

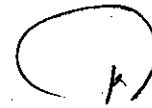
27.04.2023

Appellant in person present.

Muhammad Jan, learned District Attorney for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 26.06.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Rozina Rehman)
Member (J)

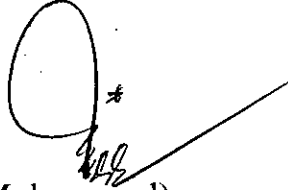
Mutazem Shah

19.12.2022

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment being not prepared for arguments today. Adjourned. To come up for arguments on 16.03.2023 before the D.B.

SCANNED
BT
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

16th Mar, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Syed Tariq Shah, Senior Auditor for respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 27.04.2023 before D.B. PP given to the parties.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

SCANNED
KPSBT
Peshawar

30.09.2022

Appellant present through counsel.

Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 04.11.2022 before D.B.



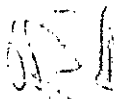
(Fareeha Paul)
Member (E)



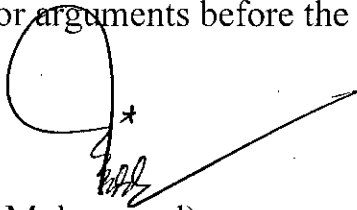
(Rozina Rehman)
Member (J)

04.11.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present



Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 19.12.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
Peshawar



17.11.2021

Appellant in person present. Mr. Muhammad Abbas, Senior Clerk alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents submitted, which is placed on file and copy of the same is handed over to appellant. The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 21.02.2022.


(Mian Muhammad)
Member (E)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.05.2022 for the same as before.



Reader

31.05.2022

Appellant with counsel present.

Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 09.08.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

9-8-2022

Due to the Public holiday the case is adjourned to 30-9-2022

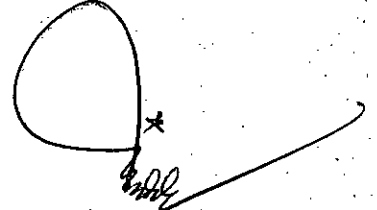

Reader

08.03.2021

Junior to counsel for the appellant present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 18.05.2021 before S.B.



(Mian Muhammad)
Member (E)

18.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 06.07.2021 for the same as before.



Reader

06.07.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG for respondents present.

Respondents have not furnished reply/comments. Learned AAG seeks further time. He is required to contact the respondents to submit reply/comments within 10 days in office, positively. In case the respondents have failed to furnish reply/comments within the stipulated time, office shall put up the appeal with a report of non-compliance. To come up for arguments before the D.B on 17.11.2021.

Stipulated period has passed and reply has not been submitted.



Chairman

P.S

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

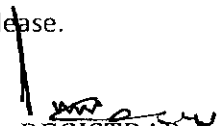

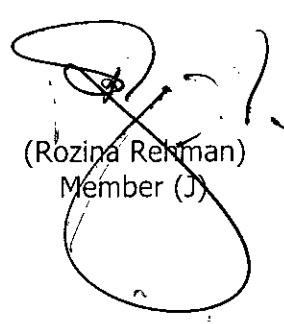


Chairman

FORM OF ORDER SHEET

Court of _____

Case No.- 12217 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
<p>1-</p> <p>2-</p>	<p>19/10/2020</p> <p>11.12.2020</p> <p>Appellant Deposited Security Process Fee</p> <p>11/12/20</p> <p>SCANNED IT Peshawar</p>	<p>The appeal of Mr. Muhammad Arshad Rushdi presented today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/12/2020</u>.</p> <p style="text-align: right;">  CHAIRMAN </p> <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 08.03.2021 before S.B.</p> <p style="text-align: right;">  (Rozina Rehman) Member (J) </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 12217/2020

Muhammad Arshad Rushdi S/O Abdul Hameed R/O Akhonzada
Colony Janazgah Road Pabbi, Tehsil and District Nowshera.

(Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil
Secretariat Peshawar and others.

(Respondents)

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5	Copy of retirement order	B	11
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M. Arshad Rushdi
Appellant

Through

Zartaj Anwar

ZARTAJ ANWAR
Advocate High Court
Office FR , 3-4 Forth
Floor Bilour Plaza
Peshawar Cantt.
Cell: 0331-9399185
Email: Zartaj9@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

Muhammad Arshad Rushdi S/O Abdul Hameed R/O Akhunzada Colony Janazgah Road Pabbi, Tehsil and District Nowshera.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary C&W , Civil Secretariat, Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar
4. Chief Engineer (Centre) communication and works Department Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, whereas the Appellant case of promotion was not considered /process and meanwhile the appellant retired from service vide order dated 14.09.2020, whereas appeal of the appellant dated 10.07.2020 has not been responded after the elapse of statutory period of 90 days hence present appeal .

Prayer in Writ Petition:

On acceptance of this appeal the appellant may kindly be considered for pro-forma promotion to the post of superintendent BPS-17, the appellant may also be awarded all the arrears and back benefits as from the date when became eligible for promotion or any other remedy which this Hon;able Tribunal deem proper may also be allowed.

Respectfully Submitted:

1. That the appellant was appointed by C&W Department and served the department for long 41 years and due to his hard work and devotion promoted to the post of Assistant BPS 14 in the year 2013, later on upgraded to BPS16.
2. That the appellant performed his duty with great zeal and devotion without any complaint whatsoever regarding his performance.
3. That the appellant while serving the Department in capacity of Assistant BPS16, the respondents direct the eligible employees to submit all the bio data including the ACR by the office of respondents no 3 i.e Chief Engineers to process the cases of promotions i.e. Assistants for promotion to the post of superintendent under the rules.
4. That the Department circulated the seniority list of all the Assistants/senior scale stenographer of the respondent Department on 30.04.2020 whereas the name of the appellant was reflected at serial no 4 it is further to mention that there were total vacant post of superintendent are 7 in numbers and according to seniority list circulated by the respondent Department the name of the appellant are within the promotional quota (*Copy of the seniority lists is attached as annexure A*).
5. That the respondent Department circulate letter through which relevant record were sought from the various section/cadre of Assistant and stenographer of BPS 16 for promotion to the post of superintend of BPS 17, in response of which the Appellant along with his colleague submitted their ACRS and all other relevant documents as well as the seniority position.
6. That the respondent Department after receiving all the relevant record and ACRs of the concern officials and intend to be placed before the upcoming Departmental promotion committee and upon such recommendation the promotion order will be issued.

7. That the appellant time and again requested the competent authority that their case of promotion may kindly be process as there are vacant post available and the appellant possessing/ fulfilling all the eligibility/required criteria for promotion to the post of superintendent BPS17 and in few months will retire from service.
8. That the case of the Appellant was not timely taken or not placed before the departmental selection committee for promotion and meanwhile the appellant retired from service vide order dated 20.09.2020. (*Copy of retirement order is attached as annexure B*)
9. That the appellant submitted his departmental appeal to the respondent department on 10.07.2020 for his pro-forma promotion. (*Copy of departmental Appeal is attached as annexure C*).

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law. The respondents have not followed the Law and Rules governing promotion, thus the secured and guaranteed rights of the appellant have been violated.
- B. That the promotional case of the appellant was not timely presented to the competent promotional committee to consider the case of the appellant, having the requisite seniority as well as the eligibility for the post of Superintendent BPS-17 being 100 percent promotional post and refused the same to the present appellant is illegal, unlawful, without lawful authority.
- C. That the whole service career of the appellant has been put at stake as the long earned seniority maturing his right of promotion to the next scale has been blocked and was retired from service, requiring to consider him for promotion.

- D. That the appellant was responded to with vague and discrepant statements regarding the number of vacant seats by the respondent department. The seniority list of Assistants BPS-16 circulated in 2019 and 2020 indicated that the turn of the appellant in the seniority list, as there are total vacant posts are 7 and appellant at serial no 4 of the seniority list.
- E. That the appellant having worked very hard for 41 years also decided to extend his tenure with the passing of the 63 years rule in expectation of a promotion as a reward for his countless contribution to C&W Department of Khyber Pakhtunkhwa.
- F. That the reversal of the 63 years rule by the court resulted in further misfortune to the appellant as the appellant retired on 20.09.2020 without giving him his right of retiring in BPS-17.
- G. That the appellant is superannuate on 20.09.2020 but still deprived of his promotion on account of the inaction of the respondents.
- H. That the appellant is fit and eligible for the post of Superintendent BS-17 besides the post is 100% promotion post and there is no legal impediment in processing his case for promotion.
- I. That the appellant seeks the permission of this Honorable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, prayed that on acceptance of this Service Appeal the Pro-forma promotion may kindly be allowed to the appellants with all consequential benefits.

M. Arshad
Appellant

Through

Zartaj Anwar
ZARTAJ ANWAR
Advocate Peshawar

&

IMRAN KHAN
Advocate Peshawar

AFFIDAVIT

I, Muhammad Arshad Rushdi S/O Abdul Hameed R/O Akhonzada Colony Janazgah Road Pabbi, Tehsil and District Nowshera, do hereby solemnly affirm and declare that the contents of the above service Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.

M. Arshad
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

Muhammad Arshad Rushdi S/O Abdul Hameed R/O Akhunzada
Colony janazgah Road Pabbi, Tehsil and District Nowshera.

(Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil
Secretariat Peshawar and others.

(Respondents)

ADDRESSES OF PARTIES

Appellant:

Muhammad Arshad Rushdi S/O Abdul Hameed R/O Akhunzada
Colony janazgah Road Pabbi, Tehsil and District Nowshera.

Respondents:

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa Peshawar.

Govt of Khyber Pakhtunkhwa through Secretary C&W , Civil
Secretariat, Peshawar.

Govt of Khyber Pakhtunkhwa through Secretary Establishment,
Civil Secretariat, Peshawar

Chief Engineer (Centre) communication and works Department
Peshawar.

Appellant

Through



ZARTAJ ANWAR

Advocate Peshawar

TENTATIVE SENIORITY LIST

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR
No. 194-E 1324 /CEC/C&WD
Dated 06 / 05 / 2020

Approved: A
7

The Tentative Seniority List of Assistants / Senior Scale Stenographers (BS-16) of the C&W Department as stood on 30/04/2020 is hereby circulated as under:-

S.No	Name of Official	Father's Name	Domicile	Qualification	DOB	Date of Appointment to C&W	Date of Appointment to Class	Remarks
1	Said Ali Shah	Syed Faqir Shah	Peshawar	B.A	07/06/1963	13/04/1985	01-01-2012	Stenographer
2	Miraj Habib	Noor Habib	Mardan	D.Com / B.A	15/01/1975	08/05/1996	01-01-2013	Stenographer
3	Muhammad Israil	Akbar Khan	Mohmand	B.A	01/04/1972	13/05/1996	01-01-2013	Stenographer
4	Muhammad Arshad Rushdi	Abdul Hamid	Nowshera	B.A	15/09/1960	15/02/1979	01/10/2013	
5	Ghulam Dastagir	Bad Shah Khan	Lakki Marwat	Matric	07/05/1961	20/02/1979	06/05/2014	
6	Hasan Gul	Haleem Gul	Malakand	Matric	03/03/1961	24/02/1979	14/01/2015	
7	Samiullah Khan	Muhammad Janan	Bannu	B.A	02/07/1961	25/02/1979	14/01/2015	
8	Shahid Kamal	Muhammad Hashim Khan	South Waziristan	B.A	11/03/1982	29/04/2015	29/04/2015	Public Service Commission Nominee
9	Ghulam Rashid	Ghulam Rabbani	Malakand	B.Sc: (Civil)	20/01/1990	29/04/2015	29/04/2015	Public Service Commission Nominee
10	Naveed Iqbal	Sher Nawaz	Swabi	M.A (IR)	02/04/1987	22/06/2015	22/06/2015	Public Service Commission Nominee
11	Amirullah Khan	Bandanah Khan	D.I Khan	Matric	01/04/1961	09/04/1979	27/4/2016	
12	Haq Nawaz	Ghulam Haider	DI.Khan	Matric	15/07/1960	24/04/1979	27/4/2016	
13	Ijaz-ur-Rehman	Mohtadullah	Nowshera	Matric	03/02/1961	19/05/1979	27/4/2016	
14	Muhammad Ashraf	Haji Amir Noor Sahib Jan	Lakki Marwat	D.Com / M.A	01/07/1972	13/05/1996	02/01/2017	Stenographer
15	Shad Muhammad	Amir Muhammad	Peshawar	Matric	15/12/1960	03/01/1980	15/05/2017	
16	Amal Khan	Awal Khan	Karak	F.A.	15/04/1961	09/01/1980	15/05/2017	
17	Muhammad Iqbal-IV	Yaqoob Khan	Mansehra	Matric	14/03/1962	18/08/1980	15/05/2017	
18	Matiullah	Faizullah Khan	Lakki	Matric	13/01/1963	31/03/1981	31/10/2017	
19	Javaria Tahir	Tahir Rashid	Abbottabad	BBA (Hons)	09/04/1985	03/11/2017	03/11/2017	Female Quota (KPPSC Nominee)
20	Muhammad Anwar	Ghulam Sarwar	Haripur	Matric	02/02/1961	02/05/1981	29/01/2018	
21	Fazal Muhammad	Zar Muhammad	Nowshera	F.A.	01/11/1960	28/05/1981	29/01/2018	

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S.No	Name of Official	Father's Name	Domicile	Qualification	DOB	Date of Appointment to C&W	Date of Appointment to Class	Remarks
22	Abdul Hamid	Abdul Qayyum Khan	Abbottabad	Matric	03/03/1962	30/05/1981	29/01/2018	
23	Inayat Khan	Akram Khan	Mohmand	D.Com	01/01/1970	08/05/1996	21/12/2018	Stenographer (Inter Se-Seniority remains intact)
24	Asadullah Khan	Feroz Khan	Bannu	D.Com / B.A	15/01/1975	09/05/1996	29/01/2018	Stenographer
25	Nekam Khan	Gul Daraz Khan	FR Bannu	B.Com / M.A	25/08/1970	16/09/1997	29/01/2018	Stenographer
26	Badshah Hussain	Astanbol	Malakand	B.A	15/02/1971	20/09/1997	29/01/2018	Stenographer
27	Muhammad Idrees	Ali Muhammad	Peshawar	F.A	19/04/1983	29/11/2006	29/01/2018	Stenographer
28	Muhammad Tariq	Abdul Rashid	Peshawar	D.Com / B.A	01/06/1984	24/11/2006	29/01/2018	Stenographer
29	Rahim Dad	Amal Dad	FR Bannu	B.A	02/07/1983	27/11/2006	29/01/2018	Stenographer
30	Imam Ali	Muhammad Akbar	Peshawar	Matric	01/02/1961	31/05/1981	18/05/2018	
31	Anjum Naveed	Muhammad Sharif	Peshawar	B.A.	01/06/1961	22/08/1981	18/05/2018	
32	Mujahiddin	Muhammad Din	Khyber	C-Com	20/02/1963	10/09/1981	18/05/2018	
33	Zar Taj	Dawar Din	Mohmand	B.A.	12/1/1964	10/20/1981	18/05/2018	
34	Muhammad Ajmal	Abdul Hamid	Lakki	Matric	28/05/1960	09/12/1981	18/05/2018	
35	Amjad Ali-II	Imranud Din	Mardan	Matric	04/04/1963	16/12/1981	03/10/2018	
36	Ibrahimi Jan	Juma Khan	Charsadda	Matric	18/04/1962	31/12/1981	03/10/2018	
37	Faz-e-Qadir	Ghulam Muhammad	Charsadda	Matric	11/07/1962	02/01/1982	03/10/2018	
38	S. Mazhar Ali Shah	Syed Sikandar	Abbottabad	Matric	04/04/1961	04/01/1982	03/10/2018	
39	Hayat Ali	Yaqeen Ali	Orakzai	Matric	10/06/1964	05/01/1982	03/10/2018	
40	Mian Riaz Muhammad	M. Sultan Muhammad	Peshawar	Matric	09/01/1962	07/01/1982	03/10/2018	
41	Muhammad Dawood	Barkatullah	Peshawar	Matric	05/06/1960	10/01/1982	09/01/2019	Inter Se-Seniority remains intact
42	Sajwal Khan	Zardad Khan	Abbottabad	Matric	04/03/1963	06/02/1982	21/12/2018	
43	Muhammad Tariq	Muhammad Ashraf	Peshawar	B.A	20/01/1962	11/02/1982	21/12/2018	
44	Gul Marjan	Abdullah Jan	Lakki	F.A.	04/07/1960	20/02/1982	21/12/2018	
45	Khan Zaman	Lal Zaman	Charsadda	Metric	15/09/1962	22/02/1982	21/12/2018	
46	Gul Rahman	Ziarat Khan	Charsadda	F.A.	11/04/1963	23/02/1982	21/12/2018	
47	Amir Mohammad	Ghulam Qasim	Lakki	Metric	10/01/1961	15/03/1982	21/12/2018	

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S.No	Name of Official	Father's Name	Domicile	Qualification	DOB	Appointment to C&W	Appointment to Class	Remarks
48	Wali Ullah	Fateh Ullah	Tank	B.A	1/12/1982	1/12/2006	21/12/2018	Stenographer
49	Inam Ullah	Gul Amin	Lakki Marwat	D.Com / B.A	12/08/1986	06/10/2007	21/12/2018	Stenographer
50	Muhammad Ishtiaq	Abdul Rauf	Khyber	D.Com / B.A	05/10/1982	01/09/2007	21/12/2018	Stenographer
51	Jamshaid Khan	Muhammad Akram Khan	Lakki Marwat	B.Sc	01/01/1984	10/09/2007	21/12/2018	Stenographer
52	Arshad Iqbal	Haji Rehman Zarin	Dir Upper	B.A	08/01/1979	25/08/2007	21/12/2018	Stenographer
53	Riaz Ali Shah	Sher Shah	Bannu	D.Com	10/04/1981	04/09/2007	21/12/2018	Stenographer
54	Muhammad Javed Khan-I ✓	Abdul Wahid Khan	Mardan	F.A.	15/06/1964	07/06/1982	09/01/2019	
55	Mohammad Ajmal	Mohammad Afsar	Mardan	B.A.	20/04/1961	26/07/1982	09/01/2019	
56	Mohammad Ibrahim	Azmat Ullah	Peshawar	B.E (Elect)	01/09/1993	07/03/2019	07/03/2019	Seniority fixed as per merit order of KPPSC
57	Asif Ullah	Inam Ullah	Swabi	B.A (Eco)	08/12/1986	10/04/2019	10/04/2019	Seniority fixed as per merit order of KPPSC
58	Tehsin Ullah Khan	Zafrullah Khan	Bannu	MA (Political Science)	28/10/1987	28/02/2019	28/02/2019	Seniority fixed as per merit order of KPPSC
59	Raza Muhammad	Sher Muhammad Khan	Kohat	D. Pharmacy	01/08/1990	01/03/2019	01/03/2019	Seniority fixed as per merit order of KPPSC
60	Muhammad Zeb	Ali Haider	Dir Upper	L.L.B	03/03/1990	05/03/2019	05/03/2019	Seniority fixed as per merit order of KPPSC
61	Rozi Gul	Umar Gul	Peshawar	Matric	11/09/1964	20/12/1982	06/08/2019	
62	Ghulam Mustafa Shah	S. Abdul Jabbar Shah	Abbottabad	B.A.	01/04/1963	23/12/1982	06/08/2019	
63	Iqbal Hussain-I	Mashazay	Swat	M.A.	06/04/1961	21/03/1983	06/08/2019	
64	Miftahuddin	Ziarat Wali	Chitral	M.A.	06/02/1965	29/03/1983	06/08/2019	
65	Hamad Ahmad	Shaza Ahmad	Karak	BS. (Pol.Sc)	29/02/1996	24/03/2020	24/03/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019
66	Sohaib Durrani	Atta Ullah Durrani	Peshawar	M.Sc: (Agri)	01/04/1988			Seniority fixed as per merit order of KPPSC dated 15/11/2019
67	Muhammad Amad Khan	Aurang Zeb Khan	Kohat	BSc (Mech Eng)	01/10/1988	14/02/2020	14/02/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019
68	Walid Farman	Farman Ali Khan	Bannu	BS (Elect Eng)	03/04/1992	23/12/2019	23/12/2019	Seniority fixed as per merit order of KPPSC dated 15/11/2019
69	Khalid Saeed	Muhammad Tahir	Bajaur	MA (English)	20/01/1989	17/01/2020	17/01/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019
70	Zeeshan Siddiqui	Masood Pervaiz Siddiqui	Peshawar	MBA	17/05/1987	13/01/2020	13/01/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019

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SPS

S.No	Name of Official	Father's Name	Domicile	Qualification	DOB	Date of Appointment to C&W	Date of Appointment to Class	Remarks
71	Muhammad Raees	Nizam Ud Din	South Waziristan	B.Sc (Engin)	20/08/1985	15/01/2020	15/01/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019
72	Zohaib Hassan	Muhammad Hassan Baig	Chitral	MA(ER)	20/08/1987	16/01/2020	16/01/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019
73	Samra Mubarak	Mubarak Hussain	Mansehra	B.S (Bio-Chem)	15/04/1988	17/01/2020	17/01/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019
74	Hina Saleem	Muhammad Saleem	Abbottabad	M.A (Eco)	20/10/1988	16/01/2020	16/01/2020	Seniority fixed as per merit order of KPPSC dated 15/11/2019

10

M. Tanvir
CHIEF ENGINEER (CENTRE)

Copy of the above forwarded to:-

1. The Secretary to Govt of Khyber Pakhtunkhwa, C&W Department Peshawar.
2. The Chief Engineer (North) C&W Department, Peshawar.
3. The Chief Engineer (CDO) C&W Department, Peshawar.
4. The Chief Engineer (FATA), W&S Department, Peshawar.
5. The Chief Engineer (EAST), C&W Department at Abbottabad.
6. The Managing Director, Pakhtunkhwa Highways Authority, Peshawar.
7. Project Director FMR/PMU C&W Department Peshawar.
8. All the Superintending Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
9. All the Executive Engineers in C&W Department Khyber Pakhtunkhwa (i/c FATA).
10. Deputy Director IT C&W Secretariat Peshawar. He is requested to upload the final seniority list on C&W official Website.

Note: Please got it noted from the officials & if any objections regarding name, Father's name, Qualification etc: are received thereupon, may be sent to this office with documentary proofs within 15-Days for further course of action.

R. Ghosh
ADMINISTRATIVE OFFICER



Approved - B

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**OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

No. 66-E / 377 / CEC / C&WD

Dated Peshawar the 14 / 09 / 2020

OFFICE ORDER

Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgment of the Peshawar High Court Peshawar dated 19/02/2020 in Writ Petition No.5673-P/2019, **Muhammad Arshad Rushdi** "Assistant (BS-16)" O/O Executive Engineer PBMC C&W Deptt: Peshawar shall stand retired from Government Service on 14/09/2020 (After Noon) on attaining the age of superannuation, as his Date of Birth is 15/09/1960, subject to CPLA/ Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court Peshawar and any order contrary as and when issued by the Apex Court of Pakistan.

/

CHIEF ENGINEER (CENTRE)

Copy forwarded to the: -

1. Accountant General of Khyber Pukhtunkhwa, Peshawar.
2. Superintending Engineer PBMC C&W Deptt: Peshawar.
3. Executive Engineer PBMC C&W Deptt: Peshawar. He is directed that original leave account and prescribed Leave Application Form of the incumbent official may be provided for processing his 365-days leave encashment case.
4. Muhammad Arshad Rushdi, Assistant O/O XEN PBMC C&W Deptt: Peshawar.

M. Taus

CHIEF ENGINEER (CENTRE)



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Appendix C

**OFFICE OF THE SUPERINTENDING ENGINEER PBMC,
COMMUNICATION & WORKS DEPARTMENT,
KHYBER PUKHTUNKHWA, PESHAWAR**
Address: Khyber Road near Police Lane Road Peshawar
E-Mail Address: sepbmc@gmail.com Ph#.9211370

No. 43 /3-E

Dated Peshawar the, 16/07/2020

To,

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

Subject: - **REQUEST FOR PROMOTION FROM THE POST OF ASSISTANT
TO SUPERINTENDENT.**

Enclosed herewith an application in respect of Muhammad Arshad Rushdi
(Assistant/Head Clerk BPS-16) o/o Executive Engineer (PBMC) C&W Deptt: Peshawar
received from the latter vide letter No.8545/1-E dated 10.07.2020 on the subject cited above
for information and further necessary action.

DA/As above

SUPERINTENDING ENGINEER (PBMC)

✓ Copy to the Executive Engineer (PBMC) C&W Department Khyber
Pakhtunkhwa Peshawar w/r to above for information.

SUPERINTENDING ENGINEER (PBMC)

13

The Secretary to Govt: of Khyber Pakhtunkhawa,
C&W Department Peshawar.

Through Proper Channel

Subject:- **REQUEST FOR PROMOTION FROM THE POST OF ASSISTANT
TO SUPERINTENDENT**

R/Sir,


It is submitted for your kind information that the Departmental Promotion Committee for the promotion of the post of Superintendent to the post of Administrative Officer / Budget Officer has been called on 08/07/2020 by your goodself office, and my ACR report alongwith other relevant documents with the position, So I (stand at Sl. No.03 of Seniority List of Assistant) and other Assistant are will be promoted to the post of Superintendent are also lying in your goodself office and ready to include in the next Departmental Promotion Committee.

It is further added that 06 No's posts of Superintendent are also lying vacant / available for promotion of the next 06 other Assistant including me and if the next 06 Assistant are not promoted than some of them are to be retired in next 2,3 Months and they will be in great loss.

It is humbly requested that I am being retiring on 15/09/2020 and if in case the next 06 other Assisnat at least 03 Assistant are not promoted than I will sustained great loss, if next Departmental Promotion Committee is not held in near future.

Keeping in view, the situation explained above and either 06 other Assistant including me, may kindly be included in the current DPC to safeguard me from financial loss or another DPC in near future may please be convened.

Dated 10-7-20


Mohammad Arshad Rushdi
Assistant O/O Executive Engineer
PBMC C&WDepartment Peshawar

Copy forwarded to:-

1 Chief Engineer (Centre) C&W Deptt: Peshawar for information please.


Mohammad Arshad Rushdi

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OFFICE OF THE CHIEF ENGINEER (CENTER)
COMMUNICATION AND WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. 177-E/ 1296 /CEC//C&WD,

Dated Peshawar the 23/04/2020

To

The Section Officer (Estb :)
Govt: of Khyber Pakhtunkhwa
C&W Department Peshawar.

Subject:- PROMOTION OF ASSISTANTS TO THE POST OF
SUPERINTENDENTS (BPS-17).

I am directed to enclose herewith Annual Confidential Reports in respect of Mr. Mohammed Arshad Rushdi, Assistant attached to the O/O Executive Engineer PBMC C&W Department Peshawar for the period 01/10/2013 to 31/12/2019 alongwith Non-involvement certificate, for favour further necessary action Please.

D.A As above

Received
23/4/20
ADMINISTRATIVE OFFICER

Copy forwarded to Executive Engineer PBMC C&W Department
Peshawar for information.

ADMINISTRATIVE OFFICER

CERTIFICATE

It is to certify that as per available record that Mr. Mohammad Arshad
Rushdi Assistant attached to this office, included in the panel for
promotion to the rank of Superintendent (BPS -17) is neither involved in any VR
case nor entered into plea bargain with National Accountability Bureau (NAB)

M. Arshad



17
GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the July 14, 2020

NOTIFICATION:


No.SOE/C&WD/24-60/2020 Supdt: Mr. Ghulam Rashid Assistant (BS-16), presently performing duty as Head Clerk O/O XEN C&W Division Chitral Lower, is hereby transferred and posted him as Superintendent O/O Chief Engineer (Centre) C&W Peshawar in his own pay & scale against the vacant, with immediate effect, in the public interest.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre/North) C&W Peshawar
3. Superintending Engineer C&W Circle Dir Lower
4. Executive Engineer C&W Division Chitral Lower
5. District Accounts Officer Chitral
6. PS to Secretary, C&W Department, Peshawar
7. Officer concerned
8. Office order File/Personal File


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the August 26, 2020

NOTIFICATION:

No. SOE/C&WD/24-60/2020 (Supdt): The Competent Authority is pleased to order the following posting/transfer amongst the officers of C&W Department, with immediate effect, in the best public interest.

Sr. No.	Name of Officer	From	To	Remarks
1	Mr. Muhammad Israel Senior Scale Stenographer (BS-16)	Senior Scale Stenographer O/O SE (Northern) C&W Circle Tribal Districts Peshawar	Superintendent (OPS) O/O CE (Centre) C&W Peshawar	Against vacant
2	Mr. Naveed Iqbal Assistant (BS-16)	Assistant O/O CE (North) C&W Peshawar	Superintendent (OPS) O/O CE (Centre) C&W Peshawar	Vice
3	Mr. Karim Khan Superintendent (BS-17)	Superintendent O/O CE (Centre) C&W Peshawar	Superintendent O/O CE (North) C&W Peshawar	Against vacant

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Chief Engineer (Centre/North) C&W Peshawar
3. Chief Engineer (Merged Areas) C&W Peshawar
4. Superintending Engineer (Northern) C&W Circle Tribal Districts Peshawar
5. Accounts Officer Tribal District Khyber
6. PS to Secretary, C&W Department Peshawar
7. PA to Additional Secretary, C&W Department Peshawar
8. PA to Deputy Secretary (Admn), C&W Department Peshawar
9. Officers concerned

10. Office order File/Personal File

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GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

NOTIFICATION:

No. SOE/C&WD/8-12/2009: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the Appendix to this Notification which shall be applicable to posts in column 2 of the said Appendix.

(Engr Habib Ali)
Secretary to Govt of NWFP
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries to the Govt of NWFP
2. Secretary to Governor NWFP
3. Principal Secretary to Chief Minister NWFP, Peshawar
4. PS to Chief Secretary NWFP, Peshawar
5. PS to Addl: Chief Secretary NWFP, Peshawar
6. PS to Addl: Chief Secretary Home NWFP, Peshawar
7. PS to Addl: Chief Secretary FATA, Peshawar
8. Accountant General NWFP, Peshawar
9. Additional Accountant General (PR) sub office Peshawar
10. All Chief Engineers in C&W Department
11. All Commissioners in NWFP
12. Secretary Public Service Commission, Peshawar
13. Registrar Peshawar High Court, Peshawar
14. Registrar NWFP Service Tribunal Peshawar
15. All District Coordination Officers in NWFP
16. All Superintending Engineers in C&W Department
17. All Executive Engineers in C&W Department
18. PS to Secretary, C&W Department Peshawar.
19. Office order File
20. Manager Govt Printing Press NWFP, Peshawar. He is requested to supply 200 copies of the printed gazette for further distributions

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Superintending Engineer
C&W Department Peshawar

ENGINEERING SERVICE

Sl. No.	Designation of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	Chief Engineer	2	4	
2	Superintending Engineer/Principal Design Engineer			
3	Executive Engineer/Design Engineer/Senior Engineer/Research Officer			
4	Sub Divisional Officer/Assistant Engineer/Senior Engineer/Assistant Research Officer			

Authority: Notification No. SO/E&R/WD/8-1/2014 dated 14-10-2014

- (a) Sixty five percent (65%) by initial recruitment.
- (b) Twenty percent (20%) by promotion on the basis of seniority-cum-fitness from amongst the Sub Engineers who hold a Diploma of (Civil/Mechanical or Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such.
- (c) Eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possess Degree or B.E or B.Sc. Engineering (Civil, Mechanical or Electrical) at the time of their joining service and have passed Departmental Professional Examination with 05 (five) years service as such.
- (d) Three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree Examination with 05 (five) years service as such; and
- (e) Three and half percent (3.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers having Degree of B-Tech (Hons) and have passed Departmental Professional Examination with 05 (five) Years service as such.

Note: The seniority in all cases shall be determined from the date of initial appointment.

with reference to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior.

c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board.

d. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, having three years Diploma in Electrical/Mechanical Technology from a recognized Board.

Note-2: For the purpose of promotion, key seniority list of Works Superintendents/Work Supervisors & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior.

APPENDIX

				<p>e. Two point five percent (2.5%) By-Transfer from amongst the Draftsman with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board;</p> <p>f. Two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with ten years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board; and</p> <p>g. Five percent (5%) by promotion, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, who have passed "B" Grade Departmental Examination with seven years service as such;</p> <p>Note-3: For the purpose of promotions, joint seniority list of Works Superintendents/Work Supervisors & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</p> <p>Note-4: (i) If no suitable candidate is available for transfer, as prescribed in sub clause (e), then the vacancy shall be filled in by way as prescribed in sub clause (b); and</p> <p>(ii) If no suitable candidate is available for promotion, as prescribed in sub clause (f), then the vacancy shall be filled in by way as prescribed in sub clause (c);</p>
6.	Work Superintendant/Work Supervisor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
7.	Surveyor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
8.	Road Inspector	Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education	20 - 30 Years	<p>a) Fifty percent (50%) by Initial Recruitment AND</p> <p>b) Fifty percent (50%) by promotion, on basis of seniority-cum-fitness, from amongst Work-Munshies with at least ten years services as such</p>
9.	Work Munshi	Secondary School Certificate from a recognized Board.	20 - 30 Years	By Initial Recruitment

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III) MINISTERIAL ESTABLISHMENT

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
17.	Administrative Officer/Budget & Accounts Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least 5 years as such.
18.	Superintendents			By Promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers at least five years service as such. <i>Note:</i> For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior.
19.	Divisional Accounts Officer	<i>21 years</i>	-	By transfer from Audit Department
20.	Senior Scale Stenographer	a. Bachelor's Degree/B-Com from a recognized University; AND b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing	18 - 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers (Junior) with at least 4 years services as such. <i>Note:</i> If no suitable candidates are available for promotion, then by Initial Recruitment.
21.	Assistant	<i>amendment</i> Second Class Bachelor's Degree with Economics from Universities of the subject OR B-Com from a recognized University <i>to Peshawar University</i>	21 - 32 years	a. Twenty five percent (25%) by Initial Recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the A Clerks/Senior Clerks, with at least five years service as such. <i>Note:</i> For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be main:
22.	Stenographer (Junior)	a. Intermediate/D-Com-form a recognized Board; b. A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing; and c. Computer knowledge of MS Word and Excel	18 - 30 years	By Initial Recruitment

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Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
23.	Accounts Clerk/Senior Clerk	—	—	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, with at least three years service as such.
24.	Junior Clerk	i. Secondary School Certificate from a recognized Board; and ii. A speed of 30 words per minute in English typing	18-25 years	a. Eighty percent (80%) by Initial Recruitment; AND b. Twenty percent (20%) by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars, and other equivalent posts who have passed Secondary School Examination and are under 45 years of age and have at least two years service as such in the Department Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars, with reference, to the date of regular appointment to the post or that of acquiring the Secondary School Certificates, which ever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.
25.	Driver	Possessing—2—valid LTV/HIV Driving License with five years experience, having Primary/Middle Standard qualifications	21 - 35 years	By Initial Recruitment
26.	Daftary /Record Lifter/Defdar	Literate/Middle, preference will be given to Ex-Service Man	18- 35 years	By promotion, from amongst the Naib Qasids/Chowkidars, having Middle Standard qualification Note: If no suitable candidates are available for promotion, then by Initial Recruitment.
27.	Naib Qasid	Middle Standard qualification	18 - 35 years	By Initial Recruitment
28.	Chowkidar	Literate/Primary-Standard qualification	18 - 35 years	By Initial Recruitment

Amended
vide no-508/
G.W.D/8-12-2014
26/3/2018

By Promotion
on post #10
Chowkidar/Naib Qasid
with 3 years
SSC

[Handwritten Signature]

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The secretary
To Govt: of Khyber Pakhtunkhwa
C&W Department Peshawar

Through:- Proper Channel

Subject: - PROMOTION OF SUPERINTENDENT

Respected sir,

It is submitted for your kind information that in the C&W Department at attached level there approx. 6-7 clear post of Superintendent are existing in addition to some other 04 post whose incumbent are recently retired as of consequence of Government Order:-

Clear Vacancies:-

1. Chief Engineer (Merged Area)	04 Nos
2. S/E Provincial Building Construction Circle Peshawar	01 No
3. SE C&W Circle, Mardan	01 No
4. SE C&W Circle, Abbottabad	01 No
Total	<u>07 Nos</u>

Retired Superintend (s)

1. Nazir Mohammad	C&W Circle, Kohat
2. Jaffar Ali	C&W Circle, Peshawar
3. Riaz Mohammad	C&W Circle, Swat
4. Sadiq Akbar	Chief Engineer(Center) C&W Deptt:

And I am standing at SI.No.3 and (My ACR alongwith relevant documents is also submitted to your good office vide Chief Engineer (C) C&W Department Peshawar let No. 177-E/1296/CEC/C&WD),Date 23/4/020) as such my case is clear for the purpose of Promotion as I fulfill the prescribed length of 05 years' service.

Sir,

It is further submitted that I am at the verge of retirement by 15/9/2020 it is therefore ,humbly requested that case of promotion of Assistant /senior Scale Stenographer against the clear vacancies of Superintendent may kindly be processed so that I may to avail the benefit for pension purpose .

Dated 30-7-20

Yours sincerely

M.R.

MOHAMMAD ARSHAD RUSHDI
ASSISTANT (BPS-16)
O/O EXECUTIVE ENGINEER
PBMC C&WDEPARTMNET
PESHAWAR

OFFICE ORDER

On the recommendations of the Departmental Promotion Committee in its meeting held on 17-09-2013, the following Accounts Clerks (B-09) have been cleared for promotion to the cadre post of Assistants (B-14), on regular basis, with immediate effect :

1.	Jabir Hussain
2.	Hamidullah
3.	Inayatullah-II
4.	Muhammad Rehman
5.	Faqir Muhammad
6.	Rafiullah Khan
7.	Akhtar Javed
8.	Fazal Rahim
9.	Azeem Khan
10.	Saifur Rehman
11.	Nauroz Khan
12.	Muhammad Arshad Rushdi

On regular promotion of the said officials, they will be on probation for a period of one year in terms of Section-6(2) of Civil Servants Act, 1973 read with Rule-15(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon their promotion as Assistants (B-14), their further postings/transfers are also hereby ordered, with immediate effect :-

Sl: No.	Name Of Official	From	To	Remarks
1.	Jabir Hussain	Head Clerk (OPS) O/O XEN Highway FATA Divn. Kurram.	Assistant, services placed at the disposal of C.E. (FATA) W&SD.	Against the existing vacancy.
2.	Hamidullah	Accounts Clerk O/O the XEN Highway FATA Divn. NWA.	Assistant, services placed at the disposal of C.E. (FATA) W&SD.	Against the existing vacancy.
3.	Inayatullah-II	Accounts Clerk O/O the XEN C&W Division Tank.	Assistant O/O the S.E. C&W Circle Bannu.	Against the existing vacancy.
4.	Muhammad Rehman	Accounts Clerk O/O the XEN C&W Division Hangu.	Assistant/Head Clerk O/O the XEN C&W Division Hangu.	Vice No. 13.
5.	Faqir Muhammad	Accounts Clerk O/O the XEN C&W Division Dir Upper.	Assistant O/O the C.E. (North) C&W Department Peshawar.	Against the existing vacancy.
6.	Rafiullah Khan	Accounts Clerk O/O the XEN C&W Division Kohat.	Assistant, services placed at the disposal of C.E. (FATA) W&SD.	Against the existing vacancy.
7.	Akhtar Javed	Accounts Clerk O/O the C.E. (North) C&WD Peshawar.	Assistant O/O the C.E. (North) C&W Department Peshawar.	Against the existing vacancy.
8.	Fazal Rahim	Head Clerk (OPS) O/O XEN Building Division Mardan.	Assistant/Head Clerk O/O the XEN Building Division Mardan.	Against the existing vacancy.
9.	Azeem Khan	Assistant (OPS) O/O the C.E. (Centre) C&WD Peshawar.	Assistant O/O the C.E. (Centre) C&W Department Peshawar.	Against the existing vacancy.
10.	Saifur Rehman	Accounts Clerk O/O the XEN Building Division-1 Peshawar.	Assistant O/O Principal Consulting Architect C&WD Peshawar.	Against the existing vacancy.
11.	Nauroz Khan	Accounts Clerk O/O the XEN C&W Division Kohat.	Assistant O/O the S.E. PBMC C&W Department Peshawar.	Against the existing vacancy.
12.	Muhammad Arshad Rushdi	Accounts Clerk O/O the XEN Building Division-1 Peshawar.	Assistant O/O the S.E. C&W Circle Peshawar.	Against the existing vacancy.
13.	Hukamzad Khan	Assistant/Head Clerk O/O the XEN C&W Division Hangu.	Assistant O/O the S.E. C&W Circle Kohat.	Against the existing vacancy.
14.	Taj Ali Khan	Assistant O/O the C.E. (CDO) C&W Department Peshawar.	Assistant, services placed at the disposal of C.E. (FATA) W&SD.	Against the existing vacancy.

(ENGR. FAZLI KABIR)
CHIEF ENGINEER (CENTRE)

Copy forwarded to the :-

- 1) Minister for C&W Department Khyber Pakhtunkhwa Peshawar.
- 2) Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Peshawar.
- 3) Accountant General Khyber Pakhtunkhwa Peshawar.
- 4) All Chief Engineers in C&W Department (w/ FATA & EQAA).
- 5) Superintending Engineers C&W Circles (Concerned).
- 6) Executive Engineers C&W Divisions (Concerned).
- 7) District / Agency Accounts Officers (Concerned).
- 8) Officials Concerned.

CHIEF ENGINEER (CENTRE)

Detail of date of Retired Superintendent

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Superintendent		
S.No	Date of Retirement	
1	21/11/2019	Nazir
2	1/1/2020	Mohammad Zafar
3	29/1/2020	Jaffar Ali
4	10/2/2020	Riaz Mohammad
5	10/5/20202	Sadiq Akbar
6	2/9/20202	Mukaram Shah

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Sept 16, 2019

NOTIFICATION

SOE/C&W/8-15/2019 (seniority): In pursuance of Sub-Section (1) of the Section-8, of the Khyber Pakhtunkhwa Civil Servant Act 1973, the Final seniority list of Superintendents (BPS-17) of Communication & Works Department as approved by the competent authority, as it stood on 10/04/2019 is notified as under:

Sl No	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Entry into Govt Service	Date of appointment/ Promotion into Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Zahid Habib ✓	B.A	01/03/1984	Peshawar	15/05/2009	11/04/2017	
2.	Mehboob Ali ✓	B.A	21/03/1983	Swat	17/01/2011	03/10/2017	
3.	Muddasir Anwar ✓	B.Com	03/08/1985	Peshawar	17/01/2011	03/10/2017	
4.	Shoaib Khan ✓	M.Sc (Economics)	14/01/1989	Bannu	01/08/2011	03/10/2017	
5.	Muhammad Jamshid Iqbal	MBA/B-Com/DBA	20/12/1984	DIKhan	08/08/2011	03/10/2017	
6.	Zewar Rehman	F.A	06/12/1959	Peshawar	02/09/1981	21/12/2017 (R)	
7.	Khalil Khan ✓	F.A	01/09/1962	Peshawar	31/03/1982	21/12/2017	
8.	Rehman Gul	D.Com/B.A	04/05/1962	Bannu	12/04/1982	21/12/2017	
9.	Fazal Rabbi	B.A	20/09/1963	Charsadda	14/04/1985	21/12/2017	
10.	Fazal Amin	M.A (Pushto)	05/05/1964	Nowshera	16/04/1985	21/12/2017	
11.	Riaz Ahmad	Matric	10/02/1960	Swat	18/04/1985	14/11/2018 (R)	
12.	Karim Khan	F.A	01/04/1962	Peshawar	18/04/1985	14/11/2018	
13.	Hazrat Umer	B.A	07/02/1964	Mohmand Agy	12/10/1986	14/11/2018	
14.	Inamullah Shah	B.A	20/09/1966	Peshawar	15/11/1986	14/11/2018	
15.	Amanat Ali Shah	M.A (Islamiyat)	01/09/1970	Abbottabad	12/11/1989	14/11/2018	

G.E. C&W Deptt. (Centre)
Duty No 49
Date 18/9/19
Signature
A.O. [Signature]
BSAO
C.O.

29

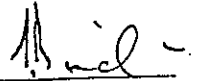
Sl No	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Entry into Govt Service	Date of appointment/ Promotion into Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
16.	Fazal Hadi	B.A	07/06/1972	Malakand	12/05/1996	14/11/2018	
17	Jaffar Ali	Matric	29/01/1960	Nowshera	01/09/1978	14/11/2018	(R)
18.	Mukarram Shah	Matric	02/09/1960	Mardan	17/10/1978	14/11/2018	
19.	Muhammad Shoaib-I	Matric	05/03/1961	Malakand	23/10/1978	14/11/2018	
20	Nazir Muhammad	Matric	22/11/1959	Karak	26/10/1978	14/11/2018	(R)
21.	Sidiq Akbar	Matric	10/05/1960	Mardan	01/11/1978	15/01/2019	

SECRETARY TO
GOVT OF KHYBER PAKHTUNKHA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Sept 16, 2019

Endst:No.SOE/C&W/8-15/2019 (seniority)

1. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar
3. All Chief Engineers Communication & Works Department Peshawar *CECC*
4. Chief Engineer (Merged Areas) C&W Peshawar
5. Superintending Engineer C&W Circles
6. Managing Director Pakhtunkhwa Highway Authority, Peshawar.
7. P.S. to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
8. P.S. to Secretary Establishment & Admin Department, Peshawar.
9. P.S. to Secretary Law Department, Peshawar
10. P.S. to Secretary Communication & Works Department, Peshawar
11. Officers concerned.
12. Office order file /Personal files
13. Incharge Computer Cell C&W Department.
14. Manager Govt. Printing & Press Department for publication in the next issue of the Govt. Gazette.


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

S.P-25

TENTATIVE SENIORITY LIST OF SUPERINTENDENTS BS-17
COMMUNICATION AND WORKS DEPARTMENT As Stood On 27.04.2020

SI No	Name of Officer	Academic Qualification	Date of Birth	Domicile	Date of Entry into Govt Service	Date of appointment/ Promotion into Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Zahid Habib	B.A	01/03/1984	Peshawar	15/05/2009	11/04/2017	
2.	Mehboob Ali	B.A	21/03/1983	Swat	17/01/2011	03/10/2017	
3.	Muddasir Anwar	B.Com	03/08/1985	Peshawar	17/01/2011	03/10/2017	
4.	Shoaib Khan	M.Sc (Economics)	14/01/1989	Bannu	01/08/2011	03/10/2017	
5.	Muhammad Jamshid Iqbal	MBA/B-Com/DBA	20/12/1984	DIKhan	08/08/2011	03/10/2017	
6.	Khalil Khan	F.A	01/09/1962	Peshawar	31/03/1982	21/12/2017	
7.	Rehman Gul	D.Com/B.A	04/05/1962	Bannu	12/04/1982	21/12/2017	
8.	Fazal Rabbi	B.A	20/09/1963	Charsadda	14/04/1985	21/12/2017	
9.	Fazal Amin	M.A (Pushto)	05/05/1964	Nowshera	16/04/1985	21/12/2017	
10.	Karim Khan	F.A	01/04/1962	Peshawar	18/04/1985	14/11/2018	
11.	Hazrat Umer	B.A	07/02/1964	Mohmand Agy	12/10/1986	14/11/2018	
12.	Inamullah Shah	B.A	20/09/1966	Peshawar	15/11/1986	14/11/2018	
13.	Amanat-Ali Shah	M.A (Islamiyat)	01/09/1970	Abbottabad	12/11/1989	14/11/2018	
14.	Fazal Hadi	B.A	07/06/1972	Mafakand	12/05/1996	14/11/2018	
15.	Mukarram Shah	Matric	02/09/1960	Mardan	17/10/1978	14/11/2018	
16.	Muhammad Shoaib-I	Matric	05/03/1961	Mafakand	23/10/1978	14/11/2018	
17.	Jawad Khan	B.A	26/02/1976	Swat	11/07/2012	21/04/2020	
18.	Muhammad Awais	B.A	26/11/1990	Peshawar	16/07/2012	21/04/2020	
19.	Najeeb Ullah	B.A	13/02/1970	Charsadda	13/05/1996	21/04/2020	
20.	Haseeb Ullah	B.A	10/10/1975	Nowshera	13/05/1996	21/04/2020	

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Abdur Rashid Khan
(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.12217/2020

Muhammad Arshad Rushdi

Appellant

Versus

Chief Secretary to Govt of Khyber Pakhtunkhwa
Peshawar and others

Respondents

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4	Govt of Khyber Pakhtunkhwa Establishment Department letter No.SO(Policy)E&AD/1-13/2019 dated 16-03-2020	II	5
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Deponent

Malik Muhammad Ali,
Section Officer (Litigation),
C&W Department Peshawar

(1)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
APPEAL NO. 12217 OF 2020

Muhammad Arshad Rushdi --- Appellant
S/O Abdul Hameed R/O Akhunzada
Colony Janazgah Road Pabbi,
Tehsil & District Nowshera

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa --- Respondents
Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department, Peshawar
4. Chief Engineer (Centre)
C&W Department, Peshawar

Joint Parawise Comments on behalf of Respondents No. 1 to 4

Respectfully Sheweth

Preliminary Objections

1. That the appeal is not maintainable.
2. That the appellant has never challenged in time any order in which his rights were ignored
3. That the appeal is premature.
4. That the appellant has no cause of action and locus standi.
5. That the appeal is liable to be rejected on ground of non-joinder and mis-joinder of necessary parties
6. That the appellant is estopped by his own conduct to file the instant appeal

Facts


1. Comments need no reply. It pertains to record
2. Comments need no reply. It pertains to record
3. Comments need no reply. It pertains to record
4. Correct to the extent that the appellant (Muhammad Arshad Rushdi now conditionally retired) was inducted as Junior Clerk in C&W Department on **15.02.1979** and subsequently promoted to the post of Assistant (BS-16) on **01.10.2013**. In this connection, it is further added that 05 Nos posts of Superintendents (BS-17) were lying vacant due to retirement on attaining the age of 60 years subject to final orders of the Supreme Court of Pakistan. However, 03 Nos Superintendents out of 05 opted through proper stamp papers that their pension cases may be cleared and they will not claim any benefits, if Supreme Court of Pakistan restored the age i.e. 63 years for retirement of officers/officials vide Finance Department letter dated 05.05.2020 (**Annex-I**). Therefore, the ACRs were sought of the officials to consider their promotion under the rules and policy. In the meanwhile a similar promotion case of the officers was referred to Establishment Department for placing before PSB for consideration, the same was not considered by the PSB, being sub-judice in the Apex Court. Therefore, meeting of the Departmental Promotion Committee (DPC) could not be held in view of the same situation. Later on, the Establishment Department circulated instruction amongst all Administrative Secretaries to the Government of Khyber Pakhtunkhwa vide letter dated 16.03.2020 that **"the incumbents who got retired at their actual date of retirement to 60 years would stand retired from that date. Their pensionary benefits would be calculated till that date, however, under the law of locus ponitentiae the salary so received thereafter would not be recovered, as they have worked during the said period"** (**Annex-II**).

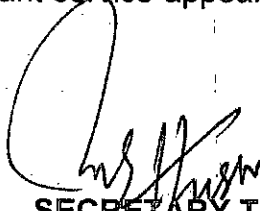
- (2)
5. Incorrect, as explained in para-4 of the facts.
 6. Incorrect, as explained in para-4 of the facts.
 7. Incorrect, as explained in para-4 of the facts.
 8. Incorrect, as explained in para-4 of the facts.
 9. Correct to the extent that a representation/appeal dated 10.07.2020 of the appellant received, which was processed and referred to Establishment Department for advice with regard to retirement age of the Govt servants of Khyber Pakhtunkhwa as the case was sub-judice in Supreme Court of Pakistan at that time. However, Establishment Department circulated that under Section-13(A)(I) "All the Civil Servants, who were conditionally retired from service on or after 31ST day of July 2019, for all intents and purposes, be deemed to have been regularly retired from service on the date of attaining sixtieth (60TH) of age" (Annex-III).


Grounds

- A. Incorrect, there is no mala-fide; no discrimination and violation of rights of the petitioners has been made. In fact, the Department followed rules/policy strictly in the cases of promotion of officers/officials of C&W Department.
- B. Incorrect, as explained in para-5 of the facts
- C. Incorrect, as explained in para-5 of the facts. No right of the appellant has been violated.
- D. Incorrect, No discrimination to any individual, including the appellant was done nor was any rule or principle of law infringed upon, the apprehension of the appellant is unfounded.
- E. Incorrect and mis-conceived. All relevant rules have been followed and action taken by the Department accordingly and within the prescribed laws as explained in para-5 of the facts.
- F. Incorrect, as explained in para-9 of the facts.
- G. Incorrect, no discrimination to any individual, including appellant nor any rule or Principle of law infringed. The apprehension of the appellant is unfound.
- H. Incorrect, the applicant has been retired from Govt service on attaining the age of superannuation i.e. 60 years w.e.f. 14.09.2020 subject to the final orders of the Supreme Court of Pakistan.
- I. The respondents would like to seek permission of this Hon'able Court to adhere more grounds during the time of arguments.

In view of the above, it is prayed that the instant service appeal may kindly be dismissed with costs having no substance.


SECRETARY TO
Govt of Khyber Pakhtunkhwa
C&W Department
(Respondent No. 1 & 2)


SECRETARY TO
Govt of Khyber Pakhtunkhwa
Establishment Department
(Respondent No.3)


CHIEF ENGINEER (CENTRE)
C&W Peshawar
(Respondent No.4)

(3)

(3)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.12217/2020

Muhammad Arshad Rushdi

Appellant

Versus

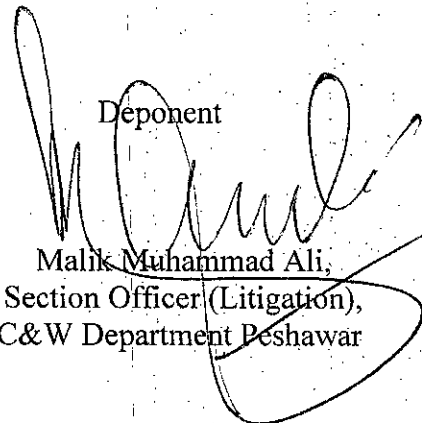
Chief Secretary to Govt of Khyber Pakhtunkhwa
Peshawar and others

Respondents

AFFIDAVIT

I, Malik Muhammad Ali, Section Officer (Litigation) C&W Department Peshawar hereby affirm and declare that all the contents of the Parawise comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent


Malik Muhammad Ali,
Section Officer (Litigation),
C&W Department Peshawar

4 3A



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

NO. BO-XI/FOM-30/2019-20/Gen./Pen. Dated Peshawar the 05/09/2020

To
The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: - PAYMENT OF COMMUTED VALUE OF PENSION

Dear Sir,

I am directed to refer to the subject cited above and to state that the Provincial Government has filed CPLA before the Supreme Court of Pakistan against the judgement of the Peshawar High Court, Peshawar contained in WP No.5679-Pr2019, dated 19/02/2020. At the same time, all Departments have been advised vide Establishment & Administration Department's circular letter No. SO/Policy/1-13/2019 date 16/03/2020 to process the cases of retirement of those employees who have attained the age of superannuation on 31/07/2019 & onwards conditionally. Accordingly, the retirement orders of the relevant employees are being issued by the Department subject to final outcome of the CPLA already filed in Supreme Court of Pakistan. The pension cases of such employees are reportedly held in abeyance for want of clarification as to what course of action to be taken as a result of anticipated verdict of the Supreme Court of Pakistan.

2. The case has been examined in depth and decided that awarding pensionary benefits to the relevant employees is although obligated under the relevant rules, yet, this fact is also warrant clarification that in case the Supreme Court of Pakistan decides the case in favour of the Provincial Government then those employees who opted to receive commuted value of pension shall absolve themselves from back benefits to be accrued from the date of their retirement in shape of salary etc.

3. In view of the above, it is requested that while processing such cases, an undertaking in judicial stamp may kindly be obtained from the pensioners that he/she shall not claim any back benefit on account of salary etc. if accrued, during the course of retirement to the date of decision of the apex court, referred to above.

Yours faithfully,

UMERA NIAZ KHAN
BUDGET OFFICER-XI

Encl: No. and date given

Copy forwarded for similar action to:-

- 1) Director Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.
- 2) All District Comptroller of Accounts, District Accounts Officers in Khyber-Pakhtunkhwa.
- 3) PS to Finance Secretary.
- 4) PA to Special Secretary Finance Department.
- 5) PA to Additional Secretary (Budget), Finance Department.
- 6) PA to Additional Secretary (Regulation), Finance Department.

BUDGET OFFICER-XI



GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN. DEPARTMENT
(REGULATION WING)

No.SO(Policy)E&AD/1-13/2019
Dated Peshawar, the 16th March, 2020

To

All Administrative Secretaries to
Government of Khyber Pakhtunkhwa.

SUBJECT: CIVIL SERVANTS AMENDMENT ACT, 2019

Dear Sir,

I am directed to refer to the subject noted above and to state that Peshawar High Court Peshawar in its judgment dated 19.2.2020 passed in WP No.5673-P/2019 titled "Malik Zaheer-ur-Din & Others Vs Government of Khyber Pakhtunkhwa" declared the Khyber Pakhtunkhwa Civil Servants' (Amendment) Act, 2019 as ultra vires of the Constitution of Islamic Republic of Pakistan 1973 and directed that the incumbents who got retired at their actual date of retirement in reference to 60 years would stand retired from that date. Their pensionary benefits would be calculated till that date, however, under the law of locus poenitentiae the salaries so received thereafter would not be recovered, as they have worked during the said period.

2. I am further directed to state that immediate necessary action may be taken in the light of above referred judgment of the Peshawar High Court and retirement cases of officers/officials of your respective departments may be processed w.e.f. 31.07.2019 subject to final outcome of the CPLA in the Supreme Court of Pakistan. Processing and calculation of pension may be finalized in the light of dates provided for in the above mentioned judgment.

3. Matter may be treated as most urgent

Yours faithfully

Section Officer (Policy)

Copy to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. P.S. to Secretary Establishment Department, Khyber Pakhtunkhwa.
6. PS to Secretary Law Department, Khyber Pakhtunkhwa.
7. PS to Secretary Finance Department, Khyber Pakhtunkhwa.

Section Officer (Policy)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1-13/2019
Dated Peshawar, the 30th March, 2021

To

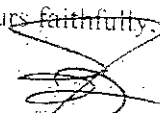
1. The Additional Chief Secretary, Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Government of Khyber Pakhtunkhwa,
4. All Heads of Attached Department, Khyber Pakhtunkhwa.
5. All Divisional Commissioner, Khyber Pakhtunkhwa.

Subject: KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ORDINANCE, 2021

Dear Sir,

I am directed to refer to the subject and to enclose herewith a copy of the Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021 issued vide notification No. LEGIS:1 (21) 73 dated 26-03-2021. Specimen Notifications under Section 13(A)(1) and Section 13A(2) of ibid Ordinance are attached for further necessary action at your end please.


Yours faithfully,


SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
3. The Accountant General, Khyber Pakhtunkhwa.
4. The Registrar, Peshawar High Court, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. All Section Officers in Establishment & Administration Department.
7. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary (Reg), Establishment Department.
9. PS to Special Secretary (Estab), Establishment Department.


SECTION OFFICER (POLICY)



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 26TH MARCH, 2021.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT.

NOTIFICATION

Dated Peshawar, the 26th March, 2021.

No. LEGIS:1 (21) 73 --- The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

**THE KHYBER PAKHTUNKHWA
CIVIL SERVANTS (AMENDMENT) ORDINANCE, 2021.**

(THE KHYBER PAKHTUNKHWA ORD. NO. II OF 2021)

An
Ordinance

*further to amend the Khyber Pakhtunkhwa Civil
Servants Act, 1973*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) in the manner hereafter appearing;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Province of the Khyber Pakhtunkhwa is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**--- (1) This Ordinance may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021.

(2) It shall come into force from 31st July, 2019.

2. **Substitution of section 13 of the Khyber Pakhtunkhwa Act No. XVIII of 1973.**--- In the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), hereinafter referred to as the said Act, for section 13, the following shall be substituted, namely:

"13. **Retirement from service.**--- (1) A Civil Servant shall retire from service on the completion of sixtieth (60th) year of his age.

(2) A Civil Servant may opt to retire early from service, after completion of twenty five (25) years of qualifying service or attaining the age of fifty five (55) years, whichever is later.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the competent authority may in the public interest, direct that a Civil Servant may retire from service, from such date, as may be determined by the competent authority, after he has completed twenty (20) years of service, qualifying for pension or other retirement benefits, in the manner as may be prescribed.

Provided that no direction under this sub-section shall be made until the Civil Servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation.--- In this section, the expression "competent authority" means the appointing authority prescribed in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989."

3. **Insertion of section 13A of the Khyber Pakhtunkhwa Act No. XVIII of 1973.**--- In the said Act, after section 13, as so substituted, the following new section shall be inserted, namely:

"13A. **Protection of certain acts.**--- (1) All the Civil Servants, who were conditionally retired from service on or after 31st day of July, 2019 shall, for all intents and purposes, be deemed to have been regularly retired from service on the date of attaining sixtieth (60th) years of age.

(2) Any Civil Servant, who has completed sixty (60) years of age but is not retired from service, by virtue of or in pursuance of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019, shall be deemed to have been retired from service from the date when such Civil Servant has completed sixty (60) years of age.

(3) Any salary, allowances, and other ancillary benefits received or drawn by such Civil Servant under this section on or after 31st day of July, 2019 shall be deemed to be validly received and drawn.

Peshawar,
Dated 25th March, 2021

SHAH FARMAN
Governor of the Khyber Pakhtunkhwa

MASOOD AHMAD
Secretary to Government of the Khyber Pakhtunkhwa
Law, Parliamentary Affairs and Human Rights
Department

Printed and published by the Manager,
State, Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.