Muslim

Annex-F

25

Civil Petitions No. 275 & 439-P of 2009.
(On appeal from judgment dated 5.6.2009 of the
NWFP Service Tribunal, passed in Appeals No.195
and 196 of 2009)

Khan Muhammad (in C.P.438-P/09). ...Petitioners.

Abdur Raheem (in C.P.439-P/09)

VS

Secretary, Govt. of NWFP, Works &
Services Department, Peshawar and another. ...Respondents.
(in both petitions)

For the petitioners: Muhammad Isha Khan, ASC.
(in both petitions)

For the respondent: Mr. Naveed Akhter, Addl.A.G, KPK.

Date of hearing: 16.3.2011.

JUDGMENT

AMIR HANI MUSLIM, J. - Through this common judgment, we
intend to dispose of the above two petitions as the issue raised in both is common.

2. Facts of the case are that both the petitioners were appointed as Sub-Engineer in BPS-11 on 16.9.1993. The NWFP Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules, 1979, were amended on 30.5.1994 and quota was fixed for various categories of Sub-Engineers. The working paper was prepared by the department categorizing different Sub-Engineers for promotion as ADOs (BPS-17) for the departmental promotion committee. The name of Abdur Rahim petitioner appeared at serial No.3 whereas the name of Khan Muhammad appeared at serial No.4 of the merit list for the category reserved for promotion. There were only two vacancies in the

AMIR HANI MUSLIM
(Signature)
Amir Hani Muslim
Sessions Court of Peshawar
Peshawar

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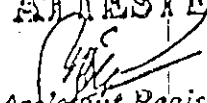
said category for which the petitioners were to be promoted. The record reveals that the departmental promotion committee on 3.3.2008 has deferred the promotions under the said category without assigning reasons. However, a committee comprising of the Chief Engineer, PHE, Deputy Secretary (Admin) and Section Officer (Estt.-II) Works and Services Department was asked to re-examine the case of the petitioners in the light of the relevant rules and submit report to DPC for consideration in the next meeting. We have noticed that two officers namely Noor ul Basar and Kifayat Ullah, who were senior to the petitioners in the same category at the relevant time, were shown to have been proceeded on long leave. However, the officers of the remaining categories were promoted. On 16.9.2008, the petitioners were posted as Assistant Engineers BPS-17 on acting charge basis on the recommendations of the DPC. The grievance of the petitioner is that the departmental promotion committee has wrongly deferred their promotion with the sole object to accommodate Noor ul Basar and Kifayat Ullah who were on long leave. According to them, they were entitled to for regular promotion with effect from the day they were posted as Assistant Engineers BPS-17 on acting charge basis.

3. Learned counsel for the petitioners contended that the petitioners cannot be made to wait for their promotion against vacant posts and in this regard he has relied upon instructions issued by the Special Secretary, Establishment and Administration Department dated 4.7.2006.

4. As against this, the learned Additional Advocate General, KPK, has attempted to justify the deferment of the promotion by the DPC, inter alia, on the ground that the departmental promotion committee has constituted a sub-committee to examine the case of the petitioners and the petitioners subsequently have been promoted on regular basis.

5. We have inquired from the learned Additional Advocate General as to whether if an officer is on long leave, could it debar the departmental promotion.

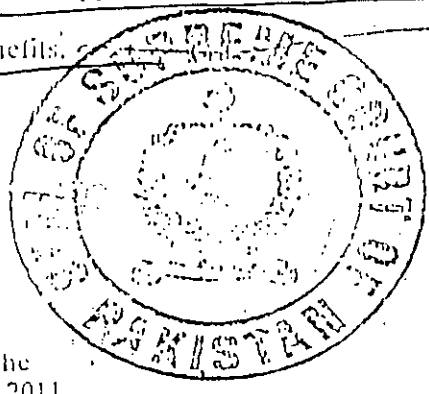
ATTESTED


Assistant Registrar
Supreme Court of Pal
Peshawar.

27

... to promote the officer next in line. He cannot offer any plausible explanation. We have noticed that the NWFP Government has itself laid down policy in its letter dated 4.7.2006, which provides that no post should be reserved for the officers who are on deputation abroad or on long leave and the next officer (s) should be considered for promotion. The officer who is on long leave or on deputation abroad should be considered for promotion on his return after he earns one PER. His seniority shall be determined from the date of promotion. However, to safeguard against non-availability of vacancies subsequently, this procedure should be adopted for cadres where sizeable cadre strength is available. In view of this policy, which the NWFP Government has adopted, the petitioners should have been promoted on regular basis instead of posting them on acting charge basis. The department and the learned Tribunal were in error in overlooking the implications of the policy framed by the Government in this regard.

6. We accordingly set aside the judgments of the learned Tribunal while converting these petitions into appeals and allow the same. The office order dated 16.9.2008 of the respondent No.1 be modified/amended to the extent that services of the appellants shall be deemed to be made on regular basis with all service benefits.



Peshawar the
16th March, 2011.
17/3/11

Off- Nazim-ul-Mulk,
Off- Amir Hamid Maudin
Certified to be true copy
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

GOVT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Annex - G

Dated Peshawar, the June 03, 2011

23

NOTIFICATION

No.SO(Est)/PHED/4-53/B/2011

In compliance to the Judgment of Supreme Court of Pakistan dated 16.03.2011 in Civil Petitions No.438 & 439-P of 2009, acting charge appointment of the following officers of Public Health Engineering Department as Assistant Engineers BPS-17 already notified vide defunct Works & Services Department Notification No.SO(E-II)W&S/4-53(B)/2008 dated 16.09.2008, is hereby ordered on regular basis with all service benefits:-

1. Mr. Abdur Rahim,
SDO PHE Sub Division Tehsil Ghazi Haripur
2. Mr. Khan Muhammad Khan,
PHE Sub Division Miran Shah NWA

2. As such, their seniority shall be fixed in terms of Para-6 of the Establishment & Administration Department letter No.SOR-I(S&GAD)1-29/75 dated 13.04.1987.

(ENGR. YOUSAF JAMAL)
SECRETARY PHED

Endst: No.SO(Est)/PHED/4-53/B/2011

Dated Peshawar, the June 03, 2011

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Accountant General Pakistan Revenue Peshawar.
3. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar.
4. Chief Engineer (North) PHE Department Khyber Pakhtunkhwa, Peshawar.
5. Chief Engineer (South) PHE Department, Khyber Pakhtunkhwa, Peshawar.
6. All Superintending Engineers PHE Department Khyber Pakhtunkhwa.
7. Deputy Secretary (Admn) PHE Department Peshawar.
8. Executive Engineer PHE Division Haripur
9. Executive Engineer, Works & Services Building Division NWA Miranshah
10. District Accounts Officer Haripur
11. Agency Accounts Officer NWA at Miransha
12. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
13. Officers concerned
14. Office Order File /Personal File.

(SHABIR AHMED AWAN)
SECTION OFFICER (ESTT)

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Amir - 41

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG DEPARTMENT

Dated Peshawar, the February 14, 2012

TENTATIVE SENIORITY LIST OF ASSISTANT ENGINEERS/SDOs (BPS-17)
PUBLIC HEALTH ENGINEERING DEPARTMENT, KHYBER PAKHTUNKHWA
AS STOOD ON 31-12-2011



Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of 1 st Entry in the Govt. Service	Date of appointment / promotion in present grade	Remarks
1	2	3	4	5	6	7	8
1.	Qaiser Zaman	B.E (Civil)/ M.Sc (Civil)	13-11-1961	Mardan	26-04-1988	26-04-1988	
2.	Hikmat Sher	B.E (Civil)/ M.Sc (Civil)	19-02-1962	Khyber Agency	01-10-1987	23-01-1988	
3.	Rehan Gul	B.E (Civil)/ M.Eng (Civil)	22-03-1963	Kohat	01-10-1987	23-01-1988	
4.	Rasool Khan	B.E (Civil)/ M.Eng (Civil)	01-05-1963	Swat	03-01-1990	03-01-1990	
5.	Naseerullah	D.A.E (Civil)	10-09-1952	Karak	30-11-1973	16-09-1992	
6.	Mehboob ur Rehman	D.A.E (Civil)	05-04-1953	Peshawar	23-08-1974	18-03-1997	
7.	Muhammad Ayub	D.A.E (Mech)	22-02-1952	Lakki Marwat	14-11-1974	07-02-2000	
8.	Abdur Rehman	D.A.E (Civil)	01-04-1952	D.I.Khan	20-11-1974	05-07-2001	
9.	Amanullah	D.A.E (Mech)	07-01-1953	Charsadda	26-04-1975	25-03-2008	
10.	Ghulam Muhammad	D.A.E (Civil)	25-01-1954	Peshawar	09-09-1975	25-03-2008	
11.	Sajjad ur Rehman	D.A.E (Mech)	01-12-1957	Abbottabad	20-03-1976	25-03-2008	
12.	Amil Muhammad	B.Sc Civil	12-01-1966	FR Bannu	07-04-1986	25-03-2008	
13.	Shahzada Behram	B.Sc Civil	04-11-1963	Mardan	08-10-1987	25-03-2008	

14.	Kifayatullah Khan	B.Sc Civil M.Sc (Civil)	14.02.1969	Bannu	15.09.1993	30.08.2010	
15.	Abdur Rahim	B.Sc Civil M.Sc (Civil)	25.08.1965	Bannu	15.09.1993	16.09.2008	Their acting charge appointment has been regularized w.e.f. 16.09.2008 in compliance to the Judgment of Supreme Court of Pakistan dated 15.03.2011 in Civil Petitions No.438 & 439-P of 2009.
16.	Khan Muhammad Khan	B.Sc Civil	02.04.1968	NWA	16.09.1993	16.09.2008	
17.	Barkatullah	B.Sc Civil	07-03-1961	N.W.A	18-12-1985	16-09-2008	-do-
18.	Mir Adam	B.Sc Civil	28-02-1966	FR Bannu	17-10-1987	16-09-2008	-do-
19.	Qadeer Ullah	DAE (Mech)	01.01.1955	Bannu	26.03.1976	30.08.2010	
20.	Zafar Ullah	DAE (Mech)	25.03.1956	D.I.Khan	21.08.1976	30.08.2010	
21.	Muhammad Ramzan	DAE (Mech)	25.03.1956	D.I.Khan	21.08.1976	30.08.2010	
22.	Muhammad Afzal	DAE (Civil)	01.01.1956	SWA	30.08.1976	30.08.2010	
23.	Amin Khan	DAE (Mech)	15.04.1956	Malakand	21.02.1977	30.08.2010	
24.	Muhammad Faisal Naeem	B.Sc Civil	19-01-1986	Swabi	09.09.2010	09.09.2010	
25.	Muhammad Ayaz Khan	B.Sc Civil	11-05-1975	Mohmand Agency	09.09.2010	09.09.2010	
26.	Muhammad Naeem	DAE (Mech)	10-04-1952	Malakand	04-03-1977	09-05-2011	
27.	Yousaf Khan	B.Sc Civil	01-03-1969	Swat	16-09-1993	03-06-2011	
28.	Ikramullah Shah	B.Sc Civil	04-04-1987	Battagram	23-09-2011	23-09-2011	
29.	Muhammad Wasim	B.Sc Civil	03-04-1983	Lakki Marwat	23-09-2011	23-09-2011	
30.	Gul Ajab Khan	B.Sc Civil	15-05-1980	S.W.A	23-09-2011	23-09-2011	
31.	Adnan Ahmed	B.Sc Civil	18-10-1986	Hangu	23-09-2011	23-09-2011	
32.	Dunaid Hafeez	B.Sc Civil	01-01-1984	Peshawar	23-09-2011	23-09-2011	

To,

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

Annex-I

31

Subject: CORRECTION OF SENIORITY

Sir,


With due respect it is submitted:-

- 1) That the applicant case was considered for promotion along with other categories by Departmental Promotion Committee on 03-03-2008.
- 2) That promotions were made in other categories on 25-03-2008 on regular basis but the case of applicant was deferred for no valid reason.
- 3) That however, the applicant was promoted on acting charge basis on 16-09-2008.
- 4) That the order dated 16-09-2008 was challenged by the applicant as a last resort in the Honourable Supreme Court of Pakistan & claimed regular promotion with the original batch of 25-03-2008 which was allowed vide orders dated 16-03-2011 (annexure 'A')
- 5) That on 03-06-2011, in compliance with the judgment of Honourable Supreme Court of Pakistan, the services of the appellant was regularized from 16-09-2008 with all service benefits. It was also notified that seniority of the applicant shall be fixed in terms of para-6 of the Establishment & Administration Department letter No. SOR-1 (S&GAD) 1-29/75 dated 13-04-1987 (copy of notification of Secretary PHED Department is attached as Annexure 'B')
- 6) That the tentative seniority list of Assistant Engineers / SDO's (BPS-17) Public Health Engineering Department issued vide letter No. SO(Est)/PHED/13-1/77-B dated 14-02-2012 is not in accordance with the decision of the Honourable Supreme Court of Pakistan as well as notification of Secretary to Govt: of Khyber Pakhtunkhwa Public Health Engineering Department dated 03-06-2011.
- 7) That the law & rule on the subject do provide that an officer/official deferred for any reason, shall on promotion later on, be given seniority with his original batch. The applicant was considered for promotion on 03-03-2008 with officers at serial No. 12 & 13 of the tentative seniority list but deferred for no reason. So according to rules, I shall be given seniority with the aforesaid officers.

It is, therefore requested that my name be placed at serial No. 12 of the seniority list because;

1. As per service rules priority of promotion of Direct Graduate Sub Engineers is first as compared to in-service Graduate Sub Engineers.
2. Year of acquiring my BSc Civil Engineering Degree is prior to all the Graduate Sub Engineers.

I shall be very thankful & obliged.



Engr. Abdul Rahim
BSc Civil Engineering
MSc Civil Engg (Environmental)
Public Health Engg: Department



Amex- (7) (b)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG DEPARTMENT

Dated Peshawar, the May 31, 2012

NOTIFICATION

No.SO(Estt)/PHE/13-1/77-B/2012 In pursuance of Section 8 (5) of the NWFP Civil Servants Act 1973, the final Seniority of Assistant Engineers/Assistant Design Engineers/Sub Divisional Officers (BPS-17) of the Public Health Enng: Department, as it stood on 31-12-2011, is notified as detailed below:-

Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of 1 st Entry in the Govt. Service	Date of appointment/promotion in present grade	Remarks
1	2	3	4	5	6	7	8
1.	Qaiser Zaman	B.E (Civil)/ M.Sc (Civil)	13-11-1961	Mardan	26-04-1988	26-04-1988	
2.	Hikmat Sher	B.E (Civil)/ M.Sc (Civil)	19-02-1962	Khyber Agency	01-10-1987	23-01-1988	
3.	Rehan Gul	B.E (Civil)/ M.Eng (Civil)	22-03-1963	Kohat	01-10-1987	23-01-1988	
4.	Rasool Khan	B.E (Civil) M.Eng (Civil)	01-05-1963	Swat	03-01-1990	03-01-1990	
5.	Naseerullah	D.A.E (Civil)	10-09-1952	Karak	30-11-1973	16-09-1992	
6.	Mehboob ur Rehman	D.A.E (Civil)	05-04-1953	Peshawar	23-08-1974	18-03-1997	
7.	Muhammad Ayub	D.A.E (Mech)	01-04-1954	Lakki Marwat	14-11-1974	07-02-2000	
8.	Amanullah	D.A.E (Mech)	07-01-1953	Charsadda	26-04-1975	25-03-2008	
9.	Ghulam Muhammad	D.A.E (Civil)	25-01-1954	Peshawar	09-09-1975	25-03-2008	
10.	Sajjad ur Rehman	D.A.E (Mech)	01-12-1957	Abbottabad	20-03-1976	25-03-2008	
11.	Amil Muhammad	B.Sc Civil	12-01-1965	FR Bannu	07-04-1985	25-03-2008	
12.	Shahzada Behram	B.Sc Civil	04-11-1963	Mardan	08-10-1987	25-03-2008	
13.	Kifayatullah Khan	B.Sc Civil M.Sc (Civil)	14.02.1969	Bannu	16.09.1993	30.03.2010	

14.	Abdur Rahim	B.Sc Civil M.Sc (Civil)	25.08.1965	Bannu	16.09.1993	16.09.2008	The acting charge appointment has been regularized w.e.f. 16.09.2008 in compliance with the Judgment of Supreme Court of Pakistan dated 16.03.2011 in Civil Petitions Nos. 433 & 433 P of 2007.
15.	Khan Muhammad Khan	B.Sc Civil	02.04.1968	NWA	16.09.1993	16.09.2008	
16.	Barkatullah	B.Sc Civil	07-03-1961	N.W.A	18-12-1985	16-09-2008	
17.	Mir Adani	B.Sc Civil	28-02-1966	FR Bannu	17-10-1987	16-09-2008	
18.	Qadeer Ullah	DAE (Mech)	01.01.1955	Bannu	26.03.1976	30.08.2010	
19.	Zafar Ullah	DAE (Mech)	25.03.1956	D.I.Khan	21.08.1976	30.08.2010	
20.	Muhammad Ramzan	DAE (Mech)	25.03.1956	D.I.Khan	21.08.1976	30.08.2010	
21.	Muhammad Afzal	DAE (Mech)	01.01.1955	SWA	30.08.1976	30.08.2010	
22.	Amin Khan	DAE (Mech)	15.04.1956	Malakand	21.02.1977	30.08.2010	
23.	Muhammad Faisal Naeem	B.Sc Civil	19-01-1986	Swabi	09.09.2010	09.09.2010	
24.	Yousef Khan	B.Sc Civil	01-03-1969	Swat	16-09-1993	03-06-2011	
25.	Ikramullah Shah	B.Sc Civil	04-04-1987	Battagram	23-09-2011	23-09-2011	
26.	Muhammad Wasim	B.Sc Civil	03-04-1983	Lakki Marwat	23-09-2011	23-09-2011	
27.	Gul Ajah Khan	B.Sc Civil	15-05-1980	S.W.A	23-09-2011	23-09-2011	
28.	Adnan Ahmed	B.Sc Civil	18-10-1986	Hangu	23-09-2011	23-09-2011	
29.	Junaid Hafeez	B.Sc Civil	01-01-1984	Peshawar	23-09-2011	23-09-2011	
30.	Syed Abid Ali Shah	B.Sc Civil	14-02-1984	Charsadda	23-09-2011	23-09-2011	
31.	Fazle Hayat	B.Sc Civil	05-01-1986	Peshawar	23-09-2011	23-09-2011	
32.	Syed Salman Ali Shah	B.Sc Civil	04-03-1986	Nowshera	23-09-2011	23-09-2011	
33.	Zeeshan Khan	B.Sc Civil	25-03-1987	D.I.Khan	23-09-2011	23-09-2011	
34.	Amna Waheed Awan	B.Sc Civil	23-03-1988	Mansehra	23-09-2011	23-09-2011	



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35.	Fazal Ahmad	B.Sc Civil	12-02-1986	D.I.Khan	23-09-2011	23-09-2011
36.	Zahid Hussain	B.Sc Civil	01-09-1971	Malakand Agency	23-09-2011	23-09-2011
37.	Noor Rehman	B.Sc Civil	03-04-1981	Swat	23-09-2011	23-09-2011
38.	Zahid Ullah	B.Sc Civil	04-02-1987	Battagram	23-09-2011	23-09-2011
39.	Muhammad Iqbal	B.Sc Civil	22-02-1984	Swabi	08-10-2011	08-10-2011
40.	Rafi Ullah	B.Sc Civil	14-11-1983	Khyber Agency	23-09-2011	23-09-2011
41.	Yasir Rehman	B.Sc Civil	02-01-1987	Haripur	23-09-2011	23-09-2011
42.	Iftikhar Ahmad	B.Sc Civil	01.10.1984	Mansehra	23-09-2011	23-09-2011
43.	Tariq Alam	B.Sc Civil	01-07-1977	S.W.A	08-10-2011	08-10-2011

68 (34)

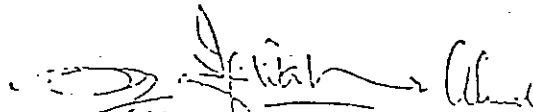
No. SO (Estt)/PHED/13-1/77-B/2012

— 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 Chief Secretary Khyber Pakhtunkhwa
- 8) PS to Secretary Establishment & Admn Department Khyber Pakhtunkhwa
- 9) PS to Secretary Public Health Engineering Department Khyber Pakhtunkhwa
- 10) Manager Government Printing & Press for publication in the next issue of official gazette
- 11) Officers concerned
- 12) Office Order File / Personal Files

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

Dated Peshawar, the May 31, 2012


(MIRZA IFTIKHAR AHMED)
DEPUTY SECRETARY (ADMN)

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

Subject:- APPEAL FOR CORRECTION OF SENIORITY

Dear sir,

Tentative seniority list of Assistant Engineers / SDOs (BPS-17) of the Public Health Engineering Department was issued on 14-02-2012 (Annex-A). The applicant filed an appeal against the seniority list for correction on 12-03-2012.

2. The department issued final seniority list on 31-05-2012 (Annex-B), according to which the applicant's grievance has not been accommodated for placing my name in the right place in the final seniority list.

3. According to the decision of the Hon'ble Supreme Court of Pakistan (Petition No.439-P/09) dated 16-03-2011 (Annex-C), the deferment of the applicant on 03-03-2008 by the DPC was without any reason. The Court further contended that according to Promotion Policy dated 04-07-2006, no post should be reserved for the officer / officers who are on deputation abroad or on long leave and the next officer / officers should be considered for promotion. The officer who is on long leave or on deputation abroad should be considered for promotion on his return after he earns one PER. His seniority shall be determined from the date of promotion. The Court further contended that the department and the Learned Tribunal were in error in overlooking the implications of the Policy framed by the Government in this regard. The Hon'ble Court ordered that the office order dated 16-09-2008 of the respondent be modified / amended to the extent that the services of the appellant shall be deemed to be made on regular basis with all service benefits.

4. In compliance with the judgment of the Hon'ble Supreme Court of Pakistan, Secretary PHE Department vide Notification No.SO(ESTT)PHED/4-53/B/2011 dated 03/06/2011(Annex-D), the Notification of defunct Works & Services Department No.SO (E-II)/W&S/4-53(B)/2008 dated 16-09-2008 was ordered on regular basis with all service benefits. It was also notified that the seniority of the applicant shall be fixed in terms of para-6 of the Establishment & Administration Department's letter No.SOR-I(S&GAD)1-29/75, dated 13/04/1987.

5. The applicant has not so far been given the service benefits from the date of deferment i.e. seniority with effect from 25-03-2008 and an increment from the same date.

6. Placing Mr. Kifayatullah Khan senior to the applicant is against the decision of the Hon'ble Supreme Court of Pakistan.

7. That the law & rule on the subject do provide that an officer / official deferred for any reason, shall on promotion later on, be given seniority with his original batch. The applicant was considered for promotion on 03-03-2008 with officers at S.No. 11 & 12 of the final seniority list but deferred for no reason. So according to rules, I shall be given seniority with the aforesaid officers' w.e.f. 25-03-2008.

It is, therefore, requested that in accordance with the letter and spirit of the decision of the Hon'ble Supreme Court of Pakistan dated 16/03/2011 and Secretary to Govt. of Khyber Pakhtunkhwa PHE Department's Notification dated 03-06-2011, my name may please be placed at the right place in the seniority list with effect from 25-03-2008 with original batch.

I shall be very thankful & obliged.

Yours faithfully,

(ENGR.ABDUL RAHIM)

B.Sc Civil Engineering

M.Sc Civil Engg (Environment)

Assistant Engineer PHE Department

Dated 26-06-2012

2



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Annex - L

36

Dated Peshawar, the September 12, 2013

NOTIFICATION

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

- (i.) Amil Muhammad,
Executive Engineer PHE Division Kohat.
- (ii.) Shahzada Behram,
Executive Engineer PHE Division Nowshera.

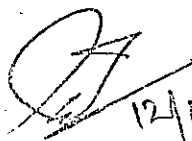
2. The officers, on promotion, will remain on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servants Act, 1973 readwith Rule-15(1) of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

SECRETARY

Endst: No.SO(Estt)/PHED/1-17/2013 Dated Peshawar, the September 12, 2013

Copy forwarded for information and necessary action to the:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Secretary E&A Department Khyber Pakhtunkhwa Peshawar.
4. Accountant General Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. Chief Engineer (South) PHE Peshawar.
7. Chief Engineer (North) PHE Peshawar.
8. All Superintending Engineers in PHE Department Khyber Pakhtunkhwa.
9. District Accounts Officer Nowshera / Kohat.
10. Manager Government Printing Press Peshawar for publication in the next issue of Govt Gazette.
11. PS to Minister for PHE Department Khyber Pakhtunkhwa.
12. PS to Secretary PHE Department Khyber Pakhtunkhwa.
13. Officers concerned.
14. Office Order/Personal Files.


12/09/2013
(JAUHAR ALI SHAH)
SECTION OFFICER (ESTT)



Annex - M

To

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

37

Subject REPRESENTATION AGAINST THE NOTIFICATION NO.
SO(ESTT)/PHED/I-77/2013 DATED 12.09.2013.

Respected Sir,

With due respect, it is submitted that the applicant submitted an appeal for correction of seniority on 26.06.2012 against the seniority list issued on 31.05.2012. Receiving no response from the department an Appeal No. 1150/2012 was filed in the Honourable Services Tribunal, Peshawar. Meanwhile, Mr. Amil Muhammad and Shahzada Behram were promoted on regular basis to the post of Executive Engineer BPS-18 on 12.09.2013 inspite the fact that seniority case is pending/under trial against them in the Honourable Court.

It is therefore, prayed that the impugned Notification dated 12.09.2013 may kindly be set aside OR in the alternative the petitioner may also be regularized against the available vacant post of **Executive Engineer (BPS-18)** on which he has been working on acting charge basis from the date of regularization of the stated impugned notification dated 12.09.2013.

Date 11-10-2013

Applicant



ABDUL RAHIM

M.Sc Civil Engineering

Executive Engineer

PHE Division Battagram



(Annexure) G

(ANNEXURE)

(Annexure-N₁)

38

Government of N.W.F.P.
Services, Genl. Administration & Sports
Department.

NOTIFICATION

Dated Peshawar the 30th April
1979.

SORI(S&GAD)1-12/74. In exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973) and in supersession of all previous rules on the subject in this behalf, the Governor of North West Frontier Province is pleased to make the following rules namely :

**THE NORTH WEST FRONTIER PROVINCE IRRIGATION
AND PUBLIC HEALTH ENGINEERING DEPARTMENT
(RECRUITMENT AND APPOINTMENT) RULES 1979.**

1. (1) These rules may be called the North West Frontier Province Irrigation and Public Health Engg: Department (Recruitment and Appointment) Rules 1979.
- (2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the schedule annexed shall be such as given in column 3 to 7 of the said schedule.

Secretary to Government of
North West Frontier Province,
Services and General Admn: Deptt.

Encl: No. SORI(S&GAD)1-12/74, dated Peshawar the 30th April, 1979.

Copy forwarded to the :-

1. All Administrative Secretaries to Government of NWFP
2. All Divisional Commissioners in N.W.F.P.
3. Secretary to Governor, NWFP
4. Secretary, NWFP Public Service Commission, Peshawar.
5. All Heads of attached Departments in NWFP.
6. All Deputy Commissioners/Political Agents in NWFP.
7. All District & Session Judges in NWFP.
8. Registrar, High Court NWFP Peshawar.
9. All Section Officers in the S&GAD.
10. Manager, Govt. Printing Press Peshawar for publication in the Government Gazette. He is requested to supply 50 copies of the printed notification.

[Handwritten Signature]
Administrative Officer,
Office of the Secretary
Public Health Engineering Department
N.W.F.P. Peshawar.

Sd/xxx
(Syed Noor Badshah)
Section Officer (Regulation-I)

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THE NORTH WEST FRONTIER PROVINCE IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES, 1979.

SCHEDULE

IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT.

Nomenclature of posts.	Minimum qualification		Age for initial recruitment	Method of recruitment.	
	by initial recruitment or by transfer	by promotion			
2	3	4	5	6	7
POSTS COMMON TO IRRIGATION AND PUBLIC HEALTH ENGG. DEPARTMENT.					
1. Chief Engineer					
2. Superintending Engineer					
3. Executive Engineer					

Degree in Engineering from a recognised University.

By selection on merit from amongst four senior most officers in case of Irrigation Deptt. and three in case of Public Health Enng. Deptt. with at least seventeen years experience as Govt. Servant, seniority being considered only in the case of officers of practically the same standard of merit.

By selection on merit from amongst the Executive Engineers or holders of equivalent posts in the Deptt. concerned, in which the vacancy occurs, with at least twelve years service in grade-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.

By selection on merit with due regard to seniority from amongst Assistant Engineers of the Deptt. concerned in which the vacancy occurs with at least five years service as such.

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2	3	4	5	6	7
Assistant Engineer	Degree in Civil/Electrical or Mechanical Engg. from a recognised University, as may be specified by Govt. for the respective post.	Degree or diploma in Engg. from a recognised Univ. or Institute, as specified in column 6	21 years	30 years	<p>a) Seventy percent by initial recruitment and</p> <p>b) Ten percent by promotion on the basis of seniority-cum-fitness from amongst Sub Engineers of the Deptt. where the vacancy occurs, who hold degree in Engineering, provided that for the purpose of this clause, seniority of Sub Engineers shall be reckoned from the date of acquiring Degree or from the date of initial recruitment, whichever is later, and</p> <p>c) Twenty percent by selection on merit with due regard to seniority, from amongst officiating Asstt:Engineers/Senior Scale Sub Engineers of the Department concerned where the vacancy occurs, who hold a diploma and have passed the Departmental Examination.</p> <p>By selection on merit, with due regard to seniority, from amongst Sub Engineers of the Deptt. concerned where the vacancy occurs, who have passed the Departmental Examination and have at least ten years service as such.</p> <p>By selection on merit, with due regard to seniority from amongst holders of the posts of senior Superintendents/Superintendents, in the Department in which the vacancy occurs.</p>
5. Senior Scale Sub Engineers.		Diploma in Engg. from a recognised Institute.			
6. Administrative officer/Budget & Accounts Officer.					

.../3...

Office

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IRRIGATION DEPARTMENT

Anal Collector

By selection on merit with due regard to seniority :-
i) from amongst the holder of the post of Asstt: Land Reclamation Officer, or
ii) if no suitable Asstt: Land Reclamation officer is available from amongst the holders of the post of Deputy Collector in the Irrigation Department.

Asstt: Land Reclamation Officer

By selection on merit, with due regard to seniority, from amongst the holders of the post of Deputy Collector in the Irrigation Department.

Deputy Collector

By selection on merit with due regard to seniority from amongst holders of the post of Zilladars of the Irrigation Department, with at least five years service as such.

Accounts

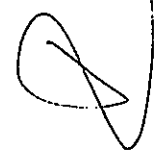
By selection on merit with due regard to seniority from amongst the holders of the post of Superintendent.

NPS No. 16 = Superintendent.
NPS No. 17 = for S.A.S qualified Asstt: Accounts Officer appointed on deputation.

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		4	5	6	7
19) Zilladar	Degree from a recognised University	-	21 years	25 years	a) Seventy-five percent by initial recruitment through N.S.P. Public Service Commission and b) Twenty-five percent by promotion on the basis of seniority-cum-fitness from amongst the holders of the post of Vernacular Clerk with minimum academic qualification of F.A. from a Board of Intermediate & Secondary Education and at least five years service as such. By initial recruitment.
20) SAs Engineers	Diploma in Engg. from a recognised Institute of Pakistan.	-	18 years	25 Years	By initial recruitment.
POSTS IN PUBLIC HEALTH ENGG. DEPARTMENT					
1) Research Officer	M.Sc. in Microbiology or Chemistry from recognised University	-	21 years	30 years	i) 50 (fifty) percent by initial recruitment and ii) Fifty percent by selection on merit with due regard to seniority from amongst the holders of the post of Asstt. Research Officer with at least three years experience as such. By initial recruitment.
Asstt. Research Officer	B.Sc. in Microbiology or Chemistry from a recognised University	-	21 years	30 years	By initial recruitment.



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GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/13-/77.
Dated Peshawar, the October 3, 2013.

Annex- N₂

43

To

The Chief Engineer (North),
PHE Department Peshawar.

Subject:- MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE
MEETING HELD ON 27-09-2013 AT 1030 HRS IN THE OFFICE OF
THE SECRETARY PHED

I am directed to refer to this Department's letter No.SO(Estt)/PHED/4-53/B, dated 3rd October, 2013, on the subject noted above and to enclose herewith Minutes of the meeting of the Departmental Promotion Committee (DPC) held on 27-09-2013 at 1030 Hrs under the chairmanship of Secretary PHE Department and to state that final seniority list of B.Tech Hons:(Civil) Degree Holder Sub Engineers (BPS-11) may be issued / submitted to this Department as per recommendations of the DPC meeting dated 27-09-2013, as reflected in the Minutes mentioned above within 3-days positively so that a final meeting of DPC could be convened urgently.


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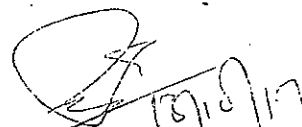
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(JAUHAR ALI SHAH)
SECTION OFFICER (ESTT)

Copy forwarded to the:-

- 1) PS to Secretary PHE Department for information.
- 2) File No.SO(E)PHED/4-53/B.


For m a
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SECTION OFFICER (ESTT)





44

Subject:- **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 27-09-2013 AT 1030 HRS IN THE OFFICE OF THE SECRETARY PHED**

A meeting of the Departmental Promotion Committee (DPC) was held on September 27, 2013 at 1030 Hours under the chairmanship of Secretary PHE Department in his office to consider promotion of B. Tech (Hons) Degree Holder Sub Engineers (BPS-11) to the rank of Assistant Engineer / Sub Divisional Officer (BPS-17) in the Public Health Engineering Department in pursuance of the recent amendments in the Promotion/Appointment Rules reserving 3% quota for B Tech Hons Graduate.

2. The following attended the meeting:-

- | | | |
|----|--|-----------|
| 1) | Engr. Akhtar Ali Khan,
Chief Engineer (North) PHE Peshawar. | Member |
| 2) | Mr. Israr Muhammad,
Additional Secretary Law Department. | Member |
| 3) | Mr. Shaukatullah,
Section Officer (SR-II) Finance Deptt. | Member |
| 4) | Mr. Muhammad Ijaz,
Superintendent (Reg-V) E&A Deptt. | Member |
| 5) | Mr. Hameedullah Shah,
Deputy Secretary (Admn) PHED. | Secretary |

3. The Chairman welcomed the participants and apprised the forum that there are 72 sanctioned posts of Sub Divisional Officers in the Public Health Engineering Department. As per existing Service Rules, 03% quota is reserved for promotion of B.Tech (Hons) Degree Holder Sub Engineers (BPS-11) to the rank of Assistant Engineer / Sub Divisional Officer (BPS-17). The total posts meant for B.Tech (Hons) Degree Holder Sub Engineers under 3% quota comes as 2.16 (say 2-posts) against which no official is working as Sub Divisional Officer (BPS-17).


4. The Chair sought advice from the representatives of Law, Finance and Establishment Departments regarding the mechanism of determining the seniority of B.Tech (Hons) Degree Holder Sub Engineers either from the date of acquiring degree or date of initial appointment. It was admitted that as per existing rules and on the analogy of promotions being granted to those who


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acquire B.SE (Civil) Degree during service, the B Tech Hons have the same rights and seniority should be reckoned on the same analogy. However, the representative(s) of Establishment and Finance Departments pointed out that final seniority list has not been attached with the Working Paper of B.Tech (Hons) Degree holder Sub Engineers which is a pre-condition to the promotion.

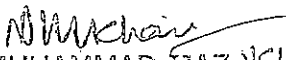
5. The Forum further agreed that the concerned authority i.e. Chief Engineer must finalize and issue final seniority list of B.Tech (Hons) Sub Engineers at an early date so as to facilitate promotion of these employees to the next higher rank and final meeting of Departmental Promotion Committee could be convened as soon as possible.

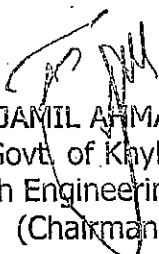
6. The meeting ended with a note of thanks from the chair.


(ISRAR MUHAMMAD)
Additional Secretary
Law Department (Member)


(Engr. AKHTAR ALI)
Chief Engineer (North)
PHE Peshawar (Member)


(SHAUKATULLAH)
SECTION OFFICER
Finance Deptt. (Member)


(MUHAMMAD IJAZ)
SUPERINTENDENT E&AD
(Member)


(JAMIL AHMAD)
Secretary to Govt. of Khyber Pakhtunkhwa
Public Health Engineering Department
(Chairman)

2

"Annex - 0"
46

GOVERNMENT OF N.-W.F.P.
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the, January, 19, 2007

NOTIFICATION

No.SOE/W&S/8-12/2002:- In pursuance of the provision contained in sub-rule (2) of the rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion Transfer) Rules, 1989, and in supersession of Communication and Works Department (Recruitment and Appointment) Rule, 1979, the Works and Services Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of appointment, qualification and other conditions specified in column 3 to 5 of the schedules to this notification which shall be applicable to posts specified in column No.2 of the said schedules, in the Building and Roads Wing and Public Health Engineering Wing of the Works and Services Department.


SECRETARY TO GOVT. OF N.W.F.P.
WORKS & SERVICES DEPARTMENT

Endst of even No. & Date

- 1) All Administrative Secretaries to the Govt. of N-WFP
- 2) Secretary to Governor N-WFP
- 3) Principal Secretary to Chief Minister N-WFP
- 4) PS to the Chief Secretary N-WFP
- 5) Accountant General, NWFP
- 6) Additional Accountant General, (PR) Sub-office at Peshawar
- 7) All Chief Engineers in the Works & Services, Peshawar.
- 8) Secretary Public Service Commission, Peshawar.
- 9) Registrar Peshawar High Court, Peshawar.
- 10) Registrar N-WFP Service Tribunal Peshawar.
- 11) All Executive District Officer Works and Services Department.
- 12) Manager Government Stationary & Printing Department. He is requested to supply 100 copies of the printed Gazetted for further distribution
- 12) PS to Secretary Works & Services, Peshawar.


(ARSHAD KHAN AFRIDI)
SECTION OFFICER (ESTT-I)

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SCHEDULE I

1. Title of post	2. Minimum qualification required for appointment	3. Age Limit	4. Method for recruitment
Buildings & Roads Wing			
Chief Engineer (BPS-20)			By promotion, on the basis of merit, from amongst senior most Superintending Engineers/Directors/Executive District Officers (BS-19), and holders of equivalent post in BPS-19 as notified by the Department in line with cadre of Engineering, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc Engg (Civil), from a recognized University.
Superintending Engineer / Director /Executive District Officer (BPS-19)	A		By promotion, on the basis of merit, from amongst senior most Executive Engineers/ Deputy Directors/Executive District Officers (BS-18) and holders of equivalent post in BPS-18 as notified by the Department in line with cadre of Engineering, with at least 12 (twelve) years of service in BPS-17 & above, possessing Degree in B.E/B.Sc Engg (Civil), from a recognized University.
Executive Engineer / Deputy Director/Executive District Officer (BS-18)			By promotion, on the basis of merit, from amongst senior most Assistant Engineers / Assistant Directors (BPS-17) and holders of equivalent post in BPS-17 as notified by the Department in line with cadre of Engineering, possessing Degree in B.E/B.Sc Engg (Civil), from a recognized university, with at least 5 (five) years of service as such.
Assistant Engineers/ Assistant Directors (BPS-17)	Degree in B.E/B.Sc Engg(Civil) from a recognized university.	21-32 years	<ul style="list-style-type: none"> a) 70% by Initial Recruitment; b) 5% by promotion, on merit from amongst the Sub Engineers who possessed Degree of B.E/B.Sc Engg (Civil) at the time of their joining service; c) 5% by promotion, on merit from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc Engg (Civil) during service. The seniority to be determined from the date of acquiring degree; d) 20% by promotion, on the basis of merit, from amongst the Sub-Engineers who hold a diploma and have passed Department Professional Examination, with at least 10 years service as such.
Sub-Engineer(BPS-11)	Diploma of Associate Engineering (Civil)/ Electrical/ Mechanical from a recognized institute	18-30 years	<ul style="list-style-type: none"> a) 70% by Initial Recruitment, having Diploma of Associate Engineering in Civil Technology; b) 05% by Initial Recruitment, having Diploma of Associate Engineering in E&M Technology; c) 25% by promotion on the basis of merit from amongst Superintendent Works, Supervisors, Surveyors and Road Inspectors borne on the district cadre of the Building & Road wings with at least five years service as such, who held a diploma (civil) and have passed Department Professional Examination. <p><u>Note</u> for the purpose of promotion, as aforesaid, a common seniority list of Superintendents Works, Supervisors, Surveyors and Road Inspectors shall be maintained on the basis of their continuous regular appointment to the respective posts.</p>
Administrative Officer / Budget & Accounts Officer (BPS-16)			By Promotion on the basis of seniority cum fitness from amongst the Superintendents in the Buildings & Roads Wing

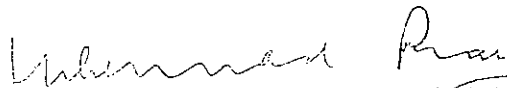
I

Muhammad Ali

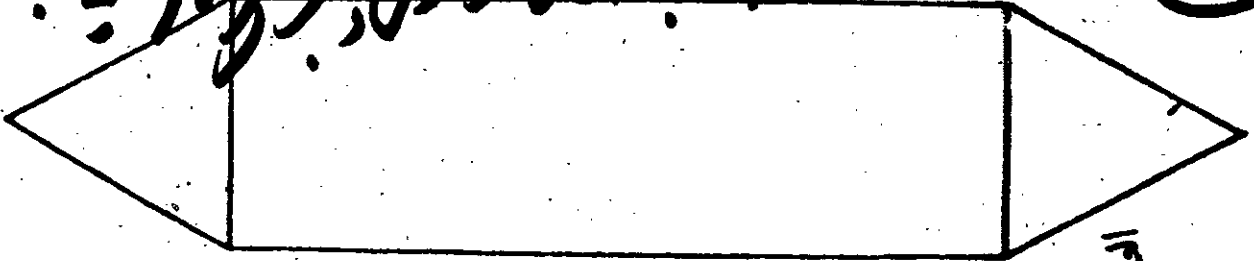
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SCHEDULE II

1 Name of the post	3 Minimum qualifications require for appointment	4 Age limit	5 Method of recruitment
Public Health Engg. Wing			
Chief Engineer (BPS-20)			By promotion, on the basis of merit, from amongst senior most Directors (BPS-19), and holders of equivalent post in BPS-19 as notified by the Department in line with cadre of Engineering, with at least 17 (seventeen) years service in BPS-17 and above, possessing degree in B.E/B.Sc Engg (Civil), from a recognized University.
Director (BPS-19)			By promotion, on the basis of merit, from amongst senior most Deputy District Officers (BPS-18), and holders of equivalent post in BPS-18 as notified by the Department in line with cadre of Engineering, with at least 12 (twelve) years of service in BPS-17 & above, possessing degree in B.E/B.Sc Engg (Civil) from a recognized University.
Deputy District Officers (BPS-18)			By promotion, on the basis of merit, from amongst senior most Assistant Engineers/Assistant District Officers (BPS-17), and holder of equivalent post in BPS-17 as notified by the Department in line with cadre of Engineering, possessing degree in B.E/B.Sc Engg (Civil), from a recognized university with at least 5 (five) years of service as such.
Assistant Engineers Assistant District Officers (BPS-17)	Degree in B.E/B.Sc Engg (Civil) from a recognized university,	21-32 years	<ul style="list-style-type: none"> a) 70% by Initial Recruitment; b) 5% by promotion, on merit from amongst the Sub Engineers who possessed Degree of B.E/B.Sc Engg (Civil) at the time of their joining service; c) 5% by promotion on merit from amongst the Sub Engineers who have acquired degree of B.E/B.Sc Engg (Civil) during service. The seniority to be determined from the date of acquiring degree; d) 20% by promotion on the basis of merit from amongst the Sub-Engineers who hold a diploma and have passed Department Professional Examination with at least 10 years service as such.
Sub-Engineer (BPS-11)	Diploma of Associate Engineering (Civil) Electrical/Mechanical from a recognized institute	18-30 years	By Initial Recruitment;
Administrative Officer Budget & Accounts Officer (BPS-16)			By Promotion, on the basis of seniority cum fitness, from amongst the Superintendents in the Public Health Engineering Wing.


 SECRETARY TO GOVT. OF NWFP
 WORKS & SERVICES DEPARTMENT

بعد الت فضا یہ ہوں کہ نہیں ہوں مگر ہوں اور ہوں



مقدمہ
دعویٰ
جہنم
۵۸ باعث تحریر انکم
مقدمہ
دعویٰ
جہنم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل
کاروائی متعلقہ آن مقام کے لئے محمد عیسیٰ خان ایڈووکیٹ چیمبر آف ایڈووکیٹس
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز
دیکل صاحب کو کرنے راضی نامہ و تقررات فیصلہ برحلف دیئے جواب وہی اور اقبال دعویٰ اور
بصورت دگری کرنے اجراء اور دعویٰ چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرا بس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دگری یکفرض یا اپیل کی برآمدگی اور مرضی
نیز دائر کرنے اپیل لگوانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا محنت رٹانوں کو اپنے ہمراہ یا اپنی جگہ تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
اکہ کے مستحق دیکل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی دھولی کرنے کا بھی اختیار ہوگا۔ اگر
کوئی تاخیر پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا نکات نامہ لکھ دیا کہ سند رہے۔

ماہ فروری ۱۹۱۹ء
المترجم
العبد
دکوانتہ

بیتنام
کے لئے منظور ہے۔
بیتنام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

In Re:

CM No. _____/2019

IN

Appeal No. 158/2014

Abdur Rahim.....Vs.....Govt. of KPK and others

***REPLY BY AND ON BEHALF OF THE
APPELLANT TO APPLICATION FOR SINE-DIE
ADJOURNMENT FILED BY RESPONDENT
NO.4.***

PRELIMINARY OBJECTION


1. The applicant has no cause of action to file the application.
2. The application is not maintainable in its present form.
3. The application is based on malafide, for being moved to linger on the appeal.
4. The application is false and frivolous, entitling the appellant to compensatory cost.

ON FACTS

1. Needs no reply.
2. Correct. However, there was no need or legal requirement to arraign the applicant before the Supreme Court. A legal issue was raised in the CPLA and it had nothing to do with the applicant herein.

3. Pertains to record.
4. That mere pendency of some proceedings before the august Supreme Court has no bearing, whatsoever, on the appeal before this hon'ble Tribunal. It is settled law that unless and until the Supreme Court suspends or sets aside the impugned judgment, it will remain alive and operative for all practical purposes. Hence, the plea of the applicant for adjournment Sine-die on the stated ground is misplaced and the same can't be acceded to.
5. Incorrect, the instant appeal has become ripe after long 07 years and attracts the maxim; "**Justice delay^{ed}, justice denied**". It would be in the interest of justice that the instant appeal is decided on merit without any further delay.

Therefore, it is prayed that the application may be dismissed with cost.

Appellant
Through 
Muhammad Isa Khan Khalil
Advocate (Supreme Court)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In re:

C.M.No. _____/2019

IN

Appeal No.158 of 2014

Abdur Rahim..... Appellant

Versus

Govt. of K.P. through Secretary Public Health Engineering
Department and others Respondents

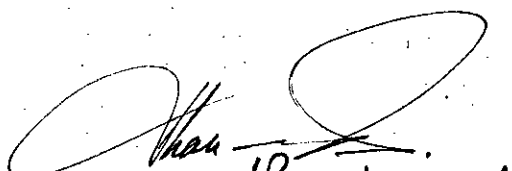
**APPLICATION FOR SINE DIE
ADJOURNMENT OF THE APPEAL TILL
THE FINAL DECISION OF AUGUST
SUPREME COURT OF PAKISTAN.**

Respectfully Sheweth;

- 1) That the above cited appeal is pending in this Hon'ble Tribunal and fixed for 18.11.2019.
- 2) That earlier the appellant and others, had filed two appeals bearing No.195 and 196 of 2009 which were dismissed by this Hon'ble Tribunal vide judgment dated 03.06.2009, which were assailed by them before the august Supreme Court of Pakistan, the same were allowed at the back of applicant and other private respondents as they were not parties to the same.
- 3) That the applicant and others on gaining knowledge were obliged to question the same before the august Supreme Court of Pakistan through their Civil Misc. appeals No.56 and 57 of 2013, which are still pending before the Supreme Court of Pakistan. (Copy of order dated 08.12.2014 passed by the august Supreme court of Pakistan is annexed herewith),

- 4) That the basis of above-cited appeal in essence is the judgment dated 16.03.2011 of the Supreme Court which is under challenge before the said august court as stated above hence proprietary demands that the instant appeal be stayed/ adjourned sine die till the final decision of the Supreme Court of Pakistan in the above mentioned appeals.
- 5) That it would be just, proper and also in obedience to the august Supreme Court of Pakistan that the proceedings in the present appeal are suspended till the final judgment of the august Supreme Court whereafter the appeal can be restored.

It is, therefore, respectfully prayed that this Hon'ble Tribunal may very graciously be pleased to stay/ adjourn sine die the above cited appeal till the final decision by the august Supreme Court of Pakistan in the matter.


Applicant / Respondent No. - 4

Through 

Asghar Ali
Advocate High Court
Peshawar

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Civil Miscellaneous Appeals No. 56 & 57 of 2013 in Civil Appeals No. 33-P & 34-P of 2011

Amil Muhammad & others (in both cases)

versus

Khan Muhammad and others (in CMA No. 56 of 2013)
Abdur Rahim & others (in CMA No. 57 of 2013)

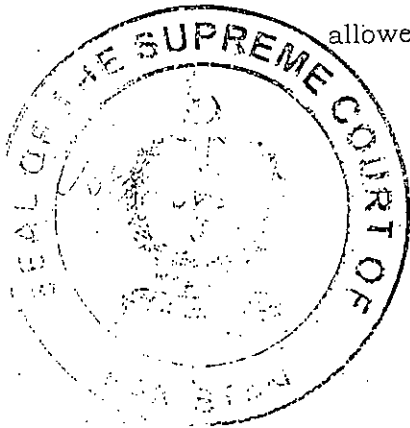
(On appeal against the order of Registrar dated 24.04.2013)

PRAYER: "that these appeals be graciously be allowed, the impugned order be set aside and application U/S 12(2) C.P.C. be entertained and register the application u/s 1.

Date of hearing _____ CHIEF JUSTICE/JUDGE

08.12.2014: Mr. Abdul Aziz Khan

In view of the order dated 09.12.2005 passed in Civil Miscellaneous Appeal No. 12 of 2004, the order dated 05.06.2003 passed in Civil Miscellaneous Appeal No. 16 of 2002 and the precedent cases of Abil Kamal v. Muddassar Mustafa and others (2000 SCMR 900) and Mubarik Ali v. Fazal Muhammad and another (1987 SCMR 1627) these appeals are allowed and the objections raised by the office are overruled.



(Asif Saeed Khan Khosa)
Judge

Certified to be True Copy

3/11/15
Superintendent
Supreme Court of Pakistan
Islamabad

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Restoration Application No. 212/2017

Ln
Service Appeal No. 158/2014
Connected, please refer
Appeal No. 158 /2014

~~Case No.~~
Dia 955
~~Dated~~ 15/11/2017

Abdur Raheem.....Appellant

Versus

PHE and othersRespondents

**Application for restoration of appeal
mentioned above, dismissed for non-
prosecution**

Respectfully Sheweth;

- 1) That the above titled appeals were fixed for final arguments on 31.10.2017 before this hon'ble Tribunal, which have been dismissed for non-prosecution.
- 2) That the counsel for the appellant was busy before the Hon'ble High Court, Peshawar in a number of writ petitions.
- 3) That the assistant of the senior Counsel for the appellant had marked his attendance early in the morning requesting the Reader of the hon'ble Court that the senior counsel will appear at 11:00 am after pursuing the cases at the Hon'ble High Court, Peshawar.
- 4) That the senior counsel for appellant remained busy in pursuing his last case at High Court till 02:30 PM and so could not attend to the instant appeal.
- 5) That otherwise, the appeals were complete/ mature for full hearing, as the replies were already received, therefore,

legally those could not be dismissed for default, and the Tribunal was required to have decided them on merit.

- 6) That the Superior Courts have consistently been deprecating the technical knock down and have been stressing upon deciding the cases on merit.

It is, therefore, prayed that on acceptance of this application, the captured appeals dismissed for non-prosecution may kindly be restored for hearing and disposal on merit.

Appellant

Through

Muhammad Isa Khan Khalil
Advocate Supreme Court

&

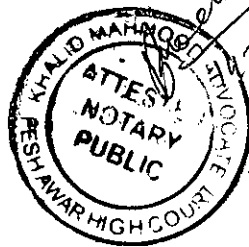
Akhtar Ilyas

Advocate Peshawar

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the instant application are true and correct and true to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Deponent



3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 158 /2014



Abdul Rahim,
Executive Engineer (Acting Charge),
Public Health Engineering Division,
Batagram.....**Appellant**

161
10-2-2014


Versus

1. Govt. of Khyber Pakhtunkhwa
through Secretary, Public Health
Engineering Department, Civil Secretariat,
Peshawar.
2. Chief Engineer,
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar.
3. Amil Muhammad, Executive Engineer,
Public Health Engineering Division,
Kohat.
4. Shahzada Behram, Executive Engineer,
Public Health Engineering Division,
Dir Upper.**Respondents**

10/2/2014

10/2/2014

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 158/2014
Abdur Rahim vs Govt



4

31.10.2017

Appellant absent. Learned counsel for the appellant also absent. Learned Deputy District Attorney and learned counsel for private respondents No. 3 & 4 present. Case called for several times but no one appeared on behalf of the appellant. Consequently the present appeal is dismissed in default. No order as to costs. File be consigned to be record room.

ANNOUNCED
31.10.2017

Self
(Gulzeeb Khan) *Self*
(M. Hamid Mughel)
Member Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 06-11-17
Number of Words _____
Copying Fee 6000
Urgent _____
Total 6
Name of Copy _____
Date of Copy _____ 13-11-17
Date of Delivery of Copy _____ 13-11-17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO.8646/2020

MIR ADAM KHAN

V/S

GOVT. OF KP & OTHERS

REPLY ON BEHALF OF THE PRIVATE RESPONDENT
NO.04

R/SHEWETH:
ON FACTS:

The private respondent submits as under:

Preliminary Objections:

- a) That the appellant has no cause of action to file the instant appeal.
- b) That the appeal of the appellant is badly time barred.
- c) That the instant appeal is hit by the provisions of section 11 of CPC read with Rule 23 of Service Tribunal Rules 1974.
- d) That the appellant are estopped by their own conduct to file the instant appeal.
- e) That the instant appeal is not maintainable in its present form.
- f) That the instant appeal is bad for misjoinder and non-joinder of parties.
- g) That the instant appeal is based upon, malicious/vexatious and frivolous grounds.

ON FACTS:

- 1- Pertains to record of the appellant and official respondents.
- 2- Contents need no reply as the same is pertaining to the record of the appellant as well as the notification of the official respondents.
- 3- Needs no reply however, the replying respondent was rightly promoted.
- 4- Incorrect and misconceiving as according to seniority list the replying respondent was rightly placed in the seniority list and his seniority list rightly fixed in light of the establishment department notification/letter. The departmental appeal of the replying respondent is badly time barred. Furthermore, the seniority was assigned in light of the prevailing rules and the same has not been

challenged by the appellant hence, the seniority cannot be rectified/modified in the presence of that rule.

- 5- Incorrect, the appellant is not an aggrieved person and the subject appeal is also time barred.

ON GROUNDS:

- A. In correct and self-made break up. That the answering respondent was rightly placed at the proper place of seniority position.
- B. Incorrect and misconceived, the seniority was rightly determined in light of the service rules of the department, hence no illegality has been committed.
- C. Need no reply as concerning the official respondents.
- D. Need no reply as concerning the official respondents.

It is therefore mostly humbly prayed that on acceptance of this reply the appeal of the appellant may kindly be dismissed with coast.

Dated: 20-03-2023


**PRIVATE RESPONDENT
KIFAYAT ULLAH**

Through


**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

AFFIDAVIT

I, Kifayat Ullah Khan (Private Respondent No.4), do hereby solemnly affirm that the contents of this **reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re;

SA No.1150/2012 & 158/2014

Abdur Rahim.....Versus.....PHE etc



*put up to the bench
alongwith case file*

**APPLICATION FOR EARLY FIXATION
OF THE DATE OF HEARING**

Readw.

[Signature]
26/3/19

Respectfully Sheweth;

- 1) That the captioned appeal is pending before hon'ble Tribunal and is fixed for 28.05.19
- 2) That the applicant/ appellant is proceeding for "UMRA" and his departure date is 13.5.2019
- 3) That the applicant/ appellant has consumed considerably long time and its non-disposal is creating hurdles for further progression of the appellant in service earlier. The early decision of the appeal would provide an opportunity for his promotion in the next grade.

In this view of the matter, it is, therefore, prayed that on acceptance of the instant application the titled appeals may kindly be posted for hearing on an earlier date, preferably in the first week of Ramadan.

Applicant/ Appellant

Through

[Signature]
Muhammad Isa Khan Khalil
Advocate Supreme Court

*Hearing in the case
be accelerated to
03/05/2019. Notice to
all concerned.*

[Signature]
3/4/19

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A.No. _____

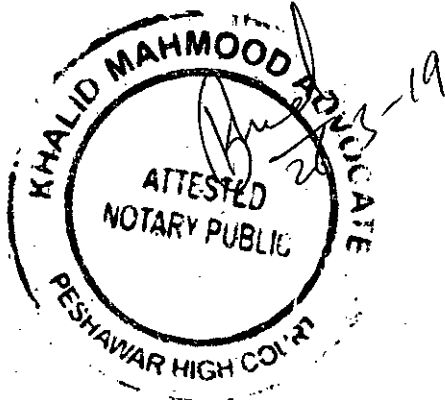
Abdur Rahim.....Appellant

VS

Govt. of KPK and othersRespondents

AFFIDAVIT

I, Abdul Rahim Executive Engineer P.H.E Department, Peshawar (Appellant), do hereby affirm and declare on oath that the contents of this **Application** are true and correct and nothing has been concealed from this honourable court.




DEPONENT