

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1.	2	3
	19.10.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 1608/2013 (Nazir Ahamd Khan-vs- Chief Secretary Govt: of Khyber Pakhtunkhwa Civil Secretariat Peshawar, and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p style="text-align: center;">Appellant with counsel (Mr. Ijaz Anwar and Mr. Sajid Amin, Advocates) and Mr. Muhammad Jan, GP for respondents present.</p> <p>2. Nazir Ahmad Khan, the appellant herein was appointed as Assistant Engineer in BPS-17 through Public Service Commission on 22.11.1978 and retired in the same scale (BPS-17) on 10.06.2010 on attaining the age of superannuation. For his promotion (proforma) in the next higher grade BPS-18(and above) with all back benefits; he instituted service appeal No. 1758/2009 in this Tribunal which was allowed vide judgment dated 19.01.2012 in the following terms:-</p> <p style="text-align: center;">“Consequently, on the acceptance of the appeal, the concerned authorities in the respondent-department are directed to place case of the appellant for promotion to the next higher pay scales before Provincial Selection Board (PSB) within a period of three months under intimation to the Registrar of this Tribunal. There shall, however, be no order as to costs”.</p>

Against this judgment, the august Supreme Court of Pakistan also declined leave to appeal vide its order dated 17.01.2013 and directed the respondents that order of the Tribunal be implemented. Resultantly proforma promotion case of the appellant was put before PSB. The PSB in its meeting held on 07.08.2013 regretted his case for the reason given below:-

“Before retirement a reference was received from CE(North) C&W Peshawar regarding tender of the works shown as advertised in daily Surkhab dated 21.01.2010 which on verification was found fake hence his promotion was deferred in PSB meeting held on 05.04.2010 in the meanwhile he stands retired from service on 10.06.2010 on attaining the age of superannuation and the enquiry proceedings was stopped in light of FR-54(A). The Board observed that if he was not retired from service due to attaining the age of superannuation enquiry proceedings would have initiated against him and he would not have been recommended for deferment. Flexibility of stopping departmental proceeding in the light of FR-54(A) is allowed due to attaining the age of superannuation by the officer/official. It does not mean that there is no pending enquiry against him. His PER for the period from 01.01.2006 to 28.02.2009 are not available as he was remained under suspension/dismissed from service and waiting for posting. The Board considered his proforma promotion to the post of Executive Engineer BPS-18 in pursuance of Service Tribunal Khyber Pakhtunkhwa judgment dated 19.01.2012 and august Supreme Court of Pakistan judgment dated 17.01.2013 and did not find him suitable for promotion due to his chequered service

record”.

This decision was conveyed to the appellant vide impugned order dated 11.09.2013, hence this service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for the following:-

Appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974(Amended 2013) for proforma promotion of the appellant in the next higher grade of BPS-18 and above with all back benefits while setting aside the impugned order dated 11.09.2013 whereby the PSB not found the appellant suitable, without any reason, for proforma promotions communicated to this Hon'able Tribunal vide letter No. SOE/C&WD/13-5/2009 dated September 11,2013.

3. Arguments heard and record perused.

4. Learned counsel for the appellant expressed with a heavy-heart that decision dated 07.08.2013 of the PSB was unlawful, whimsical, based on arrogance shown to the decisions of highest forums of the country dispensing justice to the aggrieved civil servants, was a lame excuse, was contrary to the facts on record, was discriminatory and against the spirit of justice. He argued that proforma promotion could not be refused to the appellant for the reason of a so called allegations of irregularity published in the Daily local news paper Surkhab. He argued that promotion could not be refused to a civil servant even on the ground of award of minor penalty, much-less on the ground of pending of any disciplinary proceedings or allegations in the newspaper. In support of his contention he placed reliance on 2000 SCMR 645, 2008 PLC(C.S)1019 and 2007 SCMR 682. He prayed that the instant appeal was competent as an unprecedented treatment had been meted out to the appellant the appeal may be accepted so that his grievances was redressed and the ends of justice were met. He rebutted the view that the instant appeal was hit by the principle of res-judicata.

5. Learned G.P resisted the appeal by submitting that in compliance with the judgment of this Tribunal dated 19.01.2012 and order of the august Supreme Court of Pakistan dated 17.01.2013 case of the appellant for proforma promotion was duly considered by PSB on its meeting on 07.08.2013 and it was not found a suitable case for promotion. He argued that the instant appeal was not maintainable and was hit by the principle of res-judicata. He submitted that the appeal may be dismissed.

6. We have gone through the record with the able assistance of learned counsel for the appellant and learned GP for the respondents and have given our anxious consideration to the arguments advanced for the parties. It was observed that prior to the impugned PSB meeting held on 07.08.2013 a working paper for promotion of the appellant was prepared on 25.03.2010 for an earlier PSB meeting and the following remarks were recorded regarding the appellant in the said working paper:-

“The PSB in its meeting held on 29.12.2009 recommended to defer his promotion on the basis of pending inquiry regarding irregularities in the construction/repair of roads in district Chitral(Annex-I). Now the officer has been exonerated from the charges leveled against him (annex-III) and is retiring from Govt. service w.e.f 11.06.2010. The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 68.57 score out of quantification of PERS”.

It further revealed from record that promotion case of the appellant was lastly considered in the PSB meeting held on 05.04.2010 and his case was deferred as some enquiry was pending against him. The above situation shows that prior to his retirement the appellant case for promotion was deferred and not ejected (superseded) in the PSB meeting on 29.12.2009 and meeting on 05.04.2010. It is

also evident from record that by that time the allegations against the appellant had already come in the Daily Surkhab, hence despite these allegations when once the Tribunal in its judgment dated 19.01.2012 which was also not interfered with by the august Supreme Court of Pakistan in its order dated 17.01.2013 directed that his case may be placed before PSB, it was evident that the said transaction became closed transaction which could not be reopened by PSB in its impugned meeting held on 07.08.2013. It is also evident that promotion case of the appellant was not rejected in the PSB meeting held on 29.12.2009 and 05.04.2010 and his case was only deferred meaning whereby that with the removal of the shortcomings lacuna appellant would be entitled for promotion. We are, therefore led to the considered view that decision of PSB in its impugned meeting held on 07.08.2013 in the above circumstances of the case, appears not to be justified and case of the appellant had not been legally and meaningfully considered as required. As a result of the fore-going, we are constrained to remit the case again to the respondent-department to be placed before PSB. Needless to mention that the PSB decision of 07.08.2013 stands set aside. Parties are however, left to bear their own costs. File be consigned to the record room.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
19.10.2016

24.3.2016

Appellant present. Mr. Muhammad Jan, GP with Saleem Shah, Supdt. for the respondents present. Appellant submitted fresh wakalatnama in respect of Mr. Ijaz Anwar, Advocate, which is placed on file. Appellant requested to produce his counsel on the next date. To come up for arguments on 21-7-16


MEMBER


MEMBER

21.07.2016

Appellant with counsel and Mr. Saleem Shah, Supdt alongwith Asstt: AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 17.10.2016.


Member


Member

7.
08.12.2014

Appellant in person and Mr. Mukhtiar Ali, Supdt. for respondent No. 5 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 09.02.2015.


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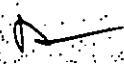
8. 09.02.2015


Appellant in person and Mr. Saleem Shah, Supdt. for respondents alongwith Addl. AG present. Written reply submitted. The case is assigned to D.B for rejoinder as well as final hearing for 10.08.2014.


Chairman

9. 10.08.2015

Appellant in person and Mr. Saleem Shah, Supdt for respondents alongwith Muhammad Jan, GP present. Rejoinder submitted. To come up for arguments on 10-11-2015

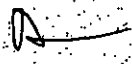

Member


Member

10. 10.11.2015

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Appellant submitted an application for adjournment. Application allowed. The case is adjourned to

24-3-2016 for arguments.


Member


Member

Appeal No. 1608/2013.
Mr. Nazir Ahmad Khan.

4. 19.03.2014

Counsel for the appellant present and moved an application that his second prayer in the memo of appeal may graciously be considered instead of first prayer. Application accepted. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 11.09.2013, he filed departmental appeal on 12.09.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 13.12.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 04.06.2014.

Appellant Deposited
Security & Process Fee
Rs. 24,000/- Bank
Receipt is Attached with File.

Member

5. 19.03.2014

This case be put before the Final Bench 2 for further proceedings.

Chairman

4.6.14

The Hon.ble bench is on
leave, Resone, case is agreed
Pb 26.8.14.

6. 26.08.2014

Appellant in person, M/S Sultan Shah, Assistant for respondents No. 1 to 4, Mukhtiar Ali, Supdt. for respondent No. 5 and Saleem Shah, Supdt. for respondent No. 6 with AAG present. Written reply has not been received. To come up for written reply/comments on 08.12.2014.

CHAIRMAN

POWER OF ATTORNEY

In the Court of Wahab Paktun Khwa Service Tribunal
Nazeer Ahmad Khan } For Peshwa
 } Plaintiff
 } Appellant
 } Petitioner
 } Complainant

VERSUS

Govt of PK others. } Defendant
 } Respondent
 } Accused

Appeal/Revision/Suit/Application/Petition/Case No. 1608/2013 of
 Fixed for 24/3/2016

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshwa to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

*Accepted
Sajid Amin*

SAJID AMIN
ADVOCATE HIGH COURT
Legal Advisor Services & Labour Laws Consultants
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 03339155956

Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

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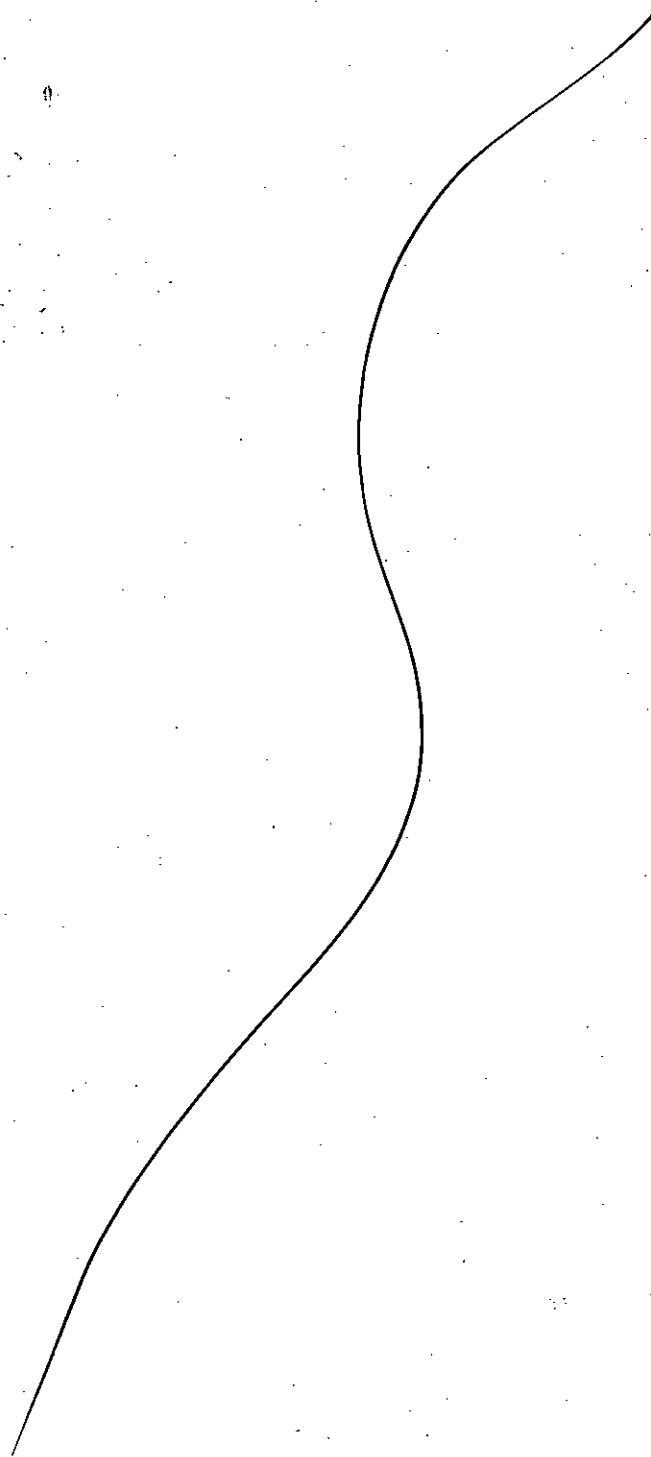
14.02.2014

Appellant in person present and requested for adjournment.

To come up for preliminary hearing on 19.03.2014.




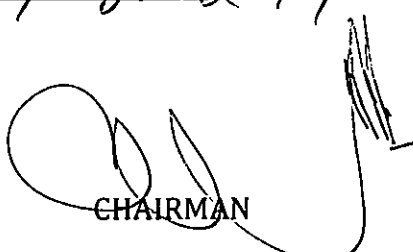
Member



Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1608/2013

S.No	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/12/2013	<p>The appeal of Mr. Nazir Ahmad Khan presented today by Mr. Javed A. Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-2-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	19-12-2013	

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

S.A. No. 1608 /2013

Nazir Ahmad Khan _____ Appellant

Versus

Provincial Selection Board through

Chief Secretary Govt. of KPK and other members _____ Respondents

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S. No.	Description of Documents	Annexure's Pages
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S. No.	Description of Documents	Annexure's Pages
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Dated: 13 /12/2013


Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

S.A.No. 1608 /2013

K.P. Prov
1644
dated 13-12-13

Nazir Ahmad Khan

Retired Deputy Director Works and Services, Chitral.....**APPELLANT**

VERSUS

- 1) The Chief Secretary Government of Khyber Pakhtunkhwa Civil Secretariat Peshawar Chairman P.S.B.
- 2) The Additional Chief Secretary Government of KPK Civil Secretariat Peshawar Member P.S.B.
- 3) The Secretary S & G.A.D department Government of KPK Civil Secretariat Peshawar..... Member P.S.B.
- 4) The Secretary Establishment Government of KPK Civil Secretariat Peshawar Member P.S.B.
- 5) The Senior Member Board of Revenue Government of KPK Civil Secretariat Peshawar Member P.S.B.
- 6) The Secretary C&W department Government of KPK Civil Secretariat Peshawar Member P.S.B.

.....**RESPONDENTS**

(1) APPEAL FOR THE IMPLEMENTATION OF THIS HONOURABLE COURT DECISION DATED 19-1-2012 (GRANTING THE APPELLANT PROFORMA PROMOTION FROM GRADE 17 TO 18 W.E.F 8-2-2003 AND FROM GRADE 18 TO 19 W.E.F 31-12-2008 WITH ALL BACK BENEFITS, DATES WHILE JUNIORS WERE PROMOTED) AS AGAINST THE DECISION OF THIS COURT'S SAID ORDER DATED 19-1-2012 NO ORDER FROM THE AUGUST SUPREME COURT EXISTS.

Handwritten:
13/12/13

(2) APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 (AMENDED 2013) FOR PROFORMA PROMOTION OF THE APPELLANT IN THE NEXT HIGHER GRADE OF BPS-18 AND ABOVE WITH ALL BACK BENEFITS WHILE SETTING ASIDE THE IMPUGNED ORDER DATED 11.09.2013 WHEREBY THE P.S.B NOT FOUND THE APPELLANT SUITABLE, WITHOUT ANY REASON, FOR PROFORMA PROMOTIONS COMMUNICATED TO THIS HONOURABLE TRIBUNAL VIDE LETTER NO.SOE/C&WD/13-5/2009 DATED SEPTEMBER11, 2013.

Respectfully Sheweth;


- 1) That the appellant, a Civil Engineer, now since retired, joined the then B&R now C&W department as SDO through Public Service Commission in Grade-17 on 22-11-1978.
- 2) That the appellant since then was serving the Department having record recommended regularly for promotion in every ACR.
- 3) That the appellant was temporarily promoted in own pay scale as XEN on 11.10.1999 against vacant post till 25.03.2000 as Design Engineer in Malakand Division in the office of Director. His temporary promotion was further maintained as mentioned in the following postings.
 - (i) XEN District Chitral w.e.f. 25-3-2000 to 3-2-2002.
 - (ii) Design Engineer office of Chief Engineer (April 2002 to August 2003).
 - (iii) XEN District Chitral (August 2003 to April 2006).
 - (iv) XEN District Chitral (March 2009 to June, 2010)

- 4) That on 04.12.2002, the then Secretary Works fabricated a false case against the appellant and imposed minor penalties and then Juniors were promoted leaving the appellant.
- 5) That the appellant filed two appeals before the Hon'ble NWFP Service Tribunal, Peshawar vide Appeal No.984/2003 and 598/2003 against the minor penalties and promotion of the juniors respectively.
- 6) That both the aforementioned appeals were pending before the Hon'ble KPK Service Tribunal while vide letter No.SOE-I/W&S/1-6/78 dated Peshawar the 5.5.2005 by Secretary Works & Services through Section Officer (Estt-I) the appellant was informed that the appeal already submitted to the Hon'ble Chief Minister has been accepted subject to the condition that the appellant should withdraw his appeals aforementioned, in the KPK Services Tribunal against the imposition of said minor penalties and promotion of juniors. (Copy of the letter is annexed). P-37.
- 7) That consequently due to the said letter, the appellant submitted an application before the Hon'ble KPK Service Tribunal, Peshawar dated 07.05.2005 for withdrawal of both the aforementioned appeals. P-38.
- 8) That the Hon'ble KPK Services Tribunal was pleased to allow the appellant and withdraw the appeals vide order dated 31.05.2005. (Copy of the orders is annexed). P-40-41.
- 9) That however, the then Hon'ble Chief Minister was pleased to withdraw the above mentioned penalties imposed upon the appellant vide his order NO.SOE-I/W&S/1-6/78 dated 9.6.2005 but matter of promotion of the appellant to the higher grade was kept pending instead of promise as mentioned above. (Copy of the order is annexed). P-42.
- 10) That the only reason for withholding of promotion of the appellant was the stigma created by the aforementioned minor penalties and thus the appellant was, therefore, entitled to his due promotion as required under the law and circumstances of the case.

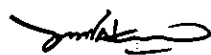
- 11) That the appellant was much senior when seniority list of Assistant Engineers was promulgated on 1.6.2002 where the appellant stood at serial No.1 i.e. on the top of the list for promotion to the next higher grade i.e. grade-18. (Copy of the seniority list is annexed). P-15-17.
- 12) That unfortunately during this period, vide notification NO.SOE-I/W&S/4-5/75 dated 08.02.2003 officers junior to the appellant twenty in numbers were promoted from grade-17 to grade-18 but the appellant was left though being senior most. Vide notification No.SOE-I/W&S/4-5/2004 dated 23.12.2004, 30 more junior officers were promoted from grade-17 to grade-18 and the appellant again was ignored. (Copies of the notifications are annexed). P-35-36.
- 13) That vide Notification NO.SOE-I/W&SD/4-53/70 dated 31.12.2008 the said junior officers previously promoted from grade-17 to grade-18 were further moved-over from grade-18 to grade-19. The said officers were much junior than the appellant. (Copy of the notification is annexed). P-46-47.
- 14) That because of the assurance by the then Chief Minister, that the appellant will be promoted, the appellant withdrew his service appeals from the Hon'ble NWFP Services Tribunal, Peshawar and waited for blessing of the Govt. till date, however, with no fruitful results.
- 15) That by all these facts narrated above it is clear that the appellant time and again was subjected to humiliation by the department, however, nothing could be found against the appellant and thus he remained in service but without his due right i.e. right of promotion.
- 16) That being greatly dishearted and disappointed the appellant again knocked the door of this court submitting an appeal under No. 1758/2009. (copy attached) P-52-59.

- 17) That the appeal filed before this Hon'ble Tribunal as mentioned above under No. 1758/2009 was decided dated 19.01.2012 deciding all the merits of the case, discussing all the aspects and finally accepting the appeal of the appellant for proforma promotion from the due dates directing the respondents to take up the promotion of the appellant in P.S.B. within three months. (Copy attached) P-9-14.
- 18) That the respondent department filed a petition for Leave to Appeal before the august Supreme Court of Pakistan against the said decision of this Hon'ble Tribunal but the same was dismissed by the august Supreme Court vide judgment dated 17.01.2013 and the leave was refused to the department. (Copy of the judgment is annexed). P-74-75.
- 19) That however, the name of the appellant was placed before the P.S.B. on 07.08.2013 but totally disregarding the decision of this Hon'ble Tribunal the P.S.B dropped the appellant with the remarks that the appellant was found not suitable for promotion showing no cogent reasons as per letter No.SOE/C&WD/13-5/2009 dated 11.09.2013 communicated to the Honourable Service Tribunal. (Copy of the letter is annexed). P-77.
- 20) That appellant filed a Departmental Appeal on 12.09.2013 but the same has not been responded too and the time of ninety days elapsed, hence this appeal before this Hon'ble Tribunal. (Copy of appeal is annexed). P-78-82.
- 21) That the earlier decision dated 19.01.2012 of this Hon'ble Tribunal is self-explanatory and through this order the appeal of the appellant has been accepted for the proforma promotion from due dates to the next higher grades but the P.S.B officers kept their ears deaf/ took the case of the appellant as a routine. Thus the finding of P.S.B. are not sustainable in the eyes of law and the appellant is entitled to his due proforma promotions w.e.f. due dates with all back benefits.

It is, therefore, prayed that this hon'ble Tribunal may kindly order for the implementation of its order dated 19.01.2012 (proforma promotion of the appellant from Grade-17 to 18 w.e.f. 08.02.2003 and from Grade-18 to 19 w.e.f. 31.12.2008 with all back benefits i.e. the dates juniors were promoted) as against the said decision of this honourable Tribunal dated 19-1-2012 no order from the august supreme court exists.


Appellant 13.12.013

Through


Javed A. Khan
Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A.No. _____/2013

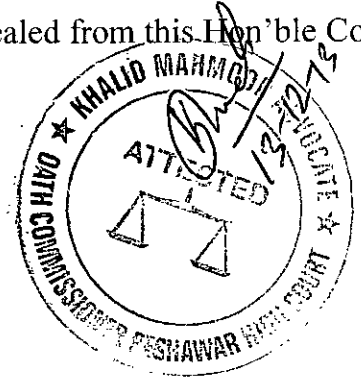
Nazir Ahmad Khan..... Appellant

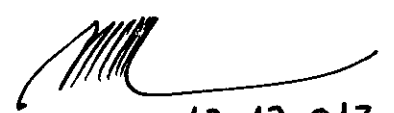
Versus

Provincial Selection Board through
Chief Secretary Govt. of KPK and another..... Respondents

AFFIDAVIT

I, Nazir Ahmad Khan Retired Deputy Director Works and Services, Chitral do hereby affirm and declare on oath 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 Hon'ble Court.




Deponent 13.12.013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A.No. _____/2013

Nazir Ahmad Khan..... Appellant

VERSUS

Provincial Selection Board through

Chief Secretary Govt. of KPK and another..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT

Nazir Ahmad Khan

Retired Deputy Director Works and Services, Chitral

RESPONDENTS:

Provincial Selection Board through:-

- 1) The Chief Secretary Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar Chairman P.S.B.
- 2) The Additional Chief Secretary Government of KPK
Civil Secretariat Peshawar Member P.S.B.
- 3) The Secretary S & G.A.D department Government of KPK
Civil Secretariat Peshawar..... Member P.S.B.
- 4) The Secretary Establishment Government of KPK
Civil Secretariat Peshawar Member P.S.B.
- 5) The Senior Member Board of Revenue Government of KPK
Civil Secretariat Peshawar Member P.S.B.
- 6) The Secretary C&W department Government of KPK
Civil Secretariat Peshawar Member P.S.B.

Appellant



13.12.013

Through



Javed A.Khan
Advocate Supreme Court

(9)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1758/2009

Date of institution 07.10.2009

Date of judgment 19.01.2012



Nazir Ahmad Khan,
Deputy Director Works and Services, Chitral (Appellant)

VERSUS

1. Government of NWFP (Khyber Pakhtunkhwa) through Secretary Works and Services Department, Peshawar.
2. Provincial Selection Board, NWFP (KPK), Peshawar.
3. Attaullah Khan, (retired) and 41 others. (Respondents)

APPEAL U/S 4 OF THE NWFP (KHYBER PAKHTUNKHWA)
SERVICE TRIBUNALS ACT, 1974 FOR PROMOTION OF THE
APPELLANT IN THE NEXT HIGHER GRADE OF BPS-18 AND
ABOVE WITH ALL BACK BENEFITS.

Mr. Javed A. Khan, Advocate For appellant.

Mr. Arshad Alam,
Additional Govt. Pleader. For official respondents.

Private respondents No. 3 to 44 deleted/placed ex-parte.

Mr. Qalandar Ali Khan Chairman
Mr. Khalid Hussain Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- Nazir Ahmad Khan, the then

Deputy Director Works and Services, Chitral (appellant) had lodged this appeal against the Government of NWFP (Khyber Pakhtunkhwa) through Secretary Works and Services Department, Peshawar and 43 others (respondents) for promotion in the next higher grade (BPS-18) and above with all back benefits.

2. In his appeal, the appellant contended that having joined the then B&R and now C & W Department through Public Service Commission as SDO in grade 17 in the year 1978, he was temporarily promoted as XEN (Designing Engineer) in Malakand Division in the office of Director on 11.10.1999 till 25.3.2000, on the basis his unblemished service record and being recommended for promotion in each and every ACR. The temporary promotion was further maintained w.e.f 25.3.2000 till

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Peshawar

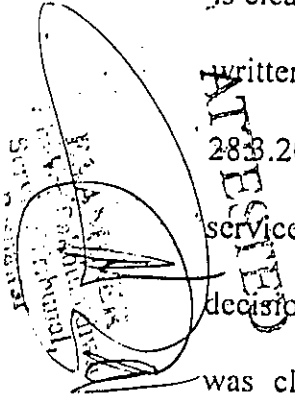
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3.2.2002 as XEN Chitral in his original pay and scale. The same position was maintained and from February 2003 he was posted as Designing Engineer (XEN) in the office of Chief Engineer Peshawar and lastly posted as XEN C & W Chitral. However, in 2002 the appellant had to face departmental proceedings/inquiry, against which he filed appeals before this Tribunal which were pending adjudication against minor penalties imposed upon him on the ground of irregularities in the scheme "Feasibility study and construction of RCC Bridge over Yarkhun at Mastuj with co-alignment of Parwak Mastuj Road (11 KM)". In the process, the appellant was deprived of his due promotion in normal course. The appellant also filed another appeal in the Tribunal, and during pendency of the mentioned appeals before the Tribunal, he was informed that the appeal already submitted to the Chief Minister has been accepted subject to the condition that he should withdraw his appeal from the Service Tribunal. The appeals were accordingly withdrawn vide order dated 31.5.2005, where-upon the case of alleged irregularities and penalty imposed upon the appellant was withdrawn by the Chief Minister. However, the matter of promotion to the higher grade remained pending, and though the appellant was on the top of the seniority list i.e at S.No. 1 of the seniority list of Assistant Engineers, he was not promoted and a number of officers junior to him were promoted from BPS-17 to BPS-18. The promotion of junior officers from BPS-17 to 18 and then move-over from BPS-18 to 19 continued un-abated, while the appellant was ignored. The appellant disclosed that because of the official fraction, he was once removed from service on a frivolous charge in March 2006 but was later on reinstated on the acceptance of his appeal by this Tribunal. The appellant, therefore, challenged promotion of his juniors, and prayed for his promotion being the senior most and having nothing adverse against him, through departmental appeal, which was responded to on 30.9.2009 with the remarks that the appeal has been kept pending, hence the present appeal on 7.10.2009.

3. The main ground on which the official respondent i.e Secretary to Government of NWFP (Khyber Pakhtunkhwa) Communication and Works Department

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 Service Tribunal
 Peshawar

(respondent No. 1) resisted appeal of the appellant was that the appellant was given higher post in his pay and scale due to dispute over seniority amongst officers of defunct Works and Services department. The respondent disputed this claim of the appellant that his positing on the higher post was a promotion, and, on the other hand, alleged, that the promotion could only take place when the incumbent official/officer came within promotion zone on the basis of seniority-cum-fitness and that too through Provincial Selection Board (PSB). The respondent, however, had to admit that there were no adverse remarks in the Performance Evaluation Reports (PERs) of the appellant. Respondent alleged that there were, however, certain reports by DCO Chitral about poor performance of the appellant, and that he was awarded the penalty of 'censure' on 2.4.1994 and also another penalty of 'censure' on 4.9.2002 and on 16.5.2003 his three increments were also withheld; but later on both the orders dated 4.9.2002 and 16.5.2003 were set-aside vide order dated 9.6.2005. The penalty of 'censure' on 15.01.2007 was also later on withdrawn on 16.3.2007. The respondent alleged that even at the time of filing of reply/comments, the appellant was facing inquiry, which was completed and was in the final stage, where-after, as and when he is cleared, his promotion will be considered through PSB. It was further alleged in the written reply/comments that the appellant was suspended from service w.e.f. 28.3.2006 to 17.01.2007 vide order dated 28.3.2006 and there-after dismissed from service vide order dated 12.6.2007, but the penalty was withdrawn pursuant to the decision of this Tribunal in the service appeal of the appellant bearing No.971/2007. It was clearly stated in the written reply/comments that case of the appellant for promotion to BPS-18 remained under consideration of the PSB time and again but his case was deferred due to his involvement in irregularities. The respondent claimed that the appellant was superseded/his case deferred due to pending disciplinary proceedings/inquiry and his juniors having sound record were promoted. The respondent under-took to place case of the appellant for promotion to BPS-18 as well as to BPS-19 before the competent forum i.e. PSB for consideration as and when the appellant is exonerated from the charges. It may be mentioned here that out of 42



private respondents, only private respondent No.40, namely, Syed Sajid Hussain, contested appeal and filed his written reply, but he also later on opted out of contest and his name was deleted from the panel of respondents on the application of the appellant.

4. The appellant also filed rejoinder in rebuttal to the allegations contained in the written reply/comments of the official respondent, where-after, written arguments were filed by the parties, and arguments of the learned counsel for the appellant and learned AGP also heard, and record perused.

5. In short, the claim of the appellant is that though being senior most and on top of the seniority list, he was not promoted from BPS-17 to BPS-18 and then to BPS-19, while a number of officers much junior to him were promoted from BPS-17 to BPS-18 and then moved over to BPS-19. The respondent disputed this claim of the appellant on the only ground that though having no adverse entry in his PERs, the appellant remained under departmental proceedings/inquiry, rather through out his service, whenever his case for promotion came up for consideration before the competent forum i.e. PSB, and even minor penalties, like 'censure' and 'withholding of increments' as well as major penalty of dismissal from service were imposed upon him. To say the least, the record speaks otherwise. The minor penalty of 'censure' and 'withholding of three increments for three years' vide orders dated 16.5.2003 and 4.9.2002 were withdrawn by the appellate authority vide order dated 9.4.2005, after the condition of withdrawal of the appeals before the Tribunal of the appellate authority i.e. Chief Minister was met by the appellant. Another minor penalty of 'censure' imposed upon the appellant by the competent authority vide order dated 15.01.2007 was also subsequently withdrawn by the same authority i.e. Secretary to Government of NWFP (Khyber Pakhtunkhwa) Works & Services Department, vide his order dated 16.3.2007. The appellant was further exonerated of the charges of alleged irregularities in the construction/repair of roads in District Chitral on the recommendation of the Inquiry Committee by the competent authority vide his order dated 16.2.2010. The dismissal order against the appellant dated 12.6.2007 was

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withdrawn in pursuance of the decision of this Tribunal dated 2.6.2008, by the competent authority vide order dated 8.8.2008. In other words, the appellant came out clear from all departmental proceedings, but he was never promoted from BPS-17, in which he joined service, and each time his case for promotion came up for consideration before PSB, he was superseded/his case deferred on the ground of pendency of some departmental proceedings/inquiry against him. On the basis of judgments of the superior courts, the Lahore High Court held in the judgment reported as 2008 PLC (C.S) 1019 (Lahore High Court), that promotion could not be withheld on the ground of either imposition of minor penalty or pendency of departmental/inquiry proceedings against a civil servant. Ironically, on each occasion the appellant was denied promotion also on the ground that 'his behaviour with seniors was not desirable'; but, on the other hand, the respondent had to admit that there was nothing adverse against him in his PERs, and that he has always been recommended to the PSB because his service record was generally good. It, therefore, appears to us that the appellant has been victimized, perhaps, because of having not so 'cordial' relations with his seniors. Last but not the least, despite admitting the fact in the letter of department dated 6.9.2011 that pending inquiry, if any, stood abated against a government servant after his retirement, the appellant was not promoted and he retired from service in the same pay scale in which he was inducted into service, even after rendering services for several decades; and a number of officers much junior to him were promoted. The grounds cited for his supersession/deferment are not sustainable in law, as, pointed out above, pendency of inquiry or even imposition of minor penalties were not valid grounds for withholding promotion of a civil servant. The appellant was otherwise the senior most and there was nothing adverse in his service record, therefore, he was eligible for promotion during service, which right of him would continue even now for benefit in his pension.

6. / Consequently, on the acceptance of the appeal, the concerned authorities in the respondent-department are directed to place case of the appellant for promotion to the next higher pay scales before Provincial Selection Board (PSB) within a period of

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 PRESIDENT

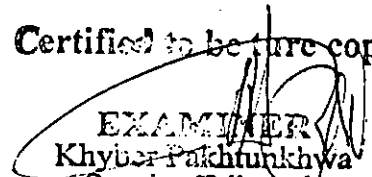
three months, under intimation to the Registrar of this Tribunal. There shall, however, be no order as to costs.

ANNOUNCED
19.01.2012


(KHALID HUSSAIN)
MEMBER


(QALANDAR ALI KHAN)
CHAIRMAN

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 22.5.2012
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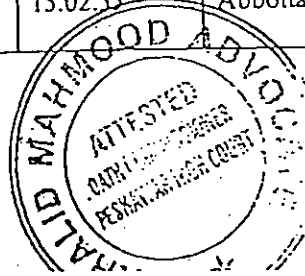
Works & Services Department
Seniority List of Assistant Engineer as on 01.06.2002

Seniority No.	Name	Academic Qualification	Date of Birth	Domicile	Date of Ist Entry in Govt Service	Date of Appointment / Promotion in Present Grads	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1)	Nazeer Ahmed Khan	B.E. (Civil)	11/06/50	Chitral	22/11/78	31/10/78	
2)	Mohammad Hamza	B.E. (Civil)	11/11/52		11/11/78	31/10/78	
3)	Khalid Shah	B.E. (Civil)	01/03/55	N.W. Agency	31/10/78	31/10/78	
4)	Abdullah Khan	D.E. (Civil)	06/06/40	Rawalakot	19/11/78	31/10/78	
5)	Mohammad Gul	B.E. (Civil)	26/02/43	Kohat (FR)	31/10/78	31/10/78	
6)	Ghulam Daud	B.E. (Civil)	10/11/49	Peshawar	31/10/78	31/10/78	
7)	Taqiullah	B.E. (Civil)	24/03/48	Dir	04/11/78	04/11/78	
8)	Muhammad Farooq	B.E. (Civil)	26/02/46	D.I. Khan	07/01/74	28/11/78	Served as Graduate Sub Engineer w.e.f. 07/01/74 to 27/11/73.
9)	Mushtaq-e-Alam	B.E. (Civil)	10/11/48	N.W. Agency	07/01/74	17/07/79	Served as Graduate Sub Engineer w.e.f. 07/01/74 to 16/07/79.
10)	Saeedur Rehman	B.E. (Civil)	02/12/49	Muzaffar	09/09/79	09/09/79	
11)	Hidayatullah	M.S. (Civil)	07/12/52	Bannu	09/09/79	09/09/79	
12)	Shir Shah	B.E. (Civil)	01/05/50	Swat	22/09/79	22/09/79	
13)	Shahid Ahmed	B.E. (Mechanical)	09/10/55	Peshawar	09/09/79	09/09/79	
14)	Zard Ali Khan	B.E. (Civil)	21/05/55	Peshawar	09/09/79	09/09/79	
15)	Abdul Hafiz Saval	B.E. (Civil)	21/05/57	Peshawar	09/09/79	09/09/79	
16)	Imdad Hussain Durrani	B.E. (Civil)	02/02/52	Kurram Agency	22/09/79	22/09/79	
17)	Muhammad Ijaz	B.E. (Civil)	07/03/56	Mardan	09/09/79	09/09/79	
18)	Zameer Khan	B.E. (Civil)	13/01/58	Swat	09/09/79	09/09/79	
19)	Iqbal Ahmad Khan	B.E. (Civil)	15/01/55	Muzaffar	09/09/79	09/09/79	



Works & Services Department
Seniority list of Assistant Engineer as on 01.06.2002

Seniority No.	Name	Academic qualification	Date of birth	Domicile	Date of 1 st entry in Govt. service	Date of appointment/promotion in present	Remarks.
1	2	3	4	5	6	7	8
1	Nazir Ahmad Khan	B.E (Civil)	11.6.50	Chitral	22.11.78	31.70.78	
2	Muhammad Humayun	B.E (Civil)	14.11.53	Malakand	31.10.78	31.10.78	
3	Khalid Shah	B.E (Civil)	01.2.53	Orakzai Agency	31.10.78	31.10.78	
4	Attaullah Khan	B.E (Civil)	8.5.48	Hazara (Tribal)	19.11.78	19.11.78	
5	Mohammad Gul	B.E (Civil)	26.6.48	Koah (FR)	31.10.78	31.10.78	
6	Ghulam Daud	B.E (Civil)	10.11.49	Peshawar	31.10.78	31.10.78	
7	Tabiullah	B.E (Civil)	24.8.48	Dir	04.11.78	04.11.78	
8	Muhammad Farooq	B.E (Civil)	26.8.46	D.I.Khan	07.01.74	28.11.78	Served as Graduate Sub Engineer w.e.f. 7.1.74 to 27.11.78
9	Muskh-e-Alam	B.E (Civil)	10.11.48	N.W. Agency	07.01.74	17.07.79	Served as graduate Sub Engineer w.e.f. 7.1.74 to 16.7.79
10	Saeedur Rehman	B.E (Civil)	02.12.49	Mansehra	09.09.79	09.09.79	
11	Hidayatullah	B.E (Civil)	07.12.52	Bannu	09.09.79	09.09.79	
12	Sher Shah	B.E (Civil)	01.03.50	Swat	22.09.79		
13	Shafiq Ahmad	B.E (Mechanical)	09.02.55	Peshawar	09.09.79	09.09.79	
14	Zard Ali Khan	B.E (Civil)	21.5.55	Peshawar	09.09.79	09.09.79	
15	Abdul Hafeez Saval	B.E (Civil)	21.8.57	Peshawar	09.09.79	09.09.79	
16	Imdad Hussain Bangash	B.E (Civil)	02.02.52	Kurram Agency	22.09.79		
17	Muhamamd Ijaz	B.E (Civil)	07.05.56	Mardan	09.09.79	09.09.79	
18	Jan-e-Alam	B.E (Civil)	13.04.50	Swat	09.09.79	09.09.79	
19	Javed Ahmad Turk	B.E (Civil)	15.02.55	Abbottabad	09.09.79	09.09.79	



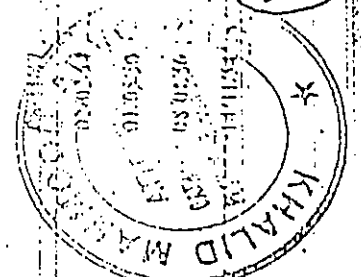
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Seniority List of Assistant Engineer as on 01.06.2002

Seniority No.	Name	Academic Qualification - Degree/Bach	Domicile	Date of Joining Govt Service	Date of Appointment	Promotion to Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
21	Abdul Majid Khan	B.E. (Civil)	Kohat	09/09/79	09/09/79		
22	Abdur Razaq Khan	B.E. (Civil)	Bannu	09/09/79	09/09/79		
23	Murad Ali	B.E. (Civil)	Mardan	22/09/79	22/09/79		
24	Suhail Bin Qayum	B.E. (Civil)	Peshawar	06/05/79	09/09/79		
25	Muhammad Ashraf Khan	B.E. (Mechanical)	Mardan	09/09/79	09/09/79		
26	Abdul Samir Khan	B.E. (Civil)	Kohat	09/09/79	09/09/79		
27	Faiz Mohammad Jan	B.E. (Civil)	Bajaur Agency	22/09/79	22/09/79		
28	Ismail	B.E. (Civil)	Mohmand Agency	22/09/79	24/09/79		
29	Kifayat Hussain	B.E. (Civil)	Kurrum Agency	09/09/79	09/09/79		
30	Waqar Ahmad Malik	B.E. (Civil)	Manshera	09/09/79	09/09/79		
31	Abdul Sabzeer Usmani	B.E. (Civil)	Abbottabad	09/09/79	09/09/79		
32	Syed Ahmad Qureshi	B.E. (Civil)	Chitral	22/09/79	22/09/79		
33	Qureshi Muhammad	B.E. (Civil)	Abbottabad	01/09/80	01/09/80		
34	Muhammad Khalid Shah	B.E. (Civil)	Mardan	12/09/80	12/09/80		
35	Abdul Samad Khan	B.E. (Mechanical)	H.W. Agency	22/09/80	22/09/80		
36	Muhammad Aslam Khan	B.E. (Civil)	Peshawar	12/11/81	12/11/81		
37	Asif Iqbal	B.E. (Civil)	Swat	12/11/81	12/11/81		
38	Asif Hassan Shah	B.E. (Civil)	Bannu	12/11/81	12/11/81		
39	Shamsuz Zaman	B.E. (Civil)	Peshawar	12/11/81	12/11/81		
40	Faiz Mohammad	B.E. (Civil)	Kohat	12/11/81	12/11/81		



22.10.2002

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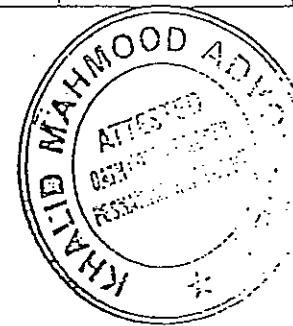
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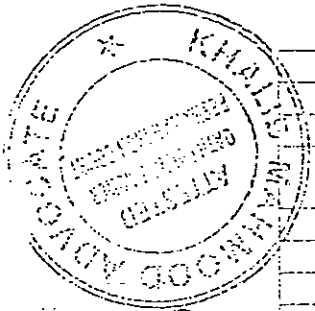
Seniority List of Assistant Engineer as on 01.06.2002

Seniority list No.	Name	Academic qualification	Date of birth	Domicile	Date of 1 st entry in Govt. service	Date of appointment/promotion in present	Remarks
20	Muhammad Ashraf Khan	B.E. (Civil)	05.8.49	D.I.Khan	09.09.79	09.09.79	
21	Abdul Majid Khan	B.E. (Civil)	20.10.48	Kohat	09.09.79	09.09.79	
22	Abdur Razaq Khan	B.E. (Civil)	01.01.50	Bannu	09.09.79	09.09.79	
23	Murad Ali	B.E. (Civil)	05.05.50	Mardan	22.09.79	22.09.79	
24	Suhail Bin Qayum	B.E. (Civil)	06.03.53	Peshawar	09.09.79	09.09.79	
25	Muhammad Ashraf Khan-II	B.E. (Mechanical)	01.09.54	Madan	09.09.79	09.09.79	
26	Abdul Samin Khan	B.E. (Civil)	14.11.51	Kohat	09.09.79	09.09.79	
27	Fateh Muhammad Jan	B.E. (Civil)	01.07.53	Bajaur Agency	22.09.79	22.09.79	
28	Ismail	B.E. (Civil)	31.03.46	Mohmand Agency	24.09.79	24.09.79	
29	Kifayat Hussain	B.E. (Civil)	08.02.46	Kurram Agency	09.09.79	09.09.79	
30	Waqar Ahmad Malik	B.E. (Civil)	11.02.53	Mansehra	09.09.79	09.09.79	
31	Abdus Saboor Usmani	B.E. (Civil)	23.05.53	Abbottabad	09.09.79	09.09.79	
32	Syed Jalalud Din	B.E. (Civil)	12.09.53	Chitral	25.11.79	25.11.79	
33	Ghulam Murtaza-I	B.E. (Civil)	10.08.47	Abbottabad	01.01.80	01.01.80	
34	Muhammad Khaliq Shah	B.E. (Civil)	31.10.50	Mardan	18.05.80	18.05.80	
35	Abdul Samd Khan	B.E. (Mechanical)	05.07.52	N.W. Agency	27.07.80	27.07.80	
36	Muhammad Aslam Khan	B.E. (Civil)	08.11.47	Peshawar	12.11.81	12.11.81	
37	Asif Iqbal	B.E. (Civil)	02.02.54	Swat	12.11.81	12.11.81	
38	Ashiq Hussain Shah	B.E. (Civil)	01.05.50	Bannu	12.11.81	12.11.81	
39	Shamsuz Zaman	B.E. (Civil)	08.01.56	Peshawar	12.11.81	12.11.81	
40	Fiaz Muhammad	B.E. (Civil)	14.11.54	Kohat	15.12.81	15.12.81	



Seniority List of Assistant Engineer as on 01.06.2002

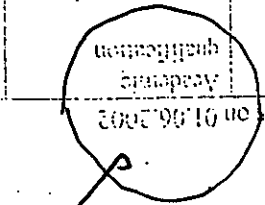
Sl. No.	Seniority	Name	Academic qualification	Date of birth	Local/Remote	Date of entry in Govt. service	Date of appointment in present	Remarks
41		Shaukat Ali Khan	B.E. (Civil)	01.04.49	Karnon Agency	15.12.81	15.12.81	
42		Javed Ihsan	B.E. (Civil)	21.2.55	Mardan	15.12.81	15.12.81	
43		Nasir Ullah	B.E. (Civil)	20.3.55	Bannu	15.12.81	15.12.81	
44		Fazle Kabir	B.E. (Civil)	01.8.56	Peshawar	15.12.81	15.12.81	
45		Shaukat Khan	B.E. (Civil)	12.4.45	N.W. Agency	18.04.83	18.04.83	
46		Fahzeb-1	B.E. (Mechanical)	12.3.54	F.R. Bannu	18.04.83	18.04.83	
47		Sattar Rehman	B.E. (Civil)	05.10.58	D.I. Khan	18.04.83	18.04.83	
48		Fahman Ali-II	B.E. (Civil)	02.4.54	Swat	18.04.83	18.04.83	
49		Muhammad Asif	B.E. (Civil)	25.12.57	Mohmand Agency	18.04.83	18.04.83	
50		Air War	B.E. (Civil)	01.01.49	N.W. Agency	20.04.74	28.11.83	Served as Graduate Sub Engineer from 20.4.74 to 27.11.73
51		Zahid Khan	B.E. (Civil)	06.01.50	N.W. Agency	14.12.74	28.11.83	Served as Graduate Sub Engineer from 14.12.74 to 27.11.83
52		Aslam Khan	B.E. (Civil)	03.04.56	F.R. Bannu	11.11.83	11.11.83	
53		Smith Jehan	B.E. (Civil)	22.03.58	Mardan	11.11.83	11.11.83	
54		Muhammad Pervez	B.E. (Civil)	10.08.58	Abdohabad	11.11.83	11.11.83	Long leave
55		Abdul Saeed	Diploma (Civil)	03.11.45	Kaisahad	24.11.66	27.01.87	
56		Saadullah	B.E. (Mechanical)	28.01.62	Kohat	01.06.87	01.06.87	
57		Behzad	B.E. (Civil)	11.03.62	Peshawar	01.06.87	01.06.87	
58		Nizamullah Banochi	B.E. (Civil) MISE (Engg)	26.04.60	Bannu	01.06.87	01.06.87	
59		Arif Bashir	B.E. (Civil)	20.04.60	Mardan	01.06.87	01.06.87	
60		Rehman Ali	B.E. (Civil)	01.01.59	Karnak	01.06.87	01.06.87	
61		Noor Aslam	B.E. (Civil)	25.12.60	Bannu	07.07.87	07.07.87	



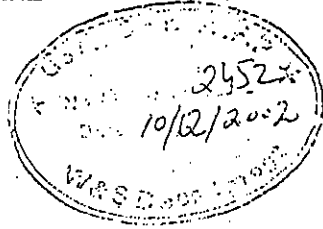
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GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT

NO.SO(PSB)ED/1(3)/2002/P-4
Dated Peshawar, the 9/12/2002

To

The Secretary to Government of NWFP,
Works and Services Department

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 28.11.2002

PROMOTION OF ENGINEERS FROM BPS-17 TO BPS-18

Dear Sir,

I am directed to refer to your department letter No.SOE-1/W&S/4-5/72 dated.21.11.2002 on the subject noted above and to forward herewith an extract of item No.1 of the minutes/recommendations of the meeting of Provincial Selection Board held on 28.11.2002 for further necessary action/obtaining approval of the Competent Authority.

Yours faithfully

(HAROON-UR-RASHID)
SECTION OFFICER (PSB)

Encl: As Above

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ITEM NO.1

WORKS AND SERVICES DEPARTMENT

SUBJECT: - PROMOTION OF ENGINEERS FROM BPS-17 TO BPS-18

1. The Secretary Works and Services Department apprised the Board that 16 post in BPS-18 for promotions are available. Besides 4 posts are likely to occur due to retirement of present incumbent in December 2002 and February 2003. The Board was further informed that all mechanical equipments have been handed over to Abasin Construction Company and the Mechanical units of the department have been disbanded. For the purposes of smooth and desired functioning of the firm, the department needs an officer to have a vigilant supervisory watch over it. One BS-18 Engineer (Mechanical) is therefore required to be assigned this job. A post of Mechanical Engineer (BS-18) in the PC-I shall be included as a work charged employee of the department to be paid out of the development budget. The post is required to be filled in accordance with the Establishment and Administration Department Notification NO.SORI(S&GAD)/1-12/74 dated 13.1.1980 reproduced below: -

"By selection on merit with due regard to seniority, from amongst the Assistant Directors/Assistant District Officers/Assistant Design Engineers/Assistant Engineers or holder of equivalent posts (BS-17), with at least 5 years of service as such but according to Establishment Department Notification NO.SORI(E&AD)1-29/75 (VOL-IV) dated 1.9.2001 the provincial government has decided that all promotions except grant of BS-21 in meritorious services will be considered on the basis of seniority cum fitness.

2. The service record of the officers included in the panel is discussed below: -

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1	Mr.Nazir Ahmad Khan B.E(Civil)	His date of birth is 11.6.1950. He is B.E(Civil). He joined Government service on 31.10.1978. His service record up to 2001 is generally good. The Board was informed that his performance and general reputation are not upto the marks. His behaviour with seniors is also not desirable. Besides he is involved in an enquiry regarding irregularities in the planning/execution of the Project feasibility study and construction of RCC bridge over Yarkkhon river at Chitral. The Administrative Secretary did not recommend him for promotion. The Board, therefore, recommended his supersession for promotion to BPS-18.
2	Mr.Muhammad Hamayun B.E (Civil)	His date of birth is 14.11.1953. He is B.E(Civil). He joined Government service on 31.10.1978. His service record up to 2001 is generally good. The Board observed that the NAB has arrested the officer on 26.12.2001 on the charges of corruption and corrupt practices under the NAB Ordinance 1999. The officer is still under the custody of NAB. The Board, therefore, recommended to defer his promotion till the finalization of the case.

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3	Mr. Attaullah Khan B.E (Civil)	His date of birth is 8.6.1948. He is B.E(Civil). He joined Government service on 19.11.1978. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.
4	Mr. Tabiullah B.E (Civil)	His date of birth is 24.8.1948. He is B.E(Civil). He joined Government service on 4.11.1978. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.
5	Mr. Khalid Shah B.E (Civil)	His date of birth is 1.2.1953. He is B.E(Civil). He joined Government service on 31.10.1978. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the conditions that ground report on him and that his ACR for the year 1998 are not adverse.
6	Mr. Muhammad Gul B.E (Civil)	His date of birth is 26.6.1948. He is B.E(Civil). He joined Government service on 31.10.1978. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him and that his ACR for the year 1994 are not adverse.
7	Mr. Ghulam Daud B.E(Civil)	His date of birth is 10.11.1949. He is B.E(Civil). He joined Government service on 31.10.1978. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.
8	Mr. Muhammad Farooq B.E (Civil)	His date of birth is 26.8.1946. He is B.E(Civil). He joined Government service on 7.1.1974. He was appointed as Assistant Engineer BS-17 on 28.11.1978. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.
9	Mr. Mushke-Alam B.E(Civil)	His date of birth is 10.11.1948. He is B.E(Civil). He joined Government service on 7.1.1974. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.

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10	Mr. Saeed ur Rehman B.E(Civil)	His date of birth is 2.12.1949. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.
11	Mr. Hidayatullah B.E (Civil)	His date of birth is 7.12.1952. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for promotion to BPS-18 on regular basis subject to the condition that ground report on him is not adverse.
12	Mr. Sher Shah B.E(Civil)	His date of birth is 1.3.1950. He is B.E(Civil). He joined Government service on 22.9.1979. The Board was informed that the officer has been arrested on 26.12.2001 by the NAB on the charges of corruption and corrupt practices under the NAB Ordinance 1999. He is also involved in an inquiry regarding construction of road from Carora to Chakaisar District Swat. The Board, therefore, recommended to defer his promotion till the finalization of the case.
13	Mr. Shafiq Ahmad B.E (Mechanical)	His date of birth is 9.2.1955. He is B.E(Mechanical). He joined Government service on 9.9.1979. The Board was informed that the officer is involved in Draft Para No.793 C&W Division Kohistan. The Board, therefore, recommended to defer his promotion till the finalization of the case.
14	Mr. Zard Ali Khan B.E(Civil)	His date of birth is 21.6.1955. He is B.E(Civil). He joined Government service on 31.10.1978. The Administrative Secretary informed the Board that the officer has been kept under observations and his case may be considered after he earns ACR for the year 2002. The Board, therefore, recommended to defer his promotion till he earns ACR for the year 2002.
15	Mr. Abdul Hafeez Saval B.E (Civil)	His date of birth is 21.8.1957. He is B.E(Civil). He joined Government service on 9.9.1979. The Board was informed that the officer has been arrested on 26.12.2001 by the NAB on the charges of corruption and corrupt practices under the NAB Ordinance 1999. He is also involved in an inquiry regarding an open inquiry No.38/2001 PS ACE Timergara. The Board, therefore, recommended to defer his promotion till the finalization of the case.

Section Officer (C-30)
Government of N.W.F.P.
Establishment Deptt.

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16	Mr. Imdad Hussain Bangash B.E (Civil)	<p>His date of birth is 2.2.1952. He is B.E(Civil). He joined Government service on 22.9.1979.</p> <p>The Board was informed that general reputation of the officer is poor. His performance is also not upto the mark. The Administrative Secretary did not recommend him for promotion.</p> <p>The Board, therefore, recommended his supersession for promotion to BPS-18.</p>
17	Mr. Muhammad Ijaz B.E (Civil)	<p>His date of birth is 7.5.1958. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>The Board was informed that the officer has been arrested by the NAB on the charges of corruption and corrupt practices under the NAB Ordinance 1999.</p> <p>The Board, therefore, recommended to defer his promotion till the finalization of the case.</p>
18	Mr. Javed Ahmad Turk B.E(Civil)	<p>His date of birth is 15.2.1955. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>The Board was informed that reconsideration of departmental proceeding in a case regarding lease of land is under process against him.</p> <p>The Board, therefore, recommended to defer his promotion till the finalization of the case.</p>
19	Mr. Muhammad Ashraf Khan-I B.E (Civil)	<p>His date of birth is 5.8.1949. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>The Board was informed that ground field back of the officer is adverse. Besides he enjoys a bad reputation. His ACRs for the years 1995, 1996, 1999 and 2000 were also not available. The Administrative Secretary did not recommend him for promotion.</p> <p>The Board, therefore, recommended his supersession for promotion to BPS-18.</p>
20	Mr. Abdul Majid Khan B.E (Civil)	<p>His date of birth is 20.10.1948. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>The Board was informed that ground field back of the officer is adverse. Besides he enjoys a bad reputation. The Administrative Secretary did not recommend him for promotion.</p> <p>The Board, therefore, recommended his supersession for promotion to BPS-18.</p>
21	Mr. Abdur Razaq Khan B.E (Civil)	<p>His date of birth is 1.1.1950. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>The Board was informed that a major penalty of "Reduction to the lower stage in time scale was imposed upon the officer. However, the Service Tribunal has set aside the penalty and remanded the case for a fresh inquiry, which is under process.</p> <p>The Board, therefore, recommended to defer his promotion till the finalization of the case.</p>

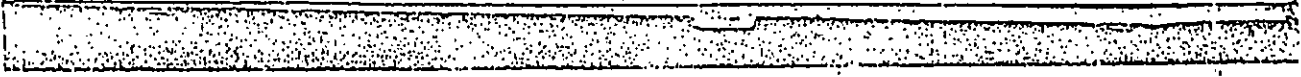
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22	Mr. Murad Ali B.E(Civil)	His date of birth is 5.5.1950. He is B.E(Civil). He joined Government service on 22.9.1979. The Board was informed that the officer is involved in a draft para No.546 (Building Division Battaram). The Board, therefore, recommended to defer his promotion till the finalization of the case.
23	Mr. sona Qayyum B.E(Civil)	His date of birth is 6.3.1953. He is B.E(Civil). He joined Government service on 9.9.1979. The Board was informed that reconsideration of departmental proceeding in case regarding lease of land is under process against him. The Board, therefore, recommended to defer his promotion till the finalization of the case.
24	Mr. Muhammad Ashraf Khan-II B.E(Mechanical)	His date of birth is 1.9.1954. He is B.E(Civil). He joined Government service on 9.9.1979. The Board was informed that the officer is involved in Advance Para No.463/98-99 C&W Division Mardan and Advance para No.461/98-99 C&W Division Mardan. The Board, therefore, recommended to defer his promotion till the finalization of the case.
25	Mr. Abdul Samin Khan B.E(Civil)	His date of birth is 14.11.1951. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment has been awarded to him His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on <u>acting charge</u> basis subject to the condition that ground report on him is not adverse
26	Mr. Ismail B.E (Civil)	His date of birth is 31.3.1946. He is B.E(Civil). He joined Government service on 24.9.1979. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on <u>acting charge</u> basis subject to the condition that ground report on him is not adverse.
27	Mr. Fateh Muhammad Jan B.E(Civil)	His date of birth is 1.7.1953. He is B.E(Civil). He joined Government service on 22.9.1979. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on <u>acting charge</u> basis subject to the condition that ground report on him is not adverse.
28	Mr. Kifayat Hussain B.E (Civil)	His date of birth is 8.2.1946. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on <u>acting charge</u> basis subject to the condition that ground report on him is not adverse.

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29	Mr Waqar Ahmad Malik B.E(Civil)	<p>His date of birth is 11.2.1953. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good.</p> <p>The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the condition that ground report on him is not adverse.</p>
30	Mr. Abdus Saboor Usmani B.E (Civil)	<p>His date of birth is 23.5.1953. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment has been awarded to him.</p> <p>The Administrative Secretary informed the Board that his performance is not satisfactory. However he has been kept under observation for six months.</p> <p>The Board, therefore, recommended to defer his promotion till he earns ACR for the year 2002.</p>
31	Syed Jalal ud Din B.E (Civil)	<p>His date of birth is 12.9.1953. He is B.E(Civil). He joined Government service on 25.11.1979.</p> <p>The Board noticed that the officer had been awarded a major penalty of reduction to the minimum of his pay scale. However he made a representation contended that the purchase of store was beyond his jurisdiction. He further stated that keeping in view the climatic condition of Chitral, the PAC in a similar advance para No.48, 74 and 75 of the Audit Report for the year 1989-90 of the same Division has admitted that it was necessary for Chitral due to its weather condition and was in the public interest. Had the items not been procured the work would have suffered. The advance paras were therefore dropped.</p> <p>The Board, therefore, recommended to defer his promotion till the decision of competent authority on his representation.</p>
32	Mr. Ghulam Murtaza-I B.E (Civil)	<p>His date of birth is 10.3.1947. He is B.E(Civil). He joined Government service on 1.1.1980.</p> <p>The Administrative Secretary informed the Board that he is absent from duty and a disciplinary case is pending against him.</p> <p>The Board, therefore, recommended to defer his promotion till the finalization of the disciplinary proceeding.</p>
33	Mr. Muhammad Khaliq Shah B.E (Civil)	<p>His date of birth is 31.10.1950. He is B.E(Civil). He joined Government service on 18.5.1980. His service record up to 1999 is generally good.</p> <p>The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the conditions that ground report on him and his ACRs for the years 2000 & 2001 are not adverse.</p>
34	Mr. Abdul Samad Khan B.E (Mechanical)	<p>His date of birth is 5.7.1952. He is B.E(Civil). He joined Government service on 27.7.1980. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good.</p> <p>The Board recommended that the officer may be cleared for appointment to BPS-18 against the work charge post in the Abasin Construction Company on acting charge basis subject to the condition that ground report on him is not adverse.</p>

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Government of N.W.F.P.
Establishment Deptt



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35	Mr. Muhammad Aslam Khan B.E (Civil)	His date of birth is 8.11.1947. He is B.E(Civil). He joined Government service on 12.11.1981. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the condition that ground report on him is not adverse.
36	Mr. Inayat ullah Khan-II, B.E (Civil)	His date of birth is 5.4.1955. He is B.E(Civil). He joined Government service on 12.11.1981. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the condition that ground report on him is not adverse. Notification of his appointment to BPs-18 will be issued after occurrence of post i.e with effect from 22.12.2002.
37	Mr. Asif Iqbal B.E (Civil)	His date of birth is 2.2.1954. He is B.E(Civil). He joined Government service on 12.11.1981. The Board was informed that there is certain complaints about his integrity which although could not be substantiated with proof but he was called for and advised to improve himself. He was therefore kept under observations for six months. His ACR for the year 2001 was also not available. The Board, therefore, recommended to defer his promotion.
38	Mr. Ashiq Hussain Shah B.E (Civil)	His date of birth is 1.5.1950. He is B.E(Civil). He joined Government service on 12.11.1981. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the condition that ground report on him is not adverse. Notification of his appointment to BPs-18 will be issued after occurrence of post i.e with effect from 1.1.2003.
39	Mr. Shams uz Zaman B.E (Civil)	His date of birth is 8.1.1956. He is B.E(Civil). He joined Government service on 12.11.1981. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the condition that ground report on him is not adverse. Notification of his appointment to BPs-18 will be issued after occurrence of post i.e with effect from 15.2.2003.
40	Mr. Faiz Muhammad B.E (Civil)	His date of birth is 14.11.1954. He is B.E(Civil). He joined Government service on 15.12.1981. The Board was informed that a minor penalty of Censure and recovery of loss to the Government has been imposed on the officer. He has been kept under observations for a period of six month by the administrative department. The Board, therefore, recommended to defer his promotion.

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41	Mr. Shaukat Ali B.E (Civil)	His date of birth is 1.4.1949. He is B.E(Civil). He joined Government service on 15.12.1981. The Administrative Secretary informed the Board that in order to watch his performance/integrity he has been kept under observations for six months. The Board, therefore, recommended to defer his promotion
42	Mr. Javed Ihsan B.E (Civil)	His date of birth is 21.2.1955. He is B.E(Civil). He joined Government service on 15.12.1981. No enquiry is pending against him and no punishment has been awarded to him. His service record up to 2001 is generally good. The Board recommended that the officer may be cleared for appointment to BPS-18 on acting charge basis subject to the condition that ground report on him is not adverse. Notification of his appointment to BPS-18 will be issued after occurrence of post i.e with effect from 21.2.2003.

M. H. Khan
11-12-03
 Section Officer (PSB) &
 Government of N.W.F.P.
 Establishment Deptt.

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

Dated Peshawar, the 8th February 2003

Notification

1. No. SOE-JW&S/4-5/72. In consultation with the Provincial Selection Board, the competent authority has been pleased to promote the following Assistant Engineers (BPS-17) of the Works & Services Department to the rank of Executive Engineer (BPS-18), with immediate effect:-

- (1) a. Mr. Attaullah Khan (4)
- (2) b. Mr. Tabiullah (7)
- (3) c. Mr. Muhammad Gul (5)
- (4) d. Mr. Ghulam Daud (6)
- (5) e. Mr. Muhammad Fardog (8)
- (6) f. Mr. Mushké Alam (9)
- (7) g. Mr. Saeed-ur-Rehman (10)
- (8) h. Mr. Hidayatullah (11)

2. The orders regarding postings/transfers of above officers will follow.

SECRETARY TO GOVT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the 8th February, 2003

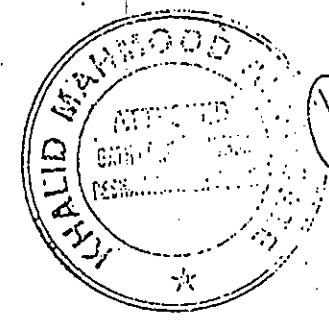
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Copy to the:-

- 1. Accountant General NWFP, Peshawar.
- 2. Secretary to Chief Minister NWFP.
- 3. PS to Chief Secretary NWFP.
- 4. PS to Secretary Works & Services Department.
- 5. PA to Additional Secretary Works & Services Department.
- 6. Chief Engineer Works & Services Peshawar.
- 7. Managing Director Frontier Highways Authority Peshawar.
- 8. Managing Director Abaseen Construction Corporation Peshawar.
- All Deputy Secretaries/Section Officers in Works & Services Department.
- All Directors/EDOs Works & Services in NWFP.
- Manager, Govt. Printing Press Peshawar for publication in the next issue of Government Gazette.
- Officers concerned.
- Office Order/Personal files.

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(Signature)
(MUHAMMAD AKBAR KHAN)
SECTION OFFICER (ESTT-I)



(Signature)
20/02/03

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

Dated Peshawar the 8th February 2003

Notification

1. No.SOE-I/W&S/4-5/72. In consultation with the Provincial Selection Board, the competent authority has been pleased to promote the following Assistant Engineers (BPS-17) of the Works & Services Department to the rank of Executive Engineer (BPS-18) with immediate effect:-

- a. Mr.Ataullah Khan
- b. Mr.Tabiulalh
- c. Mr.Muhammad Gul
- d. Mr.Muhammad Daud
- e. Mr.Muhamamad Farooq
- f. Mr.Mushke Alam
- g. Mr.Saeed-ur-Rehman
- h. Mr.Hidayatullah

2. The orders regarding postings/ transfers of above officers will follow.

SECRETARY TO GOVT: OF NWFP
WORKS & SERVICES DEPARTMENT

Endst: No.SOE-I/W&W/4-5/72

dated Peshawar the 8th February 2003

Copy to the

1. Accountant General NWFP Peshawar.
2. Secretary to Chief Minister, NWFP.
3. PS to Chief Secretary NWFP.
4. PS to Secretary Works & Services Department.
5. PA to Additional Secretary Works & Services Department.
6. Chief Engineer Works & Services Peshawar.
7. Managing Director Frontier Highways Authority Peshawar.
8. Managing Director Abaseen Construction Corporation Peshawar.
9. All Deputy Secretaries/ Section Officers in Works & Services Department.
10. All Directors/ EDOs/ Works & Services in NWFP.
11. Manager Govt: Printing Press Peshawar for publication in the next issue of Government Gazette.
12. Officers concerned.
13. office order/ personal files.

(MUHAMMAD AKBAR KHAN)
SECTION OFFICER (EST-1)



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20-10-2009

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AKS 16/201

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

Dated Peshawar, the 8th February 2003

Notification

1. No. SOE-I/W&S/4-5/72. In consultation with the Provincial Selection Board, the competent authority, has been pleased to appoint the following Assistant Engineers (BPS-17) of the Works & Services Department against the posts of Executive Engineer (BPS-18), on acting charge basis, with immediate effect, except officers at serial k & l w.e.f. 15.02.2003 & 21.02.2003 respectively:-

- a. Mr. Abdul Samin Khan (26)
- b. Mr. Ismail (28)
- c. Mr. Fateh Muhammad Jan (28)
- d. Mr. Kitayar Hussain (29)
- e. Mr. Waqar Ahmad Malik (30)
- f. Mr. Muhammad Khalid Shah (34)
- g. Mr. Abdul Samad Khan (35)
- h. Mr. Muhammad Aslam Khan (36)
- i. Mr. Inayatullah Khan-II (38)
- j. Mr. Ashiq Hussain Shah (38)
- k. Mr. Shams-uz-Zaman (39)
- l. Mr. Javed Ihsan (42)

Mr. Abdul Samin Khan	26
Mr. Ismail	28
Mr. Fateh Muhammad Jan	28
Mr. Kitayar Hussain	29
Mr. Waqar Ahmad Malik	30
Mr. Muhammad Khalid Shah	34
Mr. Abdul Samad Khan	35
Mr. Muhammad Aslam Khan	36
Mr. Inayatullah Khan-II	38
Mr. Ashiq Hussain Shah	38
Mr. Shams-uz-Zaman	39
Mr. Javed Ihsan	42

The orders regarding postings/transfers of above officers will follow.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the 8th February, 2003

Encl. No. SOE-I/W&S/4-5/72


Copy to the:-

1. Accountant General NWFP, Peshawar.
2. Secretary to Chief Minister NWFP.
3. PS to Chief Secretary NWFP.
4. PS to Secretary Works & Services Department.
5. PA to Additional Secretary Works & Services Department.
6. Chief Engineer Works & Services Peshawar.
7. Managing Director Frontier Highways Authority Peshawar.
8. Managing Director Abscon Construction Corporation Peshawar.
9. All Deputy Secretaries/Section Officers in Works & Services Department.
10. All Directors/EDOs Works & Services in NWFP.
11. Manager Govt. Printing Press Peshawar for publication in the next issue of Government Gazette.
12. Officers concerned.
13. Office Order/Personal files.

26-10-2003

SECTION OFFICER (EST-I)

MUHAMMAD ANSAR KHAN



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

Dated Peshawar the 8th February 2003

Notification

1. No.SOE-I/W&S/4-5/72. In consultation with the Provincial Selection Board, the competent authority has been pleased to appoint the following Assistant Engineers (BPS-17) of the Works & Services Department against the posts of Executive Engineer (BPS-18) on acting charge basis, with immediate effect, except officers at serial k & l w.e.f. 15.02.2003 & 21.02.2003 respectively:-

- a. Mr.Abdul Samin Khan
- b. Mr.Ismail
- c. Mr.Fateh Muhammad Jan
- d. Mr.Kifayat Hussain
- e. Mr.Waqar Ahmad Malik
- f. Mr.Muhammad Khaiq Shah
- g. Mr.Abdul Samad Khan
- h. Mr.Muhammad Aslam Khan
- i. Mr.Inayatullah Khan-II
- j. Mr.Ashiq Hussain Shah
- k. Mr.Shams-uz-Zaman
- l. Mr.Javed-Ihsan

2. The orders regarding postings/ transfers of above officers will follow.

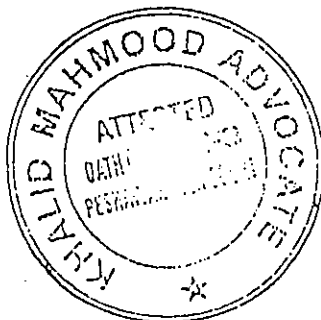
SECRETARY TO GOVT: OF NWFP
WORKS & SERVICES DEPARTMENT

Endst: No.SOE-I/W&W/4-5/72

dated Peshawar the 8th February 2003

Copy to the

1. Accountant General NWFP Peshawar.
2. Secretary to Chief Minister, NWFP.
3. PS to Chief Secretary NWFP.
4. PS to Secretary Works & Services Department.
5. PA to Additional Secretary Works & Services Department.
6. Chief Engineer Works & Services Peshawar.
7. Managing Director Frontier Highways Authority Peshawar.
8. Managing Director Abaseen Construction Corporation Peshawar.
9. All Deputy Secretaries/ Section Officers in Works & Services Department.
10. All Directors/ EDOs/ Works & Services in NWFP.
11. Manager Govt: Printing Press Peshawar for publication in the next issue of Government Gazette.
12. Officers concerned.
13. Office order/ personal files.




(MUHAMMAD AKBAR KHAN)
SECTION OFFICER (EST-1)

B. Akbar Khan
20.10.2009

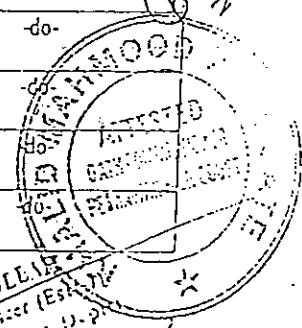
TENTATIVE SENIORITY LIST OF ASSISTANT ENGINEERS (BPS-17)
OF THE WORKS & SERVICES DEPARTMENT AS STOOD ON 30/06/2004

Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of 1 st Entry into Govt. Service	Date of Appointment/ promotion in present Grade (BPS-17)	Whether Deptt: Exam: passed	Year of Passing	Method of appointment in present Grade (BPS-17)/ Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Mr. Nazir Ahmad Khan	B.E. (Civil)	11.06.1950	Chitral	31.10.1978	31.10.1978	Yes	1982	By initial recruitment
2.	Muhammad Humayun	B.E. (Civil)	14.11.1955	Malakand	31.10.1978	31.10.1978	Yes	1979	-do-
3.	Mr. Sher Shah	B.E. (Civil)	01.05.1950	Swat	22.09.1979	22.09.1979	Yes	1983	-do-
4.	Mr. Shafiq Akmal	B.E. (Mechanical)	09.02.1955	Peshawar	09.09.1979	09.09.1979	Yes	1980	-do-
5.	Mr. Zard Ali Khan	B.E. (Civil)	21.06.1955	Peshawar	09.09.1979	09.09.1979	Yes	1983	-do-
6.	Mr. Abdul Hafeez Saval	B.E. (Civil)	21.03.1957	Peshawar	09.09.1979	09.09.1979	Yes	1981	-do-
7.	Mr. Imdad Hussain Bangash	B.E. (Civil)	02.02.1952	Kurram Agency	22.09.1979	22.09.1979	Yes	1989	-do-
8.	Mr. Muhammad Ijaz	B.E. (Civil)	07.05.1956	Mardan	09.09.1979	09.09.1979	Yes	1981	-do-
9.	Mr. Javed Ahmad Turk	B.E. (Civil)	15.02.1955	Abbottabad	09.09.1979	09.09.1979	Yes	1983	-do-
10.	Mr. Muhammad Ashraf Khan-I	B.E. (Civil)	05.08.1949	D.I. Khan	09.09.1979	09.09.1979	Yes	1982	-do-
11.	Mr. Abdul Majid Khan	B.E. (Civil)	20.10.1948	Kohat	09.09.1979	09.09.1979	Yes	1983	-do-
12.	Mr. Abdul Razaq Khan	B.E. (Civil)	01.01.1950	Bannu	09.09.1979	09.09.1979	Yes	1980	-do-
13.	Mr. Murad Ali	B.E. (Civil)	05.05.1950	Mardan	22.09.1979	22.09.1979	Yes	1983	-do-
14.	Mr. Sohail Bin Qayum	B.E. (Civil)	06.03.1953	Peshawar	09.09.1979	09.09.1979	Yes	1982	-do-
15.	Mr. Muhammad Ashraf Khan-II	B.E. (Mechanical)	01.09.1954	Mardan	09.09.1979	09.09.1979	Yes	1980	-do-


 NO. DP-115
 Section Officer (S-17-1)
 Works & Services Deptt.
 NWFP, Peshawar.

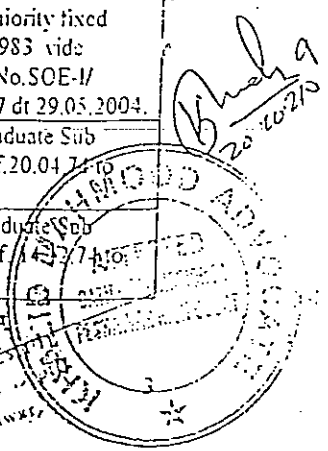
Sen-iority No :	Name	Academic Qualification	Date of Birth	Domicile	Date of 1 st Entry into Govt. Service	Date of Appointment/ promotion in present Grade (BPS-17)	Whether Deptt. Exam: passed	Year of Passing	Method of appointment in present Grade (BPS-17)/ Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
16.	Mr. Abdul Samin Khan	B.E. (Civil)	14.11.1951	Kohat	09.09.1979	09.09.1979	Yes	1983	By initial recruitment
17.	Mr. Ismail	B.E. (Civil)	31.03.1946	Mohmand Agency	09.09.1979	09.09.1979	Yes	1983	-do-
18.	Mr. Fatch Muhammad Jan	B.E. (Civil)	01.07.1953	Bajour Agency	22.09.1979	22.09.1979	Yes	1996	-do-
19.	Mr. Kifayat Hussain	B.E. (Civil)	08.02.1946	Kurram Agency	09.09.1979	09.09.1979	Yes	1981	-do-
20.	Mr. Waqar Ahmad Malik	B.E. (Civil)	11.02.1953	Manshra	09.09.1979	09.09.1979	Yes	1982	-do-
21.	Mr. Abdul Saboor Usmani	B.E. (Civil)	23.05.1953	Abbottabad	09.09.1979	09.09.1979	Yes	1983	-do-
22.	Syed Jalal-ud-Din	B.E. (Civil)	12.09.1953	Chitral	25.11.1979	25.11.1979	Yes	1989	-do-
23.	Mr. Ghulam Murtaza-i	B.E. (Civil)	10.08.1947	Abbottabad	01.01.1980	01.01.1980	Yes	1981	-do-
24.	Muhammad Khaliq Shah	B.E. (Civil)	31.10.1950	Mardan	18.05.1980	18.05.1980	Yes	1993	-do-
25.	Mr. Abdul Samad Khan	B.E. (Mechanical)	05.07.1952	North Wazirestan Agency	27.07.1980	27.07.1980	Yes	1982	-do-
26.	Mr. Muhammad Aslam Khan	B.E. (Civil)	08.11.1947	Peshawar	12.11.1981	12.11.1981	Yes	1982	-do-
27.	Mr. Hayatullah Khan	B.E. (Civil)	05.04.1955	Peshawar	12.11.1981	12.11.1981	Yes	1983	-do-
28.	Mr. Asif Iqbal	B.E. (Civil)	02.02.1954	Swat	12.11.1981	12.11.1981	Yes	1983	-do-
29.	Mr. Ashiq Hussain Shah	B.E. (Civil)	01.03.1950	Bannu	12.11.1981	12.11.1981	Yes	1984	-do-
30.	Mr. Shams-uz-Zaman	B.E. (Civil)	08.01.1956	Peshawar	12.11.1981	12.11.1981	Yes	1986	-do-
31.	Mr. Faiz Muhammad	B.E. (Civil)	14.11.1954	Kohat	15.12.1981	15.12.1981	Yes	1982	-do-

NOOR-ULLAH
 Section Officer (Estt. & Works & Services) D. P. O. NWFP, Peshawar.



31

Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of 1 st Entry into Govt: Service	Date of Appointment/ promotion in present Grade (BPS-17)	Whether Deptt: Exam: passed	Year of Passing	Method of appointment in present Grade (BPS-17)/ Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
32.	Mr. Shaukat Ali	B.E. (Civil)	01.04.1949	Kurram Agency	15.12.1981	15.12.1981	Yes	1994	By initial recruitment
33.	Mr. Javed Ihsan	B.E. (Civil)	21.02.1955	Mardan	15.12.1981	15.12.1981	Yes	1982	-do-
34.	Mr. Rashidullah	B.E. (Civil)	20.03.1955	Bannu	15.12.1981	15.12.1981	Yes	1982	-do-
35.	Mr. Fazle Kabir	B.E. (Civil)	01.08.1956	Peshawar	15.12.1981	15.12.1981	Yes	1986	-do-
36.	Mr. Sherullah Khan	B.E. (Civil)	12.04.1945	North Wazirestan Agency	13.04.1983	18.04.1983	Yes	1985	-do-
37.	Mr. Jehanzeb Khan-I	B.E. (Civil)	12.05.1954	FR Bannu	18.04.1983	18.04.1983	Yes	1989	-do-
38.	Mr. Saifur Rehman	B.E. (Civil)	05.10.1953	D.I. Khan	18.04.1983	18.04.1983	Yes	1989	-do-
39.	Mr. Farman Ali-II	B.E. (Civil)	02.04.1954	Swat	18.04.1983	18.04.1983	Yes	1986	-do-
40.	Muhammad Asif	B.E. (Civil)	25.12.1957	Mohmand Agency	18.04.1983	18.04.1983	Yes	1989	-do-
41.	Mr. Kalim Khan	B.E. (Civil)	15.06.1949	South Wazirestan Agency	27.11.1974	25.10.1987	Yes	1980	Served as Graduate Sub Engineer w.e.f. 27.11.74 to 24.10.87. Seniority fixed w.e.f.28.11.1983 vide Notification No.SOE-I/ W&S/1-27/87 dt 29.05.2004.
42.	Mr. Mir Wali	B.E. (Civil)	04.01.1949	North Wazirestan Agency	20.04.1974	28.11.1983	Yes	1993	Served as Graduate Sub Engineer w.e.f.20.04.74 to 27.11.83.
43.	Mr. Zardad Khan	B.E. (Civil)	06.01.1950	North Wazirestan Agency	14.12.1974	28.11.1983	Yes	1996	Served as Graduate Sub Engineer w.e.f. 14.12.74 to 27.11.83



 NOOR-ULLAH
 Director General
 Works & Services
 NWFP, Peshawar.

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ITEM NO.3

WORKS AND SERVICES DEPARTMENT
(Meeting held on 8.11.2004)

SUBJECT: - PROMOTION OF ASSISTANT ENGINEERS (BPS-17) TO THE RANK OF EXECUTIVE ENGINEERS (BPS-18)

The Secretary Works and Services Department apprised the Board that 43 posts of Executive Engineers BPS-18 for promotions are available. According to service rules the posts of Executive Engineers is required to be filled in as under:-

"By selection on merit with due regard to seniority, from amongst the Assistant Directors/Assistant District Officers/Assistant Design Engineers/Assistant Engineers or holder of equivalent posts (BS-17), with at least 5 years of service as such.

The service record of the officers included in the panel is discussed below:-

Sl. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
13	Mr. Nazir Ahmad Khan B.E(Civil)	<p>His date of birth is 11.6.1950. He is B.E(Civil). He joined Government service on 31.10.1978.</p> <p>Previously he was superseded on 28.11.2002 for the reasons that his performance/general reputation were not upto the mark. His behaviour with senior was not desirable. He was also involved in an enquiry.</p> <p>The Board was informed that the enquiry has now been finalized and a minor penalty of withholding of three increments for three years and "Censure" has been imposed upon him on 16.5.2003. Another minor penalty of "Censure" has also been imposed upon him on 4.9.2002.</p> <p>The Board, therefore, recommended his supersession for promotion to the post of Executive Engineer (BPS-18).</p>
14	Muhammad Hamayun B.E (Civil)	<p>His date of birth is 14.11.1953. He is B.E(Civil). He joined Government service on 31.10.1978.</p> <p>Previously he was deferred by the Board on 28.11.2002 for the reason that he was under NAB custody. He has now been released on bail and his case is pending/under trial in the Accountability Court.</p> <p>The Board, therefore recommended to defer his promotion till the finalization of his case.</p>
15	Sher Shah B.E(Civil)	<p>His date of birth is 1.3.1950. He is B.E(Civil). He joined Government service on 22.9.1979.</p> <p>Previously he was deferred by the Board on 28.11.2002 for the reason that he was under NAB custody. He has now been released on bail and his case is pending/under trial in the Accountability Court.</p> <p>The Board, therefore, recommended to defer his promotion till the finalization of his case.</p>

Section Officer (Admin)
Govt of S.W.P.P.
Establishment Deptt.

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4 Mr. Shafiq Ahmad, B.E(Mechanical)	<p>His date of birth is 9.2.1955. He is B.E(Mechanical). He joined Government service on 9.9.1979.</p> <p>Previously he was deferred by the Board on 28.11.2002 due to his involvement in draft paras. As a result of enquiry he has been absolved and the para has been settled.</p> <p>The Board noticed that the officer possess a degree of B.E (Mechanical). On the basis of his qualification he is not fit for holding a post in the Civil Division. The Administrative Department was advised to prepare a separate list of engineers B.E(Mechanical) and move a separate working paper for their promotion against available post of Deputy Director in the Abasyn Construction Corporation on the basis of their seniority. The Department was further advised to explore posts for adjustment of remaining officers for their promotion in the relevant field.</p>
Mr. Zard Ali Khan B.E(Civil)	<p>His date of birth is 21.6.1955. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record upto 2003 is generally good.</p> <p>Previously he was deferred by the Board on 28.11.2002 and was kept under observation, till he earns ACR for the year 2002. The Board was informed that he has earned good ACR for the year 2002 and 2003.</p> <p>The Board recommended that the officer may be cleared for promotion to the post of Executive Engineer (BPS-18) on regular basis with immediate effect. He will be on probation for a period of one year in terms of section-6 (2) of NWFP Civil Servants Act 1973 read with Rule-15(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1982.</p>
Mr. Abdul Hafeez Saval B.E (Civil)	<p>His date of birth is 21.8.1957. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>Previously he was deferred by the Board on 28.11.2002 for the reason that he was under NAB custody. He has now been released on bail and his case is pending/under trial in the Accountability Court. Moreover he has been served with charge sheet in an open enquiry. Report is awaited.</p> <p>The Board, therefore recommended to defer his promotion till the finalization of his case.</p>
Mr. Inqad Musain Bangash B.E (Civil)	<p>His date of birth is 2.2.1952. He is B.E(Civil). He joined Government service on 22.9.1979.</p> <p>Previously he was superseded by the Board on 28.11.2002 for the reason that his performance was not upto the mark. The Board was informed that two minor penalties of "Censure" have been imposed upon him in two different cases on 1.9.2003 and 12.11.2003. An enquiry is also pending against him.</p>

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	<p>The Board, therefore recommended his supersession for promotion to the post of Executive Engineer (BPS-18).</p>
<p>Mr. Muhammad (ja: B.E (Civil))</p>	<p>His date of birth is 7.5.1956. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>Previously he was deferred by the Board on 28.11.2002 for the reason that he was under NAB custody. He has now been released on bail and his case is pending/under trial in the Accountability Court.</p> <p>The Board, therefore recommended to defer his promotion till the finalization of his case.</p>
<p>Mr. Javed Ahmad Turk. B.E (Civil)</p>	<p>His date of birth is 15.2.1955. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>Previously he was deferred by the Board on 28.11.2002 for the reason that a departmental proceeding was pending against him. The Board was informed that as a result of the said proceeding a minor penalty of "Censure" has been imposed upon him on 20.11.2002.</p> <p>The Board, therefore recommended his supersession for promotion to the post of Executive Engineer (BPS-18).</p>
<p>Mr. Muhammad Ashraf Khan-I B.E (Civil)</p>	<p>His date of birth is 5.8.1949. He is B.E(Civil). He joined Government service on 9.9.1979. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record upto 2003 is generally good.</p> <p>Previously he was deferred by the Board on 28.11.2002 for the reason that his ground feed back was adverse, enjoy bad reputation and his ACRs were not available. The Board was informed that he his missing ACRs are now available which are good. He also earned good ACR for the year 2002 and 2003. He has improved considerably.</p> <p>The Board recommended that the officer may be cleared for promotion to the post of Executive Engineer (BPS-18) on regular basis with immediate effect. He will be 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 and Transfer) Rules, 1989.</p>
<p>Mr. Abdul Majid Khan B.E (Civil)</p>	<p>His date of birth is 20.10.1948. He is B.E(Civil). He joined Government service on 9.9.1979</p> <p>Previously he was superseded on 28.11.2002 for the reasons that his ground feed back was adverse and enjoy bad reputation. The Board was informed that two number of disciplinary cases are still pending against him.</p> <p>The Board, therefore, recommended his supersession for promotion to the post of Executive Engineer (BPS-18).</p>

M. Javed
W. J. Khan
 Section Officer (BPS-18)

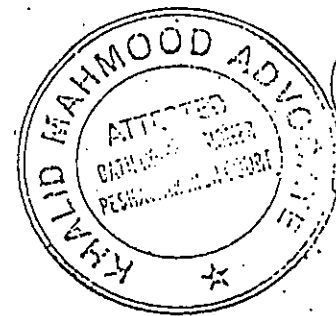
GOVERNMENT OF N.W.F.P.
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the 23rd December 2004

Notification

No. SOE-I/W&S/I-5/72/2004. In consultation with the Provincial Selection Board, the competent authority, has been pleased to promote the following Assistant Engineers/Assistant Directors (BPS-17) of the Works & Services Department to the rank of Executive Engineer/Deputy Director (BPS-18), on regular basis, with immediate effect:-

1. Mr. Zard Ali Khan
2. Mr. Muhammad Ashraf Khan-I
3. Mr. Abdur Razaq Khan
4. Mr. Murad Ali
5. Mr. Abdul Samin Khan
6. Mr. Ismail
7. Mr. Fateh Muhammad Jan
8. Mr. Kifayat Hussain
9. Mr. Waqar Ahmad Malik
10. Syed Jalal-ud-Din
11. Mr. Ghulam Murtaza-I
12. Mr. Muhammad Aslam Khan
13. Mr. Hayatullah Khan
14. Mr. Asif Iqbal
15. Mr. Ashiq Hussain Shah
16. Mr. Shams-uz-Zaman
17. Mr. Faiz Muhammad
18. Mr. Rashidullah
19. Mr. Fazle Kabir
20. Syed Daud Jan
21. Mr. Sherullah Khan
22. Mr. Jehanzeb Khan-I
23. Mr. Saif-ur-Rehman
24. Mr. Farman Ali-II
25. Mr. Muhammad Asif
26. Mr. Kalim Khan
27. Mr. Zardad Khan
28. Mr. Aslam Khan
29. Mr. Shah Jehan
30. Mr. Muhammad Pervez



2. The orders regarding postings/transfers of above officers will follow.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Encls. No. SOE-I/W&S/I-5/72/2004. Dated Peshawar, the 23rd December, 2004

Copy to the:-

1. Secretary to Chief Minister, NWFP.
2. Accountant General NWFP, Peshawar.
3. Accountant General (PR) Sub Office Peshawar.

Please Turn Over

From File No.

- 4. PS to Chief Secretary, JWP.
- 5. Chief Engineer, Works & Services, Peshawar.
- 6. Chief Engineer (M.A.) Works & Services Deptt. Peshawar.
- 7. Managing Director Frontier Highway Authority, Peshawar.
- 8. Managing Director Abasco Construction Corporation, Peshawar.
- 9. All Deputy Secretaries/Section Officers in Works & Services Department.
- 10. All Executive District Officers Works & Services Deptt. in NWFP.
- 11. District/Agency Accounts Officers concerned.
- 12. PS to Secretary Works & Services Department.
- 13. Additional Secretary Works & Services Department.
- 14. Manager Govt. Printing Press, Peshawar for publication in the next issue of Government Gazette.
- 15. Officers concerned.
- 16. Office Order/Personal File.

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



Handwritten signature and date:
 20/10/2008
 [Signature]

CONFIDENTIAL
MOST IMMEDIATE

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

No. SOE-1/W&S/1-6/78

Dated Peshawar, the 05/05/2005

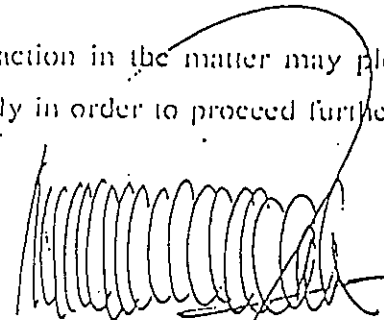
To

Mr. Nazir Ahmad,
Deputy Director (OPS),
Works & Services Chitral

Subject: APPEAL FOR REMISSION OF MINOR PENALTIES OF "CENSURE"
AND "WITHHOLDING OF THREE INCREMENTS & CENSURE".

I am directed to refer to your appeal for remission of minor penalties of "Censure" and "Withholding of three increments & censure" as well as for promotion to the rank of Deputy Director (BS-18) and to state that your subject appeal was submitted to the Chief Minister NWFP who has been pleased to accept the same subject to the condition that you will withdraw your appeal under trial in the NWFP Services Tribunal against the imposition of said minor penalties.

It is, therefore, requested that necessary action in the matter may please be taken under intimation to this Department immediately in order to proceed further in the matter.



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



To

The Chairman,
NWFP Services Tribunal Peshawar.

Subject: Application for the withdrawal of Service Appeals

1. No.598 of 2003 Nazir Ahmad Versus Secretary to Govt of NWFP, Works & Services Deptt.
2. No.984 of 2003 Nazir Ahmad Versus Secretary to Govt of NWFP, Works & Services Deptt.

Sir,

Respectfully it is requested that:-

1. The undersigned has filed two number subject appeals in the honourable NWFP Services Tribunal in which the next date of hearing has been fixed on 31.05.2005.
2. The respondents have desired to patch-up the matter internally and have also promised for grant of relief to me.
3. I hope that the respondents will be kind enough to remove the problems faced to me for which your good-self had been approached.
4. If the problems faced to me are not resolved, I re-serve the rights to again approach the honourable court.

Therefore, based on the promises of the respondents, your good-self is requested to approve the withdrawal of my subject appeals for the time being subject to the solution of my problems for which your good-self had been approached.

Dated: 07/05/2005



Yours obediently,

(Nazir Ahmad)
Deputy Director
Works & Services Chitral (OPS)
(APPELLANT)

Copy is forwarded to the Secretary to Govt: of NWFP, Works & Services Department Peshawar, for information & necessary action, w/r to his letter No.SOIE-1/W&S/1-6/78 dated 05.05,2005, please.

07/5/05
office of
Secretary.
W&S.

Deputy Director
Works & Services Chitral (OPS)

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

N.W.F. Province
Service Tribunal
Diary No. 688
Dated 24-6-03

In re: Service Appeal No. 598 2003.

Nazir Ahmad, Designing Engineer,
Office of Chief Engineer Works and
Services Department, Peshawar.

As submitted to and filed.

Appellant

Registrar

KHALID MAHMOOD ADVOCATE
ATTSTED
DARYL ASSOCIATES
PESHAWAR PAKISTAN

1. Government of NWFP through
Secretary Works and Services Department,
Peshawar.

2. Provincial Selection Board, NWFP, Peshawar.

3. Aftabullah Khan, Deputy Director Works & Services Deptt: Distt: Swabia

4. Muhammad Gul, Deputy Director Works & Services Deptt: Distt: Kohat

5. Gulam Daud, Deputy Director in office of Chief Engineer Works & Services Deptt: Peshawar.

6. Tabiullah, Deputy Director Works & Services Deptt: Distt: Battagram.

7. Mohammad Farooq, Care of Section Officer (Estab:) Works & Services Deptt: Peshawar.

8. Muslik-e-Aham.

-do-

9. Saeedur Rehman, Deputy Director Farm to Market Roads Kubabian Peshawar.

10. Hidayatullah, Deputy Director Works & Services Deptt: Distt: Nowshera.

11. Abdul Samin, Deputy Director Frontier Highways (PHA) at Saidu Sharif Swat.

12. Fatah Mohammad Khan, Deputy Director Works & Services Deptt: Distt: Abbotabad.

13. Ismail, Deputy Director Provincial Building Maintenance Cell Peshawar.

14. Kifayat Hussain, SEN Dev: C&W Division Mattani at Kohat.

15. Waqar Ahmad Malik, T.O. in O/O Chief Engineer Works & Services Deptt: Peshawar.

16. Muhammad Khaliq Shah, Deputy Director Works & Services Deptt: Distt: Mangoch.

17. Abdul Samad Khan, Deputy Director Works & Services Deptt: Distt: Malakand.

18. Muhammad Aslam Khan, Deputy Director Frontier Highways (PHA) Peshawar.

19. Hidayatullah Khan-II, Deputy Director City Distt: Govt: Bacha Khan Chowk Peshawar.

20. Aliq Hussain Shah, SEN Dev: C&W Division Parachinar.

21. Shamsoz-Zaman, Asstt: Director Works & Services in Distt: Kohistan.

NWFP Service Tribunal
Peshawar
EXAMINER

Design Engineer O/O Chief Engineer Works & Services
Muz 14 A
17
Department, Government of Punjab

Respondents:

APPEAL AGAINST THE IMPOSED ORDER/NOTIFICATION NO. SFC-14W/SA-5/72 DATED 28 FEBRUARY 2005 OF RESPONDENT NO.1, WHEREBY IN TOTAL VIOLATION OF THE SENIORITY LIST, PROMOTED THE RESPONDENTS NO.5 TO 22, BEING JUNIORS TO THE APPELLANT, TO THE RANK OF EXECUTIVE ENGINEERS, DPS-18 AND SUPERSEDED THE APPELLANT.

15.

31.5.2005

Counsel for the appellant,

Jamroz Khan, Asstt. with AGP for respondent-
deptt: and respondents 4 & 6 in person are
present. Grievance of the appellant has been
redressed. The appeal has become infructuous.
Application for withdrawal of the appeal has
also been submitted to this effect. As such
the instant appeal being infructuous is hereby
dismissed as withdrawn. File be consigned to
the record.

ANNOUNCED

31.5.2005

CHAIRMAN 21/05

31/5/2005
Chairman

Handwritten notes and signatures in the bottom left corner, including names like 'Jamroz Khan' and dates.

KHALID MAHMOOD, ADVOCATE
ATTESTED
02/07/05
PRESIDENT

Handwritten signature and date 02/07/05.

40 Better Copy.

BETTER COPY

22. Javed Ihsan, Design Engineer O/O Chief Engineer Works & Services
Deptt: Peshawar.
23. Chief Secretary Govt. of NWFP.

All Assistant Engineers BPS-17, Works and Services Department, Government
of NWFP.

.....Respondents

APPEAL AGAINST THE IMPUGNED ORDER/
NOTIFICATION NO.SOE-1/W&S/4-5/72 DATED 8
FEBRUARY 2003 OF RESPONDENT NO.1
WHEREBY HE IN TOTAL VIOLATION OF THE
SENIORITY LIST, PROMOTED THE
RESPONDENTS NO.3 TO 22, BEING JUNIORS
TO THE APPELLANT, TO THE RANK OF
EXECUTIVE ENGINEERS BPS-18 AND
SUPERSEDED THE APPELLANT.

13. 31.5.2005

Counsel for the appellant, Jamroz Khan, Asstt: with
AGP for respondent deptt: and respondents 4 & 6 in person are
present. Grievance of the appellant has been redressed. The appeal
has become infructuous. Application for withdrawal of the appeal has
also been submitted to this effect. As such the instant appeal being
infructuous is hereby dismissed as withdrawn. File be consigned to
the record.

ANNOUNCED
31.5.2005

CHAIRMAN



Ahsan
20

20.10.2009

PEOPLE'S SERVICE APPEAL TRIBUNAL, PESHAWAR



Service Appeal No. 1188
Dated 30-9-03

Service Appeal No. 984/2003
Chief Engineer, Peshawar
Appellant

Government of NWFP
Secretary, Public Works and Services
Respondent

2. Court of NWFP through Chief, Secretary NWFP Peshawar

Respect. v/s
in pleadings respondent
with order dt: 18-6-03

Filed today
20.9.03

APPEAL AGAINST THE IMPROVED ORDER NO SO960 W&S/ 26-12-2001/VOL:III DATED 18-6-03 OF THE RESPONDENT WHEREBY HE WENT INTO RETIREMENT POWERS CONFERRED BY RULES OF THE NWFP RETIREMENT FROM SERVICE (SPECIAL POWERS) ORDINANCE 2000. THE APPELLANT HAS BEEN PLEASED TO IMPOSE THE MINOR PENALTY OF WITHHOLDING OF 3 INCREMENTS FOR 5 YEARS AND STOPPING OF THE APPELLANT'S

13. 31.5.2005

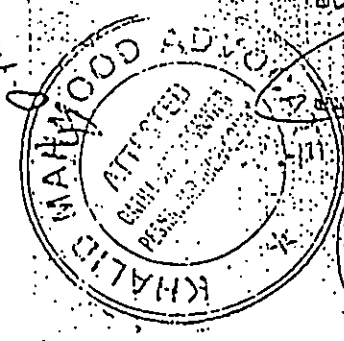
Counsel for the appellant and Jamroz Khar, Asstt. with AGR for respondent - department present. Grievance of the appellant has been redressed. Application for withdrawal of the appeal to this effect has also been submitted. As such the instant appeal being infructuous is hereby dismissed as withdrawn. File be consigned to the record.

ANNOUNCED

31.5.2005

CHAIRMAN

Handwritten notes and signatures in a box, including names like 'Jamroz Khar' and dates.



Handwritten signatures and dates, including '30.9.03'.

(41) Better Copy
BETTER COPY

BEFORE THE NWFP SERVICES TRIBUNAL, PESHAWAR.

In re: Service Appeal No.984/2003

Nazir Ahmad, Designing Engineer,
Office of Chief Engineer Works and
Services Department, Peshawar..... Appellant

Versus

1. Government of NWFP through Secretary Works and Services Department, Peshawar.
2. Govt. of NWFP through Chief Secretary NWFP Peshawar.

APPEAL AGAINST THE IMPUGNED ORDER
NO.S09E0 W&S/26-12/2001/ VOL-III DATED
_____ OF THE RESPONDENT WHEREBY
HE WHILE EXERCISING POWERS
CONFERRED BY RULE-3 OF THE NWFP
REMOVAL FROM SERVICE (SPECIAL
POWERS) ORDINANCE 2000 HAS BEEN
PLEASED TO IMPOSED THE MINOR PENALTY
OF WITHHOLDING OF 3 INCREMENTS FOR 3
YEARSW AND SENSURE OF THE APPELLANT.

Asksed

13. 31.5.2005

Counsel for the appellant and Jamroz Khan, Asstt: with AGP for respondent department present. Grievance of the appellant has been redressed. Application for withdrawl of the appeal to this effect has also been submitted. As such the instant appeal being infructuous is hereby dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
31.5.2005



CHAIRMAN

B. Meh
20.10.2009

Dated Peshawar, the 09/06/2005

ORDER

No.SOE-I/W&S/1-6/78 WHEREAS, Mr. Nazir Ahmad (BS-17), Deputy Director Works & Services Chitral (Own pay & scale) was proceeded against under the NWFP Removal From Service (Special Powers) Ordinance 2000, for his alleged irregularities committed in the feasibility study and construction of RCC Bridge over Yarkhun River at Mastuj with realignment of Parwak-Mastuj Road (11-Km) Chitral.

2. AND WHEREAS, minor penalties of "Withholding of three increments for three years and Censure" were served upon the accused officer vide this Department's Order No.SO(E)W&S/26-12/2001/Vol-III dated 16.05.2003.

3. AND WHEREAS, a minor penalty of "Censure" was also imposed upon the officer concerned for the charges that he had not provided the relevant record to the Inquiry Officer in connection with "Feasibility Study & Construction of RCC Bridge Over Yarkhun River at Mastuj Chitral (ADP No.296/941012) vide this Department's Order.No.SOE-I/W&S/1-6/78 dated 04.09.2002.

4. AND WHEREAS, the officer concerned submitted an appeal to the appellate authority, who has been pleased to accept his appeal.

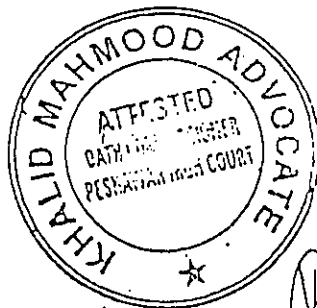
5. NOW THEREFORE, the Orders issued vide this Department's No. SO(E)W&S/26-12/2001/Vol-III dated 16.05.2003 and No. SOE-I/W&S/1-6/78 dated 04.09.2002 vide which the penalties were imposed upon the officer concerned are hereby withdrawn.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst: No & Date as above:

Copy forwarded to the:-

1. Secretary to Chief Minister NWFP.
2. Accountant General NWFP Peshawar.
3. Chief Engineer Works & Services Department NWFP Peshawar.
4. Executive District Officer Works & Services Chitral.
5. District Accounts Officer Chitral.
6. Section Officer (Estt-II) Works & Services Department Peshawar.
7. PS to Secretary Works & Services Deptt. Peshawar.
8. PA to Additional Secretary Works & Services Deptt Peshawar
9. Officer concerned.
10. Office Order/Personal File.



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

Arshad
20/10/2009

ITEM NO.1

WORKS AND SERVICES DEPARTMENT
(Meeting held on 12.7.2005)

SUBJECT: - PROMOTION OF ASSISTANT ENGINEERS (BPS-17) TO THE RANK OF EXECUTIVE ENGINEERS (BPS-18)

The Secretary Works and Services Department apprised the Board that seven clear posts of Executive Engineers (BPS-18) falling to the share of promotion are lying vacant. Seniority of the officers included in the panel is undisputed. According to service rules the post is required to be filled in as under:-

"By selection on merit with due regard to seniority, from amongst the Assistant Directors/Assistant District Officers/Assistant Design Engineers/Assistant Engineers or holder of equivalent posts (BS-17), with at least 5 years of service as such.

2. The service record of the officer included in the panel is discussed as follows:-

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1	Mr. Nazir Ahmad Khan B.E(Civil)	<p>His date of birth is 11.6.1950. He is B.E(Civil). He joined Government service on 31.10.1978.</p> <p>Previously he was superseded on 28.11.2002 and 8.11.2003 for the reasons that his performance/general reputation were not upto the mark. His behaviour with senior was not desirable. A minor penalty of "Censure" was imposed upon him on 4.9.2002. Another minor penalty of withholding of three increments for three years and "Censure" was imposed upon him on 16.5.2003.</p> <p>The Board was informed that the officer made a representation against the two minor penalties. The case was submitted to the Chief Minister who has been pleased to remit the minor penalties imposed upon him subject to the condition that he will withdraw his appeals filed in the NWFP Services Tribunal and directed the Works and Services Department to resubmit his promotion case to the PSB. The officer concerned has withdrawn his appeals from the NWFP Service Tribunal. The Board was further informed by the Secretary Works and Services Department that another enquiry has since been initiated against him.</p> <p>In view of the same the Board, therefore, recommended to defer his promotion till the finalization of enquiry.</p>

Accepted
Secretary
Works and Services Department
Government of NWFP
Islamabad, G.D.P.

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the 13/07/2005

13.7.2005

Notification

No. SOE-I/W&S/8-15/2002 As a result of merger of former C&W Department and former PHE Department into Works & Services Department and in light of Sub Rule (3) of Rule 17 of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules 1989, amended and notified vide Establishment & Administration Department Notification No.SOR.I(E&AD)4-1/80/Vol-IV dated 28.05.2002 and in pursuance of Sub Section (1) of Section 8 of NWFP Civil Servants Act, 1973, joint/integrated seniority list of Assistant Engineers/Assistant Directors/Assistant District Officers (BPS-17) of the Works & Services Department, duly approved by the competent authority, as it stood on 13/07/2005 is notified as under:-

Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of Entry into Govt. Service	Date of Appointment/promotion in present Grade. (BPS-17)	Whether Deptt. Exam: passed	Year of Passing	Method of appointment in present Grade (BPS-17)/ Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Mr. Nazir Ahmad Khan	B.E. (Civil)	11.06.1950	Chitral	31.10.1978	31.10.1978	Yes	1982	By initial recruitment
2.	Muhammad Humayun	B.E. (Civil)	14.11.1955	Malakand	31.10.1978	31.10.1978	Yes	1979	-do-
3.	Mr. Sher Shah.	B.E. (Civil)	01.03.1950	Swat	22.09.1979	22.09.1979	Yes	1983	-do-
4.	Mr. Shaliq Ahmad	B.E. (Mechanical)	09.02.1955	Peshawar	09.09.1979	09.09.1979	Yes	1980	-do-
5.	Mr. Abdul Hafeez Saval	B.E. (Civil)	21.08.1957	Peshawar	09.09.1979	09.09.1979	Yes	1981	-do-
6.	Mr. Imdad Hussain Dingash	B.E. (Civil)	02.02.1952	Kurram Agency	22.09.1979	22.09.1979	Yes	1989	-do-
7.	Mr. Muhammad Ijaz.	B.E. (Civil)	07.05.1956	Mardan	09.09.1979	09.09.1979	Yes	1981	-do-
8.	Mr. Jan-e-Alam	B.E. (Civil)	13.04.1950	Swat	16.09.1979	16.09.1979			By initial recruitment. Reinstated in service in light of the NWFP Services Tribunal judgement dated 15.7.2004 in Service Appeal No.672/2002
9.	Mr. Javed Ahmad Turk	B.E. (Civil)	15.02.1955	Abbottabad	09.09.1979	09.09.1979	Yes		By initial recruitment



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

DATED PESHAWAR THE 6TH JUNE, 2006

June 2006

NOTIFICATION

SOE-IV&S/8-15/2005. As a result of the separation of Works & Services and Public Health Engineering Cadres of the Works & Services Department and in pursuance of Sub-Section (1) of the Section 3 of the NWFP Civil Servant Act 1973 the seniority of Assistant Engineers' Assistant Directors (BPS-17) of the C&W Cadre of the Works & Services Department, duly approved by the Competent Authority, as it stood on 06/6/2006 is notified as under

Seniority No	Name	Academic Qualification	Date of Birth	Domicile	Date of Ist Entry in Govt. Service	Date of Appointment/Promotion in Present Grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Nazir Ahmad Khan	B.Sc. (Civil)	11/06/1950	Chitral	31/10/1978	31/10/1978	
2	Mohammad Hamayun	B. Sc. (Civil)	1-1/1/1953	Malakand	31/10/1978	31/10/1978	
3	Sher Shah	B. Sc. (Civil)	01/03/1950	Swat	22/09/1979	22/09/1979	
4	Shafiq Ahmad	B. Sc. (Mechanical)	09/02/1955	Peshawar	09/09/1979	09/09/1979	
5	Abdul Hafeez Sayal	B. Sc. (Civil)	21/08/1957	Peshawar	09/09/1979	09/09/1979	
6	Imdad Hussain Bangash	B. Sc. (Civil)	02/02/1952	Kurram Agency	22/09/1979	22/09/1979	
7	Muhammad Ijaz	B. Sc. (Civil)	07/05/1956	Mardan	09/09/1979	09/09/1979	
8	Jari-e-Alam	B. Sc. (Civil)	13/0-1/1950	Swat	09/09/1979	09/09/1979	
RTD 9	Abdul Majid Khan	B. Sc. (Civil)	20/10/1948	Kohat	09/09/1979	09/09/1979	
10	Muhammad Ashraf Khan-II	B. Sc. (Mechanical)	01/09/1954	Mardan	09/09/1979	09/09/1979	
11	Muhammad Khaliq Shah	B. Sc. (Civil)	31/10/1950	Mardan	18/05/1980	18/05/1980	
RTD 12	Shaukat Ali	B. Sc. (Civil)	01/04/1949	Kurram Agency	15/12/1981	15/12/1981	
RTD 13	Mir Wali	B. Sc. (Civil)	04/01/1949	N.W. Agency	20/04/1974	28/11/1983	
RTD 14	Lajmir Khan	B. Sc. (Civil)	01/02/1947	N.W. Agency	31-01/1975	25/10/1983	
15	Muhammad Uzair	B.Sc. (Civil) M.S (Civil)	16/04/1963	Malakand	16/09/1987	23/01/1988 Adhoc Service w.e.f. 16/09/87 to 22/01/88.	
16	Muhammad Tariq-I	B. Sc. (Civil)	10/04/1963	Malakand	16/09/1987	23/01/1988 Adhoc Service w.e.f. 16/09/87 to 22/01/88.	

Section Officer
Establishment-I
W&S Department
N.W.F.P.

Stamp: KHALID MAHMOOD
ATTENDED
CATERING
PERSONNEL
20/10/20

Dated Peshawar, the December 31, 2008

NOTIFICATION

No.SOE-IW&SD/4-53/70 Vol-II: The competent authority on the recommendations of Provincial Selection Board is pleased to appoint the following Executive Engineers/Deputy Directors (B-18) to the rank of Superintending Engineers/Executive District Officer/Directors (B-19) in the Works & Services Department on acting charge basis with immediate effect subject to the final orders of Peshawar High Court Peshawar and Supreme Court of Pakistan.

- 1) Engr. Abdul Samin Khan
- 2) Engr. Fateh Muhammad Jan

2. Postings/transfers of the above officers will follow.

Secretary to Govt of NWFP,
Works & Services Department.

Endst of even number and date:

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister NWFP
2. Secretary to Govt of NWFP Establishment Deptt, Peshawar
3. Accountant General NWFP, Peshawar.
4. Accountant General (PR) Sub Office, Peshawar.
5. Chief Engineer, W&S Peshawar.
6. Chief Engineer (FATA), W&S Peshawar.
7. Managing Director Frontier Highways Authority Peshawar
8. Managing Director Abaseen Construction Corporation Peshawar,
9. All Executive District Officers W&S Department.
10. PS to Chief Secretary NWFP, Peshawar
11. Incharge Computer Cell W&S Department, Peshawar
12. PS to Secretary, W&S Peshawar.
13. Officer concerned.
14. Office order File/Personal File.

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



Anwar-ul-Haq
20.10.2009

GOVERNMENT OF NWFP,
WORKS & SERVICES DEPARTMENT.

Dated Peshawar, the December 31, 2008

NOTIFICATION

No.SOE-IW&SD/4-53/70 Vol-II: The competent authority on the recommendations of Provincial Selection Board is pleased to promote the following Executive Engineers/Deputy Directors (B-18) to the rank of Superintending Engineers/Executive District Officer/Directors (B-19) in the Works & Services Department on regular basis with immediate effect subject to the final orders of Peshawar High Court Peshawar and Supreme Court of Pakistan.

1. Engr. Syed Sajid Hussain
2. Engr. Usman Khan
3. Engr. Abdullah Khan
4. Engr. Khalid Shah
5. Engr. Hidayatullah Khan
6. Engr. Zard Ali Khan
7. Engr. Abdur Razzak
8. Engr. Murdad Ali
9. Engr. Sohail Bin Qayyum

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

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

Secretary to Govt of NWFP,
Works & Services Department

Endst of even number and date

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister NWFP
2. Secretary to Govt of NWFP Establishment Deptt, Peshawar
3. Secretary to Govt of NWFP Finance Department, Peshawar
4. Accountant General NWFP, Peshawar.
5. Accountant General (PR) Sub Office, Peshawar.
6. Secretary-cum-Director General PERRA NWFP, Peshawar
7. Chief Engineer, W&S Peshawar.
8. Chief Engineer (FATA), W&S Peshawar.
9. Managing Director Frontier Highways Authority Peshawar
10. Managing Director Abaseen Construction Corporation Peshawar
11. All Executive District Officers W&S Department.
12. Director Building & Works (Provl) W&S Peshawar
13. Project Director (FAP) W&S Peshawar
14. District Accounts Officers, Nowshera/Kohat/Abbottabad/Mardan
15. PS to Chief Secretary NWFP, Peshawar
16. Incharge Computer Cell W&S Department, Peshawar
17. PS to Secretary, W&S Peshawar.
18. Officer concerned.
19. Office order File/Personal File



(ANWAR-U-L-HAQ)
SECTION OFFICER (ESTT-I)

Handwritten signature and date:
20/10/2009

To

The Hon'ble Chief Minister,
N.W.F.P., Peshawar.

Through proper channel,

The Secretary to Government of NWFP,
Works & Services Department,
Peshawar.

Subject: APPEAL FOR PROMOTION TO THE HIGHER GRADE
ACCORDING TO THE RIGHT ACCRUED TO THE APPELLANT.

Hon'ble Sir,

The appellant submits as under:-

1. That the appellant, a civil engineer, joined the then B&R Now C&W Department, through Public Service Commission as SDO, Grade-17, in the year, 1978.
2. That the appellant since then is serving the Department with dedication and has got unblemished service record through recommended regularly for promotion in every ACR.
3. That the appellant was temporarily promoted as XEN on 11.10.1999 against vacant post and till 25.3.2000 as Designing Engineer in Malakand Division in the office of Director. His temporary promotion was further maintained w.e.f. 25.3.2000 till 3.2.2002 as XEN Chitral in his original pay and scale.
4. That the position of the appellant was maintained as such since February 2003 and posted as Designing Engineer (XEN) in the office of Chief Engineer, Peshawar and lastly posted as XEN C&W, Chitral.
5. That on 4.12.2002, the then Secretary Works fabricated a false case against the appellant and was thus charge-sheeted to which the appellant submitted his reply on 28.12.2002.
6. That however, not satisfied with the reply of the appellant an inquiry was initiated and on completion of the so-called inquiry the respondent passed the impugned order.
7. That the appellant filed an Appeal before the Hon'ble NWFP Service Tribunal, Peshawar vide Appeal No. 598/2003 which was pending adjudication.
8. That in fact minor penalties imposed upon the appellant was due to a false and concocted case against him for alleged irregularities in the scheme "Feasibility study and construction of RCC Bridge over Yarkhun at Mastuj with co-alignment of Parwak Mastuj Road (11 km)", thus the appellant was deprived of his due promotion in the normal course.
9. That the appellant filed another appeal vide Service Appeal 984/2003 before the NWFP Services Tribunal, Peshawar, against the impugned order dated 16.5.2003



[Signature]
20.10.2009

of the department under the NWFP Removal from Service (Special Powers) Ordinance, 2000 whereby minor penalties of withholding of three increments for three years and censure was imposed on the appellant.

10. That both the aforementioned appeals were pending before the Hon'ble NWFP Service Tribunal when vide letter No. SOE-I/W&S/1-6/78 dated Peshawar the 5.5.2005 by Secretary Works & Services through Section Officer (Estt-1) and the appellant was informed that the appeal already submitted to the Hon'ble Chief Minister, is pleased to accept the same subject to the condition that the appellant should withdraw his appeals aforementioned in the NWFP Services Tribunal against the imposition of said minor penalties. Copy of the letter is annexed.
11. That consequently vide said letter, the appellant submitted an application before the Hon'ble NWFP Services Tribunal, Peshawar dated 7.5.2005 for withdrawal of both the aforementioned appeals i.e. against the imposition of penalties as well as for promotion to the higher grade. Copy of the application is annexed.
12. That the Hon'ble NWFP Services Tribunal was pleased to allow the appellant and withdraw the appeals vide order dated 31.5.2005. Copy of the orders is annexed.
13. That, however, the then Hon'ble Chief Minister was pleased to withdraw the case of alleged irregularities aforementioned and the penalties imposed upon the appellant vide his order No. SOE-I/W&S/1-6/78 dated 9.6.2005. matter of promotion of the appellant to the higher grade was kept pending till date. Copy of the order is annexed.
14. That the only reason for withholding of promotion of the appellant was the stigma created by the aforementioned minor penalties and thus the appellant is, therefore, entitled to his due promotion as required under the law and circumstances of the case.
15. That the appellant is much senior when seniority list of Assistant Engineers was promulgated on 1.6.2002 ^{& 30.6.2004} where the appellant stood at serial No. 1 i.e. on the top of the list for promotion to the next higher grade i.e. grade-18. Copy of the seniority list is annexed.
16. That unfortunately during this period, vide notification No. SOE-I/W&S/4-5/72 dated 8.2.2003 officers junior to the appellant 20 in numbers have been promoted from grade-17 to grade-18 but the appellant has not been considered being senior most. Vide Notification No. SOE-I/W&S/4-5/72/2004 dated 23.12.2004, 30 more junior officers have been promoted from grade-17 to grade-18 and the appellant has been ignored once again. Copies of the notifications are annexed.
17. That even recently, vide Notification No. SOE-I/W&SD/4-53/70 dated 31.12.2008 junior officers promoted from grade-17 to grade-18 have now been moved-over from grade-18 to grade-19. These includes also junior officers who



Khald
20.5.2009

were much junior than the appellant while they were promoted to grade-18 and now they have been placed in grade-19. Copy of the notification is annexed.

- 18. That because of the assurance by the then Chief Minister, the appellant withdrew his service appeals from the Hon'ble NWFP Services Tribunal, Peshawar and waited for blessing of the then Chief Minister till date, however, with no fruitful results.
- 19. That it is important to mention here that because of the official fraction, the appellant was once removed from service on a frivolous charge in March 2006, however, on appeal before the Hon'ble NWFP Services Tribunal, he has been reinstated to his post with all back benefits in August, 2008. Copy of the order is annexed.
- 20. That by all these facts narrated above, the appellant has been time and again subjected to humiliation by the department, however, nothing could be found against the appellant and thus he is now in service but without his due right i.e. right of promotion to the grade for which he is entitled to promotion from grade-17 to grade-18 on the due date and thereafter to grade-19 as per seniority list and grant of the same grade to his juniors as mentioned in the preceding paras.
- 21. That by the induction of new Government under kind control of your honour, the appellant makes the submissions and hope that the same may very kindly be considered sympathetically and his due right of promotion be awarded to him with all back benefits.

Dt: 6.3.2009

Yours Faithfully,

(Nazir Ahmad Khan)
Works & Services, Department.

696
04/3/09
D.No: 3942
06/03/09
C.M. office



20.10.2009

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

No.SOE-I/W&SD/8-28/72006
Dated Peshawar, the Sept 30, 2009

To

Engr Nazir Ahmed
Deputy Director
Works & Services, Chitral

Subject: APPLICTION/APPEAL

I am directed to refer to your appeal/application dated 06.03.2009, 29.08.2009 and 29.09.2009 on the subject noted above and to state that a panel of BS-17 officers including your name was submitted to PSB twicely for promotion to the rank of Deputy Director (BS-18), but the PSB returned the case with certain observations. Therefore, your appeal/application has been ordered to be kept pending on 04.09.2009.

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

Endst even No. & date

Copy forwarded to the PS to Secretary W&S Department for information

SECTION OFFICER (ESTT-I)



B. H.
26/10/2009

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR.

S.A.No. 1758/2009Nazir Ahmad Khan
Deputy Director Works and Services, Chitral..... Appellant

Versus

- 1) Government of NWFP through Secretary Works and Services Department, Peshawar.
- 2) Provincial Selection Board, NWFP, Peshawar.
- 3) Attaullah Khan, (retired)
- 4) Muhammad Gul, (retired)
- 5) Ghulam Daud, EDO Works and Services Deptt., Peshawar.
- 6) Tabiullah, (retired)
- 7) Muhammad Farooq, (retired)
- 8) Mushk-e-Alam, (retired)
- 9) Saeed-ur-Rehman, (on LPR)
- 10) Hidayatulalh, Director Building and Works (Provincial) Peshawar.
- 11) Abdul Samin, Director Frontier Highways (FHA) Peshawar.
- 12) Ismail, (retired).
- 13) Kifayat Hussain, (retired)

- 14) Waqar Ahmad Malik, Deputy Director Works and Services, Nowshera.
- 15) Muhammad Khaliq Shah, (waiting for posting) C/O Secy; Works and Services Deptt: Peshawar.
- 16) Abdul Samad Khan, (died).
- 17) Muhammad Aslam Khan, (retired).
- 18) Inayatullah Khan-II, (waiting for posting) C/O Secy: Works and Service, Deptt: Peshawar.
- 19) Shams-uz-Zaman, Director Provincial Building Maintenance Cell (W&S) Peshawar.
- 20) Javed Ihsan, Director, FHA, Peshawar.
- 21) Zard Ali Khan, Chief Engineer (PERRA), Mansehra.
- 22) Muhammad Ashraf Khan-I, (retired).
- 23) Murad Ali, Additional Secretary (Admn) Finance Department, Peshawar.
- 24) Syed Jalal-ud-Din, Deputy Director (PERRA) Mansehra.
- 25) Ghulam Murtaza-I, (retired).
- 26) Muhammad Aslam Khan, XEN FR Peshawar at Kohat.
- 27) Asif Iqbal, (waiting for posting) C/O Secy: W&S, Peshawar.
- 28) Rashidullah, XEN Highway Division Khyber at Jamrud.
- 29) Syed Daud Jan, Deputy Director W&S, Abbottabad.
- 30) Sherullah Khan, (retired)
- 31) Jehanzeb Khan-I, EDO W&S, Bannu
- 32) Saif-ur-Rehman, EDO, W&S, D.I.Khan

- 33) Farman Ali-II, Deputy Director (North) FHA, Swat.
- 34) Muhammad Asif, (waiting for posting) C/O Secy, W&S, Peshawar.
- 35) Kalim Khan, (retired)
- 36) Zardad Khan, XEN Building Divn: NWA at Tank.
- 37) Aslam Khan, (retired).
- 38) Shah Jehan, on extraordinary leave 4 years.
- 39) Muhammad Pervez, XEN Highway Divn: Kurram Parachinar.
- 40) Syed Sajid Hussain, Managing Director Abaseen Construction Corporation, Peshawar.
- 41) Usman Khan, EDO W&S, Kohat.
- 42) Abdullah Khan, Director (HQ) office of Chief Engr: W&S, Peshawar.
- 43) Khalid Shah, Member (Tech) Provincial Inspection Team, Peshawar.
- 44) Sohail Bin Qayum, EDO W&S, Mardan..... Respondents

APPEAL U/S 4 OF THE N.W.F.P.
SERVICE TRIBUNAL ACT, 1974 FOR
PROMOTION OF THE APPELLANT IN
THE NEXT HIGHER GRADE OF BPS-18
AND ABOVE WITH ALL BACK BENEFITS.

Respectfully Sheweth;

1. That the appellant, a civil engineer, joined the then B&R Now C&W Department, through Public Service Commission as SDO, Grade-17, in the year, 1978.
2. That the appellant since then is serving the Department with dedication and has got unblemished service record through recommended regularly for promotion in every ACR.
3. That the appellant was temporarily promoted as XEN on 11.10.1999 against vacant post and till 25.3.2000 as Designing Engineer in Malakand Division in the office of Director. His temporary promotion was further maintained w.e.f. 25.3.2000 till 3.2.2002 as XEN Chitral in his original pay and scale.
4. That the position of the appellant was maintained as such since February 2003 and posted as Designing Engineer (XEN) in the office of Chief Engineer, Peshawar and lastly posted as XEN C&W, Chitral.
5. That on 4.12.2002, the then Secretary Works fabricated a false case against the appellant and was thus charge-sheeted to which the appellant submitted his reply on 28.12.2002.
6. That however, not satisfied with the reply of the appellant an inquiry was initiated and on completion of the so-called inquiry the respondent passed the impugned order.
7. That the appellant filed an Appeal before the Hon'ble NWFP Service Tribunal, Peshawar vide Appeal No. 598/2003 which was pending adjudication.
8. That in fact minor penalties imposed upon the appellant was due to a false and concocted case against him for alleged

irregularities in the scheme "Feasibility study and construction of RCC Bridge over Yarkhun at Mastuj with co-alignment of Parwak Mastuj Road (11 km)", thus the appellant was deprived of his due promotion in the normal course.

9. That the appellant filed another appeal vide Service Appeal 984/2003 before the NWFP Services Tribunal, Peshawar, against the impugned order dated 16.5.2003 of the department under the NWFP Removal from Service (Special Powers) Ordinance, 2000 whereby minor penalties of withholding of three increments for three years and censure was imposed on the appellant.
10. That both the aforementioned appeals were pending before the Hon'ble NWFP Service Tribunal when vide letter No. SOE-I/W&S/1-6/78 dated Peshawar the 5.5.2005 by Secretary Works & Services through Section Officer (Esttt-I) and the appellant was informed that the appeal already submitted to the Hon'ble Chief Minister, is pleased to accept the same subject to the condition that the appellant should withdraw his appeals aforementioned in the NWFP Services Tribunal against the imposition of said minor penalties. Copy of the letter is annexed.
11. That consequently vide said letter, the appellant submitted an application before the Hon'ble NWFP Services Tribunal, Peshawar dated 7.5.2005 for withdrawal of both the aforementioned appeals i.e. against the imposition of penalties as well as for promotion to the higher grade. Copy of the application is annexed.
12. That the Hon'ble NWFP Services Tribunal was pleased to allow the appellant and withdraw the appeals vide order dated 31.5.2005. Copy of the orders is annexed.

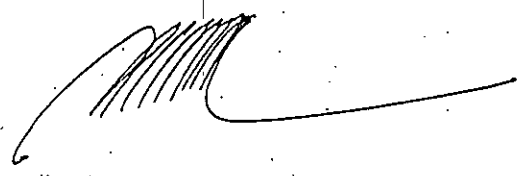
13. That, however, the then Hon'ble Chief Minister was pleased to withdraw the case of alleged irregularities aforementioned and the penalties imposed upon the appellant vide his order No. SOE-I/W&S/1-6/78 dated 9.6.2005, matter of promotion of the appellant to the higher grade was kept pending till date. Copy of the order is annexed.
14. That the only reason for withholding of promotion of the appellant was the stigma created by the aforementioned minor penalties and thus the appellant is, therefore, entitled to his due promotion as required under the law and circumstances of the case.
15. That the appellant is much senior when seniority list of Assistant Engineers was promulgated on 1.6.2002 where the appellant stood at serial No. 1 i.e. on the top of the list for promotion to the next higher grade i.e. grade-18. Copy of the seniority list is annexed.
16. That unfortunately during this period, vide notification No. SOE-I/W&S/4-5/72 dated 8.2.2003 officers junior to the appellant 20 in numbers have been promoted from grade-17 to grade-18 but the appellant has not been considered being senior most. Vide Notification No. SOE-I/W&S/4-5/72/2004 dated 23.12.2004, 30 more junior officers have been promoted from grade-17 to grade-18 and the appellant has been ignored once again. Copies of the notifications are annexed.
17. That even recently, vide Notification No. SOE-I/W&SD/4-53/70 dated 31.12.2008 junior officers promoted from grade-17 to grade-18 have now been moved-over from grade-18 to grade-19. These includes also junior officers who were much junior than the appellant while they were promoted to grade-

18 and now they have been placed in grade-19. Copy of the notification is annexed.

18. That because of the assurance by the then Chief Minister, the appellant withdrew his service appeals from the Hon'ble NWFP Services Tribunal, Peshawar and waited for blessing of the then Chief Minister till date, however, with no fruitful results.
19. That it is important to mention here that because of the official fraction, the appellant was once removed from service on a frivolous charge in March 2006, however, on appeal before the Hon'ble NWFP Services Tribunal, he has been reinstated to his post with all back benefits in August, 2008. Copy of the order is annexed.
20. That by all these facts narrated above, the appellant has been time and again subjected to humiliation by the department, however, nothing could be found against the appellant and thus he is now in service but without his due right i.e. right of promotion to the grade for which he is entitled to promotion from grade-17 to grade-18 on the due date and thereafter to grade-19 as per seniority list and grant of the same grade to his juniors as mentioned in the preceding paras.
21. That the appellant filed an appeal but the same has been responded on 30.09.2009 with remarks that the appeal has been kept pending. The appellant could not file the appeal earlier as it was assured by the authority that his appeal is being considered sympathetically and on flat refusal the present appeal.

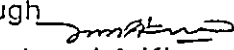
X

It is, therefore, humbly prayed that on the acceptance of this appeal, appellant being promoted to next higher grade i.e. Grade-18 and above with all back benefits from the due dates.

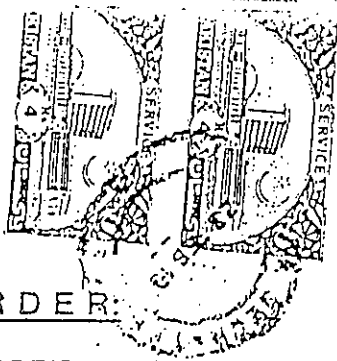


Appellant

Through



Javed A.Khan
Advocate, Peshawar.



GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Feb 16, 2010

ORDER:

No. SOE/C&WD//8-28/2006: WHEREAS, Engr Nazir Ahmad, Assistant Engineer C&W Department was proceeded against under the NWFP Removal from Service (Special Power) Ordinance 2000 for the alleged irregularities in the Construction/Repair of Roads in District Chitral".

2. AND WHEREAS, for the said act of misconduct he was served charge sheets/statement of allegations.

3. AND WHEREAS, Engr Ashiq Hussain Shah (BS-18) and Engr Fazli Kabir (BS-19) Executive Engineers were appointed as inquiry committee who submitted the inquiry report.

4. NOW THEREFORE, the competent authority after having considered the charges, material on record, inquiry report of the inquiry committee, explanation of the officer concerned, in exercise of the powers conferred by Section-8 of NWFP Removal from Services (special powers) Ordinance 2000, has been pleased to exonerate the above mentioned officer from the charges leveled against him.

Secretary to Govt of NWFP
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

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

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Engr Nazir Ahmad
Assistant Engineer
C&W Department
Peshawar

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

61

Department: Communication & Works Department

1. Nomenclature of the post/Basic Scale Executive Engineers (BS-18)
2. Service/Group/Cadre Engineering (C&W)
3. Sanctioned strength of the Cadre Total posts 70

	Direct	Promotion	Transfer
4. i. Percentage of share		100%	
ii. No. of posts allocated to each category	-	70	-
iii. Present occupancy position	-	64	-
iv. No. of vacancies in each category	-	06	-
v. Resulting vacancies due to promotion of Executive Engineer to Superintending Engineers (tentative)	-	05	-

- v. How did the vacancy(ies) under promotion quota accrue and since when
 - i) Due to deferment --- 03 Posts
 - ii) Due to retirement (Annex-I) --- 03 Posts
 - iii) Resultant vacancies due to promotion of XENs to SEs --- 05 Posts

vi. Recruitment Rules

By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officer possessing Degree in B.E/B.Sc. Engineering, (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service, and have passed the Professional Examination as prescribed in B&R Code (Annex-II).

vii. Required length of service

At least 05 (five) years of service in BPS-17 as such

viii. Whether to be promoted on regular basis or appointed on acting charge basis?

On regular basis = 11 posts

ix. Mandatory training, if any

Nil.

x. Minimum required score on EI.

50

(Engr Habib Ali)
Secretary C&W

Dated 25/03/2010

3

PANEL OF OFFICERS FOR CONSIDERATION

Sl No	Name of Officer	Remarks
1.	Mr. Nazir Ahmad Khan B.E. (Civil)	The PSB in its meeting held on 29.12.2009 recommended to defer his promotion on the basis of pending inquiry regarding irregularities in the construction/repair of roads in district Chitral (Annex-I). Now the officer has been exonerated from the charges leveled against him (Annex-III) and is retiring from Govt. service w.e.f. 11.06.2010. The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 68.57 score out of quantification of PERs.
2.	Mr. Muhammad Nazar B.Sc (Civil)	The officer was appointed as Assistant Engineer by the NWFP Public Service Commission on 26.05.1968 in (BPS-17), The PSB in its meeting held on 29.12.2009 recommended to defer his promotion to the post of Executive Engineer (BPS-18) for further watch/observation of his performance (Annex-I). The officer has now earned PERs for the year 2009, which is very good, and he has passed the Departmental Professional Exam. He got 74/32 score out of quantification of PERs.
3.	Mr. Peer Muhammad B.Sc (Civil)	The PSB in its meeting held on 29.12.2009 recommended to defer his promotion on the basis of inquiry regarding false allegation against Govt servant (Anex-1).now the competent authority (CS NWFP) recently appointed another inquiry committee to conduct formal inquiry under RSO 2000 against the said officer, however, the committee has not yet submitted his report, although the target date for submission of inquiry report was 06.03.2010 (Annex-IV). the officer has passed the departmental professional exam and his PERs for the period 2009 are not available as the officer remained waiting or posting. He got 67.38 score out of quantification of PERs.
4.	Mr. Hamidullah Khan Khail B.Sc (Civil)	The officer was involved in an inquiry case "REGARDING THE SCHEME UPGRADATION OF GMS PAGORAI TO HIGH STATUS" DISTRICT SHANGLA". After fulfillment of all codal formalities, the competent authority (CM NWFP) has imposed major penalty "reduction of time scale of pay by three stages "Annex-V). The PSB in its meeting held on 29.12.2009 and recommended his supersession for promotion to the post of Executive Engineer (BS-18). Annex-I). The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are not available. He got 67.38 score out of quantification of PERs.
5.	Mr. Aziz Ahmad-II B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 76.59 score out of quantification of PERs.
6.	Mr. Hamidullah Khan B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 73.47 score out of quantification of PERs.
7.	Mr. Abdul Qayum B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 83.57 score out of quantification of PERs.
8.	Mr. Syed Yousaf Shah B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 83.40 score out of quantification of PERs.
9.	Mr. Shahid Aziz B.Sc (Civil)	The officer was granted 730 days earned leave w.e.f. 21.01.2006 (Annex-VI). The leave further extended for a period of two years as Extra ordinary leave w.e.f. 01.01.2008 (Annex-VII). After expiry of leave, the services of the officer has been placed at the disposal of UNDP Islamabad, on deputation basis for a period of 3 years w.e.f. 01.01.2010 (Annex-VIII), however, his PERs since 2006 to 31.12.2009 are not available, as the officer remained on earned/extra ordinary leave. The officer has passed the Departmental Professional Exam. He got 79.17 score out of quantification of PERs
10.	Mr. Ghias-us-Din B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 87.05 score out of quantification of PERs.

11.	Mr. Hamid Raud Qureshi B.Sc (Civil)	The officer was involved in a NAB case and subsequently acquitted by the NAB Court from the charges leveled against him (Annex-IX). He got 72.38 score out of quantification of PERs. The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available.
12.	Mr. Najmul Islam B.Sc (Civil)	The officer was involved in a NAB case and subsequently acquitted by the NAB Court from the charges leveled against him (Annex-IX). The officer was granted 730 days Ex-Pakistan Leave w.e.f 15.07.2007, however, after availing 591 days Ex-Pakistan leave., the officer reported his arrival on 15.04.2009 to FATA Sectt for cancellation of remaining leave (130 days). The FATA Sectt has cancelled the remaining leave of the officer and accordingly posted as XEN Building Division SWA on 02.05.2009. After availing leave, he has not earned one colander year PERs 2009, he has passed the Departmental Professional Exam, He got 69.93 score out of quantification of PERs.
13.	Mr. Ghulam Hussain B.Sc (Civil)	The officer has not passed the Departmental Professional Exam and his PERs for the period 2009 are not available. He got 73.57 score out of quantification of PERs.
14.	Mr. Muhammad Tariq-III B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are not available as he remained waiting for posting. He got 79.47 score out of quantification of PERs.
15.	Mr. Luqman Shafi Khattak B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 70.00 score out of quantification of PERs.
16.	Mr. Faizullah B.Sc (Civil)	The officer was involved in an inquiry regarding "Parachinar Teri Mangal Road" In the instant case, a minor penalty of recovery of Rs.8,55,000/- has been imposed upon him (Annex-X). But the said officer has not yet deposited the requisite amount in the Govt Treasury. His PERs for the year 1996, 1997, 2002, 2008 and 2009 are not available, which are reflected in PER synopsis. The officer has passed the Departmental Professional Exam. He got 72.28 score out of quantification of PERs.
17.	Mr. Gohar Ali Khan B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 82.50 score out of quantification of PERs.
18.	Mr. Hasnain Javed B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 76.25 score out of quantification of PERs.
19.	Mr. Amin-ul-Khaliq B.Sc (Civil) MS envt Engg)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 80.00 out of quantification of PERs.
20.	Mr. Barkat Ullah B.Sc (Civil)	The officer is on three years extra ordinary leave without pay w.e.f. 09.01.2010. (without pay). The officer has passed the Departmental Professional Exam and his PERs for the 2009 are not available.. He got 87.89 score out of quantification of PERs.
21.	Mr. Zulfiqar Ali B.Sc (Civil)	The officer is on two ordinary leave without pay w.e.f. 31.08.2009. The officer has passed the Departmental Professional Exam and his PERs for the 2009 are not available. He got 84.74 score out of quantification of PERs.
22.	Mr. Shahzad Afzal Khan B.Sc (Civil)	The officer was not passed the Departmental Professional Exam and his PERs for the period 2009 are not available. He got 80.94 score out of quantification of PERs.
23.	Mr. Ahmad Nawaz B.Sc (Civil)	The officer was involved in an inquiry regarding "Irregularities committed in the tendering process of C&W Division Lakki Marwat". And properly charge sheet-statement of allegations have been served upon him, however, the inquiry submitted the inquiry report (Annex-XI). The officer has passed the Departmental Professional Exam and his PERs for the 1994 to 2009 are not available. He got 72.50 score out of quantification of PERs.

24..	Mr. Muhammad Tariq-V B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 78.95 score out of quantification of PERs.
25.	Capt @ Nawab Ali Khan B.Sc (Mech)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 80.26 score out of quantification of PERs.
26.	Mr. Ejaz Ahmed B.Sc (Civil)	The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are available. He got 82.63 out of quantification of PERs.

Certificate

1. Certified that the officers included in the panel are eligible in all respects and possess the required length of service required for promotion (except those at St. No. nil.
2. Certified that the officers included in the panel have passed Professional Exam as prescribed in B&R Code, required for promotion (except those at Sl. No.13, 22 & 24.
3. Certified that no disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officers included in the panel except those Sl. No.2 & 23.
4. The seniority list of BS-17 as stood on 17.12.2009 is final and un-disputed (Annex-XII).

(Engr Habib Ali)
Secretary C&W

Dated 25/03/2010

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the June 07, 2010

NOTIFICATION

No.SOE/C&WD/1-6/78(Vol-II): In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, Engr. Nazir Ahmad, Assistant Engineer (BS-17) C&W Department, presently posted as Executive Engineer C&W Division Chitral (OPS), shall stand retired from Govt service on 10.06.2010 (AN) on attaining the age of superannuation i.e. 60-years, as date of birth according his record is 11.06.1950.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPTT

Endst: No. and date even

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. All Chief Engineer C&W Peshawar.
3. Superintending Engineer C&W Circle, Dir Lower at Timergara
4. Executive Engineer C&W Divison Chitral
5. District Accounts Officer Chitral
6. Incharge Computer Cell, C&W Department, Peshawar.
7. PS to Secretary, C&W Department.
8. Officer concerned.
9. Office order File/Personal File.



(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

(66)

GOVT OF KHYBERPAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No.SOE/C&WD/1-6/78 Vol-II
Dated Peshawar, the March 12, 2011

TO

The District Accounts Officer
Chitral

Subject: PENSION PAPERS IN RESPECT OF ENGR NAZIR AHMAD,
ASSISTANT ENGINEER BS-17 (RETIRED) C&W DEPARTMENT

I am directed to refer to the subject noted above and to forward herewith Pension Papers (in duplicate) in respect of Engr Nazir Ahmad Executive Engineer C&W Division Chitral (OPS), who retired from services on 10.06.2010 (AN) on attaining the age of superannuation, i.e. 60 years, dully signed by the competent authority for further necessary action.


1. No Demand certificate
2. Extra Leave certificate
3. Option
4. Non-payment of Service Gratuity certificate
5. Undertaking
6. Clearance certificate (PESCO)
7. Water & Sanitation clearance certificate
8. Telephone clearance certificate
9. Declaration certificate
10. Photographs
11. N.I.C.
12. L.P.C.
13. List of Family members
14. Specimen Signature
15. Left Hand Thumb and Finger Impression
16. Retirement order
17. Non-involvement political activities certificate
18. Service completion certificate

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

Endst: No. & Date Even

Copy forwarded to:-

1. Chief Engineer (Centre) C&W Peshawar w/r to his letter No.69-E/168/CE/C&WD dated 18.01.2011
2. Engr Nazir Ahmad Executive Engineer (OPS) retired C&W Deptt village Mirkhani, P.O. Drosh, District Chitral


SECTION OFFICER (ESTT)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.



SERVICE APPEAL NO. 1758/2009

Date of institution 07.10.2009

Date of judgment 19.01.2012

Nazir Ahmad Khan,
Deputy Director Works and Services, Chitral (Appellant)

VERSUS

1. Government of NWFP (Khyber Pakhtunkhwa) through Secretary Works and Services Department, Peshawar.
2. Provincial Selection Board, NWFP (KPK), Peshawar.
3. Attaullah Khan, (retired) and 41 others. (Respondents)

APPEAL U/S 4 OF THE NWFP (KHYBER PAKHTUNKHWA) SERVICE TRIBUNALS ACT, 1974 FOR PROMOTION OF THE APPELLANT IN THE NEXT HIGHER GRADE OF BPS-18 AND ABOVE WITH ALL BACK BENEFITS.

Mr. Javed A. Khan, Advocate For appellant.

Mr. Arshad Alam,
Additional Govt. Pleader. For official respondents.

Private respondents No. 3 to 44 deleted/placed ex-parte.

Mr. Qalandar Ali Khan ..Chairman
Mr. Khalid Hussain Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- Nazir Ahmad Khan, the then

Deputy Director Works and Services, Chitral (appellant) had lodged this appeal against the Government of NWFP (Khyber Pakhtunkhwa) through Secretary Works and Services Department, Peshawar and 43 others (respondents) for promotion in the next higher grade (BPS-18) and above with all back benefits.

2. In his appeal, the appellant contended that having joined the then B&R and now C & W Department through Public Service Commission as SDO in grade 17 in the year 1978, he was temporarily promoted as XEN (Designing Engineer) in Malakand Division in the office of Director on 11.10.1999 till 25.3.2000, on the basis his unblemished service record and being recommended for promotion in each and every ACR. The temporary promotion was further maintained w.e.f 25.3.2000 till

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

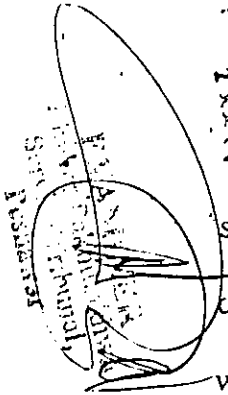
3.2.2002 as XEN Chitral in his original pay and scale. The same position was maintained and from February 2003 he was posted as Designing Engineer (XEN) in the office of Chief Engineer Peshawar and lastly posted as XEN C & W Chitral. However, in 2002 the appellant had to face departmental proceedings/inquiry, against which he filed appeals before this Tribunal which were pending adjudication against minor penalties imposed upon him on the ground of irregularities in the scheme "Feasibility study and construction of RCC Bridge over Yarkhun at Mastuj with co-alignment of Parwak Mastuj Road (11 KM)". In the process, the appellant was deprived of his due promotion in normal course. The appellant also filed another appeal in the Tribunal, and during pendency of the mentioned appeals before the Tribunal, he was informed that the appeal already submitted to the Chief Minister has been accepted subject to the condition that he should withdraw his appeal from the Service Tribunal. The appeals were accordingly withdrawn vide order dated 31.5.2005, where-upon the case of alleged irregularities and penalty imposed upon the appellant was withdrawn by the Chief Minister. However, the matter of promotion to the higher grade remained pending, and though the appellant was on the top of the seniority list i.e at S.No. 1 of the seniority list of Assistant Engineers, he was not promoted and a number of officers junior to him were promoted from BPS-17 to BPS-18. The promotion of junior officers from BPS-17 to 18 and then move-over from BPS-18 to 19 continued un-abated, while the appellant was ignored. The appellant disclosed that because of the official fraction, he was once removed from service on a frivolous charge in March 2006 but was later on reinstated on the acceptance of his appeal by this Tribunal. The appellant, therefore, challenged promotion of his juniors, and prayed for his promotion being the senior most and having nothing adverse against him, through departmental appeal, which was responded to on 30.9.2009 with the remarks that the appeal has been kept pending, hence the present appeal on 7.10.2009.

3. The main ground on which the official respondent i.e Secretary to Government of NWFP (Khyber Pakhtunkhwa) Communication and Works Department

EXAMINED
 KYBER PAKHTUNKHWA
 SERVICE TRIBUNAL
 PESHAWAR

ATTIESTED

(respondent No. 1) resisted appeal of the appellant was that the appellant was given higher post in his pay and scale due to dispute over seniority amongst officers of defunct Works and Services department. The respondent disputed this claim of the appellant that his positing on the higher post was a promotion, and, on the other hand, alleged, that the promotion could only take place when the incumbent official/officer came within promotion zone on the basis of seniority-cum-fitness and that too through Provincial Selection Board (PSB). The respondent, however, had to admit that there were no adverse remarks in the Performance Evaluation Reports (PERs) of the appellant. Respondent alleged that there were, however, certain reports by DCO Chitral about poor performance of the appellant, and that he was awarded the penalty of 'censure' on 2.4.1994 and also another penalty of 'censure' on 4.9.2002 and on 16.5.2003 his three increments were also withheld; but later on both the orders dated 4.9.2002 and 16.5.2003 were set-aside vide order dated 9.6.2005. The penalty of 'censure' on 15.01.2007 was also later on withdrawn on 16.3.2007. The respondent alleged that even at the time of filing of reply/comments, the appellant was facing inquiry, which was completed and was in the final stage, where-after, as and when he is cleared, his promotion will be considered through PSB. It was further alleged in the written reply/comments that the appellant was suspended from service w.e.f 28.3.2006 to 17.01.2007 vide order dated 28.3.2006 and there-after dismissed from service vide order dated 12.6.2007, but the penalty was withdrawn pursuant to the decision of this Tribunal in the service appeal of the appellant bearing No.971/2007. It was clearly stated in the written reply/comments that case of the appellant for promotion to BPS-18 remained under consideration of the PSB time and again but his case was deferred due to his involvement in irregularities. The respondent claimed that the appellant was superseded/his case deferred due to pending disciplinary proceedings/inquiry and his juniors having sound record were promoted. The respondent under-took to place case of the appellant for promotion to BPS-18 as well as to BPS-19 before the competent forum i.e. PSB for consideration as and when the appellant is exonerated from the charges. It may be mentioned here that out of 42



private respondents, only private respondent No.40, namely, Syed Sajid Hussain, contested appeal and filed his written reply, but he also later on opted out of contest and his name was deleted from the panel of respondents on the application of the appellant.

4. The appellant also filed rejoinder in rebuttal to the allegations contained in the written reply/comments of the official respondent, where-after, written arguments were filed by the parties, and arguments of the learned counsel for the appellant and learned AGP also heard, and record perused.

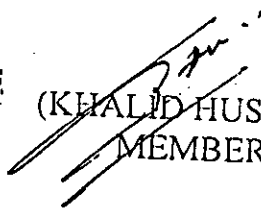
5. In short, the claim of the appellant is that though being senior most and on top of the seniority list, he was not promoted from BPS-17 to BPS-18 and then to BPS-19, while a number of officers much junior to him were promoted from BPS-17 to BPS-18 and then moved over to BPS-19. The respondent disputed this claim of the appellant on the only ground that though having no adverse entry in his PERs, the appellant remained under departmental proceedings/inquiry, rather through out his service, whenever his case for promotion came up for consideration before the competent forum i.e. PSB, and even minor penalties, like 'censure' and 'withholding of increments' as well as major penalty of dismissal from service were imposed upon him. To say the least, the record speaks otherwise. The minor penalty of 'censure' and 'withholding of three increments for three years' vide orders dated 16.5.2003 and 4.9.2002 were withdrawn by the appellate authority vide order dated 9.4.2005, after the condition of withdrawal of the appeals before the Tribunal of the appellate authority i.e. Chief Minister was met by the appellant. Another minor penalty of 'censure' imposed upon the appellant by the competent authority vide order dated 15.01.2007 was also subsequently withdrawn by the same authority i.e. Secretary to Government of NWFP (Khyber Pakhtunkhwa) Works & Services Department, vide his order dated 16.3.2007. The appellant was further exonerated of the charges of alleged irregularities in the construction/repair of roads in District Chitral on the recommendation of the Inquiry Committee by the competent authority vide his order dated 16.2.2010. The dismissal order against the appellant dated 12.6.2007 was

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Haveli

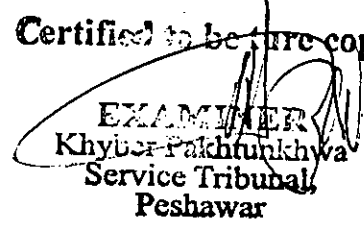
ATTESTED

three months, under intimation to the Registrar of this Tribunal. There shall, however, be no order as to costs.

ANNOUNCED
19.01.2012


(KHALID HUSSAIN)
MEMBER


(QALANDAR ALI KHAN)
CHAIRMAN

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 22.5.2012
Number of Words 2400
Copying Fee 14
Urgent 2
Total 16
Name of Applicant [Signature]
Date of Completion of Copy 22.5.2012
Date of Delivery of Copy 29.5.2012

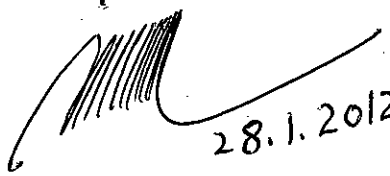
To

The secretary to
Government of Khyber Pakhtun Khwa
C & W Department Peshawar

SUB: PROMOTION AS ORDERED BY THE COURT

1. The Case regarding my promotion from BS-17 to BS-18 & BS-19 with all back benefits was in the court since long.
2. The honourable court decided the case in my favor on 19-01-2012.
3. I have been given grade 18 & 19 by the honourable court from the date since the juniors to me were promoted to BS-18 which is 08-02-2003.
4. The order of the honourable court is to be implemented as ordered by the court.

Therefore attested copy of court order is annexed here with for further necessary action.

o/c.  28.1.2012

(Nazir Ahmad Khan)
B.SC. Engineering (Civil)
S/O Mirza Ahmad Khan
Resident of District Chitral
Cell: 0345-9403132

Attested
J. A. Khan
Advocate.



IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Mr. Justice Nasir-ul-Mulk
Mr. Justice Tariq Parvez

Civil Petition No.170-P of 2012

(On appeal from the judgment dated 19.01.2012 passed by the KPK Service Tribunal, Peshawar in Service Appeal No.1758 of 2009.)

Govt. of KPK thr. Chief Secretary Works & Services Department & another
... Petitioners

Nazir Ahmad Khan
... Respondent

Vs.

For the petitioners : Mr. Laljan Khattak, AAG.


For the respondent : Mr. Ghulam Nabi, ASC.

Date of hearing : 17.01.2013.

ORDER

NASIR-UL-MULK, J. – The respondent who was appointed as Assistant Engineer in BS-17 on 23rd October, 1978 and retired in the same scale on 10th June, 2010. However, before his retirement he has filed Service Appeal on 7th October, 2009 for his promotion and by the impugned judgment dated 19th January, 2012, the KPK Service Tribunal allowed the appeal of the respondent and directed that his case for promotion to the next higher pay scale be placed before the Provincial Selection Board within a period of three months under intimation of the Registrar of the Tribunal. We are now informed that the case has not yet been placed before the Provincial Selection Board.

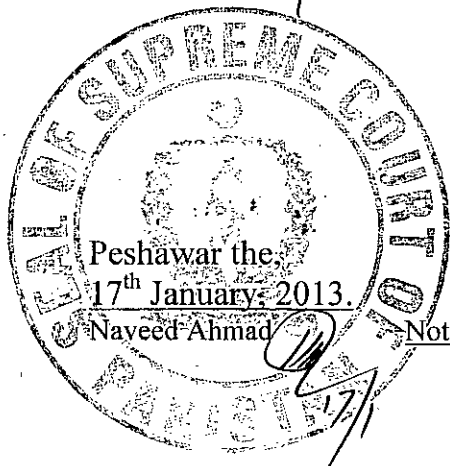
2. Learned Additional Advocate General states that the respondent's case for promotion was not earlier considered on account of six penalties imposed upon him from time to time since the year 2002. He however clarified that the respondent stood exonerated from those penalties on appeal either by the Department or Tribunal. This petition is liable to be

ATTESTED

Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.



dismissed on two grounds. Firstly that the Tribunal has not directed the promotion of the respondent but had only ordered that his case for promotion be placed before the Provincial Selection Board and secondly, that the order of the Tribunal for placing the respondent's case before the Provincial Selection Board within a period of three months has not been complied with. Leave to appeal is therefore declined and the petition dismissed, with the direction that the order of the Tribunal shall be implemented. /

Sd/- Nasir-ul-Mulk, J.
Sd/- Tariq Parvez, J.



Not Approved For Reporting

Certified to be true copy
[Signature]
19.01.2013
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

G.R. No. 151-P/13
 Date of presentation of Application 17-1-13
 No of Voids 600
 No. of To be 6
 No. of To be 5
 Required 3.79
 Carried over 8.79
 Cont. for 19-1-13
 Cont. for 19-1-13
 Total of 19-1-13
 Received by Mr. M. S. K. ...
 Total Amount
 Advance to
 Balance

Received by Mr. M. S. K. ...
 Total Amount

(12)

To,

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

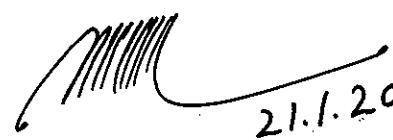
SUBJECT: IMPLEMENTATION OF COURT DECISIONS IN FAVOUR OF THE APPLICANT i-e PROMOTION FROM BS-17 TO BS-18 w.e.f 18-2-2003 AND BS-18 TO BS-19 w.e.f. 31-12-2008 (dates while Juniors were promoted) WITH ALL BACK BENEFITS.

Sir,

With due respect it is requested that,

1. The honourable service Tribunal KPK vide order dated 19.01.2012 had directed
"Consequently on the acceptance of the appeal, the concerned authorities in the respondent department are directed to place case of the appellant for promotion to the next higher pay scales before PSB within a period of three months".
2. The department lodged appeal in the supreme court of Pakistan on 27.03.2012 under No 170 -P against the above mentioned decision of the KPK Service Tribunal.
3. The august supreme court of Pakistan has rejected the said appeal of the Government, order dated 17-1-2013 and has directed that "Leave to appeal is therefore declined and the petition dismissed, with the direction that the order of the Tribunal shall be implemented".
4. Therefore attested copy of the order of the august Supreme Court dated 17-1-2013 and copy of the decision of KPK Service Tribunal dated 19-1-2012 are submitted here with for immediate implementation according to facts mentioned above in the subject.

o/c.


21.1.2013
NAZIR AHMAD KHAN
XEN® (OPS)
C&W Division Chitral

Attested
J. A. Khan
Advocate.

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Diary No. 1296
Date 21/01/2013
MM
21/01



GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/13-5/2009
Dated Peshawar, the Sept 11, 2013

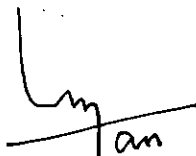
TO

The Registrar
Services Tribunal
Khyber Pakhtunkhwa
Peshawar

Subject: Proforma Promotion in respect of Engr. Nazir Ahmad Assistant Engineer (BS-17) retired C&W Department to the rank of XEN (BS-18) in light of Service Tribunal and Supreme Court of Pakistan decisions

I am directed to refer to the subject noted above and to state that in light of the Service Tribunal decision dated 19.01.2012, the case of proforma promotion in respect of Engr. Nazir Ahmad Assistant Engineer BS-17 (Retired) C&W Department to the rank of XEN (BS-18) was processed and referred to Establishment Department for consideration of the Provincial Selection Board (PSB).

2. The PSB in its meeting held on 07.08.2013 considered the case in pursuance of Service Tribunal judgment dated 19.01.2012 and August Supreme Court of Pakistan judgment dated 17.01.2013 and did not find him suitable for promotion.


(USMAN JAN)
SECTION OFFICER (ESTT)

Endst even No. & date

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

SECTION OFFICER (ESTT)

Attested
J. A. Khan
Advocate.

حضور والا شان جناب پرویز خان خٹک وزیر اعلیٰ خیبر پختونخوا ایشاور

Diary No: 16681

Date

Secretary C&W Deptt
Khyber Pakhtunkhwa

جناب سیکرٹری صاحب محکمہ سی اینڈ ڈبلیو ایشاور بواسطہ:

عنوان: عدالت سروس ٹریبونل نے درخواستی کی اپیل برائے گریڈ 18، گریڈ 19 میں ترقی بمعہ Back-Benifits کے Accept کی۔ سپریم کورٹ سے حکم ہذا کے خلاف کوئی حکمنامہ نہ ہونے کے باوجود اگست 2013 کی P.S.B نے ترقی نہیں دی۔ نظر ثانی کی اپیل پیش خدمت ہے۔

جناب عالی!

مودبانہ گزارش ہے کہ

1. درخواستی سول انجینئرنگ کی ڈگری حاصل کرنے کے بعد 1978 کو بذریعہ پبلک سروس کمیشن محکمہ بی اینڈ آر PWD موجودہ سی اینڈ ڈبلیو میں S.D.O گریڈ 17 بھرتی ہوا۔

2. درخواستی 1998ء تک مختلف ضلعوں میں بحیثیت SDO تعینات رہا۔

3. مورخہ 11.10.1999 سے 25.3.2000 تک درخواستی کو گریڈ 18 کی پوسٹ پر ڈائیزین انجینئر دفتر سپرنٹنڈنگ انجینئر مالاکنڈ ڈویژن تعینات کیا گیا۔ گریڈ 18 کے پوسٹ موجود ہونے کے باوجود درخواستی کو مستقل ترقی دینے کی بجائے گریڈ 17 کے تحت ہی گریڈ 18 کے پوسٹ پر رکھا گیا۔ حالانکہ درخواستی پر کوئی مقدمہ وغیرہ بھی نہیں تھے۔

4. مورخہ 25.3.2000 سے 3.2.2002 تک اپنے پے سکیل یعنی گریڈ سترہ ہی میں رکھ کر گریڈ 18 کی پوسٹ پر XEN ضلع چترال تعینات کیا گیا۔ پوسٹیں موجود ہونے اور

درخواستی پر کوئی مقدمہ نہ ہونے اور سنئیر ہونے کے باوجود بھی گریڈ 18 میں ترقی نہیں دی گئی۔

5. اپریل 2002ء سے اگست 2003ء تک اپنے پے سکیل یعنی گریڈ سترہ میں ہی رکھ کر گریڈ 18 کی پوسٹ پر ڈیزائن انجینئر دفتر چیف انجینئر تعینات کیا گیا۔ پوسٹیں موجود ہونے کے باوجود اور سینئر نمبر 1 ہونے کے باوجود گریڈ 18 میں ترقی نہیں دی گئی۔

6. اگست 2003ء سے اپریل 2006ء تک اپنے پے سکیل یعنی گریڈ 17 میں ہی رکھ کر گریڈ 18 کی پوسٹ پر XEN ضلع چترال تعینات کیا گیا۔ پوسٹیں موجود ہونے اور سینئر نمبر 1 ہونے کے باوجود گریڈ 18 میں ترقی نہیں دی گئی۔

7. مارچ 2009ء سے جون 2010ء تک اپنے پے سکیل یعنی گریڈ 17 میں ہی رکھ کر گریڈ 18 کی پوسٹ پر XEN ضلع چترال تعینات کیا گیا۔ پوسٹیں موجود ہونے کے باوجود اور سینئر نمبر 1 ہونے کے باوجود بھی گریڈ 18 میں ترقی نہیں دی گئی۔

8. درخواستی جون 2010ء کو ریٹائرڈ ہوا۔ گریڈ سترہ میں بھرتی ہوا۔ اور 32 سال اسی گریڈ میں رکھا گیا جبکہ درخواستی سے جونیئر درجنوں آفسروں کو گریڈ 19 پہنچایا گیا۔ اور چند جونیئر گریڈ 20 میں بھی پہنچے۔

جناب عالی!

i. مورخہ 8.2.2003 کو دو حکمناموں کے تحت درخواستی سے جونیئر (20) آفسروں کو گریڈ 17 سے گریڈ 18 میں ترقی دی گئی اور درخواستی سنئیر نمبر 1 ہونے کے باوجود ترقی سے محروم رہا۔ پھر مورخہ 23.12.2004 کو درخواستی سے جونیئر مزید (30) آفسروں کو گریڈ 17 سے گریڈ 18 میں ترقی دی گئی اور درخواستی کو سنئیر نمبر 1 ہونے کے باوجود گریڈ 17 سے 18 میں ترقی نہیں دی گئی۔ حالانکہ اس وقت تک یعنی 26 سالوں کے درخواستی کے سالانہ

خفیہ رپورٹس A.C.R's کی رُو سے درخواستی فرمانبردار اور ترقی کے لیے موزوں قرار دیا گیا آفسر تھا۔

.ii درخواستی مجبور ہو کر زیر نمبر 598/2003 سروس ٹریبونل میں درج بالا حکمناموں کے خلاف اپنی ترقی کے لیے اپیل کر دی۔

.iii مورخہ 5.5.2005 کو محکمہ کی طرف سے چھٹی ملی کہ درخواستی کی ترقی والا معاملہ وزیر اعلیٰ صاحب کو بھیجا گیا تھا۔ جہاں سے اس شرط کے ساتھ درخواستی کے حق میں فیصلہ آیا ہے کہ درخواستی سروس ٹریبونل سے اپنا مقدمہ واپس لینے پر درخواستی کے خلاف "Censure" اور "Irregularity" کے نام سے اگر کچھ ہیں تو اُن کو ختم کر کے درخواستی کو ترقی دی جائیگی۔

.iv درخواستی نے وزیر اعلیٰ صاحب اور محکمہ کے وعدے پر سروس ٹریبونل سے اپنا مقدمہ اس شرط پر واپس لیا کہ اگر ترقی نہ ملی تو درخواستی سروس ٹریبونل واپس آئیگا۔

.v وعدہ درج بالا کے مطابق "irregularity" کے نام سے درخواستی پر محکمہ کی طرف سے مقدمہ اور "Censure" ختم کر دیئے گئے۔ لیکن ترقی آج اور کل پر ٹر خایا گیا۔

.vi ازان بعد فضول قسم کے کبھی (Minor Penalties) اور کبھی (Magor Penalties) کے نام سے درخواستی کو تختہ مشق بنا کر ترقی سے محروم رکھا گیا۔ جبکہ وقتاً فوقتاً درخواستی پر لگائے گئے سارے Penalties درخواستی کے حق میں فیصلہ ہوتے رہے۔

.vii وعدوں کے باوجود اور Penalties کے درخواستی کے حق میں وقتاً فوقتاً فیصلوں کے باوجود گریڈ 17 سے گریڈ 18 میں ترقی نہ ملنے پر جبکہ جونیر گریڈ 18 سے 19 میں پہنچ گئے تھے درخواستی اکتوبر 2009ء کو زیر نمبر 1758/2009 اپنی ترقی کا مقدمہ لے کر دوبارہ سروس ٹریبونل پہنچا۔

.viii مورخہ 19.1.2012 کو عدالت کے چیئر مین صاحب نے درخواستی کے حق میں فیصلہ

فرمایا۔ درخواستی نے بمعہ Back-Benefits کے گریڈ 17 سے گریڈ 18 اور گریڈ 19 میں ترقی مانگا تھا۔ کیونکہ درج بالا جونیر زاب گریڈ 19 سے بھی آگے جانے والے تھے۔ عدالت نے درخواستی کی اپیل Accept کی یعنی درخواستی نے جو مانگا تھا اُن کو درخواستی کا حق قرار دیا اور تین مہینے کا حکومت کو اس کام کے لیے وقت دیا۔

.ix مورخہ 27.3.2012 کو حکومت نے درخواستی کے حق میں سروس ٹریبونل کے فیصلے کے خلاف سپریم کورٹ میں اپیل دائر کی۔ سپریم کورٹ نے مورخہ 17.1.2013 کو حکومت کی اپیل خارج کر دی۔ اور مقدمہ Provnicial Selection Board یعنی P.S.B کے سامنے رکھنے کی ہدایت کی۔ لیکن P.S.B نے اگست 2013 کی میٹنگ میں درخواستی کو اگلے گریڈز میں پھر بھی ترقی نہیں دی۔

جناب عالی!

سپریم کورٹ کے اسی نوعیت کے دوسرے مقدموں کے فیصلہ نمبر (الف)

2007SCMR682 ' 2000SCMR645

2008PLC(C.S.)1019 ' 2007SCMR1355

کے مطابق کسی آفسر پر مقدمے بھی ہوں تو اُس کی ترقی نہیں روکی جائے گی کہہ کر لوگوں کو ترقیوں دی گئی ہیں۔ لیکن درخواستی پر چھوٹے چھوٹے مقدموں اور انکوائروں کا بہانہ بنا کر کئی بار ترقیوں سے محروم رکھا گیا۔ جبکہ انجام کار سارے مقدمے درخواستی کے حق میں وقتاً فوقتاً فیصلہ ہو کر ختم ہوئے کیونکہ سارے مقدمے فضول قسم کے اور ذایات پر مبنی تھے کوئی غبن کے مقدمے تو نہیں تھے۔ اور نہ درخواستی نے کوئی غبن کیا۔

درخواستی کے حق میں سروس ٹریبونل کا فیصلہ مورخہ 19.1.2012 بحال ہے اور (ب)

سپریم کورٹ سے فیصلہ ہذا کے خلاف کوئی فیصلہ موجود نہیں۔

(ج) عدالت سروس ٹریبونل نے 1978 سے لے کر 2010ء تک درخواستی کے Annual Confidential Reports منگوا کے ملاحظہ فرمایا۔ ہر سال کے A.C.R میں درج ہے کہ تابعدار/فرمانبردار ہے ترقی ملنی چاہیے۔ اس لیے سروس ٹریبونل نے اپنے فیصلے میں اس چیز کا بھی ذکر فرمایا ہے کہ درخواستی کے خلاف لکھے ہوئے کوئی ثبوت نہیں ہیں کہ ترقی نہ دی جائے۔ لہذا Confidential Reports میں ترقی کی سفارشیں ہیں اور مقدمے اور انکوائریاں بھی درخواستی کے حق میں فیصلہ ہوئے ہیں تو PSB کے افسران آپس میں درخواستی پر Discussions کر کے کیسے درخواستی کے ترقیاں روک لیے اور روک رہے ہیں۔ اور یہ ذاتیات نہیں تو اور کیا ہے۔

لہذا درخواست ہے کہ عدالت سروس ٹریبونل نے مورخہ: 19-01-2012 کو درخواستی کی اپیل Accept کی ہے جس کا مطلب یہ ہے کہ درخواستی نے جو مانگا تھا اس کو درخواستی کے حق میں ثابت کرنے کے بعد لکھا ہے کہ Appeal Accepted یعنی درخواستی نے گریڈ 18'19 میں بمعہ Back Benefits کے ترقی مانگا تھا جو ثابت ہو کر Accept ہوئے ہیں۔ اور اس حکم کے خلاف سپریم کورٹ سے کوئی فیصلہ موجود نہیں ہے۔ لہذا درخواستی کو مورخہ 8.2.2003 سے گریڈ 18 میں اور مورخہ 31.12.2008 سے گریڈ 19 میں بمعہ Back Benefits کے ترقی دینے کا حکم دیکر مشکور فرمائیں۔

o/c.  12/9/013

نذیر احمد خان

ڈپٹی ڈائریکٹر/ XEN (ریٹائرڈ)

محکمہ سی اینڈ ڈبلیو

2000]

Ziaul Hassan v. Naseem Chaudhry
(Irshad Hasan Khan, J)

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without pay. Since no question of public importance has been raised in these petitions, therefore, we do not find any merit and dismiss the same. Leave to appeal is refused in both the petitions. A

H.B.T./D-23/S

Leave refused.

2000 S C M R 645

[Supreme Court of Pakistan]

*Present: Irshad Hasan Khan, Munawar Ahmed Mirza
and Ch. Muhammad Arif, JJ*

Maj. ZIAUL HASSAN, HOME SECRETARY
and others---Petitioners

versus

Mrs. NASEEM CHAUDHRY---Respondent

Criminal Petition No.510-L of 1999, decided on 20th October, 1999.

(On appeal from the judgment, dated 27-9-1999 of the Lahore High Court, Lahore in Cr.Org.No.279-W of 1999).

Civil service---

---Promotion---Supreme Court had found that civil servant had not been promoted by superseding any officer senior to her; she was entitled to be promoted from the date her juniors were promoted and there was no valid reason not to consider her for the promotion---Mere fact that some disciplinary proceedings were pending against the civil servant was not a sufficient ground to disregard the order passed by the Supreme Court---Promotion of civil servant, however, would not debar the Authorities to continue with the disciplinary proceedings against the civil servant, if any, justly, fairly and in accordance with law. [pp. 646, 647] A & B

Inspector-General of Police, Punjab, Lahore and others v. Mrs. Naseem Chaudhry and others C.P.L.A. No.1617-L of 1997 ref.

Ghulam Haider Alghazali, Additional Advocate-General, Punjab
and Rao Muhammad Yusuf, Advocate-on-Record for Petitioners.
Respondent in person.

Date of hearing: 20th October, 1999.

JUDGMENT

IRSHAD HASAN KHAN, J.---This petition is directed against the judgment, dated 27-9-1999 passed by the Lahore High Court in Crl. Original No.279-W of 1999.

2. The dispute herein relates to the promotion of the respondent as Deputy Superintendent of Police:-

3. This Court through judgment, dated 15-4-1999 passed in C.P.L.A. No.1617-L of 1997 entitled *The Inspector General of Police, Punjab, Lahore etc. v. Mrs. Naseem Chaudhry, etc.*, while dismissing the appeal of the Inspector-General of Police against the order of the Punjab Service Tribunal, Lahore in Appeal No.3097 of 1997, made the following observation:-

"5. We have heard the learned counsel for the petitioner Dr. A. Basit learned senior counsel for the respondent/caveator and perused the available material on record. The Tribunal was right in holding that the respondent had not been promoted by superseding any officer senior to her. She was entitled to be promoted from the date her juniors were promoted. There was no valid reason not to consider her case for promotion as DSP as above. The impugned order appears to be just, fair and equitable. Mr. Ghuman was unable to substantiate his plea that the impugned order suffers from any illegality. Be that as it may, no substantial question of public importance is involved to warrant interference in these proceedings."

4. The petitioner not implemented the above order passed by this Court. The respondent therefore, approached the High Court for redress of her grievance. The contempt application was also filed on 25-1-1999 wherein notice was issued to the petitioner, who took the plea that the respondent could not be promoted as some disciplinary proceedings had been initiated against her. The contention was repelled by the learned Judge in Chamber, vide the impugned order, dated 27-9-1999, which is to the following effect:-

"The learned Advocate-General says that the petitioner has been suspended from service and as such the question of her promotion does not arise. The learned counsel for the petitioner has, however, placed on record, a copy of the order, passed by the Punjab Service Tribunal on 30-8-1999, whereby the order of suspension of the petitioner has been suspended. That being so, there is no hurdle left in the way the respondent for implementation of the orders passed by this Court. The needful shall now be done within one week from today failing which coercive process shall be issued against the respondents."

2000]

Ahmed Din v. Ghulam Muhammad
(Irshad Hasan Khan, Actg. CJ)

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5. The learned Additional Advocate-General, Punjab submitted that the High Court fell into error by not considering in true perspective that the disciplinary proceedings have been initiated against the respondent and, therefore, there was genuine hurdle in the way of petitioner to promote her in accordance with the orders passed by the Supreme Court as well as the High Court.

6. We are afraid that the mere fact that some disciplinary proceedings are pending against the respondent is not a sufficient ground to disregard the order passed by this Court. However, we may clarify that promotion of the respondent as DSP will not debar the petitioner to continue with the disciplinary proceedings against the respondent if any, justly, fairly and in accordance with law. B

7. With the above observation, the petition is dismissed and leave to appeal declined.

M.B.A./Z-33/S

Petition dismissed.

2000 S C M R 647

[Supreme Court of Pakistan]

Present: Irshad Hasan Khan, Actg. C.J. and Sh. Ijaz Nisar, J.

AHMED DIN---Petitioner

versus

GHULAM MUHAMMAD through Legal Heirs
and others---Respondents

Civil Petition for Leave to Appeal No.675-L of 1999, decided on 10th September, 1999.

(On appeal from the judgment/order dated 17-11-1998 passed by the Lahore High Court, Lahore in R.S.A. No.170/88).

Supreme Court Rules, 1980—

---O. XIII, R. 1---Constitution of Pakistan (1973), Art. 185(3)---Petition for leave to appeal---Delay in filing such petition---Condonation---Delay of one hundred and twenty-three days in filing petition for leave to appeal was sought to be condoned by petitioner on ground that petitioner who was living in far off village could not receive letter from his counsel regarding dismissal of his appeal by High Court---Matter purely being between client and his counsel, opposite-party could not be penalized for alleged negligence of the counsel who allegedly could not inform petitioner in time---In absence of

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convenience of the candidates. The petitioner cannot be said to have been deprived of from any vested right. As observed above, neither there is any recommendation of the Selection Board nor the policy-maker could be directed to change the policies. The enhanced criteria was within the jurisdiction of the competent authority prescribed. The other points raised by learned counsel for the respondents need not to discuss. The result of this discussion and order may not affect on the revision filed to the Chancellor. This petition has no legal force. Therefore, the same is dismissed.

M.H./O-2/L

Petition dismissed.

2008 P L C (C.S.) 1019

[Lahore High Court]

Before Hafiz Tariq Nasim, J

Mrs. SANJIDA IRSHAD, ASSISTANT DIRECTOR,
NURSING, BAHAWALPUR

versus

SECRETARY TO GOVERNMENT OF THE PUNJAB
HEALTH DEPARTMENT, LAHORE and others

Writ Petition No.2573 of 2008, decided on 24th April, 2008.

Punjab Civil Servants Act (VIII of 1974)---

—S. 8—Constitution of Pakistan (1973), Art.199—Constitutional petition—Promotion---Entitlement---Petitioner while serving in BS-17 became eligible for promotion to BS-18 in the year 1997, but she was promoted on officiating basis in BS-18 in 1998 instead of regular promotion, whereas one of her juniors was promoted in BS-18 on regular basis in 1997—Reasons for non-promotion of petitioner, firstly was pendency of enquiry against her and secondly minor penalty of censure imposed on her---Petitioner, who had become eligible for regular promotion in the year 1997 when her junior was promoted, was made a subject of repeated enquiries---One minor penalty of censure as well as the pendency of enquiry, could not be treated a hurdle for regular promotion of the petitioner as on the minor penalty civil servant could not be ignored and could not be refused a regular promotion---So far as the pendency of enquiry against the petitioner was concerned; record had revealed that petitioner was being made subject of repeated enquiry proceedings, which otherwise did not seem fair, particularly, when the proceedings of the enquiry were going on and on for a number of years--

-During the pendency of enquiry against the petitioner she could not be deprived of her lawful right for her consideration for promotion--- Withholding of petitioner's promotion on regular basis from the date when she became eligible, was practically an outcome of colourable exercise of power and that action of Departmental Authorities could not sustain in the eye of law---Authorities were directed to place petitioner's case for promotion before Departmental Promotion Committee within specified period. [pp. 1020, 1021, 1022] A, B, C, D, E, F, G & H

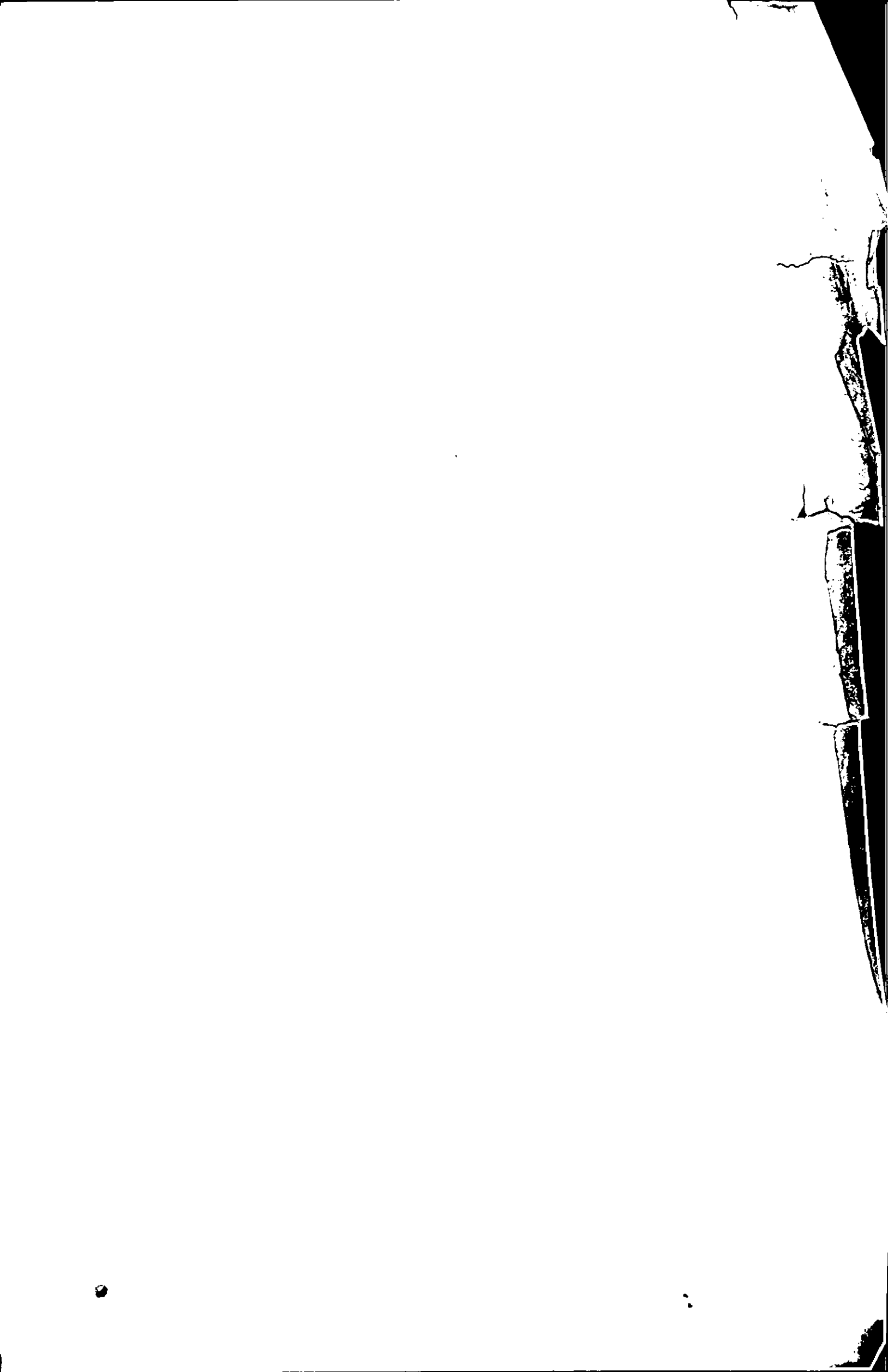
Captain Sarfaraz Ahmad Mufti v. Government of the Punjab and others 1991 SCMR 1637; Mian Ali Muhammad v. Secretary, Establishment Division, Government of Pakistan and 3 others 2003 PLC (C.S.) 1425; Deputy Inspector-General of Police, Gujranwala and others v. Anwar Saeed, Inspector Police and others 1998 SCMR 552 and Maj. Ziaul Hassan, Home Secretary and others v. Mrs. Naseem Chaudhry 2000 SCMR 645 ref.

Asif Nazir Awan for Petitioner.

Naeem Masood, Asstt. A.-G., Punjab with Hamid Yaqub Sheikh, Additional Secretary for Respondents.

ORDER

HAFIZ TARIQ NASIM, J.--- Facts relating to this writ petition are that the petitioner while serving in the Health Department in BS-17 became eligible for promotion to BS-18 in the year 1997 but she was promoted on officiating basis in BS-18 on 22-6-1998 instead of regular promotion, whereas one of the juniors namely Mst. Malika Shaheen was promoted in BS-18 on regular basis vide order dated 18-2-1997. Petitioner filed Service Appeal No.2592 of 1997 before the Punjab Service Tribunal against the order dated 18-2-1997, whereby the junior was promoted and she was ignored, the said appeal was accepted through judgment dated 30-9-1998. directing the Departmental Authorities to re-consider the matter and re-decide the question of promotion afresh keeping in view the seniority of the petitioner. This judgment was even confirmed by the Honourable Supreme Court of Pakistan. According to the learned counsel for the petitioner that despite clear finding and direction of the learned Punjab Service Tribunal, the petitioner is being victimized since 1998 by way of non-promotion and that too on extraneous consideration, whereas the petitioner is still working against BS-18 without any break. Further submits that the case of the petitioner was placed before the D.P.C. but it was deferred on the ground of pendency of certain enquiries. The learned counsel submits that the pendency of enquiry and even the minor penalty cannot come in the way of promotion, whereas the respondent was adamant not to promote the petitioner at any costs due to ulterior motive.



2. Learned A.A.-G. submits that the promotion cannot be asked as a matter of right and even the petitioner is not superseded so there is no question of any grievance, which could entitle her for invocation the jurisdiction of this Court.

3. The Additional Secretary Health, who is present in court along with the record submits that the reasons of non-promotion of the petitioner is pendency of enquiry against the petitioner as well as the minor penalty of censure, however, after the finding of the enquiry her case shall be submitted before the D.P.C. for reconsideration. B

4. Argument heard. Record perused.

5. The record reflects that the petitioner is made a subject of repeated enquiries, became eligible for regular promotion in the year 1997 but instead of promoting her on regular basis, she was promoted on officiating basis, whereas her junior was promoted on regular basis, which matter was also adjudicated upon by the learned Punjab Service Tribunal long long ago. C

6. It is also confirmed from the record that one minor penalty of censure is available in her record but the minor penalty as well as the pendency of enquiry cannot be treated a hurdle for the regular promotion of the petitioner as the Honourable Supreme Court of Pakistan once for all resolved the matter in a case reported as Captain Sarfaraz Ahmad Mufti v. Government of the Punjab and others 1991 SCMR 1637, wherein it is held that on all the minor penalties civil servant cannot be ignored and cannot be refused to grant promotion. D

7. It is to be noted that the words used by the Honourable Supreme Court of Pakistan in respect of minor penalty is plural i.e. minor penalties. In the present case only one minor penalty of censure is available in the record. In another judgment reported as Mina Ali Muhammad vs. Secretary. Establishment Divisions, Government of Pakistan and 3 others 2003 PLC (C.S.) 1425, this court followed the law laid down by the Honourable Supreme Court of Pakistan referred above holding:-- E

“Promotion could not have been withheld on the ground that minor penalty was imposed upon him”.

8. So far the pendency of enquiry against the petitioner is concerned, record reveals that the petitioner is being made a subject of repeated enquiry, which otherwise does not seem fair, particularly, when the proceedings of the enquiry are going on and on for a number of years. F

9. During the pendency of enquiry against the petitioner, she

cannot be deprived of her lawful right for his consideration for promotion as held by the Honourable Supreme Court of Pakistan in cases reported as Deputy Inspector-General of Police, Gujranwala and others v. Anwar Saeed, Inspector Police and others 1998 SCMR 552 and Maj. Ziaul Hassan, Home Secretary and others v. Mrs. Naseem Chaudhry 2000 SCMR 645.

10. After going through all aspects of the case, it is held that withholding of the petitioner's promotion on regular basis from the date when she became eligible is practically an outcome of colorable exercise of power and that action of the Departmental Authorities cannot sustain in the eye of law on two grounds:---

- (i) "Pendency of enquiry against a civil servant cannot be treated a bar for further promotion.
- (ii) Minor penalty of censure and even the minor penalties cannot become a hurdle in the promotion of any civil servant."

Accordingly the writ petition is allowed and respondent is directed to place the petitioner's promotion case for her regular promotion before the Departmental Promotion Committee within one month positively and the said Committee is directed to consider the petitioner for promotion fairly, justly and without being influenced of the pendency of any enquiry and the minor penalty.

The promotion case be considered from the date of petitioner's eligibility. The Additional Secretary, who is present in Court, shall ensure the compliance of the court's order and complete the process within one month under intimation to the Deputy Registrar (J.) of this Court.

H.B.T./S-16/L

Petition allowed.

2008 P L C (C.S.) 1022

[Lahore High Court]

Before Saif-ur-Rehman, J

Ms. SHAZIA BASHIR and 2 others

versus

BAHAUDDIN ZAKARIYA UNIVERSITY, MULTAN

through Vice-Chancellor and 4 others

Writ Petition No.5467 of 2007, decided on 12th March, 2008.

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by the Federal Shariat Court and the trial Court suffer from serious errors of law and fact, which unless set right are likely to result in miscarriage of justice. We have already referred to misreading of evidence. The occurrence took place at 8-45 p.m. on the dark hours, therefore, statement of the eye-witnesses that they had seen the convicts/appellants do not appeal to the reason. It is no doubt that conviction can be awarded on the sole statement of one eye-witness subject to the condition that his statement inspires confidence. In the present case in view of the aforementioned discussion, we do not find that the statement of eye-witness inspires confidence.

7. For what has been discussed above, Criminal Shariat Appeals Nos.16, 17 of 2005 and Jail Shariat Petition No:63-of-2004-(after conversion into appeal) are allowed, the impugned judgment dated 14-11-2003 of learned Federal Shariat Court is set aside as result thereof the appellants are directed to be released forthwith if not required in any criminal case.

M.H./M-221/SC

Appeal allowed.

2007 S C M R 682

[Supreme Court of Pakistan]

Present: Rana Bhagwandas and Hamid Ali Mirza, JJ

C.P.L.A. No.2287 of 2005

MUHAMMAD IQBAL and others---Petitioners

versus

EXECUTIVE DISTRICT OFFICER (REVENUE), LODHRAN and another---Respondents

(On appeal from judgment of Lahore High Court, Multan Bench, Multan dated 28-7-2005 passed in I.C.A. No.14 of 2005).

C.P.L.A. No.2288 of 2005

MUHAMMAD IQBAL and others---Petitioners

versus

EXECUTIVE DISTRICT OFFICER (REVENUE), LODHRAN and another---Respondents

(On appeal from judgment of Lahore High Court, Multan Bench, Multan dated 28-7-2005 passed in I.C.A. No.15 of 2005).

2007] Muhammad Iqbal-v. Executive District Officer (Revenue) (Rana Bhagwandas, J) 683

C.P.L.A. No.2289 of 2005

MUHAMMAD IQBAL and others---Petitioners

versus

EXECUTIVE DISTRICT OFFICER (REVENUE), LODHRAN and another---Respondents

(On appeal from judgment of Lahore High Court, Multan Bench, Multan dated 28-7-2005 passed in I.C.A. No.16 of 2005).

C.P.L.A. No.2290 of 2005

MUHAMMAD IQBAL and others---Petitioners

versus

EXECUTIVE DISTRICT OFFICER (REVENUE), LODHRAN and another---Respondents

(On appeal from judgment of Lahore High Court, Multan Bench, Multan dated 28-7-2005 passed in I.C.A. No.17 of 2005).

C.P.L.As. Nos.2287, 2288,2289 and 2290 of 2005, decided on 11th January, 2007.

(a) Punjab Civil Servants Act (VIII of 1974)---

---S. 9---Punjab Service Tribunals Act (IX of 1974), S.4---Promotion---Eligibility---Determination---Jurisdiction of Service Tribunal---Scope---What is barred from jurisdiction of Service Tribunal is question of fitness of civil servant for promotion---Determination of eligibility of civil servant is the question on which jurisdiction of Service Tribunal has not been barred---Fitness essentially introduces an element of objective evaluation on the basis of objective criteria where substitution for an opinion of competent authority is not possible by that of a Tribunal or a Court. [p. 686] A

Abdul Malik v. Sabir Zameer Siddiqui 1991 SCMR 1129; Abdul Ghafour v. National Highway Authority 2002 SCMR 574; Zafarullah Baloch v. Government of Balochistan 2002 SCMR 1056 and Tasleem Jan v. Muhammad Zaman 2005 PLC (C.S.) 610 rel.

(b) Civil Servants Act (LXXI of 1973)---

---S. 9---Punjab Service Tribunals Act (IX of 1974), S.4(1), proviso (b)---Promotion---Competent authority and Service Tribunal---Jurisdiction---Comparison---Right has been conferred in S.9 of Civil Servants Act, 1973, on a civil servant to be considered for promotion, if he is eligible on account of the fact that he possesses prescribed

SCMR