

minimum qualification but he has no vested right to be promoted. In contrast, law-makers in proviso (b) to S.4(1) of Punjab Service Tribunal Act, 1974, have not used the word "eligible" but have employed the words "fitness or otherwise to be appointed or to hold a particular post or to be promoted to a higher post or grade" — Question of eligibility which is a term of service by virtue of S.9(1) of Civil Servants Act, 1973 has not been excluded from the purview of jurisdiction of Service Tribunal but the question whether a person having requisite eligibility has been rightly selected or not selected on account of fitness or otherwise for appointment to hold a particular post or to be promoted to a higher post or grade, has been excluded. [p. 686] B

(c) Punjab Civil Servants Act (XIII of 1974) —

S. 9 — Punjab Revenue Department (Revenue Administration Posts) Rules, 1990 — Constitution of Pakistan (1973), Arts. 185(3), 199 & 212 — Promotion — Constitutional jurisdiction of High Court, exercise of — Civil servants being aggrieved of the decision of authorities filed constitutional petitions, which were allowed by High Court and case was remanded to authorities with certain directions — Judgment passed by single Judge of High Court was maintained by Division Bench of High Court — Plea raised by petitioner was that in view of bar contained in Art. 212 of the Constitution, High Court did not have any jurisdiction over the matter. Validity — Though question of promotion rested within the jurisdiction of competent authority, which could not be ordinarily interfered with by a Court of law but where the authority competent to award promotion or to appoint to a particular post acted in violation of law, in excess of jurisdiction, without jurisdiction or in colourable exercise of power conferred on it extraordinary jurisdiction of High Court in terms of Art. 199 of the Constitution, could always be invoked for redressing the wrong — Supreme Court declined to agree with the petitioner that it was not a fit case for interference by High Court in exercise of constitutional jurisdiction — High Court had not substituted its own decision for the act of authorities, therefore, such plea was preposterous and not relevant — Leave to appeal was refused. [p. 687] C

Muhammad Anis v. Abdul Haseeb PLD 1994 SC 539 ref.

Syed Aaqa Asif Jafari, Advocate Supreme Court for Petitioners

Nemo for Respondents.

Date of hearing: 11th January, 2007.

JUDGMENT

RANA BHAGWANDAS, J. — These identical petitions directed against common judgment of a Division Bench of the Lahore

High Court, dated 28-7-2005, upholding the judgment of learned Single Judge passed in similar writ petitions filed by the private respondents challenging the promotion of the petitioners-Patwaris to the office of Kanungo by Executive District Officer (Revenue), Lodhran.

2. Each of the respondents, through separate writ petitions, challenged the act of respondent-Executive District Officer (Revenue) on the premise that the petitioners were neither eligible nor more suitable than the respondents in the matter of promotion as some of them had even not passed the departmental examination prescribed for the office of Kanungo under the Punjab Revenue Department (Revenue Administration Posts) Rules, 1990 framed by the Government of Punjab under section 23 of the Punjab Civil Servants Act, 1974 as amended vide notification of the Government of Punjab, Services and General Administration Department, dated 2-3-2002.

3. Writ petitions were resisted by the petitioners on a variety of grounds, including the bar of jurisdiction as contemplated by Article 212 of the Constitution. On merits, it was urged that the recommendation made by Departmental Promotion Committee was based on available record and the respondents were rightly non-suited and found unfit. In some of the cases, it was stated that their A.C.Rs. and other documents were not complete, therefore, they could not be considered and found fit for promotion as Kanungo. Learned Single Judge of the Lahore High Court, Multan Bench, vide judgment, dated 13-1-2005 elaborately dealt with all these pleas and relying upon the dictum laid down in Muhammad Anis v. Abdul Haseeb PLD 1994 SC 539 held that while the issue of eligibility for promotion may be a question falling within the exclusive domain of the Service Tribunal constituted under the Service Tribunal's Act, the question of suitability and fitness for promotion to a post was expressly excluded from the jurisdiction of the Tribunal and, therefore, the petitions were rightly filed before the High Court. While allowing the writ petitions, High Court made the following directions:

9. Consequently, the order, dated 16-6-2004 passed by E.D.O.(R), Lodhran on the recommendations of Departmental Promotion Committee is held to be illegal and unlawful and the E.D.O.(R), Lodhran is directed to order the preparation and completion of service record of all the candidates/officials of Revenue Department (Patwaris) who were qualified at the time of convening of earlier Departmental Promotion Committee and then to re-examine/reconsider the cases of the petitioners along with other qualified respondents, by the Departmental Promotion Committee, and for fresh decision, keeping in view the rules, regulations and the law on the subject within shortest possible

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time. With this direction/observation, the writ petitions were accepted but with no order as to costs.

4. Petitioners being naturally dissatisfied, assailed the judgment of the learned Single Judge in J.C.As. before a Division Bench of the Lahore High Court but without any success, hence these petitions were left to appeal.

5. We have heard learned counsel for the petitioners at quite some length and gone through the impugned judgments as well as the records. Learned counsel reiterated the same arguments, which were advanced before two different Benches of the Lahore High Court but repelled for strong reasons.

6. Precisely stated, the grievance appears to be that the High Court should not have interfered with the exercise of jurisdiction by the competent authority in the matter of promotion as it was founded on subjective satisfaction of the Authority, which could not be substituted by the High Court under any canon of law. Learned counsel heavily relied upon Muhammad Anis (supra), Abdul Malik v. Sabir Zameer Siddiqui 1991 SCMR 1129, Abdul Ghafoor v. National Highway Authority 2002 SCMR 574, Zafarullah Baloch v. Government of Balochistan 2002 SCMR 1056 and Tasleem Jan v. Muhammad Zameer 2005 PLC (C.S.) 610. The ratio of all the cases appears to be that what is barred from the jurisdiction of the Tribunal is question of fitness of a civil servant for promotion yet the determination of his eligibility is a question on which jurisdiction of the Tribunal has not been barred. Fitness essentially introduces an element of objective valuation on the basis of objective criteria where substitution for an opinion of the competent authority is not possible by that of a Tribunal or a Court. The case of Abdul Malik (supra) essentially deals with the question of eligibility of a person for the purpose of promotion being not a matter in terms of section 4 of the Service Tribunals Act, 1974. Similar question was involved in the case of Abdul Ghafoor (supra) expressing the view that appeal before the Tribunal would not be competent against an order of departmental authority determining fitness of a civil servant to be promoted to a higher post or grade or to be appointed or hold a particular post. In the facts of the case, it was held that Authority may be competent to promote a civil servant on acting charge basis by relaxing the prescribed length of service, but no such discretion vests in the authority to dispense with or relax the prescribed academic qualifications. In the case of Muhammad Anis (supra), it was authoritatively laid down that the questions of eligibility and fitness have been treated differently by law-makers in the Civil Servants Act, 1973 and in the Service Tribunals Act 1974. In section 9 of the former Act, the right has been conferred on a civil servant to be considered

promotion if he is eligible on account of the fact that he possesses prescribed minimum qualification but he has no vested right to be promoted. In contrast to aforesaid section 9, the law-makers in proviso (b) to subsection (1) of section 4 of the Service Tribunals Act, 1974 have not used the word "eligible" but have employed the word "fitness or otherwise to be appointed or to hold a particular post or to be promoted to a higher post or cadre". This Court concluded that the question of eligibility, which is a term of service by virtue of above subsection (1) of section 9 of the Civil Servants Act, 1973 has not been excluded from the purview of the jurisdiction of the Tribunal but the question whether a person having requisite eligibility has been rightly selected or not selected on account of fitness or otherwise for appointment to hold a particular post or to be promoted to a higher post or grade has been excluded.

7. There may be no cavil with the promotion that the question of promotion rests within the jurisdiction of competent authority, which would not be ordinarily interfered with by a Court of law but where the authority competent to award promotion or to appoint to a particular post acts in violation of law, in excess of jurisdiction, without jurisdiction or in colourable exercise of powers conferred on him, extraordinary jurisdiction of the High Court in terms of Article 199 of the Constitution can always be invoked for redressing the wrong. We are, therefore, not inclined to agree with the learned counsel that this was not a fit case for interference by the High Court in the exercise of constitutional jurisdiction. Admittedly High Court has not substituted its own decision for the act of the respondent, therefore, the submission is preposterous and not relevant.

8. For the aforesaid facts, circumstances and reasons, we find no ground for the grant of leave, which is declined and petitions dismissed.

M.H./M-13/SC

Petitions dismissed.

2007 SC MR 687

[Supreme Court of Pakistan]

Present: M. Javed Buttar and Ch. Ijaz Ahmed, JJ.

MUHAMMAD SHARIF---Petitioner

versus

MUHAMMAD ANWAR and others---Respondents

C.P.L.A. No.4003-L of 2002, decided on 10th January, 2007.

AD, KARACHI.
CAL COLLEGE

BOOK HOUSE

M.A. JINNAH

Opp. P.O.

G.P.O. BO NO. 1085, KARACHI.

KARACHI LAW PUBLISHERS

PUBLISHERS:

1st EDITION

1995

**COMBINED SET
OF THE
FUNDAMENTAL RULES
AND
SUPPLEMENTARY RULES**

Fundamental Rule 53, it is obligatory to pay a subsistence allowance to a Government servant under suspension. Again; under Fundamental Rule 54 (b), the revising or appellate authority may grant to the Government servant concerned such proportion of such pay and allowances as that authority may prescribe but the authority has no discretion to decide that nothing at all should be paid to the Government servant concerned. It has, therefore, been held that in a case where the period of suspension is treated as extraordinary leave, the subsistence allowance paid to the Government servant during that period cannot be recovered because such recovery would be ultravires of Fundamental Rules 53 and 54 (b).

3. In consequence of the above decision, the question of making the 'adjustments' referred to in the administrative instructions mentioned above would arise only if the period of suspension is converted into a period of leave and the leave-salary admissible for that period exceeds the subsistence allowance already paid to the Government servant.

[G.P.,M.F.O.M.No.F.8(12) R-2(RWP)/62, dated the 29th September, 1962.]

¹[Explanation.- In this rule "revising authority" means the "authority" or "authorised officer" as defined in the Government Servants (Efficiency and Discipline) Rules, 1973, who passes the final order on the case and not the authority who passes an order on appeal.]

²[54A. If a Government servant, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of inquiry, the disciplinary proceedings against him shall abate and such Government servant shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

F.R.55. Leave may not be granted to a Government servant under suspension.

- 1 Explanation added at the end of F.R.54, by S.R.O.45(KE)/80, Gazette of Pakistan, Extraordinary, Part II, dated 4th September, 1980.
- 2 F.R.54A, inserted by S.R.O.1143(I)/80, dated 10th November, 1980, Gazette of Pakistan, Extraordinary, Part II Page No.2215, dated 20th November, 1980.

BEFORE THE K.P.I.C SERVICE **بعدالت**

TRIBUNAL, PESHAWAR

APPELLANT **مخانب 2**
HAZIR AHMAD KHAN

13.12.2013

موزہ
مقدمہ
دعویٰ
جرم

HAZIR AHMAD KHAN

Govt of K.P.I.C

باعت تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام ~~JAVED A. KHAN~~ کیلئے ~~ASAC~~ **PESHAWAR**
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

13.12.2013

HAZIR AHMAD

المرقوم _____ ماہ _____ 2013

Attended & accepted _____

Javed A. Khan
Advocate
13.12.2013

PESHAWAR مقام

12.15.5013

12

12.15.5013

12.15.5013

55

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

APPLICATION FOR DROPPING FROM MY
FIRST PRAYER I.E. "IMPLEMENTATION
OF ORDER OF THIS HON'BLE TRIBUNAL"
AT THE MOMENT AND CONFINED
MYSELF ONLY TO SECOND PRAYER I.E.
"APPEAL AGAINST THE ORDER OF PSB"

Respectfully Sheweth;


- 1) That the above mentioned subject service appeal is pending adjudication before this Hon'ble Tribunal which is fixed hearing today.
- 2) That at the bar I have requested for dropping of first prayer i.e. implementation of order of this Hon'ble Tribunal and to confined myself to the second prayer i.e. "Appeal against order of PSB" and therefore, submit this application accordingly.

It is, therefore, most humbly prayed that on acceptance of this application, the needful be allowed to be done and my appeal should be heard accordingly at the time of final hearing.


Appellant

19.3.2014

Through


Javed A.Khan

Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A.No.1608/2013

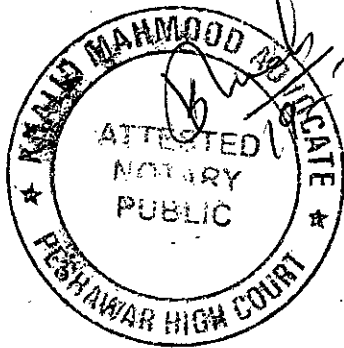
Nazir Ahmad Khan..... Appellant


Versus

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

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 **Application** are true and correct to the best of my
knowledge and belief and nothing has been concealed from this Hon'ble
Tribunal.




Deponent 19.3.014

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
APPEAL NO. 1608 OF 2013

Nazir Ahmad Khan --- Appellant
Retired Executive Engineer (OPS)
C&W Division Chitral

Versus

1. Chief Secretary Khyber Pakhtunkhwa Peshawar --- Respondents
2. Additional Chief Secretary Khyber Pakhtunkhwa Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa S&GA Department, Peshawar
4. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department, Peshawar
5. SMBR Govt of Khyber Pakhtunkhwa Peshawar
6. Secretary to Govt of Khyber Pakhtunkhwa C&W Department, Peshawar

Joint Parawise Comments on behalf of Respondents No. 1 to 6

Respectfully Sheweth

Preliminary Objections

1. That the appellant has no cause of action
2. That the appeal is incompetent and not maintainable in its present form
3. That the appellant is estopped by his own conduct to bring the present appeal
4. That the appellant has no locus standi.
5. That the appeal is time barred.

Facts

1. Correct to the extent, that appellant was appointed as Assistant Engineer/SDO (BS-17) on 12.09.1978 in C&W Department, selected through Public Service Commission. He has retired from Govt service on attaining the age of superannuation i.e. 60 years w.e.f. 10.06.2010.
2. Incorrect, only recommendation in ACR by reporting/countersigning officer for promotion is not the sole requirement for promotion.
3. Incorrect. In fact all his postings were in his own pay and scale against the higher post due to dispute of seniority on that time amongst the officers of defunct W&S Department. It cannot be termed for his promotion because the promotion always take place when the incumbents official/officers come under promotion zone on the basis of seniority-cum-fitness and that too through Provincial Selection Board (PSB).

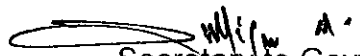
4. Incorrect, There were reports from DCO Chitral dated 23.12.2000 and EDO W&S Chitral dated 28.12.2001 showing his poor performance at that time. The officer was issued "censure" on 02.04.1994 (**Annex-I**) and similar "censure" on 04.09.2002 and 16.05.2003 (where this time 03 increments were also withheld) and later on, both the orders dated 04.09.2002 and 16.05.2003 were set-aside vide order dated 09.06.2005 (**Annex-II**). The appellant was issued "censure" on 15.01.2007 (**Annex-III**) and the respondent Department accordingly withdrawn its order dated 15.01.2007 vide this Department order dated 16.03.2007 (**Annex-IV**). The officer was served with charge sheet and statement of allegations, inquiry proceeding under RSO, 2000 were initiated for alleged irregularity in construction/repair of roads in District Chitral due to which the PSB retained its earlier recommendations of 12.11.2009 and accordingly deferred his promotion to the rank of XEN (BS-18).

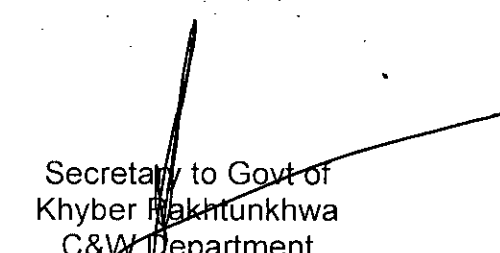
It is further to mention that he was suspended from service w.e.f. 28.03.2006 to 17.01.2007 (order dated 28.03.2006) **Annex-V**. Thereafter he was dismissed from service w.e.f. 12.06.2007 to 08.08.2008 (order dated 12.06.2007 (**Annex-VI**)). However on the decision of NWFP Services Tribunal in a service appeal No.971/2007, the penalty was withdrawn vide order dated 08.08.2008 (**Annex-VII**).


5. As explained in para-4 above.
6. As explained in para-4 above.
7. As explained in para-4 above.
8. As explained in para-4 above.
9. As explained in para-4 above.
10. Incorrect. As the appellant at that time was under disciplinary proceedings and his case could not be considered for promotion as per promotion policy of the Govt. Promotion to BS-18 is being considered by the PSB, the case of appellant was placed time and again, however, due to his involvement in irregularities as well as poor performance as reported by field officers time and again, the PSB deferred his promotion.
11. In reply to para-11, it is submitted that in fact the appellant during the time was under disciplinary proceedings and his case for promotion could not be considered by the PSB as per promotion policy of the Government.
12. As narrated in reply to paras 4, the appellant reported time and again for his performance, irregularities and under disciplinary proceedings, he was superseded/deferred in the year of 2002 to June 2005. Minutes of the PSB at **Annex-VIII** for ready reference.


13. Incorrect. Although the officer junior in rank to the appellant were considered/ recommended for promotion from BS-17 to BS-18 and subsequently on availability of posts BS-19 were cleared/considered for promotion by the Competent Forum (PSB) and with the approval of Competent Authority, their promotion notification were issued. The appellant was not considered by PSB for promotion for the reasons as explained in the above paras.
14. Subject to proof.
15. As explained in detail in the preceding paras.
16. Incorrect. The appellant was reinstated in service in pursuance of the court decision. His appeal for promotion was considered and his case was placed before PSB for consideration. He was not found fit for promotion for the reason explained above.
17. Correct to the extent, that in light of the Service Tribunal decision dated 19.01.2012, the case for proforma promotion was processed and referred to Establishment Department for consideration of the PSB. 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 (Working paper and minutes of the meeting are annexed as **Annex-IX & X**).
18. As explained in para-17 above.
19. As explained in the above paras.
20. Incorrect. The departmental appeal/representation of the appellant has been processed in the Department and regretted by the Competent Authority (Chief Minister).
21. Incorrect. The Supreme Court of Pakistan has dismissed the Civil Petition No.170-P of 2012 Govt of Khyber Pakhtunkhwa VS Engr. Nazir Ahmad (appellant) on two grounds. First the Service Tribunal has not directed the promotion of the respondent (Nazir Ahmad) but had only ordered that his case for promotion be placed before PSB and secondly the order of the Tribunal for placing the respondent case before PSB within a period of three months has not been complied with, and directed that the order of the Service Tribunal shall be implemented (**Annex-XI**). Since the Hon'able Service Tribunal order has been honoured and the proforma promotion of the appellant to the rank of XEN (BS-18) was considered by PSB in its meeting held on 07.08.2013 and did not find him suitable for promotion.

In view of the above, it is submitted that the Appeal is mis-conceived at this stage, hence may please be dismissed with cost.


Secretary to Govt of
Khyber Pakhtunkhwa
Establishment Department
(Respondents No. 3 & 4)


Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department
(Respondents No. 1 & 6)
Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department


S.M.B.R.
Govt of Khyber Pakhtunkhwa
(Respondent No. 5)
SENIOR MEMBER
Board of Revenue
Khyber Pakhtunkhwa


Additional Chief Secretary
Govt of Khyber Pakhtunkhwa
P&D Department
(Respondents No. 2)
Add: Chief Secretary, P&DD,
Govt. of Khyber Pakhtunkhwa

Annex-1

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the 2nd April, 1994.

O R D E R

NO.SO(E)C&W/8-19/92. WHEREAS, the following officers of Communication & Works Department were charge-sheeted for the incorrect preparation of PC-I cost estimate of the scheme "Construction of Truckable suspension bridge over Chitral River at Ayun."

- 1) Mr. Saifullah Khan,
the then Executive Engineer,
C&W Division, Chitral.
- 2) Mr. Nazir Ahmad,
the then SDO C&W Sub Division,
Chitral.

2. AND WHEREAS, for the said act of misconduct, they were served with Charge Sheets/Statement of Allegations and Show Cause Notices under the NWFP Government Servants (Efficiency Discipline) Rules, 1973, to which they replied;

3. AND WHEREAS, Engr. Aslam Saleem Khan, Superintending Engineer, Malakand Irrigation Circle, Saidu Sharif, Swat was appointed as Enquiry Officer who after conducting enquiry submitted his report;


4. NOW THEREFORE, the Authorised Officer, after having considered the charges, the material on record, the explanation of the officers concerned and the report of the Enquiry Officer, in exercise of the powers conferred by Rule 5(4) of the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 has been pleased to award the minor penalty of CENSURE to the above named officers of C&W Department from the charges levelled against them.

ABDUL HAMID KHAN
SECRETARY TO GOVT. OF NWFP
COMMUNICATION & WORKS DEPARTMENT

ENDST. NO. SO(E)C&W/8-19/92 Dated Peshawar, the 2nd April, 1994.

A copy is forwarded to the :-

- 1) Chief Engineer (CDO), C&W Department, NWFP Peshawar.
- 2) Engr. Aslam Saleem Khan, Superintending Engineer, Malakand Irrigation Circle, Saidu Sharif, Swat.
- 3) Superintending Engineer, C&W Circle, Swat.
- 4) Section Officer (Reg-II), Govt. of NWFP, S&GAD with reference to his letter No. SORII(S&GAD)/3-32/92, dated 22-03-1994.
- 5) Executive Engineer, C&W Division, Swat.
- 6) Officers concerned.
- 7) O/O File/Personal Files/ACRs.


(MUHAMMAD YOUNIS JAVED)
SECTION OFFICER (E)

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

Dated Peshawar the 04 / 09 / 2002

ORDER

1. No. SOE-I/W&S/1-6/78 WHEREAS, Mr. Nazir Ahmad Khan, SDO now Design Engineer O/o Chief Engineer Works & Services Peshawar, was proceeded against under the NWFP Removal From Service (Special Powers) Ordinance 2000, for the charges that he had not provided the relevant record to the Inquiry Officer in connection with "Feasibility study and construction of RCC Bridge over Yarkhoon River at Mastuj ADP No.296/941012" for conducting inquiry.

2. AND WHEREAS, Show Cause Notice for imposition of minor penalty of "Censure" was served upon the accused officer to which he submitted his explanation.

3. NOW, THEREFORE, the competent authority, after having considered the charges, the material on record, the explanation of the officer concerned and personal hearing, in exercise of powers conferred by section 3 of the NWFP Removal From Service (Special Powers) Ordinance 2000, has been pleased to impose the minor penalty of "Censure" on Mr. Nazir Ahmad Khan, SDO now Design Engineer O/o of the Chief Engineer Works & Services Peshawar.

SECRETARY

Endst. of even number & Date:

Copy to the :-

1. Chief Engineer, Works & Services Peshawar
2. Director/EDO Works & Services Chitral
3. Deputy Director Works & Services Chitral
4. PS to Chief Secretary NWFP
5. PS to Secretary Establishment Department
6. PA to Deputy Secretary (Admn) Works & Services Department
7. Officer concerned.
8. Office Order/Personal/ACRs file of the officer concerned

(AZIZ KHAN KHATTAK)
SECTION OFFICER (ESTT-D)

06-09-02

07C

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6

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the May 16, 2003.

O R D E R

No. SO(E)W&S/26-12/2001/Vol-III. WHEREAS, Mr. Nazir Ahmed, Design Engineer, O/O Chief Engineer, W&S Peshawar, was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000, for the alleged irregularities committed in the feasibility study and construction of RCC bridge over Yarkhun at Mastuj with realignment of Parwak - Mastaj Road (11-Km) Chitral.

2. AND WHEREAS, Show Cause notice for imposition of minor penalties of "WITHHOLDING OF THREE INCREMENTS FOR THREE YEARS and "CENSURE" was served upon the accused official, to which he submitted his reply.

3. NOW, THEREFORE, the competent authority, after having considered the charges, material on record and explanation of the accused officer, in exercise of powers conferred by rule 3 of the NWFP Removal from Service (Special Powers) Ordinance 2000, has been pleased to impose the minor penalties of "WITHHOLDING OF THREE INCREMENTS FOR THREE YEARS and "CENSURE" upon Mr. Nazir Ahmed, Design Engineer, O/O Chief Engineer, Works & Services Peshawar.

(ARSHAD MIRZA)
S E C R E T A R Y


No. SO(E)W&S/26-12/2001/Vol-III

Dated Pesh, the May 12, 2003

Copy to the:-

- 1) Accountant General NWFP Peshawar.
- 2) Chief Engineers, W&S Department, Peshawar.
- 3) Director Works & Services Chitral.
- 4) P.S. to Chief Secretary, NWFP, Peshawar.
- 5) P.S. to Secretary Works & Services Department.
- 6) P.A. to Additional Secretary, W&S Department.
- 7) Officer concerned.
- 8) O/O File, Personal File/ACRs.

Received
on 19/5/2003


(IHSANULLAH) 19/5
SECTION OFFICER (ESTT-II)

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

Dated Peshawar, the 09/06/2005

ORDER

No. SOE-I/W&S/1-6/78 WHEREAS, Mr. Nazir Ahmad, 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 Yarkhoon 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 Yarkhoon 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. PS to Secretary Works & Services Deptt. Peshawar.
7. PA to Additional Secretary Works & Services Deptt Peshawar
8. Officer concerned.
9. Office Order/Personal File.

09/6/05

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

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT
Dated Peshawar, the January 15, 2007

ORDER

No.SOE-I/W&S/1-6/78 WHEREAS, Mr. Nazir Ahmed Deputy Director (Own pay & scale) Works & Services Chitral, was proceeded against under the Removal from service (Special Powers) Ordinance 2000, for the alleged "not attending meetings called by the DCO and District Nazim Chitral and also not preparing PC-Is of developmental schemes"

2. AND WHEREAS, for the said act of misconduct, he was served with charge sheet/statement of allegations to which he replied.

3. AND WHEREAS, Engr. Tariq Saeed Project Director FHA and Faqir Taj Executive District Officer Works & Services Swat were appointed Inquiry Committee in the matter who after conducting inquiry submitted their report.

4. AND WHEREAS, showcause notice for imposition of tentative major penalty of "Removal from Service" was served upon which he submitted his explanation.

5. NOW, THEREFORE, the competent authority, after having considered the charges, material on record, explanation of the officer and inquiry report of Inquiry Committee in exercise of powers conferred by Section-3 of NWFP Removal from Service (Special Powers) Ordinance 2000, has been pleased to impose the minor penalty of 'Censure' upon the officer.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer PHE Works & Services Peshawar.
4. Executive District Officer W&S Chitral.
5. Deputy Director Works & Services Chitral.
6. District Accounts Officer Chitral.
7. PS to Secretary Works & Services Department, Peshawar.
8. PA to Addl: Secretary Works & Services Department, Peshawar.
9. Officer concerned.
10. Office file/Personal file.

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

Annex-123

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the March 16, 2007

ORDER

No. SOE-I/W&S/1-6/78 The competent authority has been pleased to accept the appeal of Mr. Nazir Ahmed, Assistant Engineer against the minor penalty of "Censure" imposed upon him vide this department's order of even number dated 15.01.2007. The Works & Services Department accordingly withdraw its order dated 15.01.2007.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:-

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

Endst of even number & date

1. Accountant General NWFP, Peshawar.
2. Secretary to Govt. of NWFP, Establishment Department, Peshawar.
3. Chief Engineer Works & Services Peshawar.
4. Executive District Officer W&S Chitral.
5. District Accounts Officer Chitral.
6. PS to Secretary Works & Services Department, Peshawar.
7. PA to Addl. Secretary Works & Services Department, Peshawar.
8. PA to Deputy Secretary Works & Services Department, Peshawar.
9. Officer concerned.
10. Office file/Personal file.

SECTION OFFICER (ESTT-I)

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

Dated Peshawar, the March 28, 2006

In terms of Section-4 of the NWFP Removal from Service (Special Powers) Ordinance 2000, the competent authority is pleased to order the suspension from service of Mr. Nazir Ahmad (BS-17), Deputy Director (OPS) Works & Services Chitral, due to lack of interest and negligence in his official duties, with immediate effect.

ORDER

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

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

Encl: No. & Date as above.

Copy is forwarded for information & necessary action to the-

1. Accountant General, NWFP Peshawar.
2. Secretary to Chief Minister NWFP.
3. District Coordination Officer, Chitral.
4. PSO to Chief Secretary NWFP.
5. Chief Engineer Works & Services Deptt NWFP Peshawar.
6. Executive District Officer, Works & Services Chitral.
7. Deputy Director Works & Services Chitral.
8. District Accounts Officer Chitral.
9. PS to Secretary Works & Services Department, Peshawar.
10. SA to Addl. Secretary Works & Services Deptt Peshawar.
11. Incharge Computer Cell Works & Services Deptt Peshawar.
12. Office (Under Personal File of the officer).

PARSHAD KHAAN (PST-11)
SECTION OFFICER (ESTT-1)

28-3-06

Amex

Annex-11

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the June 12, 2007

NOTIFICATION

No. SOE-I/W&S/8-21/2006. WHEREAS, Mr. Nazir Ahmed Assistant Director (BPS-17) Works & Services Department, was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000, on account of irregularities in Developmental Schemes in Works & Services Chitral.

2. AND WHERE AS, for the act of misconduct he was served with charge sheet/statement of allegation to which he replied.

3. AND WHERE AS, an inquiry committee appointed comprising Engr. Abdullah Khan and Engr. Mohammad Usman who submitted its report.

4. AND WHERE AS, for the said act of misconduct he was served with show cause notice containing major penalty of "Dismissal from service" to which he submitted his reply.

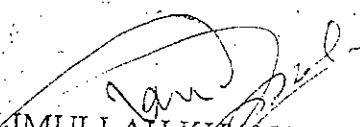
5. NOW, THEREFORE, the competent authority, after having considered the charges, material on record, Inquiry report of the Inquiry Committee, explanation of the officer concerned, in exercise of the power conferred by Section-3 of the NWFP Removal from Service (Special Powers) Ordinance 2000, has been pleased to impose the major penalty of "Dismissal from Service" upon Mr. Nazir Ahmed Assistant Director (BPS-17) Works & Services Department with immediate effect.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer (FATA) Works & Services Peshawar.
4. Executive District Officer W&S Chitral.
5. Deputy Director W&S Chitral.
6. District Accounts Officer Chitral.
7. Manager Govt. Printing Press Peshawar.
8. PS to Chief Secretary NWFP, Peshawar.
9. PS to Secretary W&S Department, Peshawar.
10. PS to Deputy Secretary (Admn) W&S Department, Peshawar.
11. Officer concerned.
12. Office file/Personal file.


(KALIMULLAH KHAN BALOCH)
SECTION OFFICER (ESTT-I)

Annex VII

GOVERNMENT OF NWFP,
WORKS & SERVICES DEPARTMENT.

Dated Peshawar, the August 08, 2008

ORDER

No. SOE-I/W&S/8-21/2006: In pursuance to the decision of the NWFP Services Tribunal dated 02.06.2008 in Service Appeal No.971/2007, the competent authority has been pleased to withdraw the major penalty "DISMISSAL FROM SERVICES" imposed upon Nazir Ahmed Assistant Director (BPS-17), Works & Services Department vide this department's order of even number dated 12.06.2007 and, therefore, Mr. Nazir Ahmed Assistant Director (BPS-17) Works & Services Department, is hereby directed to report to Works & Services Secretariat for further posting.

SECRETARY TO GOVT OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number and date

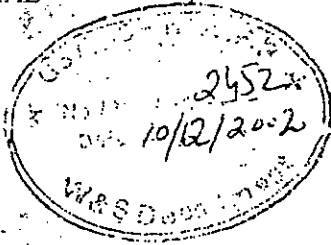
Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer FATA Works & Services Peshawar.
4. Executive District Officer Works & Services Chitral
5. Deputy Director Works & Services Chitral
6. Registrar NWFP Services Tribunal, Peshawar.
7. District Accounts Officer Chitral.
8. PS to Chief Secretary NWFP, Peshawar
9. PS to Secretary, Works & Services Deptt Peshawar.
10. PA to Addl. Secretary, Works & Services Deptt Peshawar.
11. Officer concerned.
12. Office order File/Personal File.


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

Annex-VIII

CONFIDENTIAL
IMMEDIATE



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-I/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

ITEM NO.1

CONFIDENTIAL

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.SORJ(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.SORJ(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 Yarkhoon 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.

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.

Advised
H. Durrani
Section Officer (PSS) 3
Government of N.W.F.P.
Establishment Deptt

CONFIDENTIAL

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:-

NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
	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. 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. 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. The Board, therefore, recommended his supersession for promotion to the post of Executive Engineer (BPS-18).
	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. 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. The Board, therefore recommended to defer his promotion till the finalization of his case.
	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. 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. The Board, therefore, recommended to defer his promotion till the finalization of his case.

[Signature]
Section Officer (PS/1)
Govt of P.W.D.
Establishment Deptt.

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)

1. 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 8.11.2004 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>

Section Officer (ESR)
Govt. of NWFP
Establishment Dept.

GOVT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

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

Engr. Nazir Ahmad Assistant Engineer BS-17 C&W Department, while working as Deputy Director defunct W&S Chitral (OPS) filed service appeal in the Khyber Pakhtunkhwa Service Tribunal on 15.12.2009 for promotion to the next higher grade BS-18 and above, with all back benefits (Annex-I). The Tribunal accepted the service appeal of the said retired officer on 19.01.2012 and directed the Respondent Department to place the case of appellant for promotion to the next higher pay scales before PSB within a period of three months, under intimation to the Registrar Service Tribunal (Annex-II).

2. As per procedure the case was referred to Law Department for examination/ advice regarding filing of appeal/CPLA in the Supreme Court of Pakistan against the Tribunal's judgment. The Law Department advised that it is a fit case for filing of CPLA before the Supreme Court of Pakistan (Annex-III). As decided by the constituted committee of Law Department, the Department filed civil petition in Supreme Court of Pakistan. After detailed arguments on 17.01.2013, the Supreme Court of Pakistan has dismissed the civil petition on two grounds. Firstly the Tribunal has not directed for promotion of the appellant (Engr. Nazir Ahmad) but had only ordered that his case for promotion be placed before the PSB and secondly, that the order of the Tribunal for placing the respondents, case before the PSB within a period of 03 months has not been complied with. Leave to appeal is, therefore, declined and the petition dismissed, with the directions that the order of Tribunal shall be implemented (Annex-IV).

3. In this regard it is submitted that in December 1998, a working paper was forwarded to S&GA Department for promotion of Assistant Engineers (BS-17) to the rank of Executive Engineer (BS-18) for placing before the PSB, including the name of aforesaid retired officer to determine the suitability of 03 Assistant Engineers (BS-17) for promotion as XEN BS-18 (Annex-V), his name was at Sl.No.4 at that time. In June, 2001, another working paper was forwarded to Establishment & Admn: Deptt to determine the suitability of one Assistant Engineer BS-17 to the rank of XEN BS-18 (Annex-VI), whereas his name was at Sl.No.2 at that time. In November, 2002, a working paper was forwarded to Establishment & Admn: Deptt for suitability of 20 officers (BS-17) for promotion to the posts in BS-18 (Annex-VII), whereby the name of

Engr. Nazir Ahmad was at Sl.No.1. The PSB in its meeting held on 28.11.2002 recommended his supersession for promotion to BS-18, due to the reason mentioned in minutes of PSB meeting held on 28.11.2002 (**Annex-VIII**). The Department in Sept, 2004 forwarded a working paper to Establishment & Admn: Deptt for suitability of 43 officers for promotion to the posts in (BS-18), the name of the retired officer was at Sl.No.1 of the said working paper (**Annex-IX**), the PSB in its meeting held on 08.11.2004 recommended his supersession for promotion due to the reasons mentioned in PSB minutes (**Annex-X**). On 11.06.2005, a working paper was submitted to PSB, whereby the retired officer name was placed at Sl.No.1 (**Annex-XI**). The PSB in its meeting held on 12.07.2005, recommended to defer his promotion, reasons mentioned in PSB minutes (**Annex-XII**). The C&W Deptt again submitted working paper on 21.07.2009 to Establishment & Admn: Deptt, whereby the name of Nazir Ahmad mentioned at Sl.No.1 (**Annex-XIII**). The said working paper was returned by the Establishment Deptt on 31.07.2009, with certain observations (**Annex-XIV**), with the directions for rectification/further necessary action. In light of the Establishment Deptt observations, a revised working paper was prepared and submitted to Establishment Deptt on 31.10.2009 (**Annex-XV**), the PSB in its meeting held on 12.11.2009 recommended to defer his promotion, reasons mentioned in PSB minutes (**Annex-XVI**).


4. After restructuring of C&W Department, a working paper for consideration of PSB, including the name of aforesaid retired officer to determine the suitability of 39 Assistant Engineers (BS-17) for promotion to the rank of XEN (BS-18) forwarded to Establishment Department on 29.12.2009 (**Annex-XVII**). The PSB in its meeting held on 29.12.2009 reiterated its earlier recommendations of 12.11.2009 i.e. to defer his promotion (**Annex-XVIII**). In March 2010, a working paper was again forwarded to Establishment & Admn Department for promotion of Assistant Engineers (BS-17) to the rank of Executive Engineer (BS-18) for placing before PSB, including the name of aforesaid retired officer, to determine the suitability of 11 Assistant Engineers (BS-17) (**Annex-XIX**). The PSB in its meeting held on 05.04.2010, defer his promotion for the reasons that the Board in its meeting held on 29.12.2009 recommended to defer his promotion on the basis of pending inquiry. The Board was informed that he has been exonerated on 16.02.2010. The Board was further informed due to suspension; dismissal and waiting for posting his PERs for the years 2006 to 2008 are not available. He has passed the professional examination. The Secretary C&W informed the Board that another inquiry is pending against him (**Annex-XX**).

5. As far as, the Secretary C&W informed the Board that another inquiry is pending against the retired officer is concerned, it is submitted that during the processing of promotion of the officer, the Deptt received a reference from Chief Engineer (North) C&W Peshawar, who forwarded a copy of SE C&W Circle Malakand dated 10.03.2010, whereby it was reported that Engr. Nazir Ahmad at that time of XEN C&W Division Chitral (OPS) had submitted tender documents.

6. The Chief Engineer (North) C&W further added that during the course of tendering scrutiny by SE C&W Circle Malakand, the notice of inviting tender of the works shown as advertize in daily "Surkhab" dated 21.01.2010, on verification, the Director Information found it suspicious and it was further informed on verification/confirmation that the said NIT advertisement daily Surkhab was totally fake/factious. Being a serious irregularity, the Department move a Note for the transfer of the officer to Chief Minister for approval, after approval his transfer order from Chitral was issued. Disciplinary proceedings were also started, however, the officer file a writ petition in the Peshawar High Court Peshawar with regard to his transfer at the eve of retirement w.e.f. 10.06.2010. The PHC Peshawar granted stay and accordingly his transfer order was held in-abeyance on 15.04.2010.

7. Charge sheet and statement of allegations were prepared and remained under processing, during this time his promotion case to the rank of XEN (BS-18) came under discussion by PSB in its meeting held on 05.04.2010, since the inquiry proceedings i.e. charge sheet and statement of allegations were framed/ready for service due to which during discussion in PSB defer his promotion on the basis of his fake tender processing, being a serious irregularity. It is further added that the inquiry proceedings were not completed for the irregularity committed by the officer as he stands retired from Govt service w.e.f. 10.06.2010 and in light of FR-54(A), all the pending inquiry, if any shall stand abated against the Govt servant after his retirement, if he was not retired from Govt service on attaining the age of superannuation i.e. 60 years, he should have faced the Departmental inquiry, therefore, the officer promotion could not be considered by the PSB on the basis of pending inquiry.

8. Engr. Nazir Ahmad Assistant Engineer (BS-17) C&W Deptt retired from Govt service on attaining the age of superannuation i.e. 60 years w.e.f. 10.06.2010. The Provincial Selection Board (PSB) is requested to determine the suitability of Engr. Nazir Ahmad retired Assistant Engineer (BS-17) C&W Department, in light of the Khyber Pakhtunkhwa Service Tribunal judgment on 19.01.2012 as well as Supreme Court of Pakistan decision dated 17.01.2013 for promotion to the next higher pay scales.


(Engr. Zahid Amir)
Secretary C&W

CONFIDENTIAL
IMMEDIATE

Annex 3

216



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-3/2013/P-69
Dated Peshawar, the 19.08.2013

To

The Secretary to
Government of Khyber Pakhtunkhwa,
Communication & Works Department

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 07.08.2013.

PROFORMA PROMOTION CASE OF MR. NAZIR AHMAD ASSISTANT ENGINEER BS-17 (RETIRED) TO THE POST OF EXECUTIVE ENGINEER BS-18 IN PURSUANCE OF SERVICE TRIBUNAL AND SUPREME COURT OF PAKISTAN JUDGMENTS

Dear Sir,

I am directed to refer to C&W Department letter No. SOE/C&WD/13-5/2009 dated 11.03.2013 on the subject and to forward herewith an extract of Additional item No (2) of the minutes/recommendations of the meeting of Provincial Selection Board held on 07.08.2013 for further necessary action.

Yours faithfully



20/8/2013

A.S/DSA

Julls

[Signature]

(JAN SAID)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer (Estt), Govt of Khyber Pakhtunkhwa, C&W Department. He is requested to depute his representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

So(E)

21/8

[Signature]
22/8

SON

COMMUNICATION & WORKS DEPARTMENT
(Meeting of PSB held on 07.08.2013)

SUBJECT: - PROFORMA PROMOTION CASE OF MR. NAZIR AHMAD ASSISTANT ENGINEER BS-17 (RETIRED) TO THE POST OF EXECUTIVE ENGINEER BS-18 IN PURSUANCE OF SERVICE TRIBUNAL AND SUPREME COURT OF PAKISTAN JUDGMENTS

Secretary C&W apprised the Board that Engineer Nazir Ahmad (now retired) while in service filed an appeal in Khyber Pakhtunkhwa Service Tribunal on 15.12.2009 for his promotion to the post of Executive Engineer BS-18. The Service Tribunal in its Judgment dated 19.01.2012 directed that his promotion case be placed before PSB within period of three months. A petition was filed in August Supreme Court of Pakistan which was dismissed on 17.01.2013.

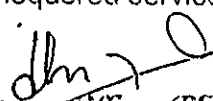
His promotion case to the post of Executive Engineer BS-18 has been continuously considered since 2002 till his retirement in PSB meetings but the Board did not recommended him for promotion due to one reason or another. His promotion was last considered in PSB meeting held on 05.04.2010 and recommended to defer his promotion as the department intimated to the Board that enquiry was pending against him.

Now the department certified that there was no pending enquiry, charge sheet or statement of allegation against him. However 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 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 proceeding would have initiated against him and he would not have been recommended for promotion as per promotion policy 2009 as officers against whom enquires are pending are to be 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 BS-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. //

Attest


Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

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

Vs.
Nazir Ahmad Khan ... Respondent

For the petitioners : Mr. Lajjan 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

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.

Peshawar, the
17th January, 2013

Not Approved For Reporting

(Signature)

(Signature)
14.01.13

Sd/- Nadir-ur-Mulk, J
Sd/- Tariq Farveez, J

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
APPEAL NO. 1608 OF 2013

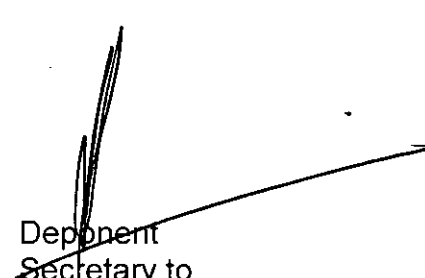
Nazir Ahmad Khan --- Appellant
Retired Executive Engineer (OPS)
C&W Division Chitral

Versus

1. Chief Secretary Khyber Pakhtunkhwa Peshawar --- Respondents
2. Additional Chief Secretary Khyber Pakhtunkhwa Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa S&GA Department, Peshawar
4. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department, Peshawar
5. SMBR Govt of Khyber Pakhtunkhwa Peshawar
6. Secretary to Govt of Khyber Pakhtunkhwa C&W Department, Peshawar

COUNTER AFFIDAVIT

We the respondent hereby affirm and declare that all the contents of the reply are correct to the best of our knowledge and belief and nothing has been concealed.


Deponent
Secretary to
Govt of Khyber Pakhtunkhwa
C&W Department

بعدالت جناب جج صاحب صوبائی سروسز ٹریبونل خیبر پختونخوا پشاور

نذیر احمد ریٹائرڈ XEN محکمہ سی اینڈ ڈبلیو خیبر پختونخوا

سروس اپیل نمبر 1608/2013

بنام

چیف سکرٹری وغیرہ صوبہ خیبر پختونخوا پشاور

جناب عالی!

مؤدبانہ گزارش ہے کہ

1- مقدمہ ہذا میں آج پیشی ہے۔

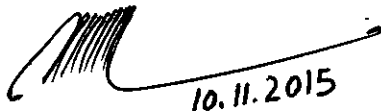
2- میرے وکیل صاحب جاوید۔ اے۔ خان پرفالچ کی وجہ سے اُن کی صحت ٹھیک نہیں ہے۔

3- کل اُن سے ملاقات پر مجھے اگلی تاریخ لینے کی ہدایت کی۔

لہذا حضور والا شان سے گزارش ہے کہ مقدمہ ہذا میں اگلی تاریخ دینے کا حکم دے کر

مشکور فرمائیں۔

عرضہ فدوی


10.11.2015

نذیر احمد ریٹائرڈ XEN

محکمہ سی اینڈ ڈبلیو

اپیل نمبر 1608/2013

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
S.A.NO.1608/2013

Nazir Ahmad Khan
 Retired Executive Engineer
 C&W Division Chitral

..... Appellant.

VERSUS

- ✓ 1. Chief Secretary Khyber
Pakhtunkhwa Peshawar.
2. Additional Chief Secretary
Khyber Pakhtunkhwa Peshawar
3. Secretary to Govt. of KPK
S&GAD Department, Peshawar.
4. Secretary to Govt. of KPK
Establishment Deptt: Peshawar.
5. SMBR to Govt. of KPK
Peshawar.
6. Secretary to Govt. of KPK
C&W Department, Peshawar. Respondants

REJOINDER TO THE PARAWISE COMMENTS.

Respectfully Sheweth;

Preliminary Objections

All are without cogent reasons and therefore are denied.

FACTS

2. Incorrect as
 The ACR's of the officers in all departments are the sole requirement for promotion as in ACR's if it is written that the officer is not fit for promotion than even the chief Secretary have no power to promote such an officer. In my ACR's for every year I have been recommended for promotion as examined by this honorable tribunal after order to the department to submit the ACR's for perusal. This fact has been mentioned in the decision of my case, decided by this honorable Tribunal dated: 19-01-2012.
3. Incorrect and exaggerative as
 The dispute relates for some other period not Concerned with me. There was no dispute than the following PSB's occurred and dozens

juniors to me were promoted leaving me. Following is the position of PSB's successfully occurred without any dispute amongst departments or amongst persons.

- i. In Provincial Selection Board (PSB) meeting held in December 1998, I was at S. No 4 of the Seniority list, my promotion was considered but I was not promoted.
- ii. In PSB meeting held in June 2001, I was at S. No 2 of the Seniority list and my promotion was considered but not promoted.
- iii. In PSB meeting held on 28-11-2002, I was at S. No 1 of the Seniority list but (20) juniors were promoted from BPS 17 to BPS 18 but I was left un-promoted with the plea that "inquiry regarding irregularities in a project was going on" This is violation of 2000 SCMR 645.
- iv. In PSB meeting held on 08-11-2004, I was at S. No 1 of the Seniority list but (30) more juniors to me were promoted from BPS-17 to BPS-18 leaving myself with the plea "inquiry has now been finalized but two minor penalties one of censure and one of withholding (3) increments for (3) years have been imposed". This is again violation of 2000 SCMR 645 for 2nd time as 2000 SCMR 645 clearly orders to promote the person though been imposed several minor penalties on him. It also orders that pendency of proceeding against any officer will not be made hurdle in promotion. But for 2nd time the order of the August Supreme Court was not obeyed by the Government.
- v. In PSB meeting held on 12-07-2005, I was at S. No 1 of the Seniority list but juniors to me were promoted from BPS-17 to BPS-18 and I was left unprompted with the plea that "Though all the minor penalties imposed upon him have been withdrawn on the order of the C.M & no any pending inquiry exists against him but another inquiry has since been initiated against him".
This is again clear violation of 2000 SCMR 645 for 3rd time by the PSB.
- vi. In PSB meeting held on 12-11-2009, I was on the top of the Seniority list but juniors to me, several in numbers, were promoted from BPS-17 to BPS-18 leaving myself not promoted with the plea of "Inquiry is Coming/inquiry is in progress against him". This is violation of order of Supreme Court (2000 SCMR 645) for 4th time by the chief secretary & other members of the PSB.
- vii. In the PSB meeting held on 29-12-2009, I was on the top of the Seniority list but juniors to me in large number were promoted from BPS-17 to BPS-18 and I was left un-promoted even from BPS-17 to BPS-18 while my juniors promoted during 2002 were moved over to BPS-19 from 18.

This is violation of (2000 SCMR 645) for 5th time by chief-Secretary and other members of the PSB.

viii. In the PSB meeting held on 05-04-2010 my name was on the top of the Seniority list but the juniors were promoted from BPS-17 to BPS-18 leaving me not promoted with the plea that inquiry is in progress. This is again violation of (2000 SCMR 645), 2008 PLC (C.S) 1019 for 6th time by the Chief-Secretary and members of PSB.

ix. In the PSB meeting held on 07-08-2013, I was left un promoted even from BPS-17 to BPS-18. In this PSB it had been discussed about me that if I was not retired on 10-06-2010 on attaining the age of Superannuation i.e. 60 years, I had to face a fake tender Case while this case was related to head Clerk working under me, and when the case was pointed out the tender was cancelled and was again published in news papers by me, so the earlier became not workable and remained not harmful. This was the whole story for which I was deprived of my promotion in this PSB also though there was no case on me, though there was no even any minor penalty on me.

During the said so called fake tender I was in service, 4/5 months were remained for my getting retired. Therefore If I would have been given the charge sheet regarding the fake tender I would had taken it to Court for quick decision before my retirement.

Charge sheet was not served to me but making the said fake tender matter as a plea I was deprived of my promotion. Though I, from myself sent explanation regarding the so called fake tender, tried by any unknown person but became not harmful as it had been cancelled before becoming mature. The said head clerk was than exonerated from the charge, by the Chief-Engineer.

If the Govt. now serves me with charge sheet regarding that said fake tender, I am ready to prove myself not been guilty in the matter. Neither charge sheet was being given to me regarding the said fake tender nor was I being promoted during the last 4/5 months before my retirement, showing/assuming the matter of the fake tender as pending against me without proved & without any penalty imposed for, on me.

4) Incorrect as

Explained in detail under Para 3 above. In seven PSB's meetings as listed in Para 3 above, I was left un promoted from BPS 17to 18 just due to minor penalties and pendency of any inquiry, which is in justice as the Supreme Court has given orders that promotion cannot be stopped due to minor penalties or due to pendency of inquiry (2000SCMR645), 2008 PLC (C.S.) 1019. I only faced one major penalty of dismissal for the period of 12-06-

2007 to 8.8.2008 while during this period of my dismissal no PSB meeting occurred. If the honorable Service Tribunal or Supreme Court consider only the facts given in Para 3 above, the case could easily be decided in my favor giving me promotion from BPS 17 TO BPS 18 w.e.f. 8.2. 2003 & from BPS-18 to BPS-19 w.e.f. 31-12-2008, the dates while juniors were promoted, with all back benefits.

5) Incorrect as

I filed appeals in this honorable court under No.984/2003& No. 598/2003 regarding the minor penalties against me and regarding been left myself un-promoted in PSB occurred on 28-11-2002, respectively.

6) Incorrect as

The Secretary C&W wrote me letter on 5-5-2005 that the chief-Minister is pleased to accept my appeal for waving off the minor penalties and as well to promote me from PBS 17 To BPS 18 subject to with drawl of the above mentioned cases, mentioned above in Para No5.

7), 8), 9) Incorrect as

I, on 7-5-2005 having trust on the promise of the C.M withdraw my Cases in Service tribunal for promotion but the Secretary C&W after issuing exoneration letter of the minor penalties, did not send the promotion case to the C.M saying that it is being prepared and is being submitted to C.M for order. But after some months instead of promoting me as ordered and promised by the C.M, Series of baseless inquiries one after one with imposition of minor penalties was started but every time I came out innocent & exonerated but showing pendency of these inquires against me and showing the minor penalties against me I was left unprompted in all the seven number PSB's as listed in Para 3 above occurred during 2002 to 2013.

10), 11), 12), Incorrect as

Due to pendency of proceedings and due to imposed minor penalties, stoppage of promotion is not allowed as ordered by the august Supreme Court of Pakistan (2000SCMR645), 2008PLC (C.S)1019. But it is done with me by C&W department and by PSB members.

13) Not correct as explained in Para 3/ (vii) above.

14) Incorrect as

The letter under No SOE-1 /C&W /1-6/78 dated 05/05/2005 from the secretary C&W to me is the proof regarding the promise of the C.M to promote me from BPS 17 to 18 but after wards the Secretary C&W & the

members of the PSB did not send my promotion case to the C.M saying that it is being prepared and is being sent but never was prepared & never was sent to the honorable C.M.

15 Incorrect as

What has been done with me by C&W department & the members of the PSB regarding not promoting me since 1998 to 2010 and later on till to date is the extreme of injustice. I am surprised that such cruel people are living in the country achieved by our fore fathers for living of "PAK" People.

16 Incorrect as Explained by me in Para 3 & 4 above.

17, 18), 19) Incorrect as

The honorable Service Tribunal decided my case in my favor dated 19-01-2012 but the KPK Government filed appeal in the Supreme Court of Pakistan against the decision of the service tribunal. The Supreme Court did not allow leave to appeal to the Govt. & dismissed their appeal while in the same nothing against me exists. However the Govt. considered my promotion to the next higher grades but said that "He is not suitable candidate". However I will not comment about the suitable officers in the eyes of the members of PSB who always become successful in getting promotions according to the sweet will of the members of the PSB.

20 Incorrect as

I did not want to appeal to the C.M as it had to go through secretary C&W, secretary Establishment & chief-secretary and they had to repeat the stories of minor penalties and pendency of proceedings from 1998 to 2010 and had to put the mind of the C.M on negative things but the appeal to the CM is must before filing case in the Service Tribunal, otherwise the appeal in not filed for hearing.

21 Incorrect as

The members of the PSB have no right to interpret the decisions of the courts according to their own sweet will. They are not correct to say that the august Supreme Court has dismissed my case, the fact is that the KPK Government went on appeal against me when the Service Tribunal gave decision in my favor dated: 19-1-2010. The august Supreme Court has dismissed the appeal of the Government and leave to appeal was not granted to the Government dated 17-1-2013, while the same contains nothing against me. The honorable Services Tribunal do not issue decree but gives directions which are considered as decree. I have also been given final decision in my favor containing directions "consequently, on 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". The Additional Advocate General had given statement in the Supreme Court mentioned in the Supreme Court decision dated 17-01-2013 that "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". Therefore if I was clear having no charge against me as stated by the A.A.G on 17-1-2013 in the Supreme Court and the august Supreme Court than ordered to place my case before the PSB as directed by the service tribunal, why the PSB in its meeting on 07-08-2013 did not find me suitable for promotion, While I was clear having no pendency of inquiry, having no minor penalty existing against me.

The honorable Service Tribunal in its decision dated 19-01-2012 after proving the case in my favor has given direction of my promotion to next higher pay scales. This decision of the honorable Service Tribunal in my favor has not yet been rejected by the August Supreme Court of Pakistan and it is still enforced till the Government brings its rejection order from the Supreme Court.

Is it justice what the PSB did with me since 1998 to date i-e I have been victimized for the last 15 year just saying that inquiry is coming against me, minor penalties exist against me, while through 2000 SCMR 645, 2008 PLC (C.S) 1019 the august Supreme Court has ordered not to stop the promotions making the minor penalties and pendency of inquiries as excuses.

Therefore, It is humbly requested that the honorable Tribunal according to its detailed judgment dated 19-01-2012 may kindly issue decree in my favor giving me promotion from BPS 17 to BPS 18 w.e.f. 8-2-2003 and BPS 18 to BPS 19 w.e.f. 31-12-2008, the dates my juniors were promoted, with all back benefits.

Through:



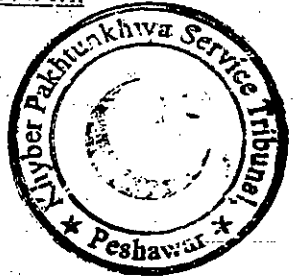
Javed A.Khan
Advocate High Court &
Supreme court Peshawar



Nazir Ahmad Khan
XEN/ Deputy Director
(retired) (own pay scale)
C&W Department KPK
District Chitral

10.8.2015

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.c.f 25.3.2000 till

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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 unabated, 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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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

(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

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 Sd/-
 Secretary
 Government of
 Chitral

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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Service Tribunal
Peshawar

ATTESTED


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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 KHYBER PAKHTUNKHWA
 Provincial
 Selection Board

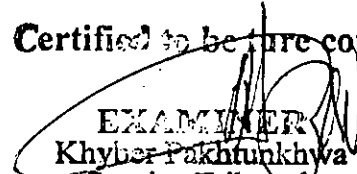
three months, under intimation to the Registrar of this Tribunal. There shall, however, be no order as to costs.

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 Copyist [Signature]
 Date of Completion of Copy 22.5.2012
 Date of Delivery of Copy 22.5.2012

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 Vs. ... Respondent

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

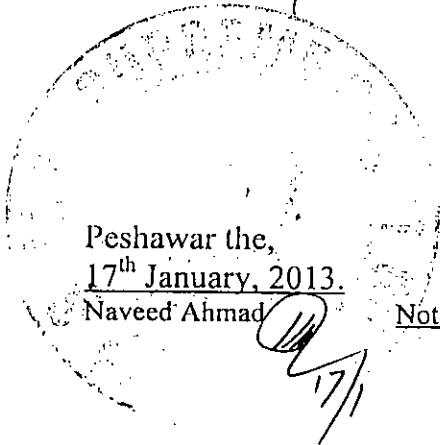
ATTENDED

Additional Advocate General,
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.



Peshawar the,
17th January, 2013.

Naveed Ahmad

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 Wards 600
No of Folios 6
Registration Fee 5
Copying Fee 3.79
Court Fee Charge 8.79
Date of completion 19-1-13
Date of Birth 19-1-13
Checked by Copy
Received by Mr. Muzafar Ahmad, Resident.
Total Amount
Advance Rs
Balance

2000]

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

645

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.

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)

647 ✓

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

SCMR

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.

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

Dated Peshawar the 04 / 09 / 2002

ORDER

1. No. SOD-I/W&S/1-6/78 WHEREAS, Mr. Nazir Ahmad Khan, SDO now Design Engineer O/o Chief Engineer Works & Services Peshawar was proceeded against under the NWFP Removal From Service (Special Powers) Ordinance 2000 for the charges that he had not provided the relevant record to the Inquiry Officer in connection with "Feasibility study and construction of RCC Bridge over Yarkhoon River at Mastuj ADP No.296/94/1012" for conducting inquiry.

2. AND WHEREAS, Show Cause Notice for imposition of minor penalty of "Censure" was served upon the accused officer to which he submitted his explanation.

3. NOW, THEREFORE, the competent authority, after having considered the charges, the material on record, the explanation of the officer concerned and personal hearing, in exercise of powers conferred by section 3 of the NWFP Removal From Service (Special Powers) Ordinance 2000, has been pleased to impose the minor penalty of "Censure" on Mr. Nazir Ahmad Khan, SDO now Design Engineer O/o of the Chief Engineer Works & Services Peshawar.

SECRETARY

Endst. of even number & Date:

Copy to the :-

- 1. Chief Engineer, Works & Services Peshawar
- 2. Director/EDO Works & Services Chitral
- 3. Deputy Director Works & Services Chitral
- 4. PS to Chief Secretary NWFP
- 5. PS to Secretary Establishment Department
- 6. PA to Deputy Secretary (Admin) Works & Services Department
- 7. Officer concerned
- 8. Office Order/Personal/ACRs file of the officer concerned

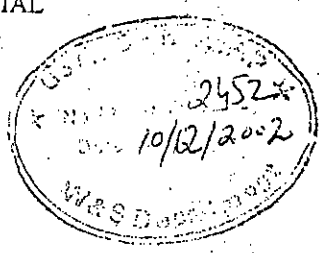
[Signature]
06-09-02

[Signature]
(AZIZ KHAN KHATTAK)
SECTION OFFICER (ESTD)
[Signature]

Annex-VIII

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CONFIDENTIAL
IMMEDIATE



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-I/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

CONFIDENTIAL

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.SORJ(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.SORJ(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: -

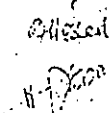
S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1	Mr.Nazir Ahmad Khan B.E(Civil)	His date of birth is 11.6.1950. He is B.E(Civil). He joined Government service on 31.10.1978. His service record up to 2001 is generally good. The Board was informed that his performance and general reputation are not 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 Yarkkhoon 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.

CONFIDENTIAL

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. Mushe- 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.

CONFIDENTIAL

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 (P.S.)
 Government of N.W.F.P.
 Islamabad Deptt.

CONFIDENTIAL

16	Mr. Imdad Hussain Bangash B.E (Civil)	His date of birth is 2.2.1952. He is B.E(Civil). He joined Government service on 22.9.1979. 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. The Board, therefore, recommended his supersession for promotion to BPS-18.
17	Mr. Muhammad Ijaz B.E (Civil)	His date of birth is 7.5.1958. He is B.E(Civil). He joined Government service on 9.9.1979. 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. The Board, therefore, recommended to defer his promotion till the finalization of the case.
18	Mr. Javed Ahmad Turk B.E(Civil)	His date of birth is 15.2.1955. He is B.E(Civil). He joined Government service on 9.9.1979. The Board was informed that reconsideration of departmental proceeding in a case regarding lease of land is under process against him. The Board, therefore, recommended to defer his promotion till the finalization of the case.
19	Mr. Muhammad Ashraf Khan-I B.E (Civil)	His date of birth is 5.8.1949. He is B.E(Civil). He joined Government service on 9.9.1979. 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. The Board, therefore, recommended his supersession for promotion to BPS-18.
20	Mr. Abdul Majid Khan B.E (Civil)	His date of birth is 20.10.1948. He is B.E(Civil). He joined Government service on 9.9.1979. 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. The Board, therefore, recommended his supersession for promotion to BPS-18.
21	Mr. Abdur Razaq Khan B.E (Civil)	His date of birth is 1.1.1950. He is B.E(Civil). He joined Government service on 9.9.1979. 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. The Board, therefore, recommended to defer his promotion till the finalization of the case.

CONFIDENTIAL

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.sana ul 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.

Secretary
Government of P.W. & P.
Engineering Deptt.

CONFIDENTIAL

29	Mr Waqar Ahmad Malik B.E(Civil)	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. 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.
30	Mr. Abdul Saboor Usmani B.E (Civil)	His date of birth is 22.3.1953. 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. The Administrative Secretary informed the Board that his performance is not satisfactory. However he has been kept under observation for six months. The Board, therefore, recommended to defer his promotion till he earns ACR for the year 2002.
31	Syed Jalal ud Din B.E (Civil)	His date of birth is 12.9.1953. He is B.E(Civil). He joined Government service on 25.11.1979. 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. The Board, therefore, recommended to defer his promotion till the decision of competent authority on his representation.
32	Mr. Ghulam Murtaza-I B.E (Civil)	His date of birth is 10.3.1947. He is B.E(Civil). He joined Government service on 1.1.1980. The Administrative Secretary informed the Board that he is absent from duty and a disciplinary case is pending against him The Board, therefore, recommended to defer his promotion till the finalization of the disciplinary proceeding.
33	Mr. Muhammad Khaliq Shah B.E (Civil)	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. The Board recommended that the officer may be cleared for appointment to BPS-18 on <u>acting charge</u> basis subject to the conditions that ground report on him and his ACRs for the years 2000 & 2001 are not adverse.
34	Mr. Abdul Samad Khan B.E (Mechanical)	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. 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 <u>acting charge</u> basis subject to the condition that ground report on him is not adverse.

Secretary
General Dept. N.W.F.P.
Islamabad (Distt)

CONFIDENTIAL

35	Mr.Muhammad Aslam Khan B.E (Civil)	<p>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.</p> <p>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.</p>
36	Mr.Inayat ullah Khan-II, B.E (Civil)	<p>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.</p> <p>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.</p> <p>Notification of his appointment to BPs-18 will be issued after occurrence of post i.e with effect from 22.12.2002.</p>
37	Mr.Asif Iqbal B.E (Civil)	<p>His date of birth is 2.2.1954. He is B.E(Civil). He joined Government service on 12.11.1981.</p> <p>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 A.CR for the year 2001 was also not available.</p> <p>The Board, therefore, recommended to defer his promotion.</p>
38	Mr.Ashiq Hussain Shah B.E (Civil)	<p>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.</p> <p>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.</p> <p>Notification of his appointment to BPs-18 will be issued after occurrence of post i.e with effect from 1.1.2003.</p>
39	Mr.Shams uz Zaman B.E (Civil)	<p>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.</p> <p>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.</p> <p>Notification of his appointment to BPs-18 will be issued after occurrence of post i.e with effect from 15.2.2003.</p>
40	Mr.Faiz Muhammad B.E (Civil)	<p>His date of birth is 14.11.1954. He is B.E(Civil). He joined Government service on 15.12.1981.</p> <p>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.</p> <p>The Board, therefore, recommended to defer his promotion.</p>

Date: _____
 By: _____
 For: _____ Deptt

CONFIDENTIAL

41	Mr. Shaukat Ali B.E (Civil)	<p>His date of birth is 1.4.1949. He is B.E(Civil). He joined Government service on 15.12.1981.</p> <p>The Administrative Secretary informed the Board that in order to watch his performance/integrity he has been kept under observations for six months.</p> <p>The Board, therefore, recommended to defer his promotion</p>
42	Mr. Javed Ihsan B.E (Civil)	<p>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.</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> <p>Notification of his appointment to BPS-18 will be issued after occurrence of post i.e. with effect from 21.2.2003.</p>

M. Javed
H. Javed
 Director (PSS) &
 Government of N.W.F.P.
 Faisalabad, District

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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:-

- ✓ (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 Farooq. (8)
- ✓ (6) f. Mr. Mushke 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

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

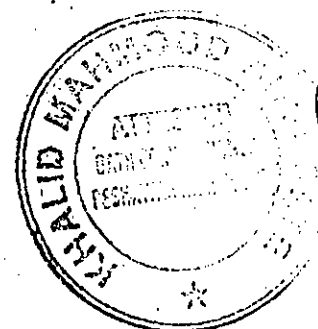
Dated Peshawar, the 8th February, 2003.

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.

C.E.W&S Deptt:	9
Diary No.	10
Date	11
Case No.	12
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D.E (R)	
A.O	✓
B&AO	

(MUHAMMAD ANBAR KHAN)
SECTION OFFICER (ESTT-I)



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:-

C.E W&S Deptt:
File No
Date
Case
Officer
Post
DE (S)
DE (R)
A.O ✓
BSAO

- 1 a. Mr. Abdul Samin Khan. (26)
- 2 b. Mr. Ismail. (28)
- 3 c. Mr. Fateh Muhammad Jan. (27)
- 4 d. Mr. Kifayat Hussain. (29)
- 5 e. Mr. Waqar Ahmad Malik. (30)
- 6 f. Mr. Muhammad Khaliq Shah. (34)
- 7 g. Mr. Abdul Samad Khan. (35)
- 8 h. Mr. Muhammad Aslam Khan. (36)
- 9 i. Mr. Inayatullah Khan-II.
- 10 j. Mr. Ashiq Hussain Shah. (38)
- 11 k. Mr. Shams-uz-Zaman. (39)
- 12 l. Mr. Javed Ihsan. (42)

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

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 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 ARBARKHAN
SECTION OFFICER (ESTT-I)

Brh
26.10.2003

34

5486

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the May 16, 2003.

O R D E R

No. SO(E)W&S/26-12/2001/Vol-III. WHEREAS, Mr. Nazir Ahmed, Design Engineer, O/O Chief Engineer, W&S Peshawar, was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000, for the alleged irregularities committed in the feasibility study and construction of RCC bridge over Yarkhun at Mastuj with realignment of Parwak - Mastaj Road (11-Km) Chitral.

2. AND WHEREAS, Show Cause notice for imposition of minor penalties of "WITHHOLDING OF THREE INCREMENTS FOR THREE YEARS and "CENSURE" was served upon the accused official, to which he submitted his reply.

3. NOW, THEREFORE, the competent authority, after having considered the charges, material on record and explanation of the accused officer, in exercise of powers conferred by rule-3 of the NWFP Removal from Service (Special Powers) Ordinance 2000, has been pleased to impose the minor penalties of "WITHHOLDING OF THREE INCREMENTS FOR THREE YEARS and "CENSURE" upon Mr. Nazir Ahmed, Design Engineer, O/O Chief Engineer, Works & Services Peshawar.

(ARSHAD MIRZA)
S E C R E T A R Y


No. SO(E)W&S/26-12/2001/Vol-III

Dated Pesh, the May 12, 2003

Copy to the:-

- 1) Accountant General NWFP Peshawar.
- 2) Chief Engineers, W&S Department, Peshawar.
- 3) Director Works & Services Chitral.
- 4) P.S. to Chief Secretary, NWFP, Peshawar.
- 5) P.S. to Secretary Works & Services Department.
- 6) P.A. to Additional Secretary, W&S Department.
- 7) Officer concerned.
- 8) O/O File, Personal File/ACRS.

Received
on 19/5/2003


(IHSANULLAH) 19/5
SECTION OFFICER (ESTT-II)

CONFIDENTIAL

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:-

S NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
	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. Previously he was superseded on 28.11.2002 for the reasons that his performance/general reputation were not upto the mark. His behavior with senior was not desirable. He was also involved in an enquiry. 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. The Board, therefore, recommended his supersession for promotion to the post of Executive Engineer (BPS-18).
	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. 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. The Board, therefore recommended to defer his promotion till the finalization of his case.
	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. 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. The Board, therefore, recommended to defer his promotion till the finalization of his case.

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

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 21.8.1955. 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(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1982.</p>
	Mr. Abdul Hafeez Savat 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. 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>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>

	<p>The Board, therefore recommended his supersession for promotion to the post of Executive Engineer (BPS-18).</p>
<p>Mr. Muhammad Ijaz B.E (Civil)</p>	<p>His date of birth is 7.5.1950. 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. Iaved 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>

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Section Officer (NSM)

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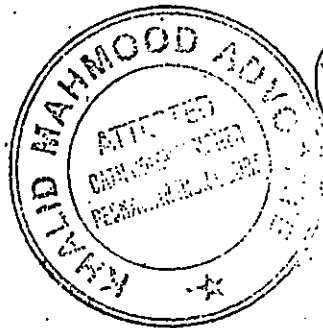
GOVERNMENT OF N.W.F.P.
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the 23rd December 2004

Notification

No. S.O.F.-I/W&S/1-5/72/2004. 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. Inayatullah Khan,
14. Mr. Asif Iqbal
15. Mr. Asliq 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 Peryez



Bueh
20/12/2004

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

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst. No. S.O.F.-I/W&S/1-5/72/2004

Dated Peshawar, the 23rd December, 2004

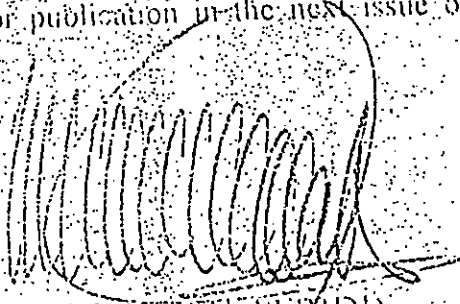
Copy to the:-

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

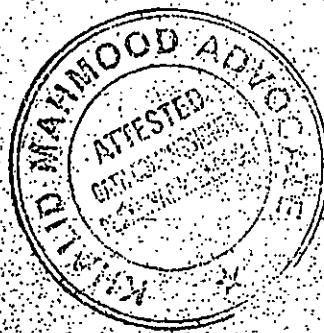
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From Pre-Page

4. PS to Chief Secretary NWFP.
5. Chief Engineer Works & Services Peshawar.
6. Chief Engineer (C.A.T.A) Works & Services Deptt Peshawar.
7. Managing Director Frontier Highways Authority Peshawar.
8. Managing Director Abascent 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. PS to 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 files.



(ARSHAD KIFAN AFRIDI)
SECTION OFFICER (EST-1)



Arshad
20/10/2009

Notis

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-1)



Bush
20.10.2009

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.

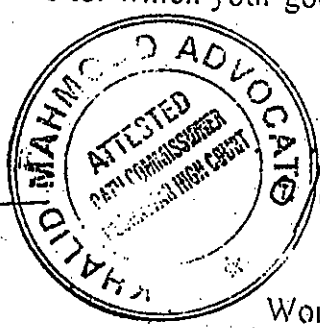
Sir,

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,

A handwritten signature in black ink, appearing to read "Nazir Ahmad".

(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.SOE-I/W&S/I-6/78 dated 05.05.2005, please.

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

Deputy Director
Works & Services Chitral (OPS)

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

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 AFRIDI)
SECTION OFFICER (ESTT-I)

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 8.11.2004 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>

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		<p>The Board was informed that the officer filed a Writ Petition in the Peshawar High Court against his supersession. The Peshawar High Court decided that imposition of minor penalty by itself could not be impediment to promotion and the promotion is not the right of a civil servant but he only has the right to be considered for promotion. The Provincial Selection Board was directed to reconsider the petitioner for promotion.</p> <p>During the meeting held on 8.11.2004 Board was informed that an enquiry was pending against him. In the instant working paper result of the said enquiry has not been mentioned. After assessing over all performance of the officer the Board recommended to defer him and to be reassessed after he earn ACR for the year 2005 as well.</p>
7	Mr. Muhammad Ijaz B.E (Civil)	<p>His date of birth is 7.5.1956. He is B.E(Civil). He joined Government service on 9.9.1979.</p> <p>His case with the NAB is still pending.</p> <p>The Board, therefore recommended to defer his promotion till the finalization of his case.</p>

Musled

H. D. Coor
Section Officer (PSO)
Govt. of N.W.F.P.
Establishment Deptt.

4-8-2005

44

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

Dated Peshawar, the 4th August 2005

Notification

No. SOE-I/W&S/4-5/72/2005. 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. Javid Ahmad Turk
2. Mr. Sohail Bin Qayyum

2. On their promotion, they will continue to work on their existing posts, as under:-

1. Mr. Javid Ahmad Turk,
Deputy Director,
Works & Services Battagram
2. Mr. Sohail Bin Qayyum,
Deputy Director,
Provincial Building Maintenance Cell,
Administration Deptt Peshawar

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst. No. SOE-I/W&S/4-5/72/2005.

Dated Peshawar, the 4th August 2005

Copy is forwarded for information & necessary action to the:-

1. Secretary to Chief Minister NWFP
2. Secretary to Govt. of NWFP, Administration Deptt Peshawar.
3. Accountant General NWFP, Peshawar.
4. PS to Chief Secretary NWFP.
5. Chief Engineer Works & Services Deptt NWFP Peshawar.
6. Executive District Officer Works & Services Battagram
7. Director Provincial Building Maintenance Cell Admn Deptt Peshawar.
8. District Accounts Officer, Battagram.
9. PS to Secretary Works & Services Department.
10. PA to Additional Secretary Works & Services Department.
11. Manager Govt. Printing Press Peshawar for publication in the next issue of Government Gazette.
12. Officers concerned.
13. Office Order/Personal files.

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

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

Dated Peshawar, the March 28, 2006

ORDER

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

In terms of Section 4 of the NWFP Removal From Service (Special Powers) Ordinance 2000, the competent authority is pleased to order the suspension from service of Mr. Nazim Ahmed (BS-17), Deputy Director (OPS) Works & Services Chitral, due to lack of interest and negligence in his official duties, with immediate effect.

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

Encl: No. & Date as above

Copy is forwarded for information & necessary action to the -

- 1. Accountant General, NWFP, Peshawar.
- 2. Secretary to Chief Minister, NWFP.
- 3. District Coordination Officer, Chitral.
- 4. PSO to Chief Secretary, NWFP.
- 5. Chief Engineer, Works & Services Deptt. NWFP, Peshawar.
- 6. Executive District Officer, Works & Services Chitral.
- 7. Deputy Director, Works & Services Chitral.
- 8. District Accounts Officer, Chitral.
- 9. PS to Secretary Works & Services Department, Peshawar.
- 10. PA to Addl. Secretary Works & Services Department, Peshawar.
- 11. Incharge Computer Cell, Works & Services Deptt. Peshawar.
- 12. Office Order/Personal File of the officer.

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

29-3-06

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT
Dated Peshawar, the January 15, 2007

ORDER

No. SOE-I/W&S/1-6/78 WHEREAS, Mr. Nazir Ahmed Deputy Director (Own pay & scale) Works & Services Chitral, was proceeded against under the Removal from service (Special Powers) Ordinance 2000, for the alleged "not attending meetings called by the DCO and District Nazim Chitral and also not preparing PC-Is of developmental schemes"

2. AND WHEREAS, for the said act of misconduct, he was served with charge sheet/statement of allegations to which he replied.

3. AND WHEREAS, Engr. Tariq Saeed Project Director FHA and Faqir Taj Executive District Officer Works & Services Swat were appointed Inquiry Committee in the matter who after conducting inquiry submitted their report.

4. AND WHEREAS, showcause notice for imposition of tentative major penalty of "Removal from Service" was served upon which he submitted his explanation.

5. NOW, THEREFORE, the competent authority, after having considered the charges, material on record, explanation of the officer and inquiry report of Inquiry Committee in exercise of powers conferred by Section-3 of NWFP Removal from Service (Special Powers) Ordinance 2000, has been pleased to impose the minor penalty of 'Censure' upon the officer.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer PHE Works & Services Peshawar.
4. Executive District Officer W&S Chitral.
5. Deputy Director Works & Services Chitral.
6. District Accounts Officer Chitral.
7. PS to Secretary Works & Services Department, Peshawar.
8. PA to Addl: Secretary Works & Services Department, Peshawar.
9. Officer concerned.
10. Office file/Personal file.

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

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the January 18, 2007.

ORDER

No.SOE-I/W&S/1-6/78 In continuation of this Department's order No. SOE-I/W&S/1-6/78 dated 28.03.2006, the competent authority has been pleased to reinstate Mr. Nazir Ahmed (BPS-17) the then Deputy Director (OPS) Works & Services Chitral with immediate effect.

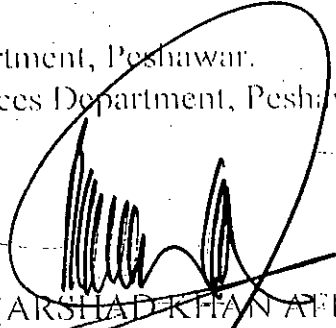
2. On his re-instatement he is directed to report to Works & Services Secretariat Peshawar for further posting.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Principal Secretary to Chief Minister NWFP, Peshawar.
3. District Coordination Officer Chitral.
4. PSO to Chief Secretary NWFP Peshawa.
5. Chief Engineer Works & Services Peshawar.
6. Executive District Officer W&S Chitral.
7. Deputy Director Works & Services W&S Chitral.
8. District Accounts Officer Chitral.
9. PS to Secretary Works & Services Department, Peshawar.
10. Incharge Computer Cell, Works & Services Department, Peshawar.
11. Officer concerned.
12. Office file/Personal file.



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

Annex-12

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the March 16, 2007

ORDER

No. SOE-I/W&S/1-6/78 The competent authority has been pleased to accept the appeal of Mr. Nazir Ahmed, Assistant Engineer against the minor penalty of "Censure" imposed upon him vide this department's order of even number dated 15.01.2007. The Works & Services Department accordingly withdraw its order dated 15.01.2007.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:

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

Endst of even number & date

1. Accountant General NWFP, Peshawar.
2. Secretary to Govt. of NWFP, Establishment Department, Peshawar.
3. Chief Engineer Works & Services Peshawar.
4. Executive District Officer W&S Chitral.
5. District Accounts Officer Chitral.
6. PS to Secretary Works & Services Department, Peshawar.
7. PA to Addl. Secretary Works & Services Department, Peshawar.
8. PA to Deputy Secretary Works & Services Department, Peshawar.
9. Officer concerned.
10. Office file/Personal file.

SECTION OFFICER (ESTT-I)

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the June 12, 2007

NOTIFICATION

No.SOE-I/W&S/8-21/2006 WHEREAS, Mr. Nazir Ahmed Assistant Director (BPS-17) Works & Services Department, was proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000, on account of irregularities in Developmental Schemes in Works & Services Chitral.

2. AND WHERE AS, for the act of misconduct he was served with charge sheet/statement of allegation to which he replied.

3. AND WHERE AS, an inquiry committee appointed comprising Engr. Abdullah Khan and Engr. Mohammad Usman who submitted its report.

4. AND WHERE AS, for the said act of misconduct he was served with show cause notice containing major penalty of "Dismissal from service" to which he submitted his reply.

5. 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 power conferred by Section-3 of the NWFP Removal from Service (Special Powers) Ordinance 2000, has been pleased to impose the major penalty of "Dismissal from Service" upon Mr. Nazir Ahmed Assistant Director (BPS-17) Works & Services Department with immediate effect.

SECRETARY TO GOVT. OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number & date

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer (FATA) Works & Services Peshawar.
4. Executive District Officer W&S Chitral.
5. Deputy Director W&S Chitral.
6. District Accounts Officer Chitral.
7. Manager Govt. Printing Press Peshawar.
8. PS to Chief Secretary NWFP, Peshawar.
9. PS to Secretary W&S Department, Peshawar.
10. PS to Deputy Secretary (Admn) W&S Department, Peshawar.
11. Officer concerned.
12. Office file/Personal file.


(KALIMULLAH KHAN BALOCH)
SECTION OFFICER (ESTT-I)

GOVERNMENT OF NWFP,
WORKS & SERVICES DEPARTMENT.

Dated Peshawar, the August 08, 2008

ORDER

No.SOE-IW&S/8-21/2006: In pursuance to the decision of the NWFP Services Tribunal dated 02.06.2008 in Service Appeal No.971/2007, the competent authority has been pleased to withdraw the major penalty "DISMISSAL FROM SERVICES" imposed upon Nazir Ahmed Assistant Director (BPS-17), Works & Services Department vide this department's order of even number dated 12.06.2007 and, therefore, Mr. Nazir Ahmed Assistant Director (BPS-17) Works & Services Department, is hereby directed to report to Works & Services Secretariat for further posting.

SECRETARY TO GOVT OF NWFP
WORKS & SERVICES DEPARTMENT

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer FATA Works & Services Peshawar.
4. Executive District Officer Works & Services Chitral
5. Deputy Director Works & Services Chitral
6. Registrar NWFP Services Tribunal, Peshawar
7. District Accounts Officer Chitral.
8. PS to Chief Secretary NWFP, Peshawar
9. PS to Secretary, Works & Services Deptt Peshawar.
10. PA to Addl: Secretary, Works & Services Deptt Peshawar.
11. Officer concerned.
12. Office order File/Personal File.


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

35

(51)

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.

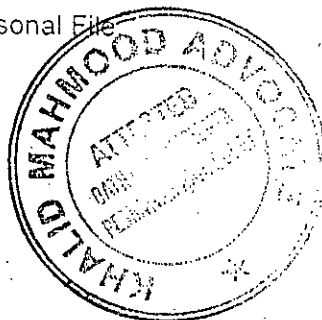
3. Postings/transfers of the above officers will follow.

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 (Prov) 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



(Signature)
(ANWAR-UŁ-HAQ)
SECTION OFFICER (ESTT-I)

(Signature)
20-10-2009

T-1)

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 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

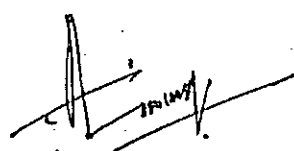
2. Postings/transfers of the above officers will follow.

Secretary to Govt of NWFP,
Works & Services Department

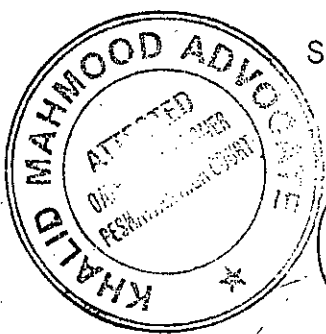
Endst of even number and date

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)



Handwritten signature and date: 20.10.2009

53

28/7/2009

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the July 28, 2009

NOTIFICATION:

No.SOE-IW&SD/4-5/72: The competent authority, in light of the recommendations of Provincial Selection Board is pleased to promote Engr Zahid Arif Assistant Engineer/Assistant Director (BS-17) to the rank of Executive Engineer/Deputy Director (Bs-18) and from Executive Engineer/Deputy Director (BS-18) to the rank of Superintending Engineer/Director/EDO (BS-19) in W&S Department from the presumptive dates noted below:

- | | | |
|--|----|------------|
| I. Executive Engineer/Deputy Director (BS-18) | -- | 16.07.2003 |
| II. Superintending Engineer/Director/EDO (BS-19) | -- | 31.12.2008 |

2. His promotion will be subject to final order of Supreme Court of Pakistan. The officer is however, will be on probation in BS-19 for a period of one year.

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 Peshawar
2. Accountant General NWFP, Peshawar
3. All Administrative Secretaries Govt of NWFP, Peshawar
4. All Chief Engineers, W&S Peshawar.
5. Political Secretary to Chief Minister NWFP, Peshawar
6. All Executive District Officers Works & Services
7. Deputy Director Works & Services Malakand
8. District Accounts Officer Malakand
9. Incharge Computer Cell, W&S Department, Peshawar.
10. PS to Chief Secretary NWFP, Peshawar
11. PS to Secretary, W&S Peshawar.
12. Officer concerned.
13. Office order File/Personal File.

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

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT

54

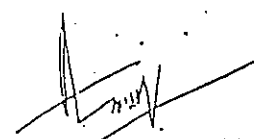
No. SOE-I/W&SD/8-28/72006
Dated Peshawar, the Sept 30, 2009

To

Engr Nazir Ahmed
Deputy Director
Works & Services, Chitral

Subject: APPLICATION/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 twice 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)




26/10/2009

11-12-2009

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Dec 11, 2009

NOTIFICATION

No. SC E&W/1/72/2009: In consultation with the Provincial Selection Board (PSB) the competent authority has been pleased to promote the following Assistant Engineers/Sub Divisional Officers (BS-17) of C&W Department to the rank of Executive Engineers (BS-18) on regular basis, with immediate effect:

- 1) Engr Muhammad Hamayun
- 2) Engr Sher Shah
- 3) Engr Abdul Hafiz Saval
- 4) Engr Imdad Hussain Bangash
- 5) Engr Muhammad Ejaz
- 6) Engr Jan-e-Alam
- 7) Engr Muhammad Ashraf
- 8) Engr Muhammad Khaliq Shah

- 2. All the officers will be on probation for a period of one year except officer at Sl.No.6, who will be on probation till retirement; however, their promotion will be subject to the final order of NWFP Services Tribunal and Supreme Court of Pakistan on the main petition.
- 3. Their seniority shall be determined in light of Para 7 of the Establishment Department letter No.SOR-III(E&AD) 1-3/2008 dated 23.01.2009.
- 4. The orders regarding postings/transfers of above officers will follow.

Secretary to Govt of NWFP
Communication & Works Department

Ends on even number and date

Copy is forwarded to the:-

- 1. Principal Secretary to Chief Minister NWFP Peshawar
- 2. Accountant General NWFP Peshawar
- 3. Chief Engineer, W&S Peshawar.
- 4. Chief Engineer FATA W&S Peshawar
- 5. Managing Director Frontier Highways Authority Peshawar
- 6. Managing Director Abaseen Construction Corporation Peshawar
- 7. All EDOs Works & Services Department
- 8. Political Secretary to Chief Minister NWFP, Peshawar
- 9. District/Agency Accounts Officers concerned
- 10. Incharge Computer Cell, C&W Department, Peshawar.
- 11. PS to Secretary, C&W Peshawar.
- 12. Officers concerned.
- 13. Manager Govt. Printing Press, Peshawar for publication in the next issue of Govt Gazette
- 14. Office order File/Personal File

(RAHIM B. DSHAH)
SECTION OFFICER (ESTT)

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Jan 23, 2010

NOTIFICATION:

No.SOE/C&W/4-5/72/2010: In consultation with the Provincial Selection Board (PSB), the competent authority has been pleased to promote the following Assistant Engineers/Sub Divisional Officers (BS-17) of C&W Department to the rank of Executive Engineers (BS-18) on regular basis, with immediate effect:

- | | | |
|------------------------|-------------------------|----------------------|
| 1) Shafiq Ahmad | 2) Muhammad Uzair | 3) Muhammad Tariq-I |
| 4) Ejaz Hussain Ansari | 5) M. Shahab Khattak | 6) Zia-ur-Rehman |
| 7) Shahid Hussain | 8) Syed M. Ilyas Shah | 9) Riaz Arshad |
| 10) Muhammad Ayub | 11) Abdul Sattar | 12) Arshad Khan |
| 13) Noor-us-Saeed Shah | 14) Amer Nadeem Durrani | 15) Rafi-ud-Din |
| 16) Shakir Habib | 17) Ahmad Nabi Sultan | 18) Hamid Ajmal Khan |
| 19) Aurangzeb | 20) Habib-ur-Rahim | 21) Fazli Wahab |
| 22) Muhammad Nawaz-I | 23) Bakht Rawan | 24) Munir Hussain |
| 25) Muhammad Tariq-II | 26) Abdul Ghafoor | 27) Bahadar Said |
| 28) Rehmat Hakim | 29) Kifayatullah | 30) Jamil Ahmad |
| 31) Mohd Tassaduq | 32) Javaid Akbar | 33) Muhammad Adil |
| 34) Muhammad Ayaz Khan | | |

2. All the officers will be on probation for a period of one year, however, their promotion will be subject to the final order of NWFP Services Tribunal and Supreme Court of Pakistan on the main petition.

3. Consequent upon their promotion, the competent authority is further pleased to order the transfer/posting of the following officers of C&W Department, with immediate effect, in the public interest:

Sl. No.	Name of Officers	From	To	Remarks
1)	Shafiq Ahmad (BS-18)	Deputy Director Abaseen. Construction Peshawar (OPS)	Services placed at the disposal of FATA Sectt:	---
2)	Muhammad Uzair (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (Technical) O/O CE (Centre) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
3)	Muhammad Tariq-I (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Building) O/O CE (CDO) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director PERRA	---
4)	Ejaz Hussain Ansari (BS-18)	Deputy Director PERRA (OPS)	XEN (Electrical/Mechanical) O/O CE (Centre) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director PERRA.	---

P.T.O.

P.T.O.

Sl. No.	Name of Officers	From	To	Remarks
5)	M. Shahab Khattak (BS-18)	Executive Engineer Building Division Jamrud, Khyber Agency (OPS)	Executive Engineer Building Division Jamrud, Khyber Agency	---
6)	Zia-ur-Rehman (BS-18)	Executive Engineer C&W Division Swat (OPS)	Executive Engineer C&W Division Swat	---
7)	Shahid Hussain (BS-18)	Executive Engineer Building & Works Division-1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-I, Peshawar	---
8)	Syed Ilyas Shah (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (R&B) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
9)	Riaz Arshad (BS-18)	Executive Engineer Building & Works Division-11 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-II, Peshawar.	---
10)	Muhammad Ayub (BS-18)	Deputy Director resettlement (FAP) C&W Department, Peshawar (OPS)	Design Engineer (Technical) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director (resettlement) FAP Peshawar.	---
11)	Abdul Sattar (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt:	---
12)	Arshad Khan (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	XEN (Electrical/Mechanical) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A	---
13)	Noor-us-Saeed Shah (BS-18)	Design Engineer (Building) O/O CE FATA C&W, Peshawar (OPS)	Services placed at the disposal of FATA Sectt:	---
14)	Amer Nadeem Durrani (BS-18)	Executive Engineer C&W Division Malakand (OPS)	Executive Engineer C&W Division Malakand	---
15)	Rafi ud Din (BS-18)	Executive Engineer Highway Division Mardan (OPS)	Executive Engineer Highway Division Mardan	---
16)	Shakir Habib (BS-18)	Design Engineer O/O CE (Centre) C&W, Peshawar (OPS)	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar. For actualization of promotion and then reposted as Deputy Secretary (Technical, Pesh:	---
17)	Ahmad Nabi Sultan (BS-18)	Executive Engineer C&W Division DIKhan (OPS)	Executive Engineer C&W Division DIKhan	---
18)	Hamid Ajmal Khan (BS-18)	Section Officer (Building) C&W Sectt Peshawar	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar.	---
19)	Aurangzeb (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Survey & RMU) O/O CE (CDO) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director PERRA	---

Sl. No.	Name of Officers	From	To	Remarks
20)	Habib-ur-Rahim (BS-18)	Design Engineer O/O CE FATA C&W Peshawar (OPS)	Services placed at the disposal of FATA Sectt:	---
21)	Fazli Wahab (BS-18)	Waiting for posting	Design Engineer (R&B) O/O CE (North) C&W Peshawar	---
22)	Muhammad Nawaz-I (BS-18)	Deputy Director Physical Housing Authority Peshawar (OPS)	Repatriated to C&W Department and posted as Research Officer Regional Roads Research & Material Testing Laboratory at Peshawar for actualization of promotion and then reposted as Deputy Director PHA Peshawar	---
23)	Bakht Rawan (BS-18)	Executive Engineer C&W Division Shangla (OPS)	Executive Engineer C&W Division Shangla	---
24)	Munir Hussain (BS-18)	Executive Engineer C&W Division Battagram (OPS)	Executive Engineer C&W Division Battagram	---
25)	Muhammad Tariq-II (BS-18)	Deputy Director-I FAP C&W Peshawar (OPS)	Senior Design Engineer (R&B) O/O CE (CDO) C&W Peshawar, for actualization of promotion and then reposted as Deputy Director-I (FAP) C&W Peshawar	---
26)	Abdul Ghafoor (BS-18)	Deputy Director-II FAP C&W Peshawar (OPS)	Executive Engineer Highway Division DIKhan, for actualization of promotion and then reposted as Deputy Director-II FAP C&W Peshawar	---
27)	Bahadar Said (BS-18)	Executive Engineer C&W Division Buner (OPS)	Executive Engineer C&W Division Buner	---
28)	Rehmat Hakim (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt:	---
29)	Kifayatullah (BS-18)	Executive Engineer C&W Division Kohat (OPS)	Executive Engineer C&W Division Kohat	---
30)	Jamil Ahmad (BS-18)	Executive Engineer C&W Division Dir Lower (OPS)	Executive Engineer C&W Division Dir Lower	---
31)	Mohd Tassaduq (BS-18)	SDO (Road) Highway Division, Parachinar, Kurram	Services placed at the disposal of FATA Sectt:	---
32)	Javaid Akbar (BS-18)	Executive Engineer C&W Division Dir Upper (OPS)	Executive Engineer C&W Division Dir Upper	---
33)	Muhammad Adil (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt:	---
34)	Muhammad Ayaz Khan (BS-18)	Executive Engineer (Building) Division Bajaur Agency (OPS)	Executive Engineer (Building) Division Bajaur Agency	---
35)	Inayatullah (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt:	---
36)	Luqman Shafi Khattak (BS-17)	Assistant Director (Technical) O/O Director PBMC, Peshawar.	Design Engineer (Technical) O/O CE (Centre) C&W Peshawar (OPS) being senior most Assistant Engineer	Due to abolition of Post of AD (Tech) PBMC.

P. T. O.

Secretary to Govt of NWFP
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Additional Chief Secretary FATA Sectt, Warsak Road, Peshawar
2. Principal Secretary to Chief Minister NWFP Peshawar
3. Accountant General NWFP Peshawar
4. Accountant General (PR) Sub Officer, Peshawar
5. DG-cum-Secretary PERRA NWFP, Abbottabad
6. All Chief Engineers C&W Peshawar.
7. Chief Engineer PERRA, Mansehra
8. Managing Director Frontier Highways Authority Peshawar
9. Managing Director Abaseen Construction Corporation Peshawar
10. Project Director (FAP) C&W Peshaar
11. All Superintending Engineers C&W Circles,
12. All Executive Engineers C&W Divisions
13. Political Secretary to Chief Minister NWFP, Peshawar
14. District/Agency Accounts Officers concerned
15. PS to Chief Secretary NWFP, Peshawar
16. Incharge Computer Cell, C&W Department, Peshawar.
17. PS to Secretary, C&W Peshawar.
18. Officers concerned.
19. Manager Govt Printing Press, Peshawar for publication in the next issue of Govt Gazette
20. Office order File/Personal File.


(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

59

PAKISTAN GOVT
PESHAWAR

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Feb 16, 2010

ORDER:

Secretary
Communication &
Works Department
Peshawar

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".

File

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-18) 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
(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

PANEL OF OFFICERS FOR CONSIDERATION

60

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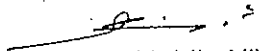
Sl. No	Name of Officer	Remarks
1.	Mr. Nazir Ahmed Khan B.E. (Civil)	The PSB in its meeting held on 29.12.2009 recommended to defer his promotion on the basis of pending inquiry regarding irregularities in the construction/repair of roads in district Chitral (Annex-I). Now the officer has been exonerated 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 26.05.1988 in BS-17. The PSB in its meeting held on 29.12.2009 recommended to defer his promotion to the post of Executive Engineer (BS-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 (Annex-I). 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 for posting. He got 76.43 score out of quantification of PERS.
4.	Mr. Hamidullah Khan Khalil B.Sc (Civil)	The officer was involved in an inquiry case "REGARDING THE SCHEME "UPGRADTION OF GMS PAGOAI 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 not 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 Rauf 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 (139 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 calendar 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 not 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 not 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 score 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 period 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 year extra ordinary leave without pay w.e.f. 31.08.2009. The officer has passed the Departmental Professional Exam and his PERs for the period 2009 are not available. He got 84.74 score out of quantification of PERS.
22.	Mr. Shahzad Afzal Khan B.Sc (Civil)	The officer has 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. Ahmed Nawaz B.Sc (Civil)	The officer is involved in an inquiry regarding "irregularities committed in the tendering process of C&W Division Lakki Marwal" and properly charge sheet/statement of allegations have been served upon him, however the inquiry officer has not submitted the inquiry report (Annex-XI). The officer has passed the Departmental Professional Exam and his PERs for the year 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 not passed the Departmental Professional Exam and his PERs for the period 2009 are not 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 not 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 not available. He got 82.63 score 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 Sl. No. Nil.
2. Certified that the officers included in the panel have passed Professional Exam is 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 at Sl. No. 3 & 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

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

Attested
J. A. Khan
Advocate.

SECTION OFFICER (ESTT)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1833 /ST

Dated 3 / 11 / 2016

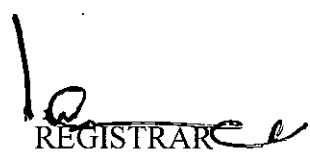
To

The Secretary C&W,
Peshawar.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 19.10.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.