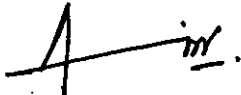


FORM OF ORDER SHEET

Court of _____

Appeal No. 1416/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/06/2023	<p>The appeal of Mr. Abdul Rahim resubmitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman  REGISTRAR</p>

KP SERVICE TRIBUNAL OBJECTION SLIP

APPEAL OBJECTION(S)


ABDUL RAHIM

VS

PHE

Institution No:612019-Annexures/Page nos.13 to 16, 23 to 26 & 50 to 54 are not legible.
Returned for removal of above mentioned objections to be resubmitted on or before
06.07.2023

Objections added by Mr. Mati Ullah
Date: 20/6/2023

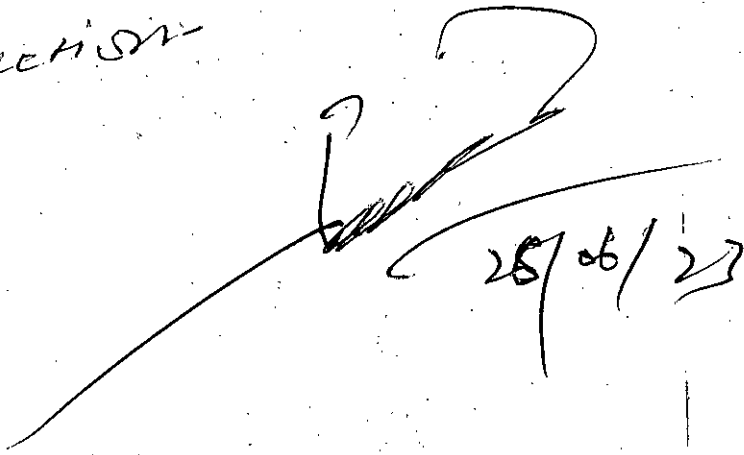


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

1823
21/6/23

Sir

Resubmitted after removal
objection



25/06/23

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In S.A. 1416 /2023

Abdul Rahim

VERSUS

Govt. of KPK and others

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7.	Copy of Notification No.SO(E)PHED/6-12/94 Dated.30-05-1994	B	13-14
8.	Copy of working paper	C	15-16
9.	Copy of Minutes of the Meeting	D	17-22
10.	Copy of Notification dated 16-09-2008	E	23-
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Dated: 17/06/2023

Appellant
Through
Javed Iqbal Gulbela,
ASC

(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In S.A 14/6/2023

Abdul Rahim, Superintending Engineer (BPS-19), Public Health Engineering, Khyber Pakhtunkhwa.

....*Appellant*

VERSUS

1. **Government 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**, Superintending Engineer, Public Health Engineering, Division Kohat.
4. **Shehzada Behram**, Superintending Engineer, Public Health Engineering, Division Dir Upper.
5. **Kifayat Ullah Khan**, Superintending Engineer, XEN Public Health Engineering Division Buner.

....*Respondents*

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 FOR SEEKING CORRECTION AND RECTIFICATION OF
SENIORITY LIST AND FIXATION OF THE APPELLANT AT HIS DUE
PLACE IN SENIORITY LIST AT SERIAL NO.8 INSTEAD OF SERIAL NO.11
OF THE SENIORITY LIST OF SUPERINTENDING ENGINEER (BPS-19)
CIRCULATED DATED.02/01/2023, WITH ALL BACK BENEFITS.

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 (Copy of the Induction Order dated 16-09-1993 is annexed as annexure "A").
2. That on 30/05/1994, amendments were introduced in the the NWFP (now Khyber Pakhtunkhwa) *Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules 1979* and quota was fixed for various categories of Sub-Engineers vide Notification

No.SO(E)PHED/6-12/94 Dated.30-05-1994. (Copy of Notification No.SO(E)PHED/6-12/94 Dated.30-05-1994 is annexed as 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 ADO's (BPS-17) send to the departmental promotion committee. It may be noted that Graduate Engineers further categorized as direct graduate engineers and in-service graduate. (Copy of working paper is annexed as annexure "C").

4. That the matter was taken by the departmental promotion committee on 07/03/2008 and while recommending rest of the categories of Sub-Engineers for promotion, the case of the Direct Sub-Engineers including the appellant was deferred by holding (Item No. 6A of the DPC dated 03/04/2008)

"The promotion of the 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 of public health engineer, Deputy Secretary (Admin) 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 departmental promotion committee for consideration in next meeting". (Copy of Minutes of the Meeting is annexed as annexure "D ")

However, they were posted as assistant engineer (BPS-17) on acting charge on the recommendation of the departmental promotion committee vide notification dated: 16-09-2008. (Copy of Notification dated 16-09-2008 is annexed as annexure E).

5. That after fulfilling all the codal formalities, Appeals no.195 and 196 of 2009 were filed in the Hon'ble Service Tribunal by both the aggrieved direct graduate engineers, which could not succeed and were dismissed vide a consolidated judgment dated 03/06/2009.

6. That the aforesaid judgment of this Hon'ble Service 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.16/03/2011 and setting aside the impugned judgment of this hon'ble Court. The following direction were made;

"The office order dated.16/09/2008 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 back benefits".

(Copy of the Judgment dated.16/03/2011 is annexed as annexure "F")

7. That in compliance with the judgment of Hon'ble Supreme Court of Pakistan, Secretary PHED vide Notification No. SO(Estt)PHED/4-53/B/2021 dated.03/06/2011 was ordered on regular basis with all services benefits. It was also ordered that the seniority of the appellants shall be fixed in terms of para-6 of the establishment and administration department letter no. SOR-1(S&GAD)1-29/75

dated.13/04/1987.(Copy of Notification No. SO(Estt)PHED/4-53/B/2021 dated.03/06/2011 is annexed as annexure "G")

8. That in pursuance of the Supreme Court judgment, the appellant was regularized against the post of SDO with effect from 16/09/2008 instead of 25/03/2008. A tentative seniority list was circulated, showing name of the appellant at a wrong place, against which the appellant filed representation/objection petition to the concerned authority. However, in the final seniority list dated. 31/05/2012 which is impugned herein, the anomaly was not removed and the appellant has been placed at Serial No. 14 whereas per law and rules, his name should be placed at serial no.11 of the final seniority list. **(Copies of Tentative Seniority list, Objection Petition and Impugned final Seniority List dated.31/05/2012 are annexed as annexure "H, I & J" respectively)**.
9. That the appellant filed yet another appeal/representation for correction in the final seniority list of SDOs/Assistant Engineers (BPS-17) on 26/06/2012, but it was not replied within statutory period. **(Copy of the Appeal/Representation is annexed as annexure "K")**
10. That the final seniority list was assailed in a service appeal no. 1150/2012, which is pending before this hon'ble Service Tribunal and is yet to be decided.
11. That impugned vide order dated 12/09/2013, 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 the seniority list showing them incorrectly senior to the appellant is sub-judice.**(Copy of Impugned order dated 12/09/2013 is annexed as annexure "L")**
12. That the appellant has already impugned the order dated 12/09/2013 in the service appeal No. 158/2014, which is pending adjudication before this Hon'ble tribunal. **(Copy of service appeal No. 158/2014 is annexed as annexure "M")**
13. That in spite of the pendency of series of lis before this Hon'ble tribunal, when the appellant was promoted from the post of Executive Engineer (BPS-18) to the post of Superintending Engineer (BPS-19) during the proceeding of the aforementioned service appeal, yet again the respondents instead of issuing proper and undisputed seniority list, again issued a wrong and disputed seniority list, wherein again the appellant has been placed at serial No.11 instead of serial No. 8 and thus deprived the appellant of his due place in the seniority list.**(Copy of the Seniority list dated.02/01/2023 is annexed as annexure "N")**
14. That the appellant preferred a departmental appeal to the concerned authority, which went futile.**(Copy of the departmental appeal is annexed as annexure "O")**.
15. That feeling aggrieved the appellant prefers the instant appeal for correction of seniority list and for his due placement in the seniority

list of the Superintending Engineer (BPS-19); upon the following grounds, inter-alia:

Grounds:

- A. That the petitioner is naturally born bona-fide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land.
- B. That the impugned Seniority List 2019 is Quorum non judice, vide illegal, unwarranted and is liable to be revised accordingly.
- C. That the impugned seniority list is unwarranted, illogical and against the Rules, therefore not tenable in the eyes of law.
- D. That the appellant has been condemned unheard.
- E. That it is a cherished principle of law that where a law requires a thing to be done in a particular manner, the same is to be done in that manner and not otherwise.
- F. That from every angle the impugned seniority list 2023 is illegal, void and is liable to be revised and rectified.
- G. That the Hon'ble Apex Court has allowed the case of the appellant by holding the promotion on acting charge base of the appellant as illegal and converted that acting charge into regular promotion order, but has said nothing about fixation of seniority which has been left to be dealt with by operation of law;
 - ***Now the law is very much clear that as per FR & SR and APT Rules 1989, where the grounds of the deferment ceased to exist or in other words where the promotion is ordered later on, the effected civil servant shall regain his original position in the seniority list and in any case no one can be deprived of his due place in the seniority list, particularly when the effected civil servant has no wrong on his part.***
- H. That by saying so the appellant is entitled for the regular promotion as SDO w.e.f 25/03/2008 with his due placement in the seniority list of dated. 31/05/2012 at serial no. 11 instead of 14, thereafter, as Executive Engineer (BPS-18) w.e.f 12/09/2013 with his due place in the seniority list, ahead of private respondent and lastly the Appellate is entitled to be placed at serial no. 8 instead of 11 of the seniority list dated. 02/01/2023, meant for Superintending Engineer (BPS-19), with all back benefits.
- I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

5

It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, the respondents be directed to issue correct seniority list dated.02/01/2023 of the Superintending Engineers (BPS-19) Public Health Engineering Department Khyber Pakhtunkhwa by placing the appellant at serial No. 8 instead of 11 i.e ahead of the private respondents and to extend all the attached back benefits to the Appellant.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Dated: 17/06/2023

Appellant
Through
Javed Iqbal Gulbela
ASC

NOTE:-

The appellant has preferred appeals, which are pending adjudication, while the instant one is with respect to seniority list of BPS-19 Officers.

Advocate.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Appeal No. _____/2023

Abdur Rahim Khan

VERSUS

Government of KPK & Others

AFFIDAVIT

I, Abdur Rahim S/o Ghaffar Khan R/o Bangi Khan Mughal Khel, P.O Ghorl Wala, Tehsil & District Bannu, do hereby solemnly affirm and state on oath that all contents of Service Appeal are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

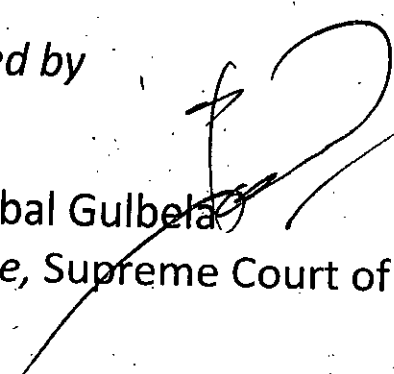


DEPONENT

CNIC: 11101-4795603-5

Cell:

Identified by



Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan

7

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

In S.A. _____/2023

Abdul Rahim

VERSUS

Govt. of KPK and others

ADDRESSES OF PARTIES

ADDRESSES OF APPELLANT.

Abdul Rahim, Superintending Engineer (BPS-19), Public Health Engineering, Khyber Pakhtunkhwa.

ADDRESSES OF RESPONDENTS

1. *Government 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*, Superintending Engineer, Public Health Engineering, Division Kohat.
4. *Shehzada Behram*, Superintending Engineer, Public Health Engineering Division Dir Upper.
5. *Kifayat Ullah Khan*, Superintending Engineer, XEN Public Health Engineering, Division Buner.

Dated: 17/06/2023

Appellant
Through
Javed iqbal Gurbela,
ASC

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

In S.A _____/2023

Abdul Rahim
Versus
Govt. of KP and Others

**APPLICATION FOR TEMPORARY INJUNCTION,
RESTRAINING THE RESPONDENTS FROM CARRYING
OUT PROMOTION IN THE LIGHT OF IMPUGNED
SENIORITY LIST DATED 02-01-2023.**

RESPECTFULLY HEWETH,

1. That the Appellant is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant appeal.
2. That prima facie case exist in favour of the Appellant.
3. That balance of convenience is also lies in favor of Appellant and is quite sanguine of his success.
4. That of the instant application is not allowed the petitioner shall suffer irreparable loss.

It is, therefore, most humbly prayed that on acceptance of the instant application the respondents be restrained from carrying any promotion in the light of the impugned seniority list dated.02/01/2023 till the final disposal of the accompanying appeal.

Any othis relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Dated: 17/06/2023

Appellant
Through
Javed Iqbal Gulbela,
ASC

9

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

Appeal No. _____/2023

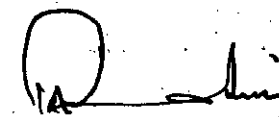
Abdur Rahim Khan

VERSUS

Government of KPK & Others

AFFIDAVIT

I, Abdur Rahim S/o Ghaffar Khan R/o Bangi Khan Mughal Khel, P.O Ghorl Wala, Tehsil & District Bannu, do hereby solemnly affirm and state on oath that all contents of Service Appeal are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.



DEPONENT

CNIC: 11101-4795603-5

Cell:

Identified by

Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan

10

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

In S.A. _____/2023

Abdul Rahim
Versus
Govt. of KP and Others

APPLICATION FOR CONDONATION OF DELAY

RESPECTFULLY SHEWETH,

1. That the Appellant is filling the accompanying appeal, the contents of which may graciously be considered as integral part of the instant appeal.
2. That the Appellant has got a good prima facie case, besides having balance of convenience in his favor and in case of the dismissal of the instant application shall envisage irreparable loss.
3. That delay in filing of the instant case was not deliberate but due to reason beyond control of the Appellant.
4. That the counsel for the appellant namely Isa Khan Advocate Supreme Court was appointed as Additional Advocate General of Khyber Pakhtunkhwa, which resulted a delay in the filling the accompanying Appeal.
5. That the delay comes due to the above mention reason, which is beyond the control of Appellant.
6. That there is no legal hedge on the acceptance of the instant application.

It is, therefore most humbly prayed that on acceptance of the instant application the delay may kindly be condoned and the case may kindly be decided on merits.

Dated: 17/06/2023

Appellant
Through
Javed Iqbal Gulbela,
ASC

11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Appeal No. _____/2023

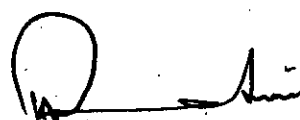
Abdur Rahim Khan

VERSUS

Government of KPK & Others

AFFIDAVIT

I, Abdur Rahim S/o Ghaffar Khan R/o Bangi Khan Mughal Khel, P.O Ghorl Wala, Tehsil & District Bannu, do hereby solemnly affirm and state on oath that all contents of Service Appeal are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

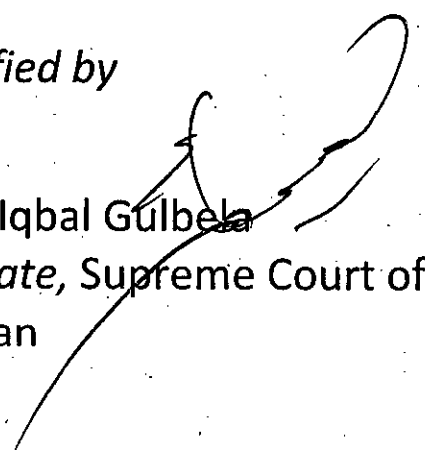


DEPONENT

CNIC: 11101-4795603-5

Cell:

Identified by



Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan

(12)

(Annex-A)

(13)

Ann-A

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 Kaghah 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 he 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 be 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 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 Administrated 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]

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 Kaghah Khel, P.O Ghoriwala, Tehsil and District, Bannu

SAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(13)

Ann "B"
~~Annex B~~

14

15

GOVERNMENT OF NWFP
PUBLIC HEALTH ENGINEERING
DEPARTMENT

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

Dated Peshawar the 30.5.1994

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

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.120/15/4 dated 9.1.94
5. Chief Engineer (Dev), PHED, NWFP, Peshawar
6. Section Officer (R-II), S&CAD/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.

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

2

BETTER COPY NO 13

GOVERNMENT OF NWFP PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Peshawar the 30.05.1994

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 the 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.

AAMENDMENTS

In the Schedule, in Colum 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 Engineer who have acquitted Degree in Engineering during service.
2. 5% by promotion on the basis of seniority-cum-fitness from amongst the Sub Engineer who joined service as Graduate Engineers.

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

Secretary to Govt. of NWFP
Public Health Engineering
Department

Endst No. SQ (E)/PHED/6-12/94 dated Peshawar the 30.05.1994

Copy 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. 12011 5/4 dated 9.1.94.
5. Chief Engineer (Dev.), PHED NWFP, Peshawar.
6. Section Officer (R-11), S&GAD/9-24/94 dated 30.05.1994.
7. The Assistant Draftsman-II, Govt of NWFP, Law Department, Peshawar with reference to his letters No.Reg-I (8)/76-2864 dated 30.5.1994.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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(SC# 5317)

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

14 16

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 (NPS-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. Nusr-ul-Basar B.Sc (C)	23/11/1992		
2.	Mr. Khatay 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. Anil 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 Intiaz 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 into 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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Advocate
Supreme Court of Pakistan
(ASC # 5317)

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5. In view of above following panel of Sub-Engineer from each category is placed before the Departmental 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 ENGINEER.**

S. #	Name of Officer & Qualification	Date of entry into Govt. Service	Date of Promotion to the present post/ pay scale	Eligibility for promotional Remarks
1.	Mr. Noor ul Basar B,Sc (C)	24/11/1992		On long leave
2.	Mr. Kifayat Ullha Khan	16/09/1993		-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 Naeem 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 ENGINEER (ANNEXURE -VI).**

S. #	Name of Officer & Qualification	Date of entry into Govt. Service	Date of Promotion to the present post/ pay scale	Eligibility for promotional Remarks
1.	Mr. Amil Muhammad B.Sc (C)	07/04/1986		
2.	Mr. Shehzada 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 ENGINEER (BPS-16) (ANNEXURE -VII).**

S. #	Name of Officer & Qualification	Date of entry into Govt. Service	Date of Promotion to the present post/ pay scale	Eligibility for promotional 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. Juna Khan	28/08/1976		

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Annex - C

15

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

15

Subject: **WORKING PAPER**
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	

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

BETTER COPY NO 15

GOVERNMENT OF NWFP WORKS & SERVICES DEPARTMENT

WORKING PAPER

Subject: **PROMOTION OF SUB-ENGINEERS TOT THE BANK OF ASSISTANT ENGINEER (BPS-17) PHE 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/BSC 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/BSC 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 a least 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%)	18	37	1
2	Direct Graduate Sub Engineer (5%)	3	1	2
3	In-Service Graduate Sub 3 Engineers (5%)	3	1	2
4	Diploma Holder Sub Engineers (20%)	11	7	4

4. Based on above, the said vacant. & 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	

JAVED IQBAL GULBEELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

16

17

ORIGINAL COPY

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 PERs/Chart of PERs and Bio-data are attached (Annex-IV).

8. The Departmental Promotion Committee is requested to determined 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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

2

BETTER COPY NO 16

It is certified that the officials concerned:

- i) Fulfill the conditions as mentioned in the Establishment Department Circular letter No. SOR-V (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 adhoe.
- 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 Departmental / 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 PET's/Chart of PERs and Bio-data are attached (Annex-IV).

8. 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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASO # 5317)

(MUHAMMAD ZAMAN)

DEPUTY SECRETARY (ADMN)
WORKS & SERVICES DEPTT

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

17

~~Annex 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

Ann-D

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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 53171)

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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.

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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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

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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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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

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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.e.f. 01.12.2001.

Item No. 6(a)

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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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"The promotion of this category was deferred. The Chief Engineer PHE, Deputy Secretary (Admin) 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."

(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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JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

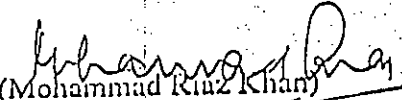
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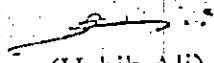
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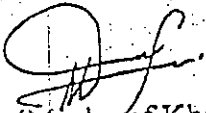
Item No.7 PROMOTION OF CIRCLE HEAD DRAFTSMAN (BPS-16) TO THE RANK OF CHIEF DRAFTSMAN (BPS-17) IN PHE WORKS & SERVICES DEPARTMENT


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.

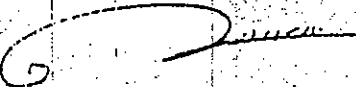

(Mohammad Riaz Khan)
Secretary to Govt. of NWFP
Works & Services Deptt:
(Chairman)

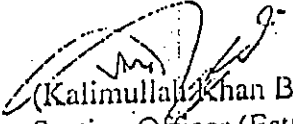

(Habib Ali)
Chief Engineer W&S
(Member)



(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 (Admin)
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)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Ann-E

~~Annex~~
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GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the September 16, 2008

NOTIFICATION

No. SO(E-II)W&S/4-53(BY)2008. 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(BY)2008 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 PIIE / W&S / FATA Peshawar.
- 4) EDOs W&S / DDOs PIIE 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.

JAVED IQBAL GULBEA
Advocate
Supreme Court of Pakistan
(ASC # 53171)


(SYED BARRAR SHAH)
SOE-II

2

BETTER COPY NO 23

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT
Dated Peshawar, the September 16, 2003

No.SO-IDW&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 Adam
5	Mr. Qadeerullah
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 (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&S41-53(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 PUE/W&S/FATA Peshawar.
- 4) EDOS W&S 'DDOS PHE Works & Services concerned.
- 5) District Accounts Officers concerned.
- 6) PS to Chief Secretary NWTP.
- 7) PS to Secretary Works & Services Department.
- 8) Incharge Computer Cell, W&S Department.
- 9) Officers concerned.
- 10) O/O File / Personal Files.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(SYED BAQAR SHAH)

24

Amir F

Present:

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

~~Amir F~~
[Signature]

Civil Petitions No. 238 & 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 Far Khan, ASC.

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

Date of hearing: 16.5.2011.

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

[Signature]
Assistant Registrar
Supreme Court of Pakistan

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

2

BETTER COPY NO 24

(Appellate Jurisdiction)

Present:

Mr. Justice Nasir-ul-Mulk

Mr. Justice Amir Hani Muslim

Civil Petitions No. 438 & 439-P of 2009.

(On appeal from judgment dated 3.6.2009 of the
NWFP Service Tribunal, passed in Appeals No.195
And 196 OF 2009)

Khan Muhammad (in C.P.438-1709).

Abdur Raheem (in C.P.-:39-1/09)

...Petitioners.

VS

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

....Respondents.

For the petitioners:
(In both petitions)

Muhammad Isa Khan, ASC.

For the respondent
Date of hearing:

Mr. Naveed Akhter. Add! A.G. KPK.
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 MOB whereas the name of Khan Muhammad appeared at serial No.4 of the merit is for the category reserved were only two vacancies in the

Azeem Registrar

~~JAVED IQBAL GULBEELA~~
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Supreme Court of Pakistan

(25) (15)

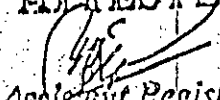
said category for which the petitioners were to be promoted. The record reveals that the departmental promotion committee on 3.3.2008 has deferred the promotions under the said category without assigning reasons. However, a committee comprising of the Chief Engineer, P.I.E. Deputy Secretary (Admn) and 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 Pakistan
Islamabad

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

BETTER COPY NO 25

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, PIE. Deputy Secretary (Admin) and Section Officer (Estt.-11) 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 Kitayt 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 Kifayt Ullah who were on long leave. According to them, they were entitled to for regular promotion with effect from the day they were posted ns 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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(SC # 5317)

ATTESTED

Assistant Registrar
Supreme Court of Pakistan

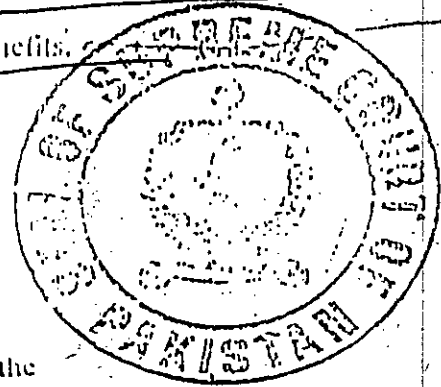
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(26)

(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.

Signature
11/12/11

JAVED IOBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Off. Nasir-ul-Mulk,
Off. Amir Hameed Muslim
Certified to be true copy
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

BETTER COPY NO 26

We to promote the officer next in line. Ife 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 Enders where sizeable ender 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.

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.

CERTIFIED TO BE TRUE

**Assistant Registrar
Supreme Court of
Pakistan**

~~JAVED IQBAL GULBELA~~
Advocate
Supreme Court of Pakistan
(HSC # 5317)

GOVT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the June 03, 2011

NOTIFICATION

No.SO(Estt)/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(Estt)/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)

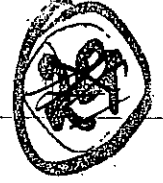
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Ann-4

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	

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
ASC # 53171

14.	Kifayatullah Khan	B.Sc Civil M.Sc (Civil)	14.02.1969	Bannu	16.09.1993	30.08.2010	
15.	Abdur Rahim	B.Sc Civil M.Sc (Civil)	25.08.1965	Bannu	16.09.1993	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 16.03.2011 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.	Junaid Hafeez	B.Sc Civil	01-01-1984	Peshawar	23-09-2011	23-09-2011	

JAVED IQBAL GULPHELA
Advocate
Supreme Court of Pakistan
JASC # 53174

To,

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

Subject: CORRECTION OF SENIORITY

Sir,

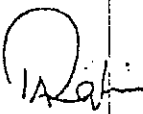
With due respect it is submitted:-

- 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(Estt)/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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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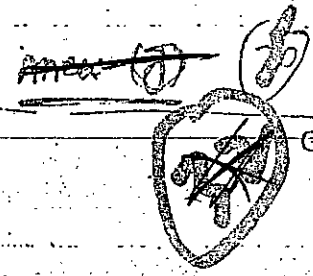
~~Annexure I~~
Annexure I

31

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GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG DEPARTMENT

Dated Peshawar, the May 31, 2012

NOTIFICATION

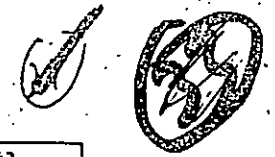
No.SO(Estt)/PHE/13-1/77-B/2012 In pursuance of Section 8 (5) of the NWFP Civil Servants Act 1973, the final Seniority of Assistant Engineers/Assistant Design Engineers/Sub Divisional Officers (BPS-17) of the Public Health Engg: Department, as it stood on 31-12-2011, is notified as detailed below:-

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	26-04-1983	26-04-1983	
2.	Hikmat Sner	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	23-03-1974	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	12-01-1966	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	

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

2

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14.	Abdur Rahim	B.Sc Civil M.Sc (Civil)	25.08.1965	Bannu	16.09.1993	16.09.2008	Their acting charge applications have been regularized w.e.f. 15.09.2003 in compliance with the Judgment of Supreme Court of Pakistan dated 16.03.2011 in Civil Petitions Nos. 433 & 437-P of 2002.
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 Haem	B.Sc Civil	19-01-1986	Swabi	09.09.2010	09.09.2010	
24.	Yousaf Khan	B.Sc Civil	01-03-1969	Swat	16-09-1993	03-05-2011	
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	

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC 7-5377)

2

33

34

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 Ikram	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

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)

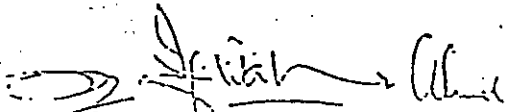
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
 PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the May 31, 2012

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


 (MIRZA IFTIKHAR AHMED)
 DEPUTY SECRETARY (ADMN)



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To

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-11)/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, **YAVED IQBAL GULBELA**
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(ENGR. ABDUL RAHIM)
B.Sc Civil Engineering
M.Sc Civil Engg (Environment)
Assistant Engineer PHE Department

Dated 26-06-2012.

2



(35)

Amir ✓ (36)

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

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 read with 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:-

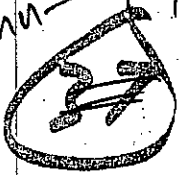
1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Special Assistant to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Secretary E&A Department Khyber Pakhtunkhwa Peshawar.
4. Accountant General Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
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.

JAVED IQBAL GULBELA
Advocate

Supreme Court of Pakistan
(ASC # 5317)

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

36

~~Ann - HQ L/2~~
Ann - HQ L/2


To

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

Subject: REPRESENTATION AGAINST THE NOTIFICATION NO. SO(ESTT)/PHED/1-77/2013 DATED 12.09.2013.

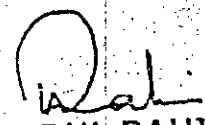
Respected Sir,

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



37

1. ~~Ann-M~~
Ann-M

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.

Es-P ✓ 4. Shahzada Behram, Executive Engineer,
Public Health Engineering Division,
Dir Upper.....Respondents

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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

AYED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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).

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(44)

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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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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-0) direct gradate Sub-

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5377)

47

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.

ABDUL GULBELA
Advocate
Supreme Court of Pakistan
ASC # 53171

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

[Signature]
Appellant

Through

[Signature]
Muhammad Isa Khan
&

[Signature]
Akhter Ilyas
Advocates, Peshawar

Dated: 06/01/2016

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

49

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2014

Abdul RahimAppellant

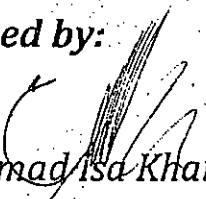
Versus

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(Annexure) G

(ANNEXURE - I)

(Annexure N₁)

38

Government of N.W.F.P.
Services, (Genl. Adm., Tourism & Sports
Department.

NOTIFICATION

Dated Peshawar the 30th April 1979.

SORI(S&OAD)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 Adm. Deptt.

Encl: No. SORI(S&OAD)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&OAD.
10. Manager, Govt. Printing Press Peshawar for publication in the Government Gazette. He is requested to supply 50 copies of the printed notification.

(Signature)
Administrative Officer,
Office of the Secy. General,
Public Health, Tourism & Sports
N.W.F.P. Peshawar.

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

2

BETTER COPY NO 50

Government of N.W.F.P
Services, Conl: Admin tourism & 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 in pleased to make the following les namely :

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

- (1) These rules may be called the North West Frontier Province Irrigation and Public Health Engg: Department (Recruitment and Appointment) Rules 1979.
- (2) They all come into force at once.
- 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 Admni Deptt:

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

Copy forwarded to the

- All Administrative Secretaries to Government of NWFP
- All Divisional Commissioners in N.W.F.P
- Secretary to Governor, NWFP
- Secretary, NWFP Public Service Commission, Peshawar.
- All Heads of attached Departments in NWFP.
- All Deputy Commissioners/Political agents in NWFP.
- All District & Session Judges in NWFP.
- Registrar, High Court NWFP Peshawar.
- All Section Officers in the S&GAD.
- Manager, Govt. Printing Press Peshawar for publication in the Government Gazette, he is requested to supply 50 copies, of the printed notification.

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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

5

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	Minimum	Maximum	
2	3	4	5	6	7

POSTS COMMON TO IRRIGATION AND PUBLIC HEALTH ENGG. DEPARTMENT

- Superintending Engineer.
- Executive Engineer.

MAVED JOMERIL GUMBELA
 1. Associate Engineer
 2. M.S.C. (S) 10
 3. M.S.C. (S) 10

Degree in Engineering from a recognised University.

By selection on merit from amongst four senior most officers in each of Irrigation Deptt. and three in each 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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**THE NORTH WEST FRONTIER PROVINCE IRRIGATION AND
PUBLIC HEALTH ENGINEERING DEPARTMENT (RECRUITMENT AND
APPOINTMENT) RULES 1979.**

SCHEDULE

IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT.

S.No	Nomenclature of posts	Minimum Qualification		Age for initial recruitment		Method of recruitment
		By initial recruitment or by transfer	By promotion	Minimum	Maximum	
1	2	3	4	5	6	7
POSTS CONSIGN TO IRRIGATION AND PUBLIC HEALTH DEPARTMENT						
1.	Chief Engineer.					By selection on merit from amongst four senior most officers in case of Irrigation Deptt and there in case of Public health Engg Deptt: with at least seventeen years' experience as Govt Servant Seniority being considered only in the case of office of practically the same standard merit.
2.	Superintendent Engineer		Degree in Engineering. From a recognized University			By selection on merit from amongst the Executive Engineers or holders of equivalent posts in the Deptt: concerned, in which the vacancy occurs, which at least twelve year service in grade-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.
3.	Executive Engineer					By selection on merit with due regard to seniority from amongst Assistant Engineers of the Deptt: concerned in which vacancy occurs with at least five year service as such.

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)

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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 Uny. 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 atleast 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					

Supreme Court
MADRAS
ASST. SEC. (S)

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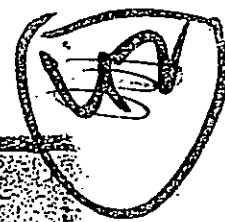
1	2	3	4	5	6	7
1. Assistant Engineer.		Degree in Civil/ Electrical or Mechanical Engg: From a recognized University, as may be Specified by Govt for the respective post.	Degree or Diploma in Engg: from a recognized Uny: or Institute, as specified to column 6	21 years	30 years	<p>a) seventy percent by initial recruitment and</p> <p>b) Ten percent by promotion on the basis of seniority-cum-fitness from amongst Sub Engineer of the Deptt: where the vacancy occurs, who hold degree in Engineering, provided that for the purpose of this clause, seniority of Sub Engineer 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 y 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 <u>Departmental Examination</u> and have at least ten year 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>
3. Senior Scale Sub-Engineer Degree in			Diploma in Engg: from a recognized Institute			
6. Administrative officer / Budget & Account Officer						

JAVED IFTIKHAR GULBEHA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)

BETTER COPY NO 53

1	2	3	4	5	6	7
	<p>MERITS IN IRRIGATION DEPARTMENT</p> <p>Canal Collector \</p> <p>(A) Asstt: Land Reclamation Officer.</p> <p>(B) Deputy Collector</p> <p>(C) Assistant Accounts Officer</p>					<p>By selection on merit with due regard to seniority:-</p> <p>1) from amongst the holder of the post of Asstt: Land Reclamation officer, or</p> <p>ii) If no suitable Asstt: Land Reclamation officer is available from amongst the holders of the post of Deputy Collectors in the Irrigation Department.</p> <p>By the selection 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.</p> <p>By selection on merits 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.</p>

JAVED IZZAT QURESHI
 Advocate
 Supreme Court of Pakistan
 (ASC # 5117)



2	3	4	5	6	7
1) Zilladar	Degree from a recognised University	-	21 years	25 years	a) Seventy-five percent by initial recruitment through NWFP 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.
2) Asst. Engineers	Diploma in Engg. from a recognised Institute of Pakistan.	-	18 years	25 Years	By initial recruitment.
POSTS IN PUBLIC HEALTH ENGG. DEPARTMENT					
3) Research Officer	M.Sc in Microbiology or Chemistry from recognised University	-	24 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.
4) Sr. Research Officer	B.Sc in Microbiology or Chemistry from a recognised University	-	21 years	30 years	By initial recruitment.

SM

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BEWA

Amir

BETTER COPY NO 54

1	2	3	4	5	6	7
1. Zilladar		Degree from a recognized University.		21 years	25 years	a) Seventy five percent by initial recruitment through NWFP Public Service Commission and b) Twenty five percent by promotion on the basis of seniority-cum-fitness from amongst the holder of post of Vernacular Clerk with minimum academic qualification of F.A from a Board of Intermediate & Secondary Education and at least five year service as such. By initial recruitment. i) 50(fifty) percent by initial recruitment and ii) Fifty percent by selection on merits with due regard to seniority from amongst the holders of the post of Asstt: Research Officer with at least three year experience as such. By initial recruitment.
2. Sub-Engineer.		Diploma in Engg: from a recognized institute of Pakistan		18 years	25 years	
<u>POSTS IN PUBLIC HEALTH</u>		<u>ENGG: DEPARTMENT</u>				
3. Research Officer		M.Sc in Microbiology or Chemistry from recognized University.		21 years	30 years	
4. Asstt: Research Officer		B.Sc in Microbiology or Chemistry from a recognized University.		21 years	30 years	

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)



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Annex A/2
GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/13-177.
Dated Peshawar, the October 3, 2013.



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.


Encs: As above.

ENDST: OF EVEN NO. & DATE

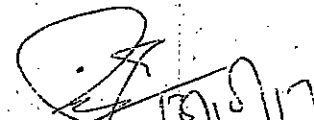

(JAUHAR ALI SHAH)
SECTION OFFICER (ESTT)

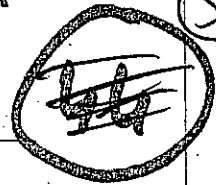
Copy forwarded to the:-

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


Fr. m. a.

JAVED IQBAL GULBEA
Advocate
Supreme Court of Pakistan
(SASC # 5317)


SECTION OFFICER (ESTT)



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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

JAVED IOBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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)

(Eng. 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)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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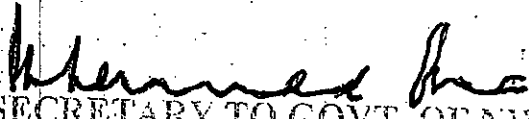
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GOVERNMENT OF N.-W.F.P.
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the, January, 19, 2007

NOTIFICATION

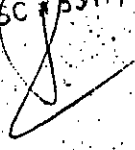
No.SOE/W&S/8-12/2002:- In pursuance of the provision contained in sub-rule (2) of the rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion Transfer) Rules, 1989, and in supersession of Communication and Works Department (Recruitment and Appointment) Rule, 1979, the Works 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 NWFP
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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



(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)	K		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 hold a diploma (civil) and have passed Department Professional Examination. <p>Note 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.

JAVED IQBAL GULBELA
 Supreme Advocate
 Supreme Court of Pakistan
 (ASC#5317)

Muhammad Ali

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SCHEDULE II

1 Name of the post	2 Minimum qualifications require for appointment	3 Age limit	4 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 (BS-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	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.

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JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Muhammad Raza
SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

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Amir AF

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.158/2014

Mr. Abdur Rahim,
Executive Engineer,
Public Health Engineering Division Dir Lower.....Appellant

VERSUS

- 1. Secretary to Govt. of KPK,
PHE Department
- 2. Chief Engineer,
PHE KPK Peshawar
- 3. Amij-Muhammad,
XEN PHE Division Charsadda
- 4. Shahzadā Behram,
XEN PHED

..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

Respectfully Sheweth,

Preliminary Objections

- 1. That the appellant has got no locus standi.
- 2. That appellant is estopped due to his own conduct.
- 3. That the appellant has not come to this Honorable Tribunal with clean hands.
- 4. The appeal is time barred.
- 5. The appellant is barred by law.
- 6. The appeal is not maintainable in its present form.
- 7. The appeal is bad for mis-joinder/non-joinder of necessary parties.

Facts of the case

- 1. Correct.
- 2. Pertains to record.
- 3. Correct.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

↑
Amir

(2)

4. Correct to the extent that on recommendation of the Departmental Promotion Committee, the case was re-examined by the Chief Engineer, Deputy Secretary (Admn) and Section Officer (Estt-II) Works & Services Department and recommended the appellant for promotion to the post of Sub Divisional Officer (B-17) on Acting Charge Basis, Which was done accordingly. However, on the decision of the Supreme Court of Pakistan dated 16-03-2011, the acting charge appointment was regularized w.e.f 16-09-2008 and seniority of the appellant was fixed at proper place.
5. Correct.
6. Correct to the extent that this department order dated 16-09-2008 was modified to the extent that the acting charge appointment of the direct Graduate Sub Engineers was treated on regular basis w.e.f 16-09-2008.
7. As mentioned in Para 6 above, the appellant was regularized as SDO (BPS-17) from 16-09-2008, therefore, decision of the Supreme Court of Pakistan has been implemented in toto. There is no mention of giving seniority to the appellant vide Supreme Court order quoted in Para 4 above. The seniority of the appellant has rightly been placed in his relevant position.
8. As already explained in the preceding paras, the acting charge appointment of the appellant as SDO (BPS-17) was regularized w.e.f 16-09-2008 in view of the decision of the Supreme Court of Pakistan dated 16-03-2011 and his seniority was fixed at proper place.
9. Appeal / representation for the correction of seniority of the appellant was considered by the department and filed as it had no weightage.
10. No comments.
11. Not correct. Respondents No.3 & 4, being seniors than the appellant, were regularized on the posts of Executive Engineer (BPS-18) as they were promoted to the post of SDO (BPS-17) on regular basis on 25-03-2008 whereas the appellant was regularized as SDO (BPS-17) w.e.f. 16-09-2008.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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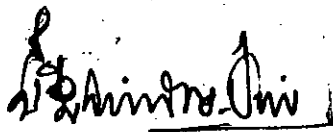
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12. Appeal of the appellant was considered by the department and filed as it had no weightage. The appellant was not considered for promotion to the post of Executive Engineer (BPS-18) on regular basis as the required length of his service in BPS-17 was not completed at that time.

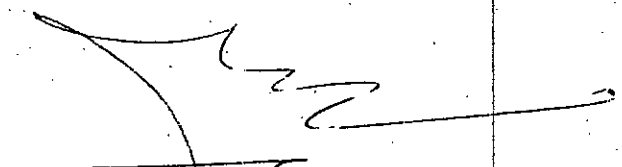
GROUND

- A. Incorrect. That the appellant has been dealt with in accordance with law and rules.
- B. Incorrect. As already explained in the preceding paras, the acting charge appointment of the appellant was regularized w.e.f 16-09-2008 in view of the decision of the Supreme Court of Pakistan dated 16-03-2011 and his seniority was fixed at proper place. Respondents No. 3 & 4 stands senior to the appellant as they were promoted as SDOs (BPS-17) on regular basis w.e.f. 25-03-2008.
- C. Not correct. According to the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the inter-se-seniority of civil servants shall be reckoned from the date of their regular appointment/promotion. The seniority of the appellant and all concerned has been fixed as per the ibid rules.
- D. Not correct. As stated in Clause-C above.
- E. The appellant has made appeal against the Notification dated 12-09-2013 which is badly time barred. The respondents also seek permission to raise additional grounds at the time of arguments.

In view of the position explained above, the appeal of the appellant may be dismissed with cost.



**SECRETARY PHE DEPARTMENT
GOVT. OF KHYBER PAKHTUNKHWA
(Respondent No.1)**



**CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING
KHYBER PAKHTUNKHWA
(Respondent No.2)**

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.158/2014

Mr. Abdur Rahim,
Executive Engineer,
Public Health Engineering Division Dir Lower.....Appellant

VERSUS

- 1. Secretary to Govt. of KPK,
PHE Department
- 2. Chief Engineer,
PHE KPK Peshawar
- 3. Amil Muhammad,
XEN PHE Division Charsadda
- 4. Shahzada Behram,
XEN PHED

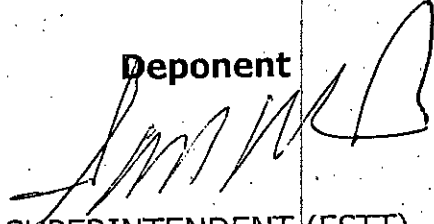
..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

AFIDAVIT

I, Mohammad Iqbal, Superintendent (Estt) PHED Peshawar, do hereby solemnly declare that contents of the Para-wise comments are correct to the best of my knowledge and record and nothing has been concealed from this honourable Court.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5217)

Deponent

SUPERINTENDENT (ESTT)
PHE DEPARTMENT

Identified by

Senior Government Pleader
KPK Service Tribunal Peshawar

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(65)

**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 NWFP
WORKS & SERVICES DEPARTMENT**

Endst of even No. & Date

- JA 152/11
- 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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASE # 5317)

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

66

Head ~~can 15~~ 10/17

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 158 /2016

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,

JAVED GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

67 (2)

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

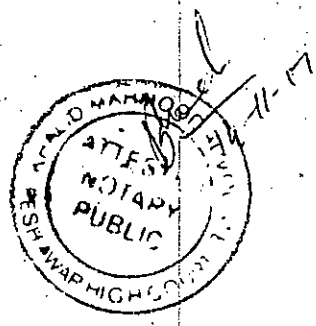
&

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



JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

SCHEDULE I

Nomenclature of post	Minimum qualification required for appointment	Age Limit	Method for recruitment
2	3	4	5
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 hold a diploma (civil) and have passed Department Professional Examination. <p>Note 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.

JAVED IQBAL GULBELA
 Supreme Advocate
 Supreme Court of Pakistan
 (S.C # 5317)

Muhammad Iqbal
SECRETARY TO GOVT. OF NWFP

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SCHEDULE II

1. Name of the post	2. Minimum qualifications require for appointment	3. Age limit	4. 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 (BS-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	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.

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)

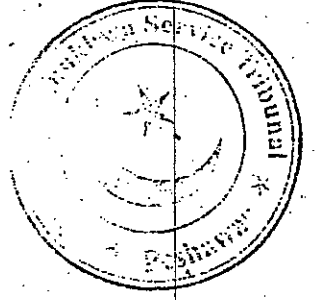

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

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B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 158 /2014

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

16/10-2-2014

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

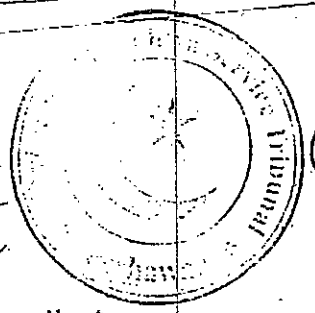
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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ATTESTED

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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

self
(Gulzeel Khan) (M. Hammad Mughel)
Member Member

Certified to be true copy

Javed Iqbal Gulbela
Advocate
Feshawar

Date of Presentation 06-11-17
Date of Disposal
Date of Judgment
Date of Appeal
Date of Hearing
Date of Decision
Date of Execution
Date of Enforcement

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1150/2012

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,

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASG # 5317)

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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

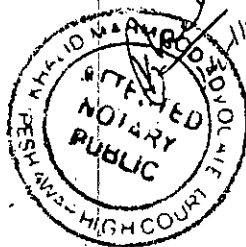
Muhammad Isa Khan Khalil
Advocate Supreme Court

&

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.



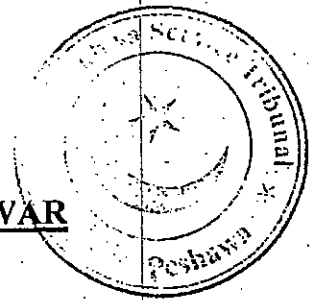
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Deponent

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S. Appeal No. 1150 /2012

M. W. J. Feroze
Secretary
No. 1192
Dated 22/10/12

Abdul Rahim
Executive Engineer (Acting Charge)

PHE Division Haripur..... Appellant

Versus

1. Govt. of KPK, through Secretary Public Health Engineering Department, Peshawar
2. Chief Engineer, Public Health Engineering Department KPK, Peshawar
3. Amil Muhammad XEN (Acting Charge) PHE Division Kohat
4. Shahzada Behram XEN (Acting Charge) PHE Division Tor Ghar
5. Kifayat Ullah XEN (Acting Charge) PHE Division Buner

..... Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 FOR MAKING CORRECTION IN THE NOTIFICATION/FINAL SENIORITY LIST OF SUB DIVISIONAL OFFICERS (BPS-17) DATED 31.05.2011 AND PLACING NAME OF THE APPELLANT AT CORRECT A PROPER PLACE.

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Respectfully Sheweth;
Grounds of Appeal:-

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

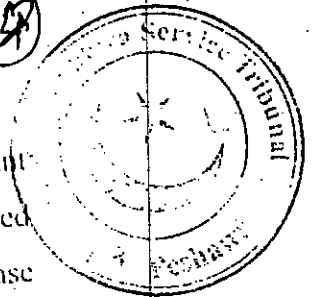
1. That the appellant was initially inducted as Sub-Engineer in BPS-11 in the respondent-department vide order dated 16.09.1993. (Annex "A")

ATTESTED

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Appeal No. 1150/2012
Abdul Rahim vs Govt

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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 & 5 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-
(Gulzeb Khan) (M. Hameed Mughal)
Name
Name

Certified
copy
Khan
Faisalabad

Date of ... 06-11-17
... 6-
... 6-
... 13-11-17
... 13-11-17

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.158/2014

Mr. Abdur Rahim,
Executive Engineer,
Public Health Engineering Division Dir Lower.....Appellant

VERSUS

1. Secretary to Govt. of KPK,
PHE Department
2. Chief Engineer,
PHE KPK Peshawar
3. Amil Muhammad,
XEN PHE Division Charsadda
4. Shahzada Behram,
XEN PHED

..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has got no locus standi.
2. That appellant is estopped due to his own conduct.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. The appeal is time barred.
5. The appellant is barred by law.
6. The appeal is not maintainable in its present form.
7. The appeal is bad for mis-joinder/non-joinder of necessary parties.

Facts of the case

1. Correct.
2. Pertains to record.
3. Correct.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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4. Correct to the extent that on recommendation of the Departmental Promotion Committee, the case was re-examined by the Chief Engineer, Deputy Secretary (Admn) and Section Officer (Estt-II) Works & Services Department and recommended the appellant for promotion to the post of Sub Divisional Officer (B-17) on Acting Charge Basis, Which was done accordingly. However, on the decision of the Supreme Court of Pakistan dated 16-03-2011, the acting charge appointment was regularized w.e.f 16-09-2008 and seniority of the appellant was fixed at proper place.
5. Correct.
6. Correct to the extent that this department order dated 16-09-2008 was modified to the extent that the acting charge appointment of the direct Graduate Sub Engineers was treated on regular basis w.e.f 16-09-2008.
7. As mentioned in Para 6 above, the appellant was regularized as SDO (BPS-17) from 16-09-2008, therefore, decision of the Supreme Court of Pakistan has been implemented in toto. There is no mention of giving seniority to the appellant vide Supreme Court order quoted in Para 4 above. The seniority of the appellant has rightly been placed in his relevant position.
8. As already explained in the preceding paras, the acting charge appointment of the appellant as SDO (BPS-17) was regularized w.e.f 16-09-2008 in view of the decision of the Supreme Court of Pakistan dated 16-03-2011 and his seniority was fixed at proper place.
9. Appeal / representation for the correction of seniority of the appellant was considered by the department and filed as it had no weightage.
10. No comments.
11. Not correct. Respondents No.3 & 4, being seniors than the appellant, were regularized on the posts of Executive Engineer (BPS-18) as they were promoted to the post of SDO (BPS-17) on regular basis on 25-03-2008 whereas the appellant was regularized as SDO (BPS-17) w.e.f. 16-09-2008.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

12. Appeal of the appellant was considered by the department and filed as it had no weightage. The appellant was not considered for promotion to the post of Executive Engineer (BPS-18) on regular basis as the required length of his service in BPS-17 was not completed at that time.

GROUND

- A. Incorrect. That the appellant has been dealt with in accordance with law and rules.
- B. Incorrect. As already explained in the preceding paras, the acting charge appointment of the appellant was regularized w.e.f 16-09-2008 in view of the decision of the Supreme Court of Pakistan dated 16-03-2011 and his seniority was fixed at proper place. Respondents No. 3 & 4 stands senior to the appellant as they were promoted as SDOs (BPS-17) on regular basis w.e.f. 25-03-2008.
- C. Not correct. According to the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the inter-se-seniority of civil servants shall be reckoned from the date of their regular appointment/promotion. The seniority of the appellant and all concerned has been fixed as per the ibid rules.
- D. Not correct. As stated in Clause-C above.
- E. The appellant has made appeal against the Notification dated 12-09-2013 which is badly time barred. The respondents also seek permission to raise additional grounds at the time of arguments.

In view of the position explained above, the appeal of the appellant may be dismissed with cost.

**SECRETARY PHE DEPARTMENT
GOVT. OF KHYBER PAKHTUNKHWA
(Respondent No.1)**

**CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING
KHYBER PAKHTUNKHWA
(Respondent No.2)**

**JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)**



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/13-77/2022/Vol-X
Dated Peshawar, the January 02, 2023

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Am "N"

MOST IMMEDIATE

To

1. All Chief Engineers,
PHE Khyber Pakhtunkhwa Peshawar.
2. The Director (Technical),
Public Health Engg: Department Peshawar
3. All Superintending Engineers,
PHE Department, Khyber Pakhtunkhwa

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

I am directed to refer to the subject noted above and to enclose herewith tentative seniority list of Superintending Engineers (BPS-19), of the Public Health Engineering Department Khyber Pakhtunkhwa for information with the request to offer objections & omissions, if any, within one month for subsequent correction before issuance of the final seniority list.

Encl: As above.


17/2/1/22
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)

ENDST: NO & DATE AS ABOVE:

Copy forwarded to PS to Secretary PHE Department, Peshawar.


17/2/1/22
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the January 02, 2022

TENTATIVE SENIORITY LIST OF SUPERINTENDING ENGINEERS (BPS-19) PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA AS STOOD ON 02-01-2022

Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of 1st Entry in Govt. Service	Date of appointment/promotion in present grade	Remarks
1.	Rehan Gul	B.E (Civil)/ Master of Engg: in Civil Engg:	22-03-1963	Kohat	01-10-1987	13-12-2022	The officer is promoted in last PSB and he retained his original seniority.
2.	Muhammad Yousaf	B.E (Civil)	27-03-1966	D.I. Khan	01-08-1992	21-01-2021	
3.	Sohail Ahmed Khan Alizai	B.E (Civil) SMC	15-02-1968	Haripur	12-01-1994	21-01-2021	
4.	Walayatullah Khan	B.E (Civil) SMC	28-03-1968	South Waziristan	12-01-1994	21-01-2021	
5.	Muhammad Amjad Shamsher	B.E (Civil) ii. M.Sc (Envir Engg) iii. Diploma in Procurement & Supply Chain Management (DP&SCM) (SMC)	18-04-1969	Bannu	12-01-1994	05-08-2021	
6.	Shahid Mehmood	B.E (Civil)	27-04-1972	Mansehra	15-11-1997	05-08-2021	
7.	Irshad Khan	B.E (Civil)	15-04-1968	Mohmand Agency	15-11-1997	05-08-2021	
8.	Amil Muhammad	B.Sc (Civil)	12-01-1966	FR Bannu	07-04-1986	11-01-2022	He was deferred by the PSB in its earlier meetings. He was promoted to BPS-19 and he retained his original seniority.
9.	Shahzada Behram	B.Sc (Civil)	04-11-1963	Mardan	08-10-1987	05-08-2021	
10.	Kifayatullah Khan	B.Sc (Civil) M.Sc (Civil)	14-02-1969	Bannu	16.09.1993	13-12-2022	
11.	Abdul Rahim	B.Sc (Civil)/M.Sc (Environmental Engg)	25.08.1965	Bannu	16.09.1993	05-08-2021	

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Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Seniority No	Name	Academic Qualification	Date of birth	Domicile	Date of 1st Entry in Govt. Service	Date of appointment/ promotion in present grade	Remarks
12.	Khan Muhammad Khan	B.Sc (Civil)	02.04.1968	N.W.A	16.09.1993	22-07-2022	
13.	Nir Adam Khan	B.Sc (Civil)	28-02-1966	FR Bannu	17-10-1987	05-08-2021	
14.	Shaukat Rahman	B.E (Civil) M.Sc(Water Supply Engineering) The Netherlands M.Sc (Project Management)	31-07-1968	Haripur	09-02-1995	13-12-2022	The seniority of the officer has been fixed due to major penalty of demotion to lower grade for one year.
15.	Yousaf Khan	B.Sc (Civil)	01-03-1969	Swat	16-09-1993	13-12-2022	

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Public Health Engg. Deptt

SECY PHED

Dairy No. 3412

Dated 31-01-2023

Subject: Appeal for Correction in The Tentative
Seniority of BPS-19 officers (Superintending
Engineers) P.H.E. Deptt. notification vide
SO (ESTT) / PHED / 13-77 / 2022 / Vol - X, dt 02/01/2023

Respected Sir;

With due respect it is submitted

- 1) A judgment has been given on 16-03-2011 by the honourable Supreme Court of Pakistan regarding the seniority of the applicants (Annexure A)
- 2) In compliance with the judgment of honourable Supreme Court of Pakistan dated 16-03-2011 the Secretary PHE Deptt issued notification 06-03-2011. (Annexure B), but not implemented
- 3) A judgment has also been given by honourable Khyber Pakhtunkhwa Services Tribunal Peshawar on 17-07-12 under appeal No 102 filed by appellant Mr. Kifayatullah Khan (Annexure C)
- 4) Under Service appeal No. 1150/2012, the case is under trial in the honourable Services Tribunal Peshawar.

It is, therefore, requested that I may please be given the right place in the seniority list at serial No. 8 in compliance with the decision of honourable Supreme Court of Pakistan

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Yours Sincerely
Engr. Abdul Raziq
Superintending Engineer PHE

Dated 30-01-2023

وکالت نامہ

بعدالت: صاحب کسٹریوشن

مہر الرحیم بنام

منجانب رسیدگی دعویٰ سرسک ریلوے 1150/12

تاریخ

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام کیلئے جاوید اقبال گل بیلہ ایڈوکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے

جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر

حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب

موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ

ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش

ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی

صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو

عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی

اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے

بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی

مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم انتہائی یا ترقی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار

نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے

واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے

ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ

التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو

صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف

کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ 2023/06/11

مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by

Signature

Signature

Signature

Abdur Rahim
(Appellant)