

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	24.07.2017	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 289/2016</p> <p align="center">Date of Institution ... 28.03.2016 Date of Decision ... 24.07.2017</p> <p align="center">Amir Muqtada Qureshi, Ex-Sub-Engineer, Office of the Sub Engineer, Public Health Engineering Division, Mansehra.</p> <hr/> <p>1. The Secretary, Public Health Engineering Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.</p> <p>2. The Chief Engineer (South), Public Health Engineering, Khyber Pakhtunkhwa, Peshawar.</p> <p>3. The Executive Engineer, Public Health Engineering Circle, Abbottabad.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Clerk of the counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney on behalf of the official respondents present.</p> <p>2. This single judgment in the above captioned appeal, shall also dispose of appeals (1) bearing No.290/2016 filed by Muslim Shah Ex-Sub Engineer,(2) bearing No. 291/2016 filed by Qaiser Khan Ex-Sub Engineer, (3)bearing No.292/2016 filed by Zohaib Khan Ex-Sub Engineer, (4) bearing No.321/2016 filed by Murtaza Ali Ex-Sub Engineer, (5) bearing No.322/2016 filed by Syed Ashfaq Ahmad Shah Ex-Sub Engineer, (6) bearing No.323/2016 filed by Waqas Ali Ex-Sub Engineer, (7) bearing No.324/2016 filed by</p>

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No.324/2016 filed by Hussain Zaman Ex-Sub Engineer,(8) bearing No.325/2016 filed by Abdus Samad Ex-Sub Engineer, (9) bearing No.326/2016 filed by Syed Hassan Ali Ex-Sub Engineer, (10) bearing No.327/2016 filed by Ashfaq Ahmad Ex-Sub Engineer, , (11) bearing No.328/2016 filed by Abdul Shahid Ex-Sub Engineer, (12) bearing No.329/2016 filed by Farman Ali Ex-Data Entry Operator, (13) bearing No. 351/2016 filed by Shaukat Ali Ex-Sub Engineer, (14) bearing No.352/2016 filed by Khasif Raza Ex-Sub Engineer, (15) bearing No.353/2016 filed by Irshad Elahi Ex-Sub Engineer, (16) bearing No.354/2016 filed by Muhammad Sajjad Ex-Sub Engineer, (17) bearing No.355/2016 filed by Syed Muhammad Ali Sajjad Ex-Sub Engineer, , (18) bearing No.356/2016 filed by Mohsin Ali Ex-Sub Engineer, , (19) bearing No.357/2016 filed by Muhammad Ahsan Shah Ex-Sub Engineer, , (20) bearing No.358/2016 filed by Muhammad Ali Noor Ex-Sub Engineer against the respondents being identical in nature, arising out of the same law, facts and circumstances

3 The appellant has filed present appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 against the respondents wherein he made impugned order dated 03.03.2016 passed by the respondent No.1 whereby the departmental appeal of the appellant against his termination order dated 14.02.2014 was dismissed.

4. Brief facts of the case are that the appellant was offered post of Sub-Engineer (BPS-11) vide order dated 22.12.2009 of the Chief Engineer Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.

5. On 15.01.2014 during the hearing of C.Ps No. 2026 & 2029 of 2013, the august Supreme Court of Pakistan directed Chief Engineering Public Health Engineering Department Khyber Pakhtunkhwa to finalize the action against illegal appointees in his department within one month and submit his report through registrar of the august Supreme Court.

6. On 21.01.2014 Show Cause Notice was issued to 25 Sub-Engineers, 01 Senior Scale Stenographer, 06 Steno-typists and 02 Data Entry Operators, including the appellant regarding their illegal appointments and vide order dated 14.02.2014 the appellant was terminated from the post of Sub-Engineer with immediate effect on the ground that he was illegally appointed. The appellant preferred departmental appeal against his termination order but received no response. The appellant than filed appeal before this Tribunal and this Tribunal vide common judgment dated 30.12.2015 passed in appeals 31 in number, remit the case of the appellant to the appellate authority of the Department, without interfering in the impugned order dated 14.02.2014 and issued directions for the decision of departmental appeal strictly in accordance with law/rules considering merits and fulfilling the requirement of opportunity of personal hearing. Resultantly opportunity of hearing was given to the appellant and order dated 03.03.2016 by the appellate authority was issued whereby the departmental appeal of the appellant was dismissed. This led to the present appeal by the appellant.

7. Learned counsel for the appellant argued that the termination order dated 14.02.2014 as well as the order of the appellate

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authority dated 03.03.2016 are against the law, facts, and norms of justice on the ground that the appellant possesses the required qualification and was appointed by the competent authority after the fulfillment of all the codal formalities. Further argued that after appointment the appellant has accrued vested right and therefore cannot be terminated and thereby allowed to suffer hardship for the lapse/irregularities committed by the department. In support of his case the learned counsel for the appellant referred the judgments reported in 1985 PLC (C.S) 478 ,1985 PLC(C.S) 528, 2004 PLC(C.S)1028,1996 SCMR 4813,1996 SCMR 4813, 1997SCMR 1552, 2004 SCMR 1077,2005SCMR 678,2005PLC(C.S)240,2006 SCMR 678,2007PLC(C.S)179,2009SCMR 663,2011SCMR 1618,2011PLC(C.S)331,2014PLC(C.S)479 and 2015SCMR 74.

8. On the other hand learned Deputy District Attorney while controverting the arguments of the learned counsel for the appellant defended the impugned orders on the grounds mentioned therein and maintained that the appellant was appointed illegally on political considerations. Further contented that the post earlier occupied by the appellant has now been filled, upon the recommendation of Public Service Commission on merits. Further argued that some other affectees/illegal appointees also took part in the examination held by Public Service Commission and few of them also succeeded to re-occupy their posts.

9. Arguments of learned counsel for the appellant and Deputy District Attorney heard. Record perused with their valuable assistance.

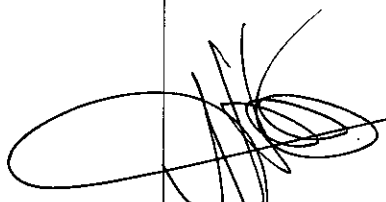
10. It is not disputed that the vacancies/posts against which the appellant was appointed, were not advertised at all in the

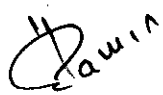
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humanitarian consideration in as much as such gains availed by the illegal appointees were at the cost of other deserving citizen of the country with a legitimate expectation that they would be able to seek appointment on the basis of open merit/eligibility cum merit criteria. Wisdom in this regard is gained from judgment of the august Supreme Court of Pakistan titled Syed Mubashir Raza Jaffri and others -----Petitioners Versus EMPLOYEES OLD-AGE BENEFITS INSTITUTIONS (EOBI) through President of Board, of Trustees and others-----Respondents (2014 SCMR Page 949).

14 The august Supreme Court also observed in number of cases that in such situation besides proceedings against the beneficiaries of illegal appointments, the officers who were responsible for implementing illegal directives should also be held equally responsible and severe action should be taken against them so in future it may serve as deterrent for other likeminded persons.

15. As a sequel to above we see no merits in the present appeal. Hence the same is dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.


(AHMAD HASSAN)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
24.07.2017

12.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Saddique, Administrative Officer for present. Arguments heard. To come up for order on 24.07.2017 before D.B.

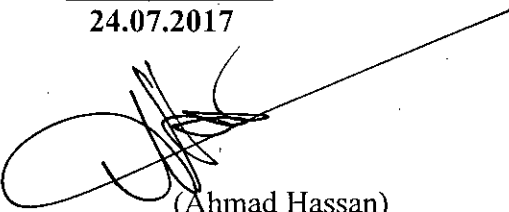

(Ahmad Hassan)
Member

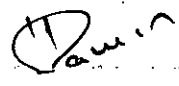

(Muhammad Hamid Mughal)
Member

13. 24.07.2017

Learned counsel for the appellant present. Learned Deputy District Attorney on behalf of respondents present. Vide our separate judgment of today placed on file, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
24.07.2017


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

11.04.2017

Counsel for the appellant present. Mr. Muhammad Yasin, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents also present. The present appeal was partially heard by D.B comprising of Chairman and Mr. Muhammad Amin Khan Kundi Learned Member (Judicial) but today the said D.B is not available. The office is directed to put up the instant appeal before a D.B in which both the above mentioned officers are sitting. To come up for arguments on 08.05.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

8.05.2017

Clerk of counsel for the appellant and Addl. AG for the respondents present. Due to strike of the bar counsel for the appellant is not available. To come up for final hearing for 24.05.2017 before D.B.



Member


Chairman

24.05.2017

Counsel for the appellant Mr. Muhammad Siddique, Admin Officer alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.07.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

14.11.2016

Counsel for the appellant and Addl: AG alongwith
Mr. M. Yaseen, Supdt for respondents present. Rejoinder
submitted. To come up for arguments on 28.03.2017.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

28.03.2017

Counsel for the appellant, Additional AG and Senior Government
Pleader alongwith M/S Aftab Ahmed, A.O & Muhammad Yasin,
Superintendent for the respondents present. Arguments partially heard. To
come up for remaining arguments on 29.03.2017 before this D.B.


Member


Chairman

29.03.2017

Counsel for appellant, Additional AG & Senior Government
Pleader alongwith Mr. Aftab Ahmed, A.O & Mr. Muhammad Yasin,
Superintendent for respondents present. Learned Additional AG requested
for adjournment. Adjourned for remaining arguments to 11.04.2017 before
D.B.


Member


Chairman

10.08.2016

Clerk to counsel for the appellant and Mr. Muhammad Yaseen, Supdt. alongwith Addl: AG for respondents present. Written reply submitted on behalf of respondents No.2 and 3. The learned Addl: AG relied on the same on behalf of respondent No.1. The appeal is assigned to D.B for rejoinder and final hearing on 14.11.2016.



Member

11.04.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Sub Engineer vide order dated 01.01.2010 and was terminated from service on the allegations of irregularities in initial appointment vide order dated 14.2.2014 where-against appellant preferred departmental appeal on 27.2.2016 and then Service appeal No. 786/2014 before this Tribunal, which was decided by this Tribunal vide judgment dated 30.12.2015 remitting the case to the competent authority for decision afresh. That vide impugned order dated 03.03.2016, the appellate authority has terminated services of the appellant and hence the instant service appeal on 28.3.2016.

That neither the directions of the Tribunal given in the judgment were followed by the said authority nor codal formalities observed nor enquiry conducted in the prescribed manner.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 01.06.2016 before S.B.


Chairman

01.06.2016

Counsel for the appellant, M/S Muhammad Yaseen, Supdt. Muhammad Ali Supdt and Kamran Shahid, Asstt. alongwith Addl. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 10.08.2016 before S.B.




Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 289/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.03.2016	<p>The appeal of Mr. Amir Muqtada Qureshi presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	29-3-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 289 /2016

Mr. Amir Muqtada Qureshi V/S PHE Department, KPK.

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4.	Copy of Arrival Report.	- C -	08
5.	Copy of Service Book	- D -	09-13
6.	Copy of Transfer Order & Arrival Report	-D-1-	14
7.	Copy of Judgment	- E -	15-16
8.	Copy of Show Cause Notice	- F -	17-18
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APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI),


(TAIMUR ALI KHAN),

 &
(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR.

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

Appeal No. 2189 /2016

Mr. Amir Muqtada Qureshi, Ex-Sub-Engineer,
Office of the Sub Engineer,
Public Health Engineering Division,
Mansehra.

G.W.J. Durrani
Service Tribunal
Diry No 270
Date 28-03-2016

APPELLANT

VERSUS

1. The Secretary, Public Health Engineering Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Chief Engineer (South), Public Health Engineering, Khyber Pakhtunkhwa, Peshawar.
3. The Executive Engineer, Public Health Engineering Circle, Abbottabad.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 3.3.2016 RECEIVED BY APPELLANT ON 15.03.2016 PASSED BY RESPONDENT DEPARTMENT IN PURSUANT TO THE DIRECTION OF THIS AUGUST TRIBUNAL DATED. 30.12.2015 WHICH WAS PASSED IN APPEAL NO. 786/2014.

.....

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 3.3.2016 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Waseem
28/3/16

RESPECTFULLY SHEWETH:

1. That the appellant was appointed as Sub Engineer on the recommendation of Departmental Selection Committee by the competent authority vide order dated 22.12.2009. The appellant got his medical fitness certificate and reported his arrival on 1.1.2010. **(Copy of Appointment Order, Medical Fitness Certificate and Arrival Report are attached as Annexure-A, B and C).**
2. That it is also worth to mention here that the proper service book of the appellant was also maintained by the respondent department in which all relevant entries are record. **(Copy of Service Bok is attached as Annexure-D).**
3. That the appellant transferred from PHE Division Haripur to PHE Division, Mansehra vide order dated 3.02.2014. **(Copy of Transfer Order is attached as Annexure-D-I).**
4. That in other cases of a different nature, the Supreme Court passed an order on 15.1.2014, wherein the Chief Engineer Mr. Sikandar Khan gave statement that although many other illegal appointees in the department have been removed from service but again many other such action is in progress at various stages and they are still in service. Therefore, the Honorable Supreme Court directed the Chief Engineer to complete the process within one month against the illegal pending cases against the illegal appointees. **(Copy of Judgment is attached as Annexure-E).**
5. That the Chief Engineer to save his skin issued as Omni bus show-cause notice and adopted a slipshod manner for removing the appellant from service. **(Copy of the Show cause notice is attached as Annexure-F).**

6. That the appellant submitted a reply to the show cause notice in which the appellant has explained the details and rebutted the objections/allegations leveled against him with full reasons and justification which were not taken in consideration at all. **(Copy of Reply and Show Cause Notice are attached as Annexure-G).**

7. That on 14.2.2014 the appellant was terminated from service without following proper procedures and codal formalities. The appellant also filed an appeal against the termination order on 27.2.2014 and waited for statutory period but no reply has been received. **(Copy of Order and Appeal are attached as Annexure-H and I).**

8. That the appellant and other colleagues also went a Writ Petition before the Peshawar High Court Peshawar in Writ Petition No.615-P/2014 which was decided on 26.2.2014 and the Writ Petition of the petitioner was dismissed for having no jurisdiction as they were civil servants. Then the appellant went an appeal before the august Supreme Court of Pakistan, which was heard on 28.4.2014 and while dismissing the appeal of the petitioner, the Honorable Supreme Court observed that the Service Tribunal shall decide the appeal as mandatory in law. **(Copy of High Court and Supreme Court Judgment are attached as Annexure-J and K).**

9. That the appellant filed an Appeal bearing No.786/2014 against termination from service. That the said appeal was finally heard by the Honorable Tribunal on 30.12.2015 and the Honorable Tribunal was kind enough to accept the appeal and remitted the case to respondent department to proceed against the appellant strictly in accordance with law after giving him opportunity of personal hearing and gave direction to the appellate authority to decide the departmental appeals of the appellant strictly accordance with law rules/rules and considering each of the appeal on its merit. **(Copy of judgment is attached as Annexure-L).**

10. That after the judgment of the august tribunal, the appellate authority rejected the departmental appeal in summary manner by violating the directions of the Tribunal given in its judgement and passed the impugned order dated: 3.3.2016

which was received by appellant on 15.03.2016 (**Copy of the order is attached as Annexure-M**).

11. That now, the appellant comes to this august Honorable Tribunal on the following grounds amongst the others:

GROUND:

- A) That the impugned order dated 3.3.2016 is against the law, facts, norms of justice and principle of fair play and material on record.
- B) That the impugned order and attitude of respondent department is in sheer violation of Article 4, 25 and 38 of the constitution.
- C) That the respondents not deal the appellant as per law and rules and not considering the appeal on its merit and rejected the departmental appeal of the appellant for no good grounds which is clearly violation of the judgment of Hon'ble Tribunal.
- D) That the appellant has been condemned unheard and treated according to law and rules because being a civil servant of the province, the appellant has not been dealt with E&D Rules 2011 and removed from service in a slipshod manner.
- E) That neither the appellant was served with charge sheet and statement of allegation nor regular enquiry was conducted in the matter so much so the respondents also violated the rules-5 (1) (a) of E&D Rules 2011. Whereby it was mandatory under the law to pass the speaking order for dispensing with the enquiry. Thus, the lacking such procedure the impugned order is liable to be set aside.
- F) That even the termination order has not in existence because there is no word "Termination" is provided in the relevant law and rules.
- G) That according to the Government Notification dated 8.4.2006 all posts from BPS-1 to BPS-15 in PHE department were declared as Distt: Cadre post which was not within purview of

Public Service Commission that is why the allegations of being non recommendee of the PSC is not a good ground.

- H) That the appellant possesses the prescribed qualification and got his appointment as per law and rules.
- I) That as far as the NOC from the PSC is concerned that is also not correct keeping in view the Department Notification dated 30.4.2008 wherein the Chief Engineer were authorized for making appointment form BPS-1 to BPS-15 through Departmental Selection Committee.
- J) That the appellant cannot be held responsible for the lapse/irregularities committed by the department and in such cases the Hon'ble Supreme Court of Pakistan has held the department responsible and reinstated the poor employees.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.



APPELLANT

Amir Muqtada Qureshi

THROUGH:



(M. ASIF YOUSAFZAI),



(TAIMUR ALI KHAN),



**(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR.**

A

(6)

**OFFICE OF THE CHIEF ENGINEER
PUBLIC HEALTH ENGG:DEPARTMENT
NWFP, PESHAWAR.**

No. _____ / E - 4 / PHE

Dated Pesh: the _____ / 12 / 2009.

OFFICE ORDER.

On the recommendation of the Department Selection Committee as per its meeting held on 02/12/2009, the competent authority is pleased to offer a post of Sub Engineer (BPS-11) to Mr. Muqtada Qureshi S/O Afsar Ali Qureshi R/O House No.175, Sector F-1 Phase-6 Hayatabad Peshawar on the following terms and conditions :-

- 1) He will get pay at the minimum of BPS-11 (Rs.4115 - 275 - 12300) including usual allowances as admissible under the rule. He will also be entitled to annual increment as per existing policy.
- 2) He shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- 3) He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Funds (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- 4) His employment in the PHE Department is purely temporary and his services are liable to be terminated without assigning any reason at fourteen (14) days notice or on the payment of 14 days salary in lieu of the notice. In case he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
- 5) He shall, initially, be on probation for a period of two years extendable upto 3 years.
- 6) He shall produce a medical certificate of fitness from Medical Superintendent, Swabi before reporting himself for duty to the O/O Deputy District Officer Water Supply & Sanitation Swabi, as required under the rules.
- 7) He has to join duty at his own expenses.
- 8) If he accepts the post of these conditions, he should report for duty to the Deputy District Officer Water Supply & Sanitation Swabi within 14 days of the receipt of this offer and produce original certificates in connection with his qualifications, domicile and age.

ATTESTED

CHIEF ENGINEER

Copy to the :-

- 1) Deputy District Officer WS&S Swabi.
- 2) District Accounts Officer Swabi.
- 3) Mr. Muqtada Qureshi S/O Afsar Ali Qureshi R/O House No.175, Sector F-1 Phase-6 Hayatabad Peshawar.

CHIEF ENGINEER

B

7

MEDICAL CERTIFICATE

Name of Official..... Mr. Mustaqe Qureshi

Caste or race..... Muslim

Father's name..... Mr. Asrar Ali Qureshi

Residence..... Village House No. 175 Sector E-1 Phase -6 Mayatabad

Date of birth..... 02/04/1986

Exact height by measurement..... 5'-7"

Personal mark of identification.....

Signature of the Official..... *[Signature]*

Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. Mustaqe Qureshi a candidate for employment in the Office of the Public Health Engineer (Qwshi) and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except.....

I do not consider this as disqualification for employment in the office of the Public Health Engineer. His age according to his own statement..... year and by appearance about..... years.

ATTESTED

[Signature]

Medical Superintendent, Civil Hospital.....

Medical Superintendent, U.H.Q. Hospital.....

01/01/2010

LEFT HAND THUMB AND FINGER IMPRESSIONS.....



The Dy-Dist Officer,
Water Supply and
Sanitation, SWABI.

Subject :- Arrival Report.

Respected Sir!
In compliance to

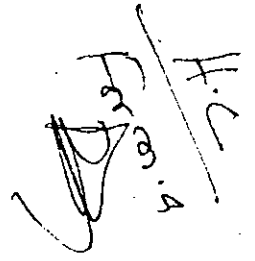
Chief Engineer, Public Health Engg;
Deptt: MNIFP, Peshawar Office Order No
06/E-4/PHE dated 22-12-2009,
I submit my arrival Report
for duty today the first January
2010 (Forenoon).

Thank you. **ALISTED**

Yours Obediently,



MUQTADA - QURESHI,
Sub-Engineer.

H.C
Forenoon


d. 01/01/2010.

Note: The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: MUQTADA BURESHI

2. Race: Pathan.

3. Residence: House NO. 175 F-I Phase - G Hayat Abad Peshawar.

4. Father's name and residence: Afsar Ali Bureshi. H. No. 175 F-I Phase - G Hayat Abad Peshawar.

5. Date of birth by Christian era as nearly as can be ascertained: 1.1.1986 (1st January Nineteen Eighty Six)

6. Exact height by measurement: 5-7

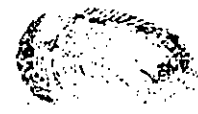
7. Personal marks for identification: Mole on right side of Nose

8. Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb



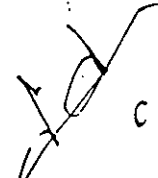
ATTESTED

9. Signature of Government Servant:

[Handwritten signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer.

[Handwritten signature]
DEPUTY DISTRICT OFFICER
WATER SUPPLY & SANITATION
WORKS & SERVICES DEPT

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
DEPUTY DISTRICT OFFICER WATER SUPPLY & SANITATION WORKS & SERVICES DEPT Sub-Examin							
BPS-11 (4115-275-12396)				Rs=4115/-		07/01/2010	
				Rs 4390/-		1-12-2010	
				Rs. 7060/pm		1-7-2011	
				Rs. 7520/pm		1-12-11.	

ATTESTED

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testing of
station of
ins 1 to 8

1	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
		Period	Government to which debitable					
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8		Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.			Signature of the head of the office or other attesting officer	Reference to : recorded punishment or praise of Government Servant.
			Annual Increment granted				Service verified w.e.f 1.12.2011 To 30.11.2012	
			<i>[Signature]</i> Executive Engineer, P.M. Engg. Divn. Swaha				<i>[Signature]</i> Executive Engineer, P.M. Engg. Divn. Swaha	
			Annual Increment granted				Service verified w.e.f 1-12-2012 To 30-11-2013	
			<i>[Signature]</i> Executive Engineer, P.M. Engg. Divn. Swaha				<i>[Signature]</i> Executive Engineer, P.M. Engg. Divn. Swaha	
Service verified w.e.f 1-12-2013 To 4/2/2014.				Transferred to PHE Division Manshera Vide Secretary PHED KPK C/Order No. SO(ESTII)/PHED/1-43/2014 dt: 3/2/2014 and reported departure on dt: 4/2/2014 (A.M).				
ATTESTED								
<i>[Signature]</i> Executive Engineer, P.M. Engg. Divn. Swaha							<i>[Signature]</i> Executive Engineer, P.M. Engg. Divn. Swaha	



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the February 3, 2014

D-I

14

To be substituted for the orders bearing same number & date

ORDER

No.SO(ESTT)/PHED/1-43/2014. The competent authority has been pleased to order the transfers / postings of the following Sub Engineers of the Public Health Engineering Department, with immediate effect in the public interest:-


SNo	Name	From	To	Remarks
1.	Mr.Inam ul Haq (BPS-11)	Sub Engineer PHE Division Nowshera.	Sub Engineer PHE Division Buner.	Against the vacant post.
2.	Mr.Imtiaz (BPS-11)	Sub Engineer PHE Division Battagram.	Sub Engineer PHE Division Nowshera.	Vice No.1
3.	Mr.Muhammad Kamal (BPS-11)	Under transfer as Sub Engineer PHE Division Mansehra.	Sub Engineer PHE Division Swabi.	Vice No.4
4.	Mr.Amir Muqtada Qureshi(BPS-11)	Sub Engineer PHE Division Swabi.	Sub Engineer PHE Division Mansehra.	Vice No.3

SECRETARY

ENDST: No.SO(ESTT)/PHED/1-43/2014 Dated Peshawar, the February 3, 2014

Copy forwarded for information and necessary action to the:-

1. Chief Engineer (North) PHE Department NWFP, Peshawar.
2. Chief Engineer (South) PHE Department, NWFP, Peshawar.
3. PS to Minister PHE, Khyber Pakhtunkhwa.
4. PS to Secretary PHE Department, Khyber Pakhtunkhwa, Peshawar.
5. Superintending Engineers, PHE Circle, Peshawar, Mardan, Malakand at Timergara, Kohat & Abbottabad.
6. Executive Engineers PHE Divisions, Nowshera, Buner, Battagram, Mansehra, Swabi & Kohat.
7. District Accounts Officers Nowshera, Buner, Battagram, Mansehra, Swabi & Kohat.
8. Officials concerned.
9. Office Order File /Personal Files.


SECTION OFFICER (ESTT)

ATTESTED



E
15

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE ANWAR ZAHEER JAMALI.
MR. JUSTICE EJAZ AFZAL KHAN.

C. Ps. No. 2026 and 2029 of 2013.
(On appeal against the judgment
dt. 2.10.2013 passed by the
Peshawar High Court, Peshawar in
W. Ps. No. 271-P and 663-P of 2013).

Mushtaq Ahmed and another. (in CP. 2026/13)
Muhammad Nasir Ali and others. (in CP. 2029/13)
...Petitioners

Versus

Government of KPK through Chief Secretary,
Peshawar and others. (in both cases)
...Respondents

For the petitioners: Mr. Ghulam Nabi Khan, ASC.
Syed Saifdar Hussain, AOR.

For the respondents: Sikandar Khan, Chief Engineer, PHEK, KPK.
(on court notice)

Date of hearing: 15.01.2014.

ORDER

ANWAR ZAHEER JAMALI, J. - After hearing the arguments of the learned ASC for the petitioners and careful perusal of the case record particularly the reasons assigned in the impugned judgment, we are satisfied that no case for grant of leave to appeal is made out, including the plea of discrimination raised by the petitioners, as one wrong or any number of wrongs, cannot be made basis to justify an illegal action under the garb of Article 25 of the Constitution. Both these petitions are, therefore, dismissed. Leave is refused.

2. So far as some other illegalities in the appointments brought to our notice is concerned, in response to our earlier order dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health Engineering, Department, KPK is present in Court, he states that

ATTESTED

Superintendent
Supreme Court of Pakistan
Islamabad

ATTESTED

C.E.P.H.E. Deptt. (South)
Diary No. 480
Date. 25-01-2014
Case No.
SECRET (3)
SENO
Director
Designation
AC
PS

C.P. 2026/13 & 2029/13

- 2 -

although many other illegal appointees in his department have been removed from service, but against many others such action is in process at various stages and they are still in service.

In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed.

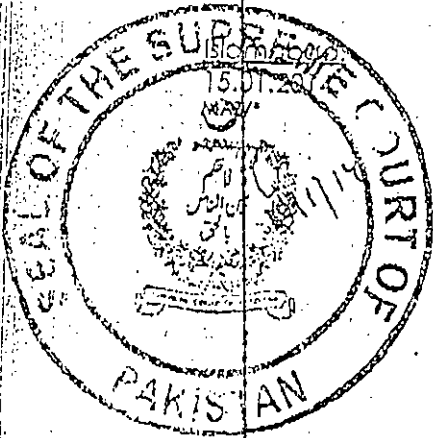
16

Sd/- Anwar Zaheer Jamali, J.
Sd/- Ejaz Afzal Khan, J

Certified to be True Copy

[Signature]
17/1/14

Superintendent
Supreme Court of Pakistan
Islamabad



ATTESTED

GR No: 640/14 15-1-14 Civil/Criminal

Date of Presentation: 15-1-14

No. of Words: 660

No. of Follies: 6

Requisition Fee Rs: 61.00

Copy Fee in: 3.22

Court Fee stamps: 9.22

Date of Completion of Copy: 18-1-14

Date of delivery of Copy: 18-1-14

Compared by/Prepared by: [Signature]

Received by: [Signature]



OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

No. 32 / E - 4 / PHE

Dated Peshawar, the 21 / 01 / 2014

F

17

To

- | | |
|-------------------------------|----------------------------|
| 1. Mr. Tariq Nawaz | Sub Engineer, |
| 2. Mr. Sajjad Khan | Sub Engineer, |
| 3. Mr. S. Muhammad Ihsan Shah | Sub Engineer, |
| 4. Mr. S. Muhammad Ali Sajjad | Sub Engineer, |
| ✓ 5. Mr. Abdul Samad | Sub Engineer, |
| 6. Mr. Shaukat Ali | Sub Engineer, |
| 7. Mr. M. Ali Noor | Sub Engineer, |
| 8. Mr. Irshad Elahi | Sub Engineer, |
| 9. Mr. Hussain Zaman | Sub Engineer, |
| 10. Mr. Salim Nawaz | Sub Engineer, |
| 11. Mr. S. Ashfaq Ahmad | Sub Engineer, |
| ✓ 12. Mr. Murtaza Ali | Sub Engineer, |
| 13. Mr. Sahar Gul | Sub Engineer, |
| ✓ 14. Mr. Ishfaq | Sub Engineer, |
| 15. Mr. Abdul Shahid | Sub Engineer, |
| 16. Mr. Kashif Raza | Sub Engineer, |
| 17. Mr. Waqar Ali | Sub Engineer, |
| 18. Mr. Muslim Shah | Sub Engineer, |
| 19. Mr. Ishtiaq Ahmad | Sub Engineer, |
| 20. Mr. Zuhib Khan | Sub Engineer, |
| 21. Mr. S. Hassan Ali | Sub Engineer, |
| 22. Mr. Mohsin Ali | Sub Engineer, |
| ✓ 23. Mr. Muqtada Qureshi | Sub Engineer, |
| 24. Mr. Ishfaq Ahmad | Sub Engineer, |
| 25. Mr. M. Qaiser Khan | Sub Engineer, |
| 26. Mr. Nomanullah | Senior Scale Stenographer, |
| 27. Mr. M. Imran | Steno Typist, |
| 28. Mr. M. Jamil | Steno Typist, |
| 29. Mr. Iftikhar | Steno Typist, |
| 30. Mr. Shah Khalid | Steno Typist, |
| 31. Mr. Aziz Ullah | Steno Typist, |
| 32. Mr. Farhan Ullah | Steno Typist, |
| 33. Mr. Farman Ali | Data E/Operator, |
| 34. Mr. Murtaza Qureshi | Data E/Operator, |

A. Ahmad
Assistant Director Admin
Oil & Gas Facilitation Unit
FATA Secretariat Peshawar

Subject: SHOW CAUSE NOTICE

In compliance of Supreme Court of Pakistan decision dated 15.1.2014 action against all illegal appointee's are being taken immediately. As such you are hereby served with this show cause notice regarding your appointment as under:

17913
03-02-14
E-2

1. In light of S&GD letter No.SOR-I(S&GAD)/1-117/91(C) dated 12.10.1993 the appointment of Sub Engineer, Steno Typist/Stenographer and Data E/Operator continued to be made through recommendation of Public Service Commission. Whereas you have been appointed without the recommendation of Public Service Commission which is contrary to the prevailing rules. Therefore you are directed to provide recommendation of Public Service Commission, if any.
2. Your appointment orders have been made in contravention of Govt led down policy vide circulated notification No. SOR-VI/EXAD/1-10/2005/Vol-VI dated 15.11.2007.

ATTESTED
[Signature]



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Page -2

3. The content of your appointment orders reveal that you have been appointed without recommendation of the Public Service Commission, of Khyber Pakhtunkhwa. No NOC obtained from the Public Service Commission for recruitment, no requisition submitted to Secretary Works & Services Department, no sanction/approval was obtained from Administrative Secretary, no Departmental Promotion Selection Committee constituted by the Secretary Works & Services Department, not advertised and nor the appointment are modified in terms of para-13 and 14 of N.W.F.P Civil servant (appointment, promotion and transfer rules 1989). Codal formalities have not been fulfilled in your appointments.
4. Necessary sanction to condonation of the violation of codal formalities have not been accorded by the competent Authority.

Keeping in view the above, you are directed to furnish reply to the show cause notice within 15-days positively; otherwise it will be presumed that you have nothing in your defense. As such ex-party action will be taken against you under the E&D rules which will entail your termination from service.

Chief Engineer (South)

Copy forwarded to:

1. The Secretary to Govt of Khyber Pakhtunkhwa Public Health Engg: Department Peshawar.
2. The Chief Engineer (North) Public Health Engg: Department Peshawar.
3. All Superintending Engineers/Executive Engineers in South/North Public Health Engg: Department. They are directed to serve the show cause noticed to the above named officials working in your office.

Chief Engineer (South)

ATTESTED

Assistant Director Admin
Oil & Gas Facilitation Unit
FATA Secretariat Peshawar

To

The Chief Engineer (South),
Public Health Engineering Department,
Peshawar.

51
19

Subject: - **SHOW CAUSE NOTICE.**

Reference - Your No.32/E-4/PHE dated 21-01-2014 received by me on /02/2014 which shows that the same has un-lawfully and malafidely been issued by you in the back date.

It is submitted that I am working in PHE Division Manshera as Sub Engrs and is only under the controlling authority of the worthy Chief Engineer (North) PHED as competent authority. Therefore, the Show Cause Notice issued to me under your signature on that reason too is unauthorized and un-lawful. However, para wise explanation is submitted as under:-

1. In this connection your attention is invited to E.A.D letter No.SOS-Pool(E&AD)/1-10/2002 dated 08/4/2006 declaring the posts in B-I to B-15 in W&S Department (i.e. C&W and PHE) as District Cadre Posts and outside the purview of P.S.C. Therefore, W & S Department was directed neither to place any such requisition before the P.S.C. nor the P.S.C. was required to advertise such posts (Annexure-I). The E&A Department, vide letter No.SOR-V(E&AD)/1-368/2005(SE) dated 02/5/2007 addressed to P.S.C. and copy thereof endorsed to Secretary W&S Department, further stated that the requisition made by the W&S Department, for filling in the vacant posts may be considered as withdrawn (Annexure-II). In the circumstances, the recommendation of P.S.C. for appointment against such posts, were uncalled for.
2. My appointment against the post was made by the Competent Authority as I having the prescribed qualifications for the same. Hence there involve no contravention to Govt: Policy.
3. As explained in the above paras, it was not the purview of P.S.C. to make recommendation against these Posts, therefore there was no need of N.O.C etc: from them. From the above letters it reveals that requisition for the vacant posts was made, but the same was withdrawn by the E&A Department. Therefore, the Secretary W&S Department, vide his Notification No. E&A/W&S/11-23/201 dated 30-4-08 assigned all the Establishment matters of officials from BPS-1 to BPS-15 to the respective Chief Engineers of the C&W and PHE Wings of W&S Department (Annexure-IV). Therefore, his approval/sanction for appointment against such posts was not required. Moreover, my appointment was made by the competent authority through the DSC.
4. As a candidate and junior employee of the Department, I do not know about any violation of codal formalities in the process of appointment. However, if there is some lapse in procedure, that is supposed to be tackled by the concerned hands with the competent forum for rectification/regularization, rather to proceed against me without any fault of mine at this belated stage/time where I have spent the useful part of my life of about 42 years and have since crossed/near to cross the upper age limit of 30 years and have been overaged.

It is added that I am not party in the case of Mushtaq Ahmad & others C.P No.2026/13 & Muhammad Nasir Ali & others CP No.2029/13, therefore, the decision of the Honourable Supreme Court of Pakistan dated 15.01.2014 is not applicable upon me.

In view of above explanation, it is very humbly prayed that the charges may be dropped.

Thanking you.

Yours Obediently,

ATTESTED

(Amir Muqadda Qureshi)
Sub Engrs, PHE Department Manshera.

Dated /4/02/2014.

Copy to the:-

1. Registrar, Supreme Court of Pakistan, Islamabad with reference to C.Ps N.2026 & 2029 of 2013.
2. Registrar, Peshawar High Court, Peshawar w/r to W.Ps No,271-P & 663-P of 2013 w/r to above.
3. PS to Secretary PHE Department Peshawar.

They are requested to direct the Chief Engineer (South) PHE Peshawar to avoid from taking such drastic & one sided action i.e. without proper enquiry & opportunity of hearing etc; as required under the law/ natural justice.

Dated: 14 /02/2014

(Amir Muqaddas Qureshi)
Sis Engg
PHE Department Mousalra.

ATTESTED

[Signature]



H. = (21)

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

No. 88 / E-4 / PHE,
Dated Peshawar, the 14 / 02 / 2014

To

Mr. Muqtada Qureshi s/o Afsar Ali Qureshi
Sub Engineer P.H. Engg Division
Swabi

Subject: TERMINATION FROM SERVICE

Your recruitment in PHED made vide this office letter No.06/E-4 /PHE dated 22.12.2009 was illegal and unlawful due to non-fulfillment of codal formalities.

2. Your appointment as a Sub Engineer has been reviewed on the direction of Supreme Court of Pakistan Order dated 15.01.2014 in the civil petition No.2026 and 2029 of 2013, Mushaq Ahmad and Muhammad Nasir Ali and others. The Supreme Court of Pakistan directed the undersigned to finalize action against all illegal appointees within one month. In this regard direction of Establishment & Administration Department vide his No.SOR-V(E&AD)/15-3/2009 dated 30.1.2013 received through Secretary PHE Department Khyber Pakhtunkhwa Peshawar No.SO(Estt)/PHED/1-90/2012-13 dated 3.2.2014 record of the recruitment of Sub Engineer and other staff has been checked and found the following irregularities committed by the appointing authority in your appointment.

1. Vacancies/posts of Sub Engineers were not advertized through news paper.
2. Initial recruitment of Sub Engineers will continue to be made through recommendation of the Public Service Commission in light of S&GAD letter No.SOR-I (S&GAD)1-117 /91(e) dated 12.10.1993. in this case NOC was not obtained from Public Service Commission before issuance of your appointment order. A requisition for filling up these posts were not placed with Khyber Pakhtunkhwa Public Service Commission and you have not qualified test and interview conducted by the Public Service Commission during this period. As such your appointment without recommendation of the Public Service Commission is invalid and unlawful.
3. Approval from Administrative Secretary was not obtained by the appointing authority before making your appointment.
4. Departmental selection committee was not constituted by the Administrative Secretary.
5. You have also failed to reply to the show cause notice issued vide this office No. 32/E-4 /PHE dated 21.01.2014 in your defense with in stipulated period.
6. The above mentioned irregularities committed by the appointing authority in your appointment process prove that you were illegally appointed and there is no justification to retain you in the service of PHED. You are therefore terminated from the Post of Sub Engineer with immediate effect.

Chief Engineer (South)

Copy forwarded to:

1. The Secretary to Govt of Khyber Pakhtunkhwa Public Health Engg: Department Peshawar.
2. PS to Minister for Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
3. The Accountant General Khyber Pakhtunkhwa Peshawar.
4. The Chief Engineer (North) Public Health Engg: Department Peshawar.
5. The Chief Engineer (FATA) Works & Services Department Peshawar.
6. All Superintending Engineers/Executive Engineers in South/North P.H.Engg: Department.
7. All District Accounts Officer in Khyber Pakhtunkhwa.

ATTESTED

I (22)

The Secretary,
Government of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar.

Subject: Departmental appeal under Section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 3 of the KP Civil Servants (Appeal) Rules, 1986 against the impugned order dated 14.02.2014 whereby the services of appellant was terminated with immediate effect by the Chief Engineer (South) of the Public Health Engineering Department, Peshawar.

Respected Sir,

1. That appellant being qualified for the post of Sub Engineer so he applied for the existed vacancies of Sub Engineers in the Public Health Engineering Department Khyber Pakhtunkhwa Peshawar. After observing the codal formalities, on the recommendation of Departmental Selection Committee he was appointed as Sub Engineer (BPS-11) on regular basis from his respective date of appointment issued by the Chief Engineer.
2. That after completing the requisite formalities including medical fitness certificate, the appellant joined duties at his respective place of posting. The respondent department also maintained the service book of the appellant and necessary entries have been made therein from time to time.
3. That the appellant is regular employee of the respondent department working against the permanent post since his respective appointment having more than five years service at his credit with excellent service record.
4. That some other employees whose appointments were made on adhoc basis so they agitated their regularisation under the Khyber

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ATTESTED

[Signature]

Pakhtunkhwa Employees (Regularization of Services) Act, 2009 before this Hon'ble Court through two separate writ petition NOs.271-P/2013 and 663-P/2013 which were dismissed by common judgment passed on 02.10.2013.

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5. That the impugned judgment was challenged by the same employees before Hon'ble Supreme Court of Pakistan through C.P. No.2026 and 2029 of 2013 but same were also dismissed on 15.01.2014. However during the proceedings, Mr. Sikandar Khan Chief Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa orally brought into the notice of Hon'ble Supreme Court of Pakistan about the existence of illegal appointees in the department and accordingly he was directed to finalize the action against such illegal appointees within one month.
6. That a joint show cause notice was issued to appellant alongwith others vide letter No.32/E-4/PHE dated 21.01.2014 by Chief Engineer (South) therein he has unlawfully and mala fide shown the appointments of appellant and others as illegal. Since the copy of show cause notice was not received within stipulated time therefore he submitted an application before the Chief Engineer (South) requesting for extension in period of reply but before submitting the requisite reply, now which had been submitted, the Chief Engineer (South) had issued the impugned order dated 14.02.2014 thereby his services were terminated with immediate effect.

Grounds:

- A. That the appointment of appellant was made by competent authority on regular basis on the recommendation of Departmental Selection Committee. He was within age limit, having prescribe qualifications thus in such circumstances the Chief Engineer (South) was unjustified to treat the valid appointment of appellant as illegal.

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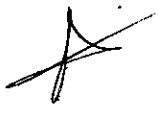
24

- B. That it is pertinent to mention that by notification vide No.SO(O&N)E&AD/8-16/2000 dated 01.08.2001 the three departments namely Public Health Engineering, Physical Planning & Housing and Communication and Works Department were merged into Works and Services Department as mentioned in order dated 05.11.2001 and meanwhile the Khyber Pakhtunkhwa Local Government Ordinance, 2001 was also promulgated (now repealed) and under section 14 thereof the administrative and financial authority for management of the offices of the government specified in Part-A of the first schedule was decentralized to district government. Similarly the posts in BPS-01 to 15 in the Works and Services Department were also declared as district cadre posts vide notification No.SO(Estt:)W&S/13-1/77 dated 22.03.2005 as referred in letter dated 08.04.2006 by the Establishment Department to W&S Department.

- C. That when the posts in BPS-01 to 15 in W&S Department were declared District Cadre Posts including the post of appellant then a letter was written to Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar on 02.05.2007 therein requested for withdrawal the requisition for filling in the vacant posts of Sub Engineers (B-11) in the W&S Department and done accordingly. In such circumstances the plea of Chief Engineer (South) regarding non fulfilling the requirements of recommendation of Public Service Commission, Khyber Pakhtunkhwa in the cases of appellant is unjustified, unreasonable, malafide and without lawful authority and not sustainable under the law and rules.

- D. That in view of clause 5 of the appointment order of each appellant, his service was placed on probation for a period of two years extendable upto three years which the appellant has completed satisfactory becoming a confirmed employee of the office Chief Engineer. At the time of passing of impugned order the appellant has rendered more

ATTESTED




than five years service to the department efficiently, satisfactory and without any complaint. Therefore the Chief Engineer has not acted in accordance with law and rules and unlawfully passed the impugned order without observing codal formalities as required in the case of a confirmed employee. Therefore the impugned order thereby appellant was terminated has no legal sanctity being without lawful authority.

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- E. That clause 2 of appointment orders of appellant provides that he will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made thereunder and similarly in the impugned show cause notice mentioned that action would be taken under the Efficiency and Disciplinary Rules, 2011 but the Chief Engineer has not followed any law in passing the impugned order which is arbitrary, unjust and unfair and not warranted, liable to be set aside.
- F. That in the impugned order, Chief Engineer used the word of "termination" which neither applicable in the case of appellant being confirmed employees of the department nor prescribed in the E&D Rules, 2011 therefore the impugned order is ambiguous, vague and illegal not sustainable under the law and rules.
- G. That Chief Engineer has malafidely brought in the notice of the Hon'ble Supreme Court of Pakistan during the hearing of an other case. Neither he supplied any list of illegal appointments to Hon'ble Supreme Court of Pakistan at that very moment nor specified such illegal appointments but in general way he mentioned the existence of illegal appointments in the department which now he has exploited the situation and purposely held the appointments of appellant and others as illegal and issued the impugned order of termination without legal justification.

ATTESTED



- 
- H. That the impugned order has been passed at the back of appellant. Neither any regular enquiry has been conducted nor a fair opportunity was provided to them to defend their cases therefore the impugned order is illegal, without lawful authority being violative of principle of natural justice.
- I. That the appellant was continuously serving the department having more than five years service at their credit without any complaint which accrued vested rights in his favour which could not be taken away or withdrawn by the authority under the principle of locus poenitentiae.
- J. That in case of any defect in the appointment of appellant is existed for which only the departmental authority is responsible and not the appellant therefore the action of the Chief Engineer is not warranted under the law and rules and the impugned order is illegal and of no legal effect.
- K. That the appellant is a permanent and confirmed employee of the department and performing his respective duty efficiently since the date of his appointment during which he was provided all the benefits and privileges attached with his post including annual increments. Now the appellant has crossed the upper age limit, supporting a family with his children who are getting education in various schools and colleges thus in such circumstances, the Chief Engineer has no legal and moral justification to hold the appointment of appellant as illegal. Therefore the act and action of the Chief Engineer is tainted with malafide intention, unlawful and not operative against the vested rights of appellant.

It is, therefore, humbly prayed that on acceptance of this departmental appeal, the impugned order dated 14.02.2014 thereby the services of appellant

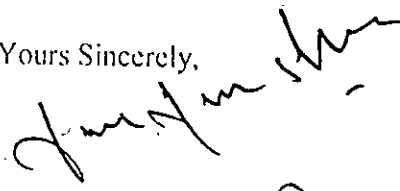
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was terminated with immediate effect, may kindly be set aside and appellant may graciously be reinstated with all back benefits.

27

Yours Sincerely,



Dated: 28 / 02 / 2014

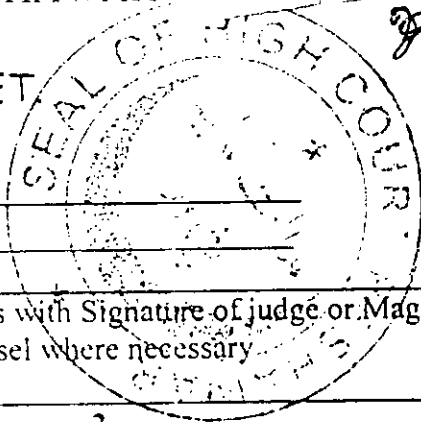
(Amir Muqtada Qureshi)
Ex-Sub Engineer,
PHE Deptt.

ATTESTED



PESHAWAR HIGH COURT, PESHAWAR
FORM "A"
FORM OF ORDER SHEET

Court of _____
Case No _____



Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	26.02.2014	<p><u>W.P No.615-P/2014.</u></p> <p><u>Present:-</u> Mr. Khushdil Khan, Advocate for petitioners. *****</p> <p><u>MALIK MANZOOR HUSSAIN, J:-</u> Through instant petition, the petitioners are invoking Constitutional jurisdiction of this Court and prays as follows:-</p> <ol style="list-style-type: none"> 1. <i>Declare the act of respondent No.3 against the fundamental rights as guaranteed under chapter 1 of part II of the Constitution, 1973.</i> 2. <i>Direct the respondent No.3 to act in accordance with law and rules on subject and also treat the petitioners in accordance with law and rules and their appointments be treated as legal and valid for all purposes.</i> 3. <i>Set aside the impugned order of termination issued on 14.02.2014 being malafide, unlawful, unjustified and violative of principle of</i>

ATTESTED

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ATTESTED
EXAMINER
PESHAWAR HIGH COURT
MAY 2014

natural justice.

2. Briefly, the facts as per contents of instant petition are that the petitioners were appointed as sub-Engineers (BPS-11) in Public Health Engineer Department, Government of Khyber Pukhtunkhwa, Peshawar. While hearing Civil Petitions No.2016/2013 and No.2029/2013, the August Supreme Court of Pakistan take notice of illegal appointments in the petitioners Department, directed the Chief Engineer of the Department to finalize the action against illegal appointees. For convenience, it would be appropriate to reproduce the relevant para of Judgment dated 15.01.2014 of August Apex Court, which is as under:-

"So far as some other illegalities in the appointments brought to our notice is concerned, in response to our earlier order dated 09.01.2014, Mr. Sikandar Khan, chief Engineer, Public Health engineering, Department, KPK is present in Court, he states that although many other illegal appointees in his department have been removed from service, but against many others such action is in process at various stages and they are still in service.

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In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed".

In pursuance thereof show cause notices were issued and ultimately through impugned order dated 18.02.2014 the services of petitioners were terminated.

3. At the very outset the learned counsel for the petitioners was confronted with the legal position with respect to the fact that the petitioners, who claims themselves to be civil servants under Civil Servant Act 1973, whether their termination orders does not come within ambit of terms and condition of service, and whether the petition is maintainable under barring Provision of Article 212 of the Constitution, 1973? There was no plausible explanation in this regard. The Provision of Article 199 of the Constitution through which the remedies are sought by the petitioners are subject to the Provision of Article 212(3) of the Constitution. It is

ATTACHED

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well settled by now that even illegal orders, or order without jurisdiction, regarding Civil Servant, can only be challenged in the proper forum established under the law.

4. Admittedly termination orders of the petitioners related to terms and condition of their services, therefore, Constitutional petition under Article 199 is not maintainable by virtue of article 212 of the Constitution and Section 4 of Service Tribunal Act 1973.

In view of what has been observed above, this petitioner is dismissed being not entertainable, however petitioners are at liberty to seek their remedies before proper forum if so advised.

Announced.
26.02.2014

Sd/- Yashya Akbari - J
Sd/- Malik Mansoor Hussain - J

JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Examiner
Peshwar High Court, Peshawar
Authorised Under Article 87 of
The Constitution of the Islamic Republic of Pakistan
1 MAY 2014

ALISTED

No.	19933
Date of Presentation of Application	31-5-14
No of Pages	12
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Total	2400
Date of Presentation	31-5-14
Date Given for Delivery of Copy	31-5-14
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(38)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE TASSADUQ HUSSAIN JILLANI, HCU
MR. JUSTICE SH. AZMAT SAEED

CIVIL PETITION NO. 551 OF 2014

(On appeal from the judgment dated 26.2.2014 passed by the Peshawar High Court, Peshawar in WP No. 915-P/2014)

Tariq Nawaz Khan and others

... Petitioners

VERSUS

Government of KPK through Chief Secretary, Peshawar and others

... Respondents

For the Petitioners: Mir Aurangzeb, ASC

For the Respondents: N.R.

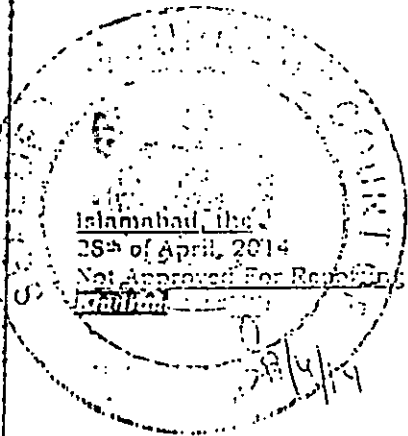
Date of Hearing: 28.04.2014

ORDER

TASSADUQ HUSSAIN JILLANI, CJ.- Petitioners are civil servants and they challenged the order terminating their services in a Constitution petition which stands dismissed vide the impugned order mainly on the ground that the said petition was not maintainable in view of Article 212 of the Constitution read with Section 4 of the Service Tribunal Act, 1973. The only ground being taken by the learned High Court to invoke Article 199 of the Constitution is that the competent authority in the department had passed the order of termination of petitioners' services pursuant to a judgment of this Court and the learned Service Tribunal may be diffident to decide the case independently and in accordance with law.

2. We are afraid, the apprehension of the petitioners is misconceived. In the event of filing the appeal, the Service Tribunal shall decide the appeal as mandated in law. Disposed of in terms noted above. *HP*

Sd/- Tassaduq Hussain Jillani, CJ
Sd/- Sh. Azmat Saeed, J



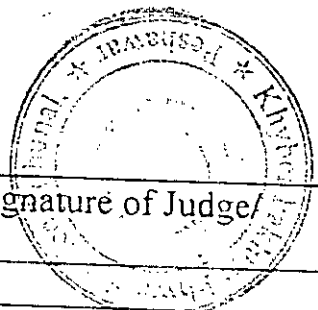
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29/4/14
Superintendent
Supreme Court of Pakistan

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Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
	2	3
		<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <ol style="list-style-type: none"> 1. 665/2014, Farhanullah (Khalid Rahman, Adv) 2. 723/2014, S. M. Ahsan Shah (Rustam Khan Kundi) 3. 724/2014, Saleem Nawaz, -do- 4. 725/2014, Mohsin Ai, -do- 5. 726/2014, Kashif Raza, -do- 6. 727/2014, Syed Muhammad Ali Sajjad, -do- 7. 728/2014, Muhammad Ali Noor, -do- 8. 729/2014, Irshad Elahi, -do- 9. 750/2014, Murtaza Qureshi, (Isaac Ali Qazi, Adv:) 10. 783/2014, Syed Ishfaq Ahmad, (M. Asif Yousafzai) 11. 784/2014, Ishfaq Ahmad, -do- 12. 785/2014, Murtaza Ali, -do- 13. 786/2014, Amir Muqtada Qureshi, -do- 14. 787/2014, Abdus Samad, -do- 15. 788/2014, Hussain Zaman, -do- 16. 789/2014, Abdul Shahid, -do- 17. 790/2014, Waqas Ali, -do- 18. 791/2014, Muhammad Ifikhar, (Isaac Ali Qazi, Adv.) 19. 792/2014, Ishtiaq Ahmad, -do- 20. 793/2014, Shaukat Ali, -do- 21. 794/2014, Muhammad Sajjad, -do- 22. 795/2014, Tariq Nawaz, -do- 23. 796/2014, Ishfaq Ahmad, -do- 24. 797/2014, Noman Ullah, -do- 25. 803/2014, Aziz Ullah, (Aslam Khan Adv.) 26. 810/2014, Muslim Shah, (M. Asif Yousfzai, Adv) 27. 811/2014, Syed Hassan Ali -do- 28. 812/2014, Zohaib Khan, -do- 29. 829/2014, Qaiser Khan, -do- 30. 867/2014, Farman Ali, -do- 31. 868/2014, Shah Khalid, (Isaac Ali Qazi, Adv) <p style="text-align: center;">Versus</p> <p>Govt. of KPK Province through Secretary, Public Health Engineering Department, Peshawar & Others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH, MEMBER:-</u> Counsels for the appellants and Sr. Government Pleader (Mr. Usman Ghani) with Muhammad Siddique Admn. Officer for the respondents present.</p>
	30.12.2015	

ATTESTED

Khyber Pakhtunkhwa Service Tribunal, Peshawar

ATTESTED

2. The above appellants, employees of the PHE Department, were terminated from service by way of impugned order dated 14.02.2014 and their departmental appeal was not decided, hence this appeal under Section 4 of the KPK Service Tribunal Act, 1974. In view of the common question of facts and law, we propose to dispose of all the above appeals by this single judgment.

3. Relevant facts, in brief, as revealed from record are that the Hon'ble Peshawar High Court Peshawar vide its judgment dated 02.10.2013 dismissed Writ Petitions No. 271-P and 363-P both of 2013 of some of the appellants which judgment came up before the august Supreme Court of Pakistan in Civil Petitions No. 2026/13 and 2029/13. The august Supreme Court of Pakistan vide its order dated 15.01.2014 was pleased to direct as follow:-

"2. So far as some other illegalities in the appointments brought to our notice is concerned, in response to our earlier order dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health Engineering Department, KPK is present in Court, he states that although many other illegal appointees in his department have been removed from service, but against many others such action is in process of various stages and they are still in service.

3. In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from to-day and submit his report

ATTESTED

Secretary
Peshawar

ATTESTED

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through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed."

In the wake of the said order of the august Supreme Court of Pakistan, a joint show cause notice was prepared and issued to the appellants followed by the impugned termination order.

4. The charges against these appellants are reproduced as follow from the show cause notice issued to them:-

1. In light of S&GAD letter No.SOR-I(S&GAD)1-117/91© dated 12.10.1993 the appointment of Sub Engineer, Steno Typist/Stenographer and DATA E/Operator continued to be made through recommendation of Public Service Commission. Whereas you have been appointed without the recommendation of Public Service Commission which is contrary to the prevailing rules. Therefore, you are directed to provide recommendation of Public Service Commission, if any.
2. Your appointment orders have been made in contravention of Govt. laid down policy vide circulated notification No.SOR-VO/EXAD/1-10/2005/Vol-VI dated 15.11.2007.
3. The content of your appointment orders reveal that you have been appointed without recommendation of the Public Service Commission of Khyber Pakhtunkhwa. No NOC obtained from the Public Service Commission for

ATTESTED

Public Service Commission
Khyber Pakhtunkhwa

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recruitment, no requisition submitted to Secretary Works & Services Department, no sanction/approval was obtained from Administrative Secretary, no Departmental Promotion Selection Committee constituted by the Secretary Works & Services Department, not advertised and nor the appointment are modified in terms of para-13 and 14 of N.W.F.P Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Codal formalities have not been fulfilled in your appointment.

4. Necessary sanction to condonation of the violation of codal formalities have not been accorded by the competent authority."

The appellants replied to the show cause notice and after their termination, filed their departmental appeals, copies of which are available on file.

5. Arguments heard ad record perused.

6. The record revealed that on receipt of a list comprising of the appellants from the office of the then Chief Minister, to appoint appellants in the department of PHE, they were accordingly appointed.

7. In support of the appellants, it was submitted that the appellants were terminated from service without observing codal formalities of the charge sheet, enquiry; that no opportunity of defence and personal hearing was provided to them. It was further submitted that the

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MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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appellants were duly qualified, and they were duly recommended for appointment by DSC where after they were appointed by the competent authority. It was further submitted that being the district cadre posts, its recruitment did not fall in the purview of Public Service Commission. It was also submitted that the appellants had rendered sufficient service and with the passage of time, their rights were protected under the principle of locus poenitentiae. It was also argued that the respondent-department have misconceived and misapplied order of the august Supreme Court of Pakistan dated 15.01.2014. That this Tribunal is competent and has jurisdiction to decide these appeals. Finally it was submitted that the appeals may be allowed and appellants may be reinstated in service with all back benefits.

8. These appeals were resisted by the learned Sr. Govt. Pleader on the grounds that the Public Service Commission was the competent forum for the process of recruitment of the posts of the appellants. That no formalities of advertisement, constitution of DSC, conduct of test/interview, preparation of merit list etc. had been observed in those appointments, therefore, the appointments were illegal. That the appointments were the result of political pressure and interference, hence the appellants were rightly terminated. That the respondent department in compliance with the order of the august

ATTESTED

Signature
 Khwaja Ghulam Mubshwa
 Senior Tribunal,
 Peshawar

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Supreme Court of Pakistan dated 15.01.2014 terminated the appellants therefore, this Tribunal has no jurisdiction to reinstate the appellants. Finally it was submitted that these appeals may be dismissed.

9. Order dated 15.1.2014 of the august Supreme Court of Pakistan is explicit according to which the respondent department was directed to take action against the illegal appointees. Contention advanced by the learned counsel for the appellants during the course of arguments was that appointments of the appellants were in accordance with the prescribed procedure as the posts did not fall in the purview of the Public Service Commission. Further that the appellants were not given opportunity of defence as evident from the facts that even prior to the lapse of the terminal date for reply to the show cause notice, the appellants were terminated. It was also contended for appellant Farhanullah (Data Entry Operator BPS-12), that prior to this post he was a valve-man in the department, therefore, instead of termination, he should have been reverted to his previous position.

9. On the point as to whether the Tribunal would be competent to adjudicate on these appeals, the learned counsel for the appellants submitted copy of a subsequent order dated 28.04.2014 in CP NO. 551 of 2014 according to which the Service Tribunal shall decide the appeals as

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Signature
 Service Tribunal,
 Peshawar

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mandated in law. Evidently no charge sheet has been issued to the appellants nor opportunity of personal hearing has been provided to them and instead show cause notice was served on them. It is apparent from record that the impugned order has been passed quite in haste. After the impugned order, the respondent department vide letter No. 03/G-4-A/HC/PHE dated 17.2.2014 intimated to the Registrar Supreme Court of Pakistan that in pursuance of order dated 15.1.2014, a total of 24 Sub Engineers, 6 stenotypist/Stenographers and 2 Data Entry Operators had been terminated. This being so, we are afraid that due care and caution had not been exercised by sorting out individual case of each of the appellants. In the above scenario, while not interfering with the ^{impugned} order dated 14.2.2014 at this stage, the Tribunal in the interest of justice would remit cases of the appellants to the appellate authority of the department with direction to decide the departmental appeals of the appellants strictly in accordance with law/rules considering each of the appeal on its merits and fulfilling the requirements of opportunity of personal hearing. This process of disposal of departmental appeals of the appellants be completed within a period of 2 months after receipt of this judgment. In case the appellate authority finds that any of the appellant had been unlawfully terminated or terminated by mis-conceiving order of the august Supreme Court of Pakistan dated 15.1.2014 and

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[Signature]
 Registrar
 Service Tribunal,
 Peshawar

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facts of a particular case and it leads the authority to accept such an appeal, the said decision would require to be taken with full justification and shall have to be intimated to the Registrar of the august Supreme Court of Pakistan in continuation of respondent department letter dated 17.2.2014. All the appeals are disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.12.2015

Sd/- Piy Bakht Shah,
Member

Sd/- Abdul Latif,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

Date of Presentation of Petition 01-01-2016
 Number of Petition 3200
 Copies 18
 Date of Disposal 18
 Date of Delivery 06-01-2016
 Date of Return 06-07-2016

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[Signature]



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

**No.SO(Estt)/PHED/1-90/2013-14.VOI-II
Dated Peshawar the, March 03, 2016**

To,

Mr. Amir Muqtada Qureshi
S/o Afsar Ali Qureshi
R/o H. No. 175 Street 10,
Sector F-I. Phase -6, Hayatabad
Peshawar

Subject: **DEPARTMENTAL APPEAL AGAINST CHIEF ENGINEER (SOUTH) PHE
ORDER No.28/E-4/PHE DATED 14-02-2014.**

WHEREAS, you managed to get yourself appointed as Sub Engineer (BPS-11) in PHED vide Chief Engineer PHE Office Order No.06/E-4/PHE dated 22-12-2009.

2. AND WHEREAS, you were served with a Show Cause Notice by the Chief Engineer (South) PHE vide No.32/E-4/PHE dated 02-01-2014, and subsequently your services were dispensed with by the said authority vide his Office Order No.21/E-4/PHE dated 14-02-2014 as a sequel to the apex Court Order dated 15-01-2014 in C.P No.2026 and 2029/2013 and the same was also intimated/confirmed to the said august Court vide letter dated 17-02-2014.

3. AND WHEREAS, you filed a Writ Petition bearing No.615-P/2014 before the Peshawar High Court Peshawar against your termination order which was dismissed by the Hon'ble Court vide its judgment dated 26-02-2014, being not entertainable. Subsequently, you challenged the said judgment before the Supreme Court of Pakistan vide C.P No.551 of 2014 and the apex court vide Order dated 28-04-2014 disposed off the said Civil Petition in terms that in the event of filing the appeal, the Service Tribunal shall decide the appeal as mandated in law.

4. AND WHEREAS, you also filed Service Appeal No.786/2014 before the Khyber Pakhtunkhwa Service Tribunal Peshawar which was also disposed off vide its judgment dated 30-12-2015, with the direction to decide the departmental appeals of the appellants strictly in accordance with law/rules considering each of the appeal on its merits and fulfilling the requirements of opportunity of personal hearing.

5. AND WHEREAS, you were given the opportunity of being heard on 08-02-2016 and material on record perused. It revealed that your appointment as Sub Engineer was effected as a consequence of production of a politically motivated list by the then Political Secretary to Chief Minister and that too, in sheer violation of the provisions contained in the K.P Civil Servants Act, 1973 and the rules made there-under.

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The then Chief Engineer (South) PHE abused his powers while grabbing the authority vested in the K.P Public Service Commission. Even C.E (South) PHE was not competent to make your appointment on adhoc basis for want of NOC from the K.P Public Service Commission, advertising the post as per prescribed procedure, observing merit, zonal allocation and mandatory recommendations of the Departmental Selection Committee. As such, your appointment as Sub Engineer PHE stands void ab-initio and ultra-vires of the provisions contained in the law/rules/policy ibid. Hence, your termination order dated 14-02-2014 by the competent authority is quite legal, lawful, valid and does not require any review, modification or setting aside whatsoever by the appellate authority.

6. NOW THEREFORE, after having considered the material on record & your explanation during personal hearing held on 08-02-2016, your facts appealed against the C.E (South) PHE Office Order dated 14-02-2014 have not been established and exercise of the powers as Appellate Authority, conferred under the K.P Civil Servants (Appeal) Rules, 1986 and all other such powers in this behalf, your departmental appeal is hereby dismissed for the reasons mentioned in Para-5 supra.

(Signature)

(NIZAM-UD-DIN) 03/15
SECRETARY TO
GOVERNMENT OF KHYBER
PAKHTUNKHWA PHED
(APPELLATE AUTHORITY)

ENDST: NO & DATE AS ABOVE:

Copy forwarded to the:-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to his No.29/ST, dated 05.01.2016 for information.
2. Senior Govt Pleader, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to his No.(SR.GP)E&AD/1-5/Lit/Appeal/2013/492-95, dated 06.01.2016.
3. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar.

(Signature)

SECRETARY TO
GOVERNMENT OF KHYBER
PAKHTUNKHWA PHED
(APPELLATE AUTHORITY)

ATTESTED
(Signature)

VAKALAT NAMA

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NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Amir Muqtada Qureshi (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

PHE Deptt (Respondent)
(Defendant)

I/We Amir Muqtada Qureshi

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

R. S. J.
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate

BEFORE THE HON.BLE SERVICE TRIBUNAL
KHYBER, PAKHTUNKHWA PESHAWAR.

Service Appeal No

289/2014

Mr. Amir Muqtada Qureshi S/O Afsar Ali Qureshi
Ex-Sub Engineer PHE: Divn: Mansehra.

..... (Appellant)

Versus

1. Secretary to Govt: of Khyber Pakhtunkhwa Public Health Engg: Department Peshawar.
2. Chief Engineer (South) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
3. Executive Engineer Public Health Engg: Circle, Abbottabad

...Respondents

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO 1 TO 3

Respectfully stated

Para-wise comments of the Respondent 1 to 3 are as under:-

PRELIMINARY OBJECTIONS.

- 1). That the appellant has got no cause of action.
- 2). That the appellant is estopped by his own conduct to bring the instant appeal.
- 3). That the present appeal is not maintainable in its present form and shape.
- 4). That the appellant has got no locus standi.
- 6). That the appellant has not come to the Tribunal with clean hands.
- 7). That the appeal is bad for non-joinder and misjoinder of unnecessary parties.
- 8). That the appeal is barred by Law & limitation
- 9). That this Honourable Service Tribunal has no jurisdiction to entertain the present appeal.

BRIEF HISTORY

A writ petition bearing No W.P 271-P/2013 was filed by Mr. Mushtaq Ahmad, etc, for extending benefits of regularization, before the Peshawar High Court order, Peshawar and the same was declined by the Peshawar High Court, (Copy of the judgment dated 2.10.2013 is annexed as **(Annexure-I)**). The said petitioners then moved a Civil Petition No 2026 and 2029 of 2013 before the August Supreme Court of Pakistan. Though the August Supreme Court of Pakistan dismissed the same and directed the department to finalize the action against the illegal appointees within one month, vide judgment dated 15.1.2014 (**Annexure-II**) and subsequent reminder dated 07.02.2014 (**Annexure-III**). The appellant was appointed from a list submitted by Political Secretary to then Chief Minister Khyber Pakhtunkhwa (**Annexure-IV**). Upon completion of the legal formalities i.e. issuance of Show Cause Notice etc, the action was taken against the appellant.

ON THE FACTS.

1-5). Denied as drafted as one wrong or any number of wrongs cannot be made bases to justify an illegal action. The post of Sub Engineer BPS-11 comes in the purview of Public Service Commission according to the Public Service Commission Ordinance and ESTA Code, (Copy of the Public Service Commission Ordinance and the concerned rules of the ESTA code is attached as **(Annexure V & VI)**), therefore, the then Chief Engineer was not competent to appoint the Appellant. This was the reason that the name of the appellant was never included in the Seniority list of Sub Engineers and the same was never challenged by the appellant. (Copy of the Seniority list are annexed as **(Annexure-VII)**). Similar case of Sub Engineer vide Service Appeal No.1331/2013 was dismissed by honourable court vide judgement dated 30/05/2016 (**Annexure-VIII**).

Upon the direction of the August Supreme Court and on completion of legal formalities, the appellant was removed from service. It is pertinent to mention that the department had already initiated proceedings against the then Chief Engineer and other DSC members (Copy of letters in this respect are attached as **(Annexure-IX)**).

6). Incorrect. The appellant failed to produce recommendation letter issue by Public Service Commission regarding his selection for the post of Sub Engineer and also failed to produce sanction accorded by the competent authority regarding condonation of violation of codal formalities in his appointment. Therefore his reply was not considered.

- 7) Incorrect. The Apex court directed for finalizing action against all such illegal appointees on 15.1.2014. As the appellant was illegally appointed therefore he was terminated from service. There was no weight-age in his appeal.
- 8). Pertains to court record, hence needs no comments.
- 9). Correct.
- 10). Incorrect. The appellant was given an opportunity to submit departmental appeal and personal hearing. Accordingly the appellant has submitted departmental appeal and heard personally by appellant authority. The appellant was illegally appointed contrary to all relevant rules without fulfillment of codal formalities i.e. without recommendation of Public Service Commission and advertisement, test and interview. Hence there was no weight-age in his department appeal and therefore the appellant authority dismissed his departmental appeal.

GROUNDS

- A). Incorrect. The appellant was illegally appointed without fulfillment of requisite codal formalities. There was no weight-age in his departmental appeal. Hence his departmental was liable to dismiss.
- B). Incorrect. The appellant was treated accordingly to law. In light of judgment of Service Tribunal dated 30.12.2015 the appellant was given opportunity of department appeal and personal hearing. The appellant failed to produce any legal documents in his defense, as he was appointed illegally without recommendation of Public Service Commission, advertisement contrary to Public Service Commission ordinance, ESTA Code and recruitment policy. Thus his name was not included in the seniority list of Sub Engineers and does not fall in the category of civil servant. Therefore E&D rules are not applicable in this case, being illegally has no legal right and one wrong cannot be justified through another wrong.
- C). Incorrect. The appellant was given full opportunity according to judgment of service tribunal dated 30.12.2015 but the appellant failed to produce documentary proof regarding the legality of his appointment. As the appellant was illegal appointed violating all codal formalities, hence his department appeal was rejected by the appellant authority having no weight-age.

- (D) Incorrect. The appellant was given full opportunity of Departmental appeal and personal hearing in the light of Service Tribunal Judgment dated 30.12.2015. The appellant failed to produce any legal documents in his defense. As the appellant was not appointed on the recommendation of the Public Service Commission and all requisite codal formalities has been violated in his appointment. Therefore his name was not included in the seniority list of Sub Engineer and does not fall in the category of civil servant. Therefore E&D rules are not applicable in this case of illegal appointment.
- (E) Incorrect. The case illegal appointment of Sub Engineers and others was submitted to Establishment Department for advice. The Establishment Department extended advice and declared these appointments as illegal. The appellant appointed violating of codal formalities i.e. Public Service Commission ordinance, ESTA Code and recruitment policy. The action against illegal appointees was required to finalize within one month period as per direction of Apex Court Judgment 15.1.2014 and subsequent reminder dated 7.02.2014. The E&D rules are not applicable in this case of illegal appointment.
- (F) Incorrect. The appellant was appointed without fulfillment of requisite codal formalities and without recommendation of Public Service Commission. Therefore the appellant was terminated in order to appoint nominee of Public Service Commission according to rules.
- (G) Incorrect. The posts in BPS-1 to 15 were declared as district cadre posts, the then Chief Engineer, the provincial head of Public Health Engg: Department had wrongly exercised his powers to make recruitment of appellant against District cadre posts. Recruitment of District cadre posts fall in the purview of District Coordination Officer. According to ESTA Code and Public Service Commission Ordinance the post of Sub Engineer shall be filled on the recommendation of Public Service Commission.
- (H) Incorrect. Nomination of Public Service Commission is prerequisite for appointment as Sub Engineer in Public Health Engg: Department. The appellant was appointed without recommendation of Public Service Commission which is against standing recruitment policy of Khyber Pakhtunkhwa.

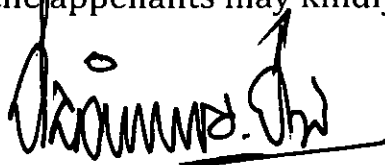
(I) Incorrect. The Notification issued by Secretary Works & Service Department dated 30.4.2008 as referred by the appellant is related only for posting/transfer of officials from BPS-1 to 16 and not for recruitment (Annexure-X).

(J) Incorrect. The appellant is responsible for not appearing in test and interview conducted by Public Service Commission for the post of Sub Engineers in 2011 and 2012, advertised on 7.4.2011 (Annexure-XI). Therefore judgment of Apex Court pertained to petty employees like Chowkidar, Naib Qasid and Junior Clerk. This judgment is not applicable on the posts to be filled through the recommendation of Public Service Commission.

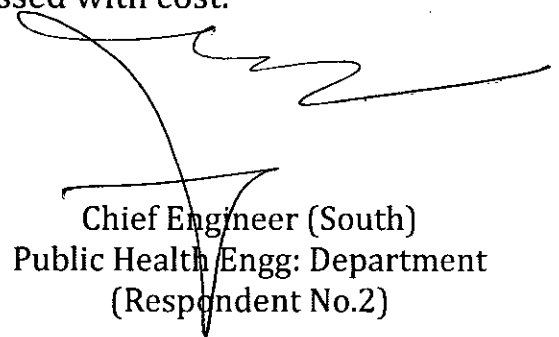
The termination Order of the appellant is consistent with the Judgment of Supreme Court of Pakistan dated 17.3.2014 in constitution petition No 6 of 2011 CMA 5216 of 2012 Syed Mubashir Raza Jaffari versus EOBI.

(K) The respondent seeks leave of this Honourable Tribunal to raise additional grounds and proof at the time of arguments.

In this case article 25 of the constitution has been violated by not giving equal right of opportunity to the citizen of the Khyber Pakhtunkhwa and FATA having the requisite Qualification zonal allocation formula has been violated. Appointment of the appellant is without lawful authority and of no legal effect. It is therefore humbly prayed that in view of the above written reply, the appeal of the appellants may kindly be dismissed with cost.



Secretary
to Govt of Khyber Pakhtunkhwa
Public Health Engg: Department
(Respondent No.1)



Chief Engineer (South)
Public Health Engg: Department
(Respondent No.2)

BEFORE THE HON.BLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR.

Appeal No 289/2014

Mr. Amir Muqtada Qureshi S/O Afsar Ali Qureshi
Ex-Sub Engineer PHE: Divn: Mansehra.

..... (Appellant)

Versus

1. Secretary to Govt: of Khyber Pakhtunkhwa Public Health Engg: Department Peshawar.
2. Chief Engineer (South) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
3. Executive Engineer Public Health Engg: Circle, Abbottabad

AFFIDAVIT

I, Sanobar Khan, Chief Engineer (South) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm that the contents of the accompanying written statements are true and correct to the best of my knowledge and nothing has been concealed from this honourable tribunal.


DEPONENT

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PESHAWAR HIGH COURT, PESHAWAR

And Petition No. [] of 2014

1. [Name of the respondent]

2. [Name of the respondent]

3. [Name of the respondent, Public Health Engineering department, District Peshawar, Peshawar Division, Peshawar]

4. [Name of the respondent, District Secretary, Peshawar]

5. [Name of the respondent, Peshawar]

6. [Name of the respondent, Peshawar]

7. [Name of the respondent, Peshawar]

ATTESTED
EXAMINED
Peshawar Hi-
20 FEB 2014

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

W.P. 271-P of 2013 with interim relief (N).

JUDGMENT

Date of hearing: 2.10.2013.

Petitioner/Mushtaq Ahmad etc. by Mr. Shah Nawaz
Khan, advocate.

Respondent/.....

MUSARRAT HILALI, J. This judgment shall also decide
W.P. 663-P of 2013 entitled "Muhammad Nisar Khan Vs.
Govt." as common question of law and fact is involved in
both these petitions.

2. According to the petitioners, they obtained Diploma
of Associate Engineer in the year, 1995 in different
technologies and since then are working in various
Government Organizations/Projects However, on 2.1.2011
they were appointed as Sub-Engineers in the
respondent/department on ad-hoc basis after due process.
They were still in service when the respondents re-appointed
them vide office order dated 8.1.2012. Prior to the
appointment of petitioners, the Provincial Government
enacted Act No. XVI of 2009 vide which services of all

TESTED

EXAMINER
Peshawar High Court

10 FEB 2014

the adhoc/contract employees of the Province were regularized, however, the same benefit was not extended to the petitioners. Moreover, services of some six Sub-Engineers have been regularized after appointment of the petitioners. The petitioners preferred an application/appeal to the competent authority as well as to the Human Rights Cell of this court. In this respect, a letter dated 21.12.2013 was addressed to Human Rights Cell by the respondents, wherein, it was stated that Sub-Engineers, namely, Sher Hayat and Musatib Ahmad, who were 38 and 39 years old, respectively and were debarred from future employment in any institution of the Provincial/Federal Government for the reasons beyond their control. Nevertheless, handsome share of posts of Sub-Engineers were lying in the department and as a gesture of good will, the petitioners can be accommodated on regular basis. According to the petitioners, they waited for some time but did not receive any fruitful result from the respondents whereas their tenure is going to expire, hence necessitated the filing of instant constitutional petitions.

3. Learned counsel for petitioners contends that the respondents have acted mala-fide by regularizing the services of other employees similarly placed, who were appointed after the petitioners but the same benefit has been

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~~SECRET~~

... as of the view that as the period of one year has elapsed,
the Public Service Commission or whichever is earlier. He
basis for one year or till the arrival of the recommendees of
mentioned that the term of appointment would be on ad hoc
appointed as sub-engineer, wherein it was clearly
dated 23 April 2010 against which the petitioners were
side and straight away referred to the advertisement
1. Learned AAG controverted the arguments from other
other similarly placed employees.

be directed to regularize the services of the petitioners like
violation of Article 25 (2) of the Constitution, therefore, they
learned counsel, the impugned act of respondents is in
the petitioners can be accommodated. According to the
contended that there are vacant posts available against which
control and if not regularized will spoil their future. Also
Provincial/Federal Government, which fact is beyond their
coverage for appointment in any institution of the
cases. Further contended that the petitioners have become
violation of judgments of superior courts rendered in various
regularized. He maintained that the act of respondents is in
in long line of jobless people and would face hardship, if not
of the view that the petitioners and their families will stand
them is discriminatory, which is not tenable in law. He was
denied to the petitioners, thus, the treatment meted out to

[Handwritten signature]
12/10/2010

... of recommendees of Public Service Commission, ...
question would be for one year and on ad hoc basis or till the
mentioned that the term of appointment against the post in
for appointment against the said posts, however, it was
wherein applications were asked from deserving candidates
Daily Mashiy Fashay in its issue dated 23rd April, 2010.
vacant posts of Sub-Engineers located advertisement in
5. Admittedly, the respondents in order to fill up the
available before us.

learned AAG for respondents and gone through the record
We have heard learned counsel for petitioners and
above grounds:

the case hence prayer for dismissal of the same on the
maintainable keeping in view the facts and circumstances of
Lastly, he contended that the instant petition is not
against which the petitioners can be adjusted/regularized.
there is no vacant post available in the concerned department
discrimination does not arise. He maintained that presently
their services have been dispensed with, hence question of
no similarly placed persons have been regularized rather
petitioners were rightly not regularized. He maintained that
have come and appointed, therefore, the services of the
in other year and the recommendees of the Public Service
which is followed by re-appointment of the petitioners for

whichever is earlier. The petitioners, amongst others also participated in the test/interview. However, after due process, they were appointed on 3rd January, 2010. On 28.2.2012, the petitioners were re-appointed as Sub-Engineers as a stop-gap arrangement.

6. The petitioners are taking the shelter behind Act No XVI of 2009 and can be pressed into service in case of those adhoc employees, who were holding the posts on 1st December, 2008 or till the commencement of the Act, which is not the case in hand, therefore, the plea taken is of no help to them. Moreover, the learned AAG produced a copy of the letter dated 1.7.2013 showing that those employees, who were retained by the responder/department have also been terminated after the arrival of candidates from Public Service Commission.

Keeping in view the above discussion, we are of the considered opinion that the petitioners have failed to make out a case for interference in the constitutional jurisdiction of this court, hence the petition being without any legal substance is hereby dismissed.

Sd/- Nisar Hussain Khan - J
Sd/- Mr. Musarrat H. Pali - J

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court
Authorized Signatory
The Chairman - P.A.A. Board

05 FEB 2014

20-02-14

RECEIVED
2014

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~~Amir-ul-Umra~~ - III

24

PE: 9082235
FAX: 9220406

REGISTERED
Nos. C.P. 2026 & 2029 of 2013 - SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 16/1/ 2014.

The Registrar,
Supreme Court of Pakistan,
Islamabad.

The Registrar,
Peshawar High Court,
Peshawar.

Subject: **CIVIL PETITION NOS. 2026 & 2029 OF 2013.**
Mushtaq Ahmed & another ...in C.P. 2026/2013
Muhammad Nasir Ali & others ...in C.P. 2029/2013
VERSUS
Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar & others ...in both cases

**On appeal from the Judgment/Order of the
Peshawar High Court, Peshawar dated
02.10.2013 in W.P. 271-P & 663-P/2013**

Dear Sir,

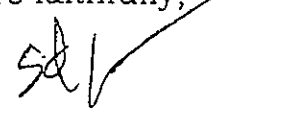
I am directed to enclose herewith a certified copy of the Order of this Court dated 15.01.2014 dismissing the above cited civil petitions with directions for information and further necessary action.

I am also to invite your attention to the directions of this Court contained in the enclosed Order.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order

Yours faithfully,



(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Copy with a certified copy of the Order of this Court dated 15.01.2014 is forwarded to Mr. Sikandar Khan, Chief Engineer, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar for immediate necessary action and report compliance.

Encl: Order



ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

26

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI.
MR. JUSTICE EJAZ AFZAL KHAN.

C. Ps. No. 2026 and 2029 of 2013.

(On appeal against the judgment
dt. 2.10.2013 passed by the
Peshawar High Court, Peshawar in
W. Ps. No. 271-P and 663-P of 2013).

Mushtaq Ahmed and another.
Muhammad Nasir Ali and others.

(in CP. 2026/13)
(in CP. 2029/13).
...Petitioners

Versus

Government of KPK through Chief Secretary,
Peshawar and others.

(in both cases)
...Respondents

For the petitioners: Mr. Ghulam Nabi Khan, ASC.
Syed Safdar Hussain, AOR.

For the respondents: Sikandar Khan, Chief Engineer, PHEK, KPK.
(on court notice)

Date of hearing: 15.01.2014.

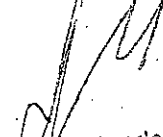
ORDER

ANWAR ZAHEER JAMALI, J. - After hearing the arguments
of the learned ASC for the petitioners and careful perusal of the case
record particularly the reasons assigned in the impugned judgment,
we are satisfied that no case for grant of leave to appeal is made out,
including the plea of discrimination raised by the petitioners, as one
wrong or any number of wrongs, cannot be made basis to justify an
illegal action under the garb of Article 25 of the Constitution. Both
these petitions are, therefore, dismissed. Leave is refused.

2. So far as some other illegalities in the appointments
brought to our notice is concerned, in response to our earlier order
dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health
Engineering, Department, KPK is present in Court, he states that

Present

ATTESTED

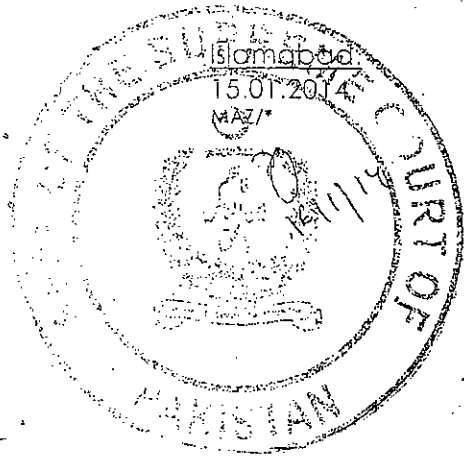

Superintendent
Supreme Court of Pakistan
Islamabad

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although many other illegal appointees in his department have been removed from service, but against many others such action is in process at various stages and they are still in service.

3. In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed.

Sd/- Anwar Zaheer Jamali, J
Sd/- Ejaz Afzal Khan, J



Certified to be True Copy

Supintendent
Supreme Court of Pakistan
Islamabad

GR No: 640/14 Civil/Criminal

Date of Presentation: 15-1-14

No. of Words: 600

No. of Follies: 6

Requisition Fee Rs: 5.00

Copy Fee in: 3.12

Court Fee stamps: 82.22

Date of Completion of Copy: 18-1-14

Date of delivery of Copy: 18-1-14

Compared by: Zaheer Jamali

Received by: Zaheer Jamali

Islamabad, dated 7/1/2014.

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Chief Engineer,
Public Health Engineering Department,
Khyber Pakhtunkhwa,
Peshawar.

Subject:

CIVIL PETITION NOS. 2026 & 2029 OF 2013.
Mushtaq Ahmed & another ...in C.P. 2026/2013
Muhammad Nasir Ali & others ...in C.P. 2029/2013
VERSUS
Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar & others ...in both cases

On appeal from the Judgment/Order of the
Peshawar High Court, Peshawar dated
02.10.2013 in W.P. 271-P & 663-P/2013

Dear Sir,

In continuation of this Court's letter of even number dated 16.01.2014, I am directed to say that while dismissing as time barred the above cited civil petition on 15.01.2014, this Hon'ble Court was pleased to direct as under:-

"...2. So far as some other illegalities in the appointments brought to our notice is concerned, in response to our earlier order dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health he states that although many other illegal appointees in his department have been removed from service, but against many other such action is in process at various stages and they are still in service.

3. In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case, he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed.

Accordingly, a certified copy of the Order was sent to you vide letter referred above for immediate necessary action and report compliance but no compliance report in this regard has been received so far from your end.

Contd: P/2

Kaami/****

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You are, therefore, required to submit requisite compliance report enabling this office to place the same before Hon'ble Court.

dt. 16.01.2014

Yours faithfully,

V to
Referring earlier
letter


(NAZIR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

de



(23)

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

No. 03 K-4 A/H/PHE

Dated Peshawar, the 17 /02/2014

To

The Registrar,
Supreme Court of Pakistan,
Islamabad

Subject: Civil Petition Nos. 2026 & 2029 of 2013.
Mushtaq Ahmed & another in C.P. 2026/2013
Muhammad Nasir Ali & Others in C.P. 2029/2013
Versus
Govt of Khyber Pakhtunkhwa through Chief Secretary Peshawar & others

Reference: No. C.P. 2026 & 2029 of 2013 - SCJ dated 16.1.2014

In light of direction of honourable Supreme Court of Pakistan order dated 15.1.2014 action against illegally appointees in Public Health Engg: Department Khyber Pakhtunkhwa has been finalized. Services of the 24-Nos Sub Engineers, 6-Nos Seno typist/Stenographer and 2-Nos Data Entry Operator who were appointed without advertisement and recommendation of Public Service Commission have been terminated. List attached for your good self perusal please.

DA/As above

ou
Chief Engineer (South)

LIST OF ILLEGAL APPOINTEES IN PUBLIC HEALTH ENGG:
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

A. 24-Nos SUB ENGINEERS


1. Mr. Tariq Nawaz	Sub Engineer,
2. Mr. Sajjad Khan	Sub Engineer,
3. Mr. S. Muhammad Ihsan Shah	Sub Engineer,
4. Mr. S. Muhammad Ali Sajjad	Sub Engineer,
5. Mr. Abdul Samad	Sub Engineer,
6. Mr. Shaukat Ali	Sub Engineer,
7. Mr. M. Ali Noor	Sub Engineer,
8. Mr. Irshad Elahi	Sub Engineer,
9. Mr. Hussain Zaman	Sub Engineer,
10. Mr. Salim Nawaz	Sub Engineer,
11. Mr. S. Ashfaq Ahmad	Sub Engineer,
12. Mr. Murtaza Ali	Sub Engineer,
13. Mr. Ishfaq	Sub Engineer,
14. Mr. Abdul Shahid	Sub Engineer,
15. Mr. Kashif Raza	Sub Engineer,
16. Mr. Waqas Ali	Sub Engineer,
17. Mr. Muslim Shah	Sub Engineer,
18. Mr. Ishtiaq Ahmad	Sub Engineer,
19. Mr. Zuhib Khan	Sub Engineer,
20. Mr. S. Hassan Ali	Sub Engineer,
21. Mr. Molisin Ali	Sub Engineer,
22. Mr. Muqtada Qureshi	Sub Engineer,
23. Mr. Ishfaq Ahmad	Sub Engineer,
24. Mr. M. Qaiser Khan	Sub Engineer,

B. 6-Nos STENO TYPIST/STENOGRAPHERS

1. Mr. Nomanullah	Senior Scale Stenographer,
2. Mr. M. Jamil	Steno Typist,
3. Mr. Iftikhar	Steno Typist,
4. Mr. Shah Khalid	Steno Typist,
5. Mr. Aziz Ullah	Steno Typist,
6. Mr. Farhan Ullah	Steno Typist,

C 2-Nos DATA ENTRY OPERATOR

1. Mr. Farman Ali	Data E/Operator,
2. Mr. Murtaza Qureshi	Data E/Operator,


Chief Engineer (South)

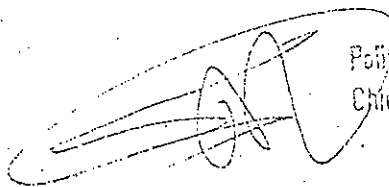
24

Subject: APPOINTMENTS AGAINST THE VACANT POSTS OF SUB ENGINEER / STENOGRAPHER & D.E.O.

It has come in to the notice of Honourable Chief Minister, NWFP, that a number of posts of Sub Engineer / Stenographers & D.E.O are lying vacant in PHE. While discussing the matter of appointments against these posts with Chief Engineer PHE, on more than one occasions, it was told that the posts of BPS-10 and above are to be filled-in through PSC. Where on the other hand due to implementation of Devolution Plan, the Commission is not clear as to whether appointments against these posts, is the prerogative of the respective District or Provincial Governments.

In view of above, the Honourable Chief Minister NWFP, has been pleased to direct to consider the application of the following personnels for their appointments against the vacant posts by the Departmental Authority to bridge the gap of the staff & to ensure smooth working of the newly separated / established PHE Department. Necessary sanction to the condonation of the requisite codal formalities if any will be accorded by the competent authority at due course of time separately:-

<u>S No</u>	<u>Name of Applicant</u>	<u>Name of Post</u>
1.	Mr. Tariq Nawaz Khan S/O Amir Nawaz Khan District Bannu.	Sub Engineer
2.	Mr. Muhammad Sajjad S/O Banut Khan District D.I.Khan.	-do-
3.	Mr. S.M. Ihsan Shah S/O S.M.Hassan Shah District D.I.Khan	-do-
4.	Mr. S.M Ali Sajjad S/O S.Abid Hussain Shah District D.I.Khan.	-do-
5.	Mr. Abdul Samad S/O Abdul Mueed District Malakand.	-do-
6.	Mr. Shaukat Ali S/O Ghulam Qadir District Karak.	-do-
7.	Mr. Muhammad Ali Noor S/O Noor Muhammad District D.I.Khan	-do-
8.	Mr. Irshad Elahi S/O Shah Nawaz District D.I.Khan	-do-
9.	Mr. Hussain Zaman S/O Syed Zaman District Malakand.	-do-
10.	Mr. Saleem Nawaz S/O Karim Nawaz District D.I.Khan.	-do-
11.	Mr. S.Ashfaq Ahmad S/O S.Jamil ud Din District Malakand.	-do-
12.	Mr. Murtaz Ali S/O Abdul Haq District Malakand.	-do-
13.	Mr. Sahar Gul S/O Abdul Jalil District Lakki Marwat.	-do-
14.	Mr. Samiullah S/O Khuda Baksh District D.I.Khan.	-do-
15.	Mr. Abdul Shahid Sadiqui S/O Abdul Azim District Dir Upper.	-do-
16.	Mr. Asfaq Ahmad S/O Muhammad Shuiab District Malakand.	-do-
17.	Mr. Kashif Raza S/o S.Abid Hussain District D.I.KLhan.	-do-
18.	Mr. Waqas Ali S/O Farznad Ali District Nowshera.	-do-
19.	Mr. Muslim Shah S/O Mehmood Shah District Mardan.	-do-
20.	Mr. Ishtiaq Ahmad S/O Tahmeed Ullah District Charsadda.	-do-
21.	Mr. Zohaib Khan S/O Jehanzeb Khan District Mardan.	-do-
22.	Mr. S. Hassan Ali S/O S.Ajmal Shah District Charsadda.	-do-
23.	Mr. Mohsin Ali S/O Muhammad Pervez District D.I.Khan.	-do-
24.	Mr. Muqtada S/O Afsar Ali District Peshawar.	-do-
25.	Mr. Iftikhar S/O Chainar Gul District Mardan.	Stenotypiest
26.	Mr. Noor Muhammad /O Jamroz Khan District Peshawar.	-do-
27.	Mr. Aziz Ullah SD/O Abid Ullah District Bannu.	-do-
28.	Mr. Farhan Ullah S/o Aziz Ullah District Bannu.	-do-
29.	Mr. Murtaz S/O Afsar Ali District Peshawar	D.E.O


Political Secretary to
Chief Minister NWFP

1. Short title and commencement.—This Ordinance may be called the North-West Frontier Province Public Service Commission (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment in section 3 of N.W.F.P. Ord. No. XI of 1978.—In the North-West Frontier Province Public Service Commission Ordinance, 1978, hereinafter referred to as the said Ordinance, in section 3,—

(a) in sub-section (3), the full stop appearing at the end shall be replaced by a comma and thereafter the following proviso shall be inserted, namely:—
"Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the un-expired term of his term as such member."

(b) in section 4, the words and figure "and has been retired in basic pay of Rs. 20 or above" shall be added after the words "years" appearing at the end.

3. Amendment in section 4 of N.W.F.P. Ord. No. XI of 1978.—In the said Ordinance, in section 4, for sub-section (1), the following shall be substituted, namely:—
"A member of the Commission shall hold office for a term of five years from the date on which he enters upon office and shall not be eligible for re-appointment."

Provided that a person holding office as Chairman or a member of the Public Service Commission (Amendment) Ordinance, 2002, shall cease to hold office on such date as the Governor may direct."

4. Amendment in section 4A of N.W.F.P. Ord. No. XI of 1978.—In the said Ordinance, section 4A as amended by the following shall be substituted, namely:—
"Before entering upon office the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance, before the Governor in the case of Chairman, and before the Chairman in the case of a member."

5. Amendment in section 5 to N.W.F.P. Ord. No. XI of 1978.—In the said Ordinance, for section 5 omitted by N.W.F.P. Amendment Ordinance, 1987, the following shall be substituted, namely:—
"On ceasing to hold office a member shall not be eligible for further employment in the Service of Pakistan."

1. Short title and commencement.—(1) This Ordinance may be called the North-West Frontier Province Public Service Commission (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment of section 3 of N.W.F.P. Ord. No. XI of 1978.—In the North-West Frontier Province Public Service Commission Ordinance, 1978, hereinafter referred to as the said Ordinance, in section 3—

(a) in sub-section (3), the full stop appearing at the end shall be replaced by a colon and thereafter the following proviso shall be inserted, namely:

“Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the un-expired portion of his term as such member.”

(b) in sub-section (4), the words and figure “and has been retired in basic pay scale 20 or above” shall be added after the word “years” appearing at the end.

3. Amendment of section 4 of N.W.F.P. Ord. No. XI of 1978.—In the said Ordinance, in section 4, for sub-section (1) the following shall be substituted, namely:

“(1) A member of the Commission shall hold office for a term of five years from the date on which he enters upon office and shall not be eligible for re-appointment.”

Provided that a person holding office as Chairman or a member immediately before the commencement of the North-West Frontier Province Public Service Commission (Amendment) Ordinance, 2002 shall cease to hold office on such date as the Governor may direct.

4. Insertion of new section 4A to N.W.F.P. Ord. XI of 1978.—In the said Ordinance, after section 4, as so amended, the following new section 4A shall be inserted, namely:

“4A. Oath of office.—Before entering upon office, the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance, before the Governor in the case of Chairman, and before the Chairman in case of a member.”

5. Insertion of new section 5 to N.W.F.P. Ord. XI of 1978.—In the said Ordinance, for section 5 omitted by N.W.F.P. Act No. XX of 1987, following shall be inserted, namely:

“5. Ineligibility for further employment.—On ceasing to hold office, a member shall not be eligible for further employment in the Service of Pakistan.”

6. Amendment of section 7 of N.W.F.P. Ord. No. XI of 1978.—(1) In the said Ordinance, for section 7, the following shall be substituted, namely:

7. Functions of the Commission.—(1) The functions of the Commission shall be—

(a) to conduct tests and examinations for recruitment of persons to—

(i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent, and

(ii) posts in basic pay scales 11 to 15 or equivalent specified in following Departments (except the District cadre posts):

1. Civil Secretariat (through Establishment Department);
2. Board of Revenue;
3. Police Department;
4. Prison Department;
5. Services and Works Department;
6. Irrigation Department;
7. Industries, Labour and Manpower Department;
8. Health Department;
9. Education Department;
10. Local Government and Rural Development Department;
11. Excise and Taxation Department;
12. Food Department;
13. Physical Planning and Environment Department including Urban Development Board; and
14. Organizations, except autonomous bodies, under the Health and Education Departments.

(b) to advise the Governor—

(i) on matters relating to qualifications for, and method of recruitment to, services and posts referred to in clause (a);

(ii) on the principles to be followed in making:

(1) initial appointments to the services and posts referred to in clause (a);

(2) appointments by promotion to posts in BPS-17 and above; and

(3) transfer from one service to another; and

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(1) on any other matter which the Governor may refer to the Commission.

Explanation.—In this section, recruitment means initial appointment other than by promotion or transfer.

(2) Recruitment to the following posts shall be outside the preview of the Commission:

- (i) posts in the Governor's House;
- (ii) posts to be filled on ad hoc basis for a period of six months or less, provided that before filling the post, prior approval shall be obtained from the Commission;
- (iii) posts to be filled by re-employing a retired employee, provided that the re-employment is made for a specified period not exceeding two years in a post not higher than the post in which the person was employed on regular basis before retirement.

7. **Insertion of Section 10A of Ordinance XI of 1978.**—In the said Ordinance after section 10, the following new section shall be inserted, namely:

"10A. Power of the Commission to make regulations.—Subject to the provisions of this Ordinance and the rules made hereunder, the Commission may make regulations for carrying out the purposes of this Ordinance."

8. **Addition of Schedule to the N.W.F.P. Ordinance XI of 1978.**—In the said Ordinance, the following Schedule shall be added at the end, namely:

"SCHEDULE
[Section 4A]

I, _____ do solemnly swear that I will bear true faith and allegiance to Pakistan. That, as a Chairman (or Member) of the North-West Frontier Province Public Service Commission, I will discharge my duties and perform my functions honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law and always in the interest of the solidarity, integrity and well-being and prosperity of Pakistan.

That I will not allow any personal interest to influence my official conduct or my official decisions, and that in the performance of my functions, whether in the selection of persons for recruitment, of appointment or in any other way, I will act without fear or favour, affection or ill-will.

Peshawar
Dated the 5th August, 2002

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,
Governor of the North-West Frontier Province.

SALIM KHAN,
Secretary to Government of North-West Frontier Province,
Law Department.

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923 Annex - 11

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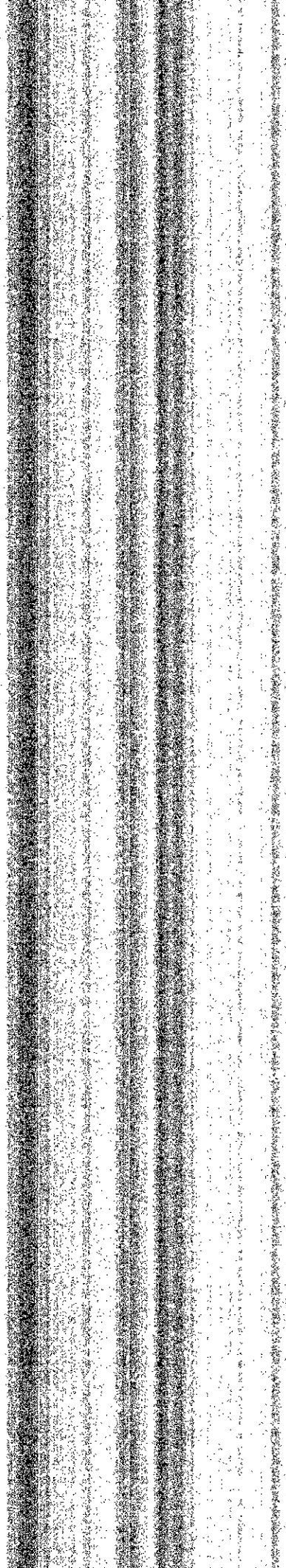
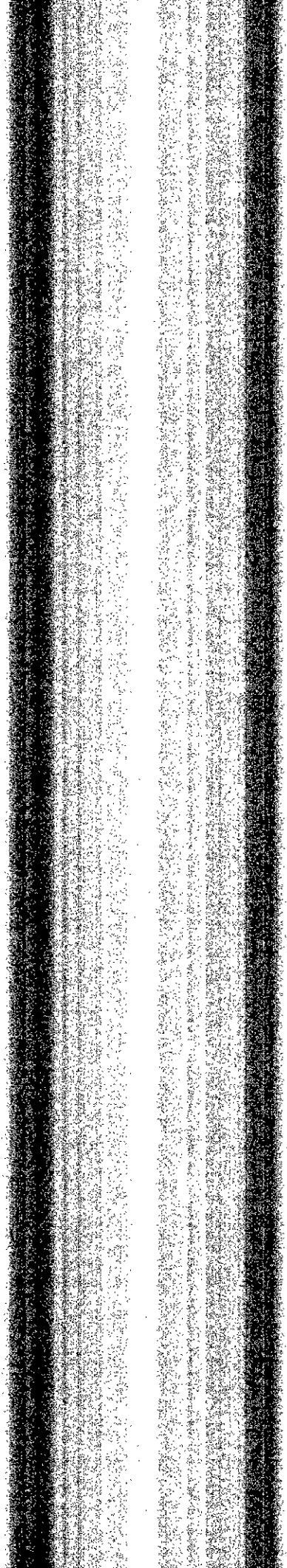
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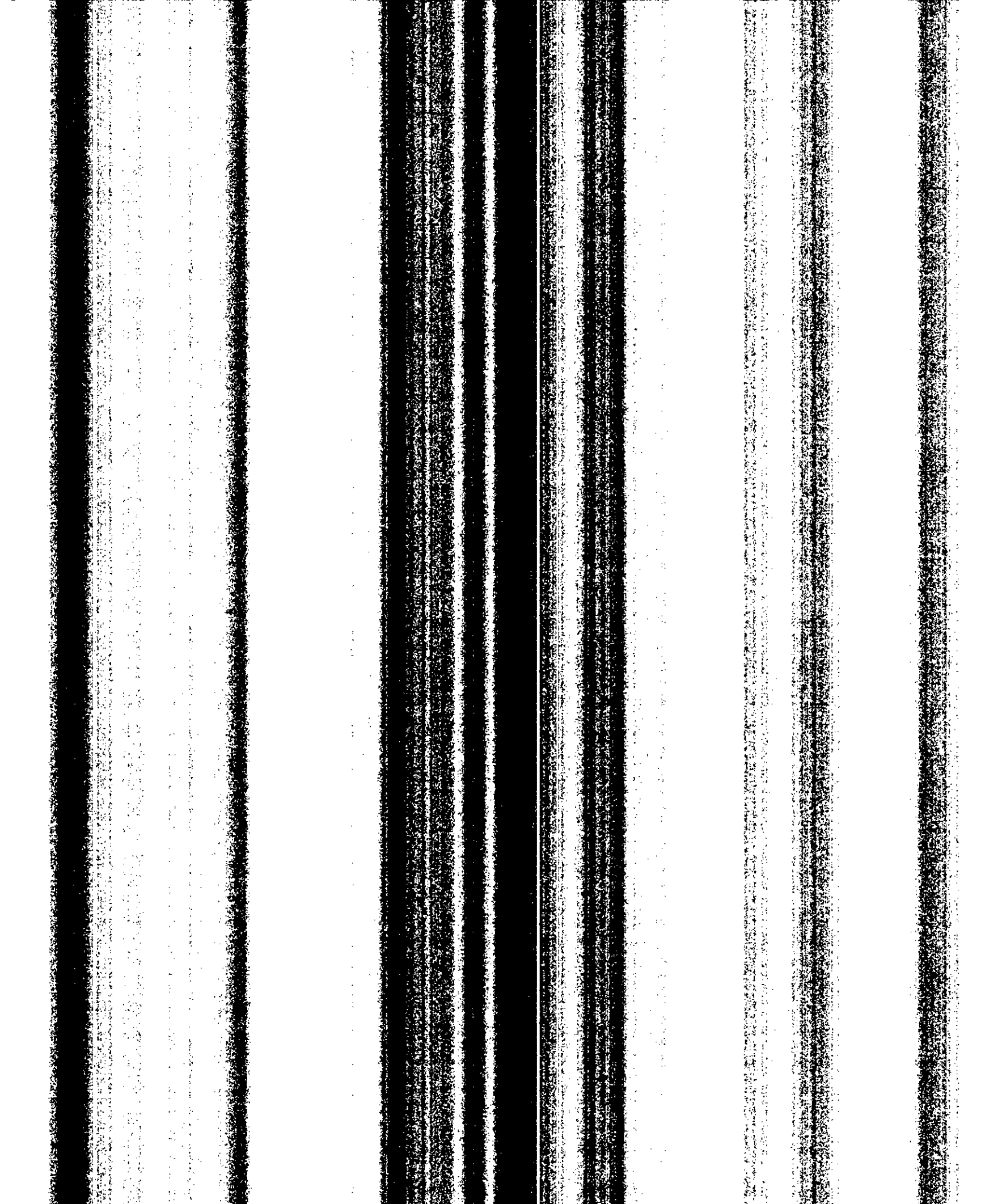
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Public Health Engineering Department

Annex - ~~VII~~ (23)

Seniority List of Sub Engineer (BPS-11) as stood on 31.12.2010

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
1	Sareerullah	Inayat Ullah	Peshawar	DAE (M)	14.03.1952	02.04.1978	01.04.1978	
2	Hamid ur Rehman	Abdul Ali	Charsadda	DAE (M)	08.03.1953	06.05.1978	06.05.1978	
3	Saleem Khan	Sohrab Khan	Lakki	DAE	11.12.1959	13.09.1980	08.09.1980	
4	Fazle Mabood	Habib ur Rehman	Malakand	DAE (C)	10.04.1961	26.07.1981	06.05.1982	
5	Sajjad Ali	Rahim Dad	Swabi	DAE	01.03.1962	08.09.1981	06.05.1982	
6	Iqbal Hussain	Dilawar Khan	Peshawar	DAE (C)	05.09.1958	04.10.1981	06.05.1982	
7	Mushtaq Ahmad	Khushal Khan	Mansehra	DAE (C)	20.10.1956	17.10.1981	06.05.1982	
8	Nasir ud Din (Died)	Dar Malook	Bannu	DAE (C)	01.10.1960	31.12.1981	06.05.1982	
9	Alam Zeb	Sar Biland Khan	FR Bannu	DAE (C)	24.08.1960	16.03.1982	06.05.1982	
10	Allah Nawaz	Shah Nawaz	Bannu	DAE (C)	05.12.1959	27.03.1982	06.05.1982	
11	Khurshid Anwar	Haji Fateh ullah	D.I.Khan	DAE (C)	04.03.1960	04.04.1982	06.05.1982	
12	Muhammad Ilyas	Fazal Razaq	Dir Upper	DAE (C)	08.09.1958	15.04.1982	06.05.1982	
13	Karamat Ullah	Khan Azam	Bannu	DAE (C)	15.03.1961	18.05.1982	18.05.1982	
14	Laiq Zaman	Gul Shaib Khan	Bannu	DAE (C)	27.01.1959	03.07.1982	23.06.1982	
15	Abdul Ghaffar (Died)	Haji Muhammad Akbar	Lakki	DAE (C)	10.06.1961	21.10.1982	09.10.1982	
16	Asif Farooq	Karim Nawaz	Karak	DAE (C)	02.01.1960	22.11.1982	20.11.1982	
17	Aziz ur Rehman	Muhammad Azim	Karak	DAE (C)	02.06.1962	14.04.1983	26.03.1983	
18	Inamul Haq	Lal Ghaffar	Karak	DAE (C)	18.03.1963	06.04.1983	06.04.1983	
19	Khurshid Iqbal	H.Abdul Rashid	Haripur	DAE (C)	03.01.1959	01.12.1984	20.11.1984	
20	Umer Hayat	H.Gulam Nabi	Bannu	DAE (C)	25.03.1962	24.11.1984	20.11.1984	
21	Hassan Khan	Sar Biland Khan	Malakand	DAE (C)	08.02.1963	22.11.1984	20.11.1984	
22	Arif Saeed	Amal Rehman	Karak	DAE (C)	03.04.1963	01.12.1984	20.11.1984	
23	Lajbar Khan	Zabata Khan	Mardan	DAE (C)	18.04.1963	01.12.1984	20.11.1984	
24	Falak Naz	Shah Nam Raza	Swat	DAE (C)	03.01.1957	31.12.1984	23.12.1984	
25	Muhammad Yousaf	Muhammad Ibrahim	D.I.Khan	DAE (M)	20.05.1964	25.04.1985	08.04.1985	
26	Muhammad Pervez	Faqir Muhammad	D.I.Khan	DAE (C)	01.10.1960	06.07.1985	03.07.1985	
27	Sahib Zarin	Mohayoud Din	Dir Lower	DAE (C)	22.07.1958	18.12.1985	18.12.1985	
28	Samiullah Jan	Danish Khan	Peshawar	DAE (C)	16.06.1959	18.12.1985	18.12.1985	
29	Muhammad Ali	Muhammad Zaman	Swat	DAE (C)	21.04.1964	26.12.1985	18.12.1985	
30	Muhammad Riaz	Muhammad Khan	Malakand	DAE (C)	01.01.1965	30.12.1985	18.12.1985	
31	Allaud Din	Muhammad Ajun Khan	Mansehra	DAE (C)	21.06.1961	10.07.1986	09.07.1986	
32	Anwar Khan	Ghulam Khan	Mansehra	DAE (C)	06.04.1963	19.07.1986	09.07.1986	

(Signature) P.O. (C-1)

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Seniority List of Sub Engineer (BPS-11) as stood on 31.12.2010

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
33	S.Abid Hussain Shah	Syed Pir Zaman Shah	Abbottabad	DAE	13.03.1964	17.07.1986	09.07.1986	
34	Bashir Ahmad	Wazir Zada	Dir Lower	DAE (C)	08.12.1964	23.10.1986	23.10.1986	
35	Shahid Saeed	Saeed ur Rehman	Mansehra	DAE (C)	26.08.1965	23.12.1985	18.12.1985	
36	Aziz ur Rehman	Mehmood Khan	Bannu	DAE (C)	15.12.1960	28.10.1981	18.04.1987	
37	Zoor Ali	Said Muhammad	FR Bannu	DAE (C)	05.03.1960	11.01.1982	18.04.1987	
38	Mekail Khan	Muhammad Shebli	Bannu	DAE (M)	09.10.1961	27.12.1982	18.04.1987	
39	Najeeb ur Rehman	Abdur Rehman	Karak	DAE (C)	02.02.1963	09.02.1983	18.04.1987	
40	Khuzb ur Rehman	Mir Abas	FR Bannu	DAE (C)	10.03.1964	18.05.1987	18.05.1987	
41	Abbas Khan	Ali Akbar Khan	Abbottabad	DAE (C)	01.02.1966	18.05.1987	18.05.1987	
42	Rashid Ahmad	H.Muhammad Saddique	Lakki	DAE (C)	14.03.1959	09.06.1987	09.06.1987	
43	Said Faisal	Syed Wahid Shah	Swabi	DAE (C)	03.01.1959	23.08.1987	23.08.1987	
44	Muhammad Sharif Shah		SWA	DAE (C)	01.05.1963	20.10.1987	20.10.1987	
45	Abdur Rehman	Mehar Dil Khan	Tank	DAE (C)	06.09.1963	11.10.1987	08.10.1987	
46	Nisar Ali	Haji Gujar Khan	Swat	DAE (C)	01.04.1964	10.10.1987	10.10.1987	
47	Aslat Khan	Muhammad Azim	Mardan	DAE (C)	06.02.1965	14.10.1987	14.10.1987	
48	Muhammad Yaseen	Faqir Shah	Swabi	DAE (C)	04.03.1964	14.10.1987	14.10.1987	
49	Muhammad Ashraf	Amir Zada	Peshawar	DAE (C)	02.11.1967	18.10.1987	18.10.1987	
50	Islam Gul	M.Sahib Gul	Karak	DAE (C)	10.09.1963	26.10.1987	21.10.1987	
51	Muhammad Younis	Rehan ud Din	Sawbi	DAE (C)	02.01.1959	29.08.1989	29.08.1989	
52	Khalid Wahab	Dost Muhammat	Karak	DAE (C)	15.07.1961	29.08.1989	29.08.1989	
53	Karim Nawaz	Gul Daraz	D.I.Khan	DAE (C)	01.03.1962	09.06.1985	29.08.1989	
54	Irshad Ahmad	Malik Elahi Bakhsh	D.I.Khan	DAE (C)	28.03.1962	03.03.1986	29.08.1989	
55	Bahre Karam	Rahmat Shah	Malakand	DAE (C)	15.04.1958	15.04.1986	29.08.1989	
56	Khalid Afzal	Mir Sahib Jan	NWA	DAE	20.02.1960	29.08.1989	29.08.1989	
57	Hazrat Muhammad	Shamsi Bahadar	Dir Lower	DAE (C)	01.05.1965	05.10.1986	29.08.1989	
58	Muhammad Yousaf Jan	Abdullah jan	D.I.Khan	DAE (C)	01.04.1961	18.10.1987	29.08.1989	
59	Muhammad Hamayun	Dure Marjan	Karak	DAE (C)	10.09.1963	29.08.1989	29.08.1989	
60	Muhammad Kamal	Hazrat Jamal	Mardan	DAE (C)	01.04.1962	13.01.1988	29.08.1989	
61	Sikandar Azam	Amir Daraz Khan	NWA	DAE (C)	15.11.1961	12.12.1989	06.12.1989	
62	Muhammad Iqbal	Abdul Rahim	Bajaur	DAE (C)	01.08.1964	11.12.1989	06.12.1989	
63	Muheet Khan	Rias Khan	Karak	DAE (C)	08.06.1965	10.12.1989	06.12.1989	
64	Syed Zia ur Rehman	S.Hidayat ur Rehman	Mardan	DAE (C)	01.04.1965	09.12.1989	06.12.1989	
65	Riaz Ahmad	Ghulam Muhammad	Dir Lower	DAE (C)	01.03.1966	10.12.1989	06.12.1989	
66	Aurangzeb	Jehanzeb	Mohmand	B-Tech(Hon-E)	25.10.1968	13.12.1989	06.12.1989	

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Seniority List of Sub Engineer (BPS-11) as stood on 31.12.2010

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
67	Hazrat Hussain	Muhammad Hanif	Swat	DAE (C)	15.03.1960	22.08.1987	06.12.1989	
68	Sardar Ijaz Anwar	Muhammad Yaqoob	Abbottabad	DAE (C)	01.04.1966	09.12.1989	06.12.1989	
69	Iftikhar Ahmad	Dr. M.Zakir Khan	Mansehra	DAE (C)	02.05.1965	09.12.1989	06.12.1989	
70	Akhtar Hussain	Amir Amanullah Khan	Swat	DAE (C)	05.01.1968	14.12.1989	06.12.1989	
71	Muhammad Yaqoob	Amir Sahib Rehman	Bannu	DAE (C)	10.04.1963	27.03.1990	26.03.1990	<i>B.Tech</i>
72	Walayat Said		Dir Lower	DAE (C)	15.09.1967	05.04.1990	05.04.1990	
73	Syed Haleem Shah	S.Imdad Hussain Shah	Mansehra	DAE (C)	11.04.1965	01.04.1990	26.03.1990	
74	Misal Khan		D.I.Khan	DAE (C)	15.07.1966	06.05.1990	06.05.1990	
75	Imdad Hussain Shah	Syed M.Afzal shah	Mansehra	DAE (C)	25.04.1971	14.11.1992	12.11.1992	
76	Muhammad Amjad		Bannu	DAE (C)	18.04.1969	16.09.1993	16.09.1993	
77	Saqi Muhammad	Amir Muhammad	Swabi	DAE (C)	19.04.1969	25.09.1993	16.09.1993	
78	Irshad Mahmood	Sultan Muhammad	Dir Upper	DAE (C)	20.12.1965	23.09.1993	16.09.1993	
79	Nasir Nawaz Khan	M.Nawaz Khan	Mansehra	DAE (C)	01.02.1973	06.03.1996	26.02.1996	
80	S.Zahid Hussain Kazmi	S.Manzoor Hussain Kazmi	Abbottabad	B-Tech Hons	11.10.1971	25.03.1996	26.02.1996	<i>B.Tech</i>
81	Mehboob ur Rehman	Ihabib ur Rehman	Haripur	DAE	10.04.1971	11.04.1996	26.02.1996	
82	Jehanzeb	Shadi Gul	NWA	DAE (C) BE (E)	01.04.1971	27.02.1996	26.02.1996	
83	Amir Zada	Bahadar Khan	Mardan	DAE (C)	14.05.1965	04.03.1996	26.02.1996	
84	Zahid Hussain Shah	Syed Muzaffar Shah	Mansehra	B-Tech (C)	01.02.1972	27.02.1996	26.02.1996	<i>B.Tech</i>
85	Ishfaq Ahmad	Zarbat Shah	FR Kohat	DAE (C)	01.05.1970	26.02.1996	26.02.1996	
86	Muhammad Khan	Sher Ahmad Khan	Haripur	DAE (C)	23.01.1954	27.11.1988	19.05.2008	joined PHE in 2008
87	Amanullah		Peshawar	DAE (C)	02.03.1955	22.11.1988	19.05.2008	joined PHE in 2008
88	Matik Muhammad Irfan		D.I.Khan	DAE (C)	16.06.1959	22.11.1988	19.05.2008	joined PHE in 2008
89	Abdul Hameed	Abdul Latif	Kohat	D.A.E	18.09.1959	24.11.1988	19.05.2008	joined PHE in 2008
90	Intizar Muhammad		Swabi	DAE (C)	20.12.1960	22.11.1988	19.05.2008	joined PHE in 2008
91	Dilawar Khan	Muhammad Rehman	SWA	DAE (C)	23.02.1962	22.11.1988	29.03.2008	joined PHE in 2008
92	Muhammad Ilyas	Khanza Gul	NWA	DAE (C)	25.03.1962	28.11.1988	22.05.2008	joined PHE in 2008
93	Aziz ur Rehman		Khyber	DAE (C)	08.10.1962	22.11.1988	19.05.2008	joined PHE in 2008
94	Muhammad Rais	Hazrat Khan	SWA	DAE (C)	20.04.1963	26.11.1988	31.05.2008	joined PHE in 2008
95	Tariq Khan		Swat	DAE (C)	01.04.1964	22.11.1988	19.05.2008	joined PHE in 2008
96	Muhammad Nazif	Muhammad Hussain	Nowshera	DAE (C)	05.01.1964	30.11.1988	28.03.2008	joined PHE in 2008
97	Abdali Shah	Haji Sufaid Shah	Malakand	DAE (C)	01.02.1966	26.11.1988	26.03.2008	joined PHE in 2008
98	Arif Qayum Khan	Abdul Qayum	Bannu	DAE (C)	12.10.1966	23.11.1988	29.03.2008	joined PHE in 2008
99	Amin Gul		Malakand	DAE (C)	15.10.1966	22.11.1988	19.05.2008	joined PHE in 2008
100	Asghar Hussain	Gul Akbar	Khyber	DAE (C)	14.11.1968	22.11.1988	31.03.2008	joined PHE in 2008

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Seniority List of Sub Engineer (BPS-11) as stood on 31.12.2010

S.No	Name	Father Name	Home District	Qulification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
101	Mislah-ud-Din	Sharif Ullah	Dir Lower	DAE (C)	20.02.1965	24.11.1988	26.03.2008	joined PHE in 2008
102	Atta Muhammad	Muhammad Younas	Mansehra	DAE (C)	10.04.1971	08.09.1997	01.07.2008	
103	Raheel Shahzad	Muhammad Farid	Mansehra	DAE (C)	16.09.1976	30.08.1997	01.07.2008	
104	Sheikh Islam ud Din	Sheikh Nizam-ud-Din	D.I.Khan	DAE (C)	08.03.1961	29.08.1987	11.02.2009	
105	Farid Ullah	Sherin Dad	Bannu	DAE (C)	10.01.1962	01.09.1987	11.02.2009	
106	Mumtaz Khan	Zardad Khan	Bannu	DAE (C)	01.03.1963	27.12.1987	11.02.2009	
107	Imtiaz Muhammad	Hazrat Wali	Swabi	DAE (C)	09.01.1971	20.12.1994	11.02.2009	
108	Shujaul Mulk	Shahi Mulk	Swat	DAE (C)	01.04.1970	03.10.1995	11.02.2009	
109	Shahid Ayaz	Mir Shad Ali	Karak	DAE (M)	03.03.1963	07.02.1990	11.02.2009	
110	Zahid Ullah	Abdullah Jan	Dir	DAE (C)	11.08.1972	28.06.1995	11.02.2009	
111	Farman Ullah	Farid Gul	Bannu	DAE (C)	04.04.1971	26.09.1995	11.02.2009	
112	Behzad Khan		Peshawar	DAE (C)	25.11.1958	16.07.1981		
113	Abdui Salam	Mir Khalim Khan	D.I.Khan	DAE (C)	25.08.1968	02.07.1995	30.07.2009	

Chief Engineer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

Endstt: No. 22/E-16/PHE

Dated Peshawar the

30/04/2011

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- 2 - All Superintending Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 3 - All Executive Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 4 - Section Officer (Estt) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar

Chief Engineer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
1	Saleem Khan	Sohrab Khan	Lakki	DAE	11.12.1959	13.09.1980	08.09.1980	
2	Fazle Mabood	Habib ur Rehman	Malakand	DAE (C)	10.04.1961	26.07.1981	06.05.1982	
3	Sajjad Ali	Rahim Dad	Swabi	DAE	01.03.1962	08.09.1981	06.05.1982	
4	Mushtaq Ahmad	Khushal Khan	Mansehra	DAE (C)	20.10.1956	17.10.1981	06.05.1982	
5	Alam Zeb	Sar Biland Khan	FR Bannu	DAE (C)	24.08.1960	16.03.1982	06.05.1982	
6	Allah Nawaz	Shah Nawaz	Bannu	DAE (C)	05.12.1959	27.03.1982	06.05.1982	
7	Khurshid Anwar	Haji Fateh ullah	D.I.Khan	DAE (C)	04.03.1960	04.04.1982	06.05.1982	
8	Muhammad Ilyas	Fazal Razaq	Dir Upper	DAE (C)	08.09.1958	15.04.1982	06.05.1982	
9	Karamat Ullah	Khan Azam	Bannu	DAE (C)	15.03.1961	18.05.1982	18.05.1982	
10	Laiq Zaman	Gul Shaib Khan	Bannu	DAE (C)	27.01.1959	03.07.1982	23.06.1982	
11	Asif Farooq	Karim Nawaz	Karak	DAE (C)	02.01.1960	22.11.1982	20.11.1982	
12	Inamul Haq	Lal Ghaffar	Karak	DAE (C)	18.03.1963	06.04.1983	06.04.1983	
13	Khurshid Iqbal	H.Abdul Rashid	Haripur	DAE (C)	03.01.1959	01.12.1984	20.11.1984	
14	Umer Hayat	H.Gulam Nabi	Bannu	DAE (C)	25.03.1962	24.11.1984	20.11.1984	
15	Hassan Khan	Sar Biland Khan	Malakand	DAE (C)	08.02.1963	22.11.1984	20.11.1984	
16	Arif Saeed	Amal Rehman	Karak	DAE (C)	03.04.1963	01.12.1984	20.11.1984	
17	Lajbar Khan	Zabata Khan	Mardan	DAE (C)	18.04.1963	01.12.1984	20.11.1984	
18	Falak Naz	Shah Nam Raza	Swat	DAE (C)	03.01.1957	31.12.1984	23.12.1984	
19	Muhammad Yousaf	Muhammad Ibrahim	D.I.Khan	DAE (M)	20.05.1964	25.04.1985	08.04.1985	
20	Muhammad Pervez	Faqir Muhammad	D.I.Khan	DAE (C)	01.10.1960	06.07.1985	03.07.1985	
21	Sahib Zarin	Mohayoud Din	Dir Lower	DAE (C)	22.07.1958	18.12.1985	18.12.1985	
22	Samiullah Jan	Danish Khan	Peshawar	DAE (C)	16.06.1959	18.12.1985	18.12.1985	

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Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013


S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
23	Muhammad Ali	Muhammad Zaman	Swat	DAE (C)	21.04.1964	26.12.1985	18.12.1985	
24	Muhammad Riaz	Muhammad Khan	Malakand	DAE (C)	01.01.1965	30.12.1985	18.12.1985	
25	Shahid Saeed	Saeed ur Rehman	Mansehra	DAE (C)	26.08.1965	23.12.1985	18.12.1985	
26	Allaud Din	Muhammad Ajun Khan	Mansehra	DAE (C)	21.06.1961	10.07.1986	09.07.1986	
27	Anwar Khan	Ghulam Khan	Mansehra	DAE (C)	06.04.1963	19.07.1986	09.07.1986	
28	S.Abid Hussain Shah	Syed Pir Zaman Shah	Abbottabad	DAE	13.03.1964	17.07.1986	09.07.1986	
29	Bashir Ahmad	Wazir Zada	Dir Lower	DAE (C)	08.12.1964	23.10.1986	23.10.1986	
30	Aziz ur Rehman	Mehmood Khan	Bannu	DAE (C)	15.12.1960	28.10.1981	18.04.1987	
31	Zoor Ali	Said Muhammad	FR Bannu	DAE (C)	05.03.1960	11.01.1982	18.04.1987	
32	Mekail Khan	Muhammad Shebli	Bannu	DAE (C)	09.10.1961	27.12.1982	18.04.1987	
33	Najeeb ur Rehman	Abdur Rehman	Karak	DAE (C)	02.02.1963	09.02.1983	18.04.1987	
34	Khuzb ur Rehman	Mir Abas	FR Bannu	DAE (C)	10.03.1964	18.05.1987	18.05.1987	
35	Abbas Khan	Ali Akbar Khan	Abbottabad	DAE (C)	01.02.1966	18.05.1987	18.05.1987	
36	Rashid Ahmad	H.Muhammad Saddique	Lakki	DAE (C)	14.03.1959	09.06.1987	09.06.1987	
37	Said Faisal	Syed Wahid Shah	Swabi	DAE (C)	03.01.1959	29.05.1979	29.05.1979	
38	Muhammad Shafiq Shah	Abdul Hamid Shah	SWA	DAE (C)	01.05.1963	20.10.1987	20.10.1987	
39	Abdur Rehman	Mehar Dil Khan	Tank	DAE (C)	06.09.1963	11.10.1987	08.10.1987	
40	Nisar Ali	Haji Gujar Khan	Swat	DAE (C)	01.04.1964	10.10.1987	10.10.1987	
41	Aslat Khan	Muhammad Azim	Mardan	DAE (C)	06.02.1965	14.10.1987	14.10.1987	
42	Muhammad Yaseen	Faqir Shah	Swabi	DAE (C)	04.03.1964	14.10.1987	14.10.1987	
43	Muhammad Ashraf	Amir Zada	Peshawar	DAE (C)	02.11.1967	18.10.1987	18.10.1987	
44	Islam Gul	M.Sahib Gul	Karak	DAE (C)	10.09.1963	26.10.1987	21.10.1987	
45	Muhammad Younis	Rehan ud Din	Sawbi	DAE (C)	02.01.1959	29.08.1989	29.08.1989	
46	Khalid Wahab	Dost Muhammat	Karak	DAE (C)	15.07.1961	29.08.1989	29.08.1989	
47	Karim Nawaz	Gul Daraz	D.I.Khan	DAE (C)	01.03.1962	09.06.1985	29.08.1989	
48	Irshad Ahmad	Malik Elahi Bakhsh	D.I.Khan	DAE (C)	28.03.1962	03.03.1986	29.08.1989	
49	Bahre Karam	Rahmat Shah	Malakand	DAE (C)	15.04.1958	15.04.1986	29.08.1989	

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Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
50	Khalid Afzal	Mir Sahib Jan	NWA	DAE	20.02.1960	29.08.1989	29.08.1989	
51	Muhammad Yousaf Jan	Abdullah Jan	D.I.Khan	DAE (G)	01.04.1961	18.10.1987	29.08.1989	
52	Muhammad Hamayun	Dure Marjan	Karak	DAE (C)	10.09.1963	29.08.1989	29.08.1989	
53	Muhammad Kamal	Hazrat Jamal	Mardan	DAE (C)	01.04.1962	13.01.1988	29.08.1989	
54	Sikandar Azam	Amir Daraz Khan	NWA	DAE (C)	15.11.1961	12.12.1989	06.12.1989	
55	Muhammad Iqbal	Abdul Rahim	Bajaur	DAE (C)	01.08.1964	11.12.1989	06.12.1989	
56	Muheet Khan	Rias Khan	Karak	DAE (C)	08.06.1965	10.12.1989	06.12.1989	
57	Syed Zia ur Rehman	S.Hidayat ur Rehman	Mardan	DAE (C)	01.04.1965	09.12.1989	06.12.1989	
58	Hazrat Hussain	Muhammad Hanif	Swat	DAE (C)	15.03.1960	22.08.1987	06.12.1989	
59	Sardar Ijaz Anwar	Muhammad Yaqoob	Ahottabad	DAE (C)	01.04.1966	09.12.1989	06.12.1989	
60	Ifikhar Ahmad	Dr. M.Zakir Khan	Mansohra	DAE (C)	02.05.1965	09.12.1989	06.12.1989	
61	Akhtar Hussain	Amir Amanullah Khan	Swat	DAE (C)	05.01.1968	14.12.1989	06.12.1989	
62	Muhammad Tahir	Aibat Khan	Kohat	DAE (C) Bs.C	16.03.1965	31.03.1990	26.03.1990	
63	Walayat Said		Dir Lower	DAE (C)	15.09.1967	05.04.1990	05.04.1990	
64	Syed Haleem Shah	S.Imdad Hussain Shah	Mansehra	DAE (C)	11.04.1965	01.04.1990	26.03.1990	
65	Misal Khan		D.I.Khan	DAE (C)	15.07.1966	06.05.1990	06.05.1990	
66	Imdad Hussain Shah	Syed M.Afzal shah	Mansehra	DAE (C)	25.04.1971	14.11.1992	12.11.1992	
67	Muhammad Amjad		Bannu	DAE (C)	18.04.1969	16.09.1993	16.09.1993	
68	Saqi Muhammad	Amir Muhammad	Swabi	DAE (C)	19.04.1969	25.09.1993	16.09.1993	
69	Nasir Nawaz Khan	M.Nawaz Khan	Mansehra	DAE (C)	01.02.1973	06.03.1996	26.02.1996	
70	Mehboob ur Rehman	Habib ur Rehman	Haripur	DAE	10.04.1971	11.04.1996	26.02.1996	

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Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
71	Jehanzeb	Shadi Gul	NWA	DAE OBE(E)	01.04.1971	27.02.1996	26.02.1996	
72	Amir Zada	Bahadar Khan	Mardan	DAE (C)	14.05.1965	04.03.1996	26.02.1996	
73	Ishfaq Ahmad	Zarbat Shah	FR Kohat	DAE (C)	01.05.1970	26.02.1996	26.02.1996	
74	Muhammad Khan	Sher Ahmad Khan	Haripur	DAE (C)	23.01.1954	27.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
75	Amanullah		Peshawar	DAE (C)	02.03.1955	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
76	Abdul Hameed	Abdul Latif	Kohat	D.A.E	18.09.1959	24.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
77	Intizar Muhammad		Swabi	DAE (C)	20.12.1960	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
78	Dilawar Khan	Muhammad Rehman	SWA	DAE (C)	23.02.1962	22.11.1988	29.03.2008	absorbed in PHED on 13.3.2008
79	Muhammad Ilyas	Khanza Gul	NWA	DAE (C)	25.03.1962	28.11.1988	22.05.2008	absorbed in PHED on 13.3.2008
80	Aziz ur Rehman		Khyber	DAE (C)	08.10.1962	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
81	Muhammad Rais	Hazrat Khan	SWA	DAE (C)	20.04.1963	26.11.1988	31.05.2008	absorbed in PHED on 13.3.2008
82	Tariq Khan		Swat	DAE (C)	01.04.1964	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
83	Muhammad Nazif	Muhammad Hussain	Nowshera	DAE (C)	05.01.1964	30.11.1988	28.03.2008	absorbed in PHED on 13.3.2008
84	Abdali Shah	Haji Sufaid Shah	Malakand	DAE (C)	01.02.1966	26.11.1988	26.03.2008	absorbed in PHED on 13.3.2008
85	Arif Qayum Khan	Abdul Qayum	Bannu	DAE (C)	12.10.1966	23.11.1988	29.03.2008	absorbed in PHED on 13.3.2008
86	Amin Gul		Malakand	DAE (C)	15.10.1966	22.11.1988	19.05.2008	absorbed in PHED on 13.3.2008
87	Asghar Hussain	Gul Akbar	Khyber	DAE (C)	14.11.1968	22.11.1988	31.03.2008	absorbed in PHED on 13.3.2008
88	Mislah-ud-Din	Sharif Ullah	Dir Lower	DAE (C)	20.02.1965	24.11.1988	26.03.2008	absorbed in PHED on 13.3.2008
89	Atta Muhammad	Muhammad Younas	Mansehra	DAE (C)	10.04.1971	08.09.1997	01.07.2008	
90	Raheel Shahzad	Muhammad Farid	Mansehra	DAE (C)	16.09.1976	30.08.1997	01.07.2008	
91	Sheikh Islam ud Din	Sheikh Nizam-ud-Din	D.I.Khan	DAE (C)	08.03.1961	29.08.1987	11.02.2009	
92	Farid Ullah	Sherin Dad	Bannu	DAE (C)	10.01.1962	01.09.1987	11.02.2009	

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Dated: / /

Public Health Engineering Department

Final Seniority List of Sub Engineer (BPS-11) as stood on 31.08.2013

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Present Post	Remarks
93	Mumtaz Khan	Zardad Khan	Bannu	DAE (C)	01.03.1963	27.12.1987	11.02.2009	
94	Imtiaz Muhammad	Hazrat Wali	Swabi	DAE (C)	09.01.1971	20.12.1994	11.02.2009	
95	Shujaul Mulk	Shahi Mulk	Swat	DAE (C)	01.04.1970	03.10.1995	11.02.2009	
96	Shahid Ayaz	Mir Shad Ali	Karak	DAE (M)	03.03.1963	07.02.1990	11.02.2009	
97	Zahid Ullah		Dir	DAE (C)	11.08.1972	28.06.1995	11.02.2009	
98	Farman Ullah	Farid Gul	Bannu	DAE (C)	04.04.1971	26.09.1995	11.02.2009	
99	Abdul Salam	Mir Khalim Khan	D.I.Khan	DAE (C)	25.08.1968	02.07.1995	30.07.2009	

sd
Chief Engineer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar

Endstt: No. *05/E-16/PHE*

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28 / *10* / *2013*

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- 3 - All Executive Engineers in Public Health Engg: Department Khyber Pakhtunkhwa.
- 4 - Section Officer (Estt) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar

A.R. Qureshi
Administrative Officer (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar