

Annex-III

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

SERVICE APPEALS NO. 1331/2013

Date of institution ... 11.09.2013

Date of judgment ... 30.05.2016



Farhan Ullah S/O Aman Ullah,  
Sub Engineer office of Executive Engineer PHE Division Shangla presently Junior Clerk  
office of Executive Engineer PHE Division Shangla.

... (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Secretary, Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (South), Public Health Engineering Department, Govt. of Khyber Pakhtunkhwa Peshawar.

... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST ORDER DATED 05.03.2013 OF CHIEF ENGINEER BEING VOID, ILLEGAL AND WITHOUT LAWFUL AUTHORITY.

Mr. Yousaf Khan, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader

.. For respondents.

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHSH SHAH MEMBER: Appointed as Junior Clerk (BPS-05) in the respondent-department (Public Health Engineering) the appellant was promoted to the post of the Sub-Engineer (BPS-11) vide order dated 30.03.2011. This promotion order was withdrawn by the competent authority vide impugned order dated 5.03.2013, hence this service appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

A.O.  
Arguments heard and record perused.

ATTESTED

EXAMINED:  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

1431  
12/7/16

Learned counsel for the appellant submitted that no regular enquiry was conducted, no charge sheet was framed but the appellant was unlawfully reverted from the post of Sub-Engineer to his regular post of Junior Clerk. He further submitted that the appellant was diploma holder in Engineering and being qualified he was deserving for the post. He argued that the post of Sub-Engineer was duly advertized and the appellant appeared in its test and interview and was also duly recommended by the committee, therefore he was entitled to the post of Sub-Engineer. He submitted that on acceptance of the instant appeal the impugned order may be set aside and the appellant may be restored to the post of Sub-Engineer(BPS-II).

This appeal was resisted by learned GP who submitted that the post of a Sub-Engineer can be filled through Public Service Commission and no junior clerk can be promoted to the said post as was done in the case of the appellant. He submitted that the post of the Sub-Engineer was advertized by the department but it was for Adhoc appointment and the appellant failed in the process of selection for the post of Sub-Engineer. He submitted that the promotion order dated 30.03.2011 is fake and unlawful which cannot create any right in favour of the appellant, therefore, the same was rightly cancelled through impugned order by the competent authority. He submitted that the appeal being devoid of merits may be dismissed.

After a careful perusal of the record and having pro & contra arguments for the parties, it was observed that appointment for the post of a Sub-Engineer falls in the purview of the Public Service Commission and the appellant has failed to prove by showing the relevant rules that he was lawfully promoted from the post of a junior clerk to the post of a Sub-Engineer. We have carefully perused the record and unable to reach on definite conclusion as to whether the appellant was freshly appointed on the post of Sub-Engineer or promoted from the post of Junior Clerk. In the first eventuality, the appellant was required to have been recommended either by Public Service Commission or by the Competent Departmental Promotion/Selection Committee which is not the case of the appellant. In the

case of second eventuality of promotion, it was not shown from the rules that a Junior Clerk can be promoted to the post of Sub-Engineer. Prima-facie, the order of promotion dated 30.03.2011 was unlawful, therefore, the same was rightly withdrawn/cancelled through impugned order dated 05.03.2013. Consequently, there is no merit in this appeal to attract for indulgence of the Tribunal, hence the appeal is dismissed. File be consigned to the record room.

ANNOUNCED  
30.05.2016

*Sd/- P. Bakhsh Shah, Member*  
*Sd/- Abdul Latif, Member*

Received by the copy  
Khat  
Service Tribunal  
Peshawar

Date of Receipt of Appeal ..... 12-07-16  
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Annex - IX

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

No. 04 /E-13/Soc/13 /PHE

Dated Peshawar, the 27 /02/2014

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

Subject: **ENQUIRY INTO ILLEGAL APPOINTMENT**

Reference: Your letter No. SO(E)/PHE/8-27/2013/242-2

In this regard it is submitted that illegal appointments in PHE Department have been made in various times by various officers as under please:

A. The Departmental Selection Committee comprising of the following have recommended approved illegal selection of the appointments of Sub Engineers/Steno typists/Stenographer and Data Entry Operators which were in purview of Public Service Commission by violating all rules.

- |   |            |
|---|------------|
| 1. Mr. Allaudin Khan (Retired) Chief Engineer | Chairman   |
| 2. Mr. Syed Bakar Shah S.O (E=II) W&SD        | Member.    |
| 3. Mr. Abdul Bashir ADO (SE HQ)               | Member.    |
| 4. Mr. Afsar Ali Qureshi Admn: officer        | Secretary. |

B. Five No. Sub Engineers were illegally appointed by Mr. Chulam Mujtaba the then Chief Engineer PHED directly without involvement of A.O or any staff Member. Similarly one Junior Clerk Mr. Farhanullah has also been promoted to the post of Sub Engineer by Mr. Ghulam Mujtaba the then Chief Engineer signed fake promotion letter with fake dispatch number without involvement of any staff member.

*AK*  
Chief Engineer (South)



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

NOTE FOR MINISTER PHE

Subject: NOTE FOR PERUSAL OF MINISTER PHE REGARDING ACTION POSITION OF PENDING ENQUIRY


The honourable Minister for PHE has desired to high light and submit position of irregularities/violation of rules committed by officer/official and action taken/required in these cases. The details of such cases are narrated as under:

Sl: No	Description of Irregularities	Action Required against	Remarks
1-	Appointments of 32-Nos Illegal Appointment on the Post of Public Service Commission Preview	Mr. Alla-ud-Din CE (Rd) Mr. Abdul Bashir SE (HQ) Mr. Baqir Shah SO (Rd) Mr. Afsar Ali Qureshi B&AO	Annex-I
2-	Un-lawful appointment of 5-Nos Sub Engineers	Mr. Ghulam Mujtaba SE Kohat	Annex-II
3-	Un-lawful promotion of Farhanullah Junior Clerk to the post of Sub Engineer	Mr. Ghulam Mujtaba SE Kohat	Annex-III
4-	Un-lawful promotion of Abdur Rahim Work Superintendent to the Post of Sub Engineer	Mr. Ghulam Mujtaba SE Kohat	Annex-IV
5-	Un-lawful promotion of Zahid Ullah Junior Clerk and Zaid Ullah Draftsman to the post of Sub Engineer.	Mr. Alla-ud-Din Mr. Afsar Ali Qureshi B&AO	Annex-V
6-	Un-lawful abolishing the post of Work Superintendant and conversion/adjustment Malik Ayaz as Accounts Clerk on wrong cadre post.	Mr. Afsar Ali Qureshi B&AO	Annex-VI
7-	Un-lawful appointment of Mist Beena Rani as J/Clerk and giving salary without performing duty resulting loss to Govt of about Rs.600000/-	Mr. Alla-ud-Din Mr. Afsar Ali Qureshi B&AO	Annex-VI


Secretary - PHE  
1038  
Dated: 03-10-2014

- 8- Involvement in standardization of fake Firms M/S KB and Bismillah for supply of Voltage stabilizer to facilitate M/S Itehad & Co, just to fulfill the formalities of existing of 3-Nos Firm, required for competition of bids. Mr. Alla-ud-Din  
Mr. Afsar Ali Qureshi B&AO Annex-I
- 9- Creation of post against fake WSS in District Lakki Mr. Qadirullah SDO  
Mr. Afsar Ali Qureshi B&AO Annex-II
- 10- Illegal appointment of Mr. Murtaza Qureshi S/O Afsar Ali Qureshi (B&AO) Data Entry Operator (BPS-12) and then subsequently unlawfully conversion/appointment to the rank of Assistant (BPS-14) and facilitated/posted at Head Clerk in PHE Division Mardan while drawing pay from C.E Office Peshawar on higher salary rates. How also involving in irregularities in tendering etc. in PHE Division Mardan. Mr. Afsar Ali Qureshi B&AO Annex-X

Submitted for favour of initiating punitive action against above named officers for violating rules and giving great financial loss to Govt Exchequer by making payment to illegal appointees/promotes and standardization of fake firms.

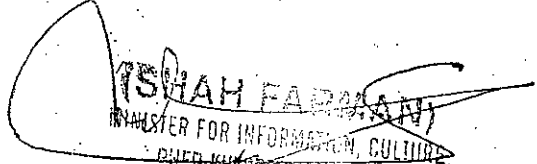
  
Chief Engineer (South)

Secretary PHE

3. Order is solicited to the proposal contained at Para-2. Para-2 is approved initiate action through NAB & Estt Deptt. for recovery/disciplinary action. 

Minister for PHE

Secretary PHE

  
**SHAH FAROOQ**  
MINISTER FOR INFORMATION, CULTURE  
& PUBLIC RELATIONS  
10/10/14

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2. Abolishing the post of Work Superintendent and adjustment of Malik Ayaz Work Superintendent to the post of Accounts Clerk on wrong cadre post

i. You have unlawfully managed/facilitated abolishing of post of Work Superintendent without any justification and without any authority. And then re-created the same post of Work Superintendent, without any authority. Which prove your involvement and malafide intention in all process.

ii. You have unlawfully facilitated/managed adjustment of Work Superintendent BPS-9 to the post of Accounts Clerk on wrong cadre post.

3. Unlawfully facilitated/managed appointment of Miss Beena Rani Junior Clerk

i. You have managed unlawful appointment of Miss Beena Rani as Junior Clerk, as admitted by you that no meeting of DSC was held and the minutes of DSC were got signed from the DSC members without holding the DSC meeting.

ii. The DSC members have disowned the minutes of the meeting and their signatures giving statement/certificate that no meeting of the DSC was held and they never signed the minutes.

iii. You have also managed/facilitated appointment of Miss Beena Rani being over age.

iv. The above appointment was made without any interview as admitted by her.

v. You were fully involved in her absence from duty in entire service period as you have made all entries in the service book of Miss Beena Rani Junior Clerk without verification/knowing that the official was absent or present, also for the period you were not Admn. officer.

vi. You have marked her arrival report and LPC in the office of Chief Engineer (North) PHED in capacity of Budget Officer and not put up to Chief Engineer (North), while the job is entrusted to Admn Officer, thus you kept in dark, the competent authority i.e. Chief Engineer North.

vii. You have facilitated the illegal appointment of Miss Beena Rani Junior Clerk and all her service matters.

4. You have recruited your three sons, one as Data Entry Operator BPS-11 and two as Sub Engineers BPS-11 through back door. You have gone to the extreme end of nepotism. What would be the future of deserving persons and where the deservin

persons will go if all the post are distributed by the Govt among their favorites and relatives.

5. You are involved in standarization of KB and Bismillah fake firms for supply of voltage stabilizer in 2009. At that time the firms did not exist. You have not checked their documents properly. These firms were pre-qualified/standardized just to fulfill the minimum criteria of three Nos firms. In this way the whole Department has been misguided by pre-qualified/standardizing these two dummy/fake firms which is a serious irregularity on your part.
6. You are involved in illegal promotion of Mr. Zahid Ullah Junior Clerk to the post of Sub Engineer. There is no share for Junior Clerk in the service rules for promotion to the post of Sub Engineer. Working paper and minutes of the DPC meeting could not be produced by you.
7. You are involved in illegal promotion of Mr. Zaid Ullah Draftsman to the post of Sub Engineer having no DAE and required length of service. Working paper and minutes of the DPC meeting could not be produced by you.

That as a result thereof, I as the authority in the exercise of powers conferred on me under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) rules, 2011, have tentatively decided to impose upon you the major penalty of compulsory retirement.

You are therefore, required to show cause as to why the aforesaid penalty/penalties should not be imposed upon you, and intimate whether you desire to be heard in person.



If no reply to this notice is received within fifteen days of its delivery, it shall be presumed that you have no defence to put in and an ex-parte action will be taken against you.

Copies of the 3-Nos inquiry reports are enclosed.

Chief Engineer (South)

Copy forwarded to:

1. The Secretary to Govt of Khyber Pakhtunkhwa PHED Peshawar.
2. The Chief Engineer (North) PHED Peshawar.

 -   
Chief Engineer (South)





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

No. 11 /E-13(S) /PHE,  
Dated Peshawar, the 01 /09 /2014.

To,

Mr. Afsar Ali Qureshi,  
Budget & Accounts Officer (North)  
Public Health Engg: Department  
Peshawar

Subject: SHOW CAUSE NOTICE

In the light of recommendation of the 3-Nos inquiry officer/committee you are hereby served with this show cause notice regarding your involvement in illegal practices/acts in the capacity as the then Administrative Officer.

That on going through the inquiry reports of the Inquiry Officer/committee, material on record and other connected documents, I am satisfied that the following charges leveled against you have been proved as under:

- I Appointment of Murtaza Qureshi as Data Entry Operator BPS-11 and appointment/conversion as Assistant BPS-14.
  - i. You have unlawfully facilitated/managed appointment of his son Mr. Murtaza Qureshi to the post of Data Entry Operator BPS-11 and Assistant BPS-14 which falls under the purview of Public Service Commission. The Public Service Commission was not consulted for approval/NOC and recruitment was unlawfully made through Departmental Selection Committee (DSC) without any proper notification. One of the member of the said DSC, Mr. Abdul Bashir the then ADO, has also denied his involvement in the DSC proceedings and his signature.
  - ii. You remain involved in the recruitment of your son Murtaza Qureshi Data Entry Operator thus did not fulfilled moral responsibility neither expose his integrity. Furthermore you have also involved in the appointment of your another son, Mr. Muqtada Qureshi as Sub Engineer, this all happened on your behest being Admn Officer and father of the appointees.
  - iii. The signature of Mr. Allaudin Khan the then Chief Engineer PHED on the office order No. 06/E-9/PHE, dated 12.2.2009 for appointment as Assistant BPS-14 through conversion of services of Murtaza Qureshi, seems to be dubious/fake.
  - iv. Conversion of DEO to the cadre of Assistant through Administrative order issued under your initial is illegal and unlawful and against the PHE service rules.



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

No. 21 / 1313/south / PHE,

Dated Peshawar, the 04 / 04 / 2014

To,

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

Subject: ENQUIRY INTO ILLEGAL APPOINTMENTS

Reference: Your letter No. SO(E)/PHE/8-27/2013/242-2, dated 24-2-2014  
This office letter No. 04/E-13(S)/PHE dated 27.2.2014

In this regard it is once again submitted that illegal appointments in PHE Department have been made in various times by various officers as under please:

A. The Departmental Selection Committee comprising of the following have recommended approved illegal selection of the appointments of Sub Engineers/Steno typists/Stenographer and Data Entry Operators which were in purview of Public Service Commission by violating all rules.

- |   |            |
|---|------------|
| 5. Mr. Allaudin Khan (Retired) Chief Engineer | Chairman   |
| 6. Mr. Syed Bakar Shah S.O (E-II) W&SD        | Member.    |
| 7. Mr. Abdul Bashir ADO (SE HQ)               | Member.    |
| 8. Mr. Afsar Ali Qureshi Admn: officer        | Secretary. |

B. Five No. Sub Engineers were illegally appointed by Mr. Ghulam Mujtaba the then Chief Engineer PHED directly without involvement of A.O or any staff Member. Similarly one Junior Clerk Mr. Farhanullah has also been promoted to the post of Sub Engineer by Mr. Ghulam Mujtaba the then Chief Engineer signed fake promotion letter with fake dispatch number without involvement of any staff member.

Keeping in view the above it is requested that departmental proceeding against the above officer may kindly be initiated in the interest of Govt please.

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Chief Engineer (South)

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

Dated Peshawar the April 30, 2008

NOTIFICATION

P-169/L

No.E&A/W&S/11-23/2001: In continuation to this deptt: Notification of even No. dated 24.01.2002, the competent authority has been pleased to direct that the postings & transfers of personnel from BPS-1 to BPS-16 henceforth will be carried out by the Chief Engineer W&S & Chief Engineer PHE W&S in the respective cadres of W&S & PHE W&S as the case may be in line with the Govt: policy and completing all codal formalities. However the postings/transfers of officers in BPS-17 & above shall rest with the W&S Sectt:

SECRETARY TO GOVT: OF NWFP  
WORKS & SERVICES DEPARTMENT

Endst: No.E&A/W&S/11-23/2001

Dated: 30.04.2008.

Copy forwarded to the:-

1. Chief Engineer Works & Services Peshawar.
2. Chief Engineer PHE W&S Peshawar.
3. All Deputy Secretaries, Works & Services Department, Peshawar.
4. Section Officers (Estab-I & II) Works & Services Deptt:
5. P.S to Secretary, Works & Services Deptt:
6. P.A to Additional Secretary Works & Services Deptt:

D.S. (E.D.)  
30/4

(MUHAMMAD SIYAR KHAN)  
SECTION OFFICER (GENERAL)

30/4

30-4-08

30-4-08

**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION****2- Fort Road Peshawar Cantt:****Website: [www.nwfppsc.gov.pk](http://www.nwfppsc.gov.pk)****Tele: Nos. 091-9214131, 9213563, 9213750, 9212897**

2/2011

Dated: 07.04.2011**ADVERTISEMENT No. 02 / 2011.**

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by **07.05.2011** (candidates applying from abroad by **21.05.2011**); Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected without intimation to the candidates.

**AGRICULTURE, LIVESTOCK & CO-OPERATIVE DEPTT:****FIVE (05) POSTS OF FEMALE LIVESTOCK PRODUCTION OFFICER (HEALTH) IN L&DD DEPTT:**

**QUALIFICATION:** (i) B.Sc (Hons) Animal Husbandry from a recognized University; OR (ii) Doctor of Veterinary Medicine (DVM) or equivalent qualification in veterinary sciences from a recognized university and registered with Pakistan Veterinary Medical Council.

**AGE LIMIT:** 22 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female. **ALLOCATION:** Two to Zone-1 and One each to Zone-2, 3 and 5.

**THREE (03) POSTS OF SOIL CONSERVATION ASSISTANT**

**QUALIFICATION:** (a) M.Sc Agriculture (Soil Science) from a recognized University, OR (b) B.Sc (Hons) Agriculture with Soil Science as major subject obtained after four years of academic instructions after F.Sc. from a recognized university; OR (c) B.Sc Agriculture Engineering from a recognized university.

**AGE LIMIT:** 21 to 35 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes. **ALLOCATION:** One each to Merit, Zone-1 and 5.

**ONE (01) POST OF BIO-CHEMIST**

**QUALIFICATION:** Doctor of Veterinary Medicine (DVM) or equivalent qualification in veterinary sciences with M.Sc in Biochemistry or M.Sc (Hons) in Animal Nutrition recognized by Pakistan Veterinary Medical Council.

**AGE LIMIT:** 25 to 32 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes. **ALLOCATION:** Merit.

**C & W DEPARTMENT****THIRTEEN (13) POSTS OF JUNIOR SCALE STENOGRAPHER.**

**QUALIFICATION:** (i) Intermediate or equivalent qualification from recognized a Board. (ii) A speed of 60 words per minute in Shorthand in English and 35 words per minute in typewriting in English and knowledge of Computer in using MS Word and MS Excel.

**AGE LIMIT:** 18 to 30 years. **PAY SCALE:** BPS-12 **ELIGIBILITY:** Both Sexes. **ALLOCATION:** Three to Zone-1, Five each to Zone- 3 and 5.

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2/2011

69.	<p><b>EIGHT (08) POSTS OF MALE SURVEYOR IN MINES AND MINERALS DEPTT:</b></p> <p><b>QUALIFICATION:</b> F.SC Pre Engineering or equivalent qualification from recognized Board of Intermediate and Secondary Education with (a) Mine Surveyor Competency Certificate under Mines Act 1923 and (b) Certificate in Auto cad from a recognized institute</p> <p><b>AGE LIMIT:</b> 18 to 30 years. <b>PAY SCALE:</b> BPS-11 <b>ELIGIBILITY:</b> Male  <b>ALLOCATION:</b> Two each to Zone-1,2,3 and One each to Zone-4 &amp; 5.</p>
70.	<p><b>THREE (03) POSTS OF COMPUTER OPERATOR IN DIRECTORATE GENERAL OF TECHNICAL EDUCATION AND MANPOWER TRAINING</b></p> <p><b>QUALIFICATION:</b> (a) Bachelor Degree from a recognized University and (b) Diploma of one year duration in Information Technology from a recognized Institute.</p> <p><b>AGE LIMIT:</b> 20 to 32 years. <b>PAY SCALE:</b> BPS-11 <b>ELIGIBILITY:</b> Male  <b>ALLOCATION:</b> One each to Zone-1, 2 and 3.</p>
<b>PUBLIC HEALTH ENGINEERING DEPTT:</b>	
71.	<p><b>TWO (02) POSTS OF RESEARCH OFFICER/ HYDRO-GEOLOGIST.</b></p> <p><b>QUALIFICATION:</b> Second Division M.Sc (Hydro-Geology) OR B.Sc (Civil/ Agriculture Engineering) with two years relevant experience Or Second Division M.Sc (Water Resources/ Civil Engineering) from a recognized University.</p> <p><b>AGE LIMIT:</b> 21 to 32 years. <b>PAY SCALE:</b> BPS-17 <b>ELIGIBILITY:</b> Both Sexes  <b>ALLOCATION:</b> One each to Merit and Zone-1.</p>
72.	<p><b>EIGHTEEN (18) POSTS OF ASSISTANT SOCIAL ORGANIZER.</b></p> <p><b>QUALIFICATION:</b> Second Class Master Degree in Social Sciences from a recognized University.</p> <p><b>AGE LIMIT:</b> 21 to 30 years. <b>PAY SCALE:</b> BPS-16 <b>ELIGIBILITY:</b> Both Sexes  <b>ALLOCATION:</b> Five to Merit, Three each to Zone-1, 2, 3 and Two each to Zone-4&amp;5.</p>
73.	<p><b>TWO (02) POSTS OF ASSISTANT SOCIAL ORGANIZER (WOMEN QUOTA).</b></p> <p><b>QUALIFICATION:</b> Second Class Master Degree in Social Sciences from a recognized University.</p> <p><b>AGE LIMIT:</b> 21 to 30 years. <b>PAY SCALE:</b> BPS-16 <b>ELIGIBILITY:</b> Female  <b>ALLOCATION:</b> Merit.</p>
74.	<p><b>SEVEN (07) POSTS OF ASSISTANT RESEARCH OFFICER (WATER QUALITY).</b></p> <p><b>QUALIFICATION:</b> Second Division B.Sc (Microbiology or Chemistry) from a recognized University.</p> <p><b>AGE LIMIT:</b> 21 to 30 years. <b>PAY SCALE:</b> BPS-16 <b>ELIGIBILITY:</b> Both Sexes.  <b>ALLOCATION:</b> One each to Merit, Zone-2, 3, 4, 5 and Two to Zone-1</p>

75. EIGHT (08) POSTS OF JUNIOR SCALE STENOGRAPHER. ✓

QUALIFICATION: (i) 2<sup>ND</sup> Class Intermediate/ D.com or equivalent qualification from recognized a Board; and (ii) A speed of 50 words per minute in English Shorthand and 35 words per minute in English Typing.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes  
ALLOCATION: Two each to Zone-1, 2 & 3 and One each to Zone-4 and 5..

76. EIGHTEEN (18) POSTS OF SUB ENGINEER CIVIL.

QUALIFICATION: Three years Diploma of Associate Engineering Civil from a recognized Institute.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Male  
ALLOCATION: Four each to Zone-1, 2, 3 and Three each to Zone-4 and 5.

77. TWO (02) POSTS OF SUB ENGINEER CIVIL (WOMEN QUOTA).

QUALIFICATION: Three years Diploma of Associate Engineering Civil from a recognized Institute.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Female  
ALLOCATION: Merit.

78. FOUR (04) POSTS OF DRAFTSMAN.

QUALIFICATION: (i) Second Division Secondary School Certificate from a recognized Board and (ii) Two years duration Certificate Course in Civil Draftsmanship from a recognized Board of Technical Education.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11 ELIGIBILITY: Both Sexes  
ALLOCATION: One each to Zone-1, 2, 3 and 4.

**PROVINCIAL PUBLIC SAFETY AND POLICE COMPLAINT  
COMMISSION**

79. ONE (01) POST OF FEMALE JUNIOR SCALE STENOGRAPHER CUM  
COMPUTER OPERATOR

QUALIFICATION: (i) FA/ F.SC in second division from recognized Board (ii) One year diploma in Computer Science from an institute recognized by the Board of Technical Education. (iii) A speed of 60 words per minute in English Shorthand and 35 words per minute in English Typewriting.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12 ELIGIBILITY: Female  
ALLOCATION: Merit

**SPORTS, TOURISM, CULTURE, ARCHAEOLOGY & MUSEUMS  
DEPARTMENT**

80. ONE (01) POST OF ADMINISTRATOR

QUALIFICATION: Bachelor Degree from a recognized university with at least five years experience in management / administration.

AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Male  
ALLOCATION: Zone-1

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- Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.
- (iii) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
  - (iv) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK OF PAKISTAN. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs.15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
  - (v) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
  - (vi) Applicants married to Foreigners are considered only on production of the Govt: Relaxation Orders.
  - (vii) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
  - (viii) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
  - (ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
  - (x) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
  - (xi) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
    - (a) Written Test in the Subject.
    - (b) General Knowledge or Psychological General Ability Test.
    - (c) Academic and/or Professional record as the Commission may decide.

**SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.**

- (1) Main Branches of:  
Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra
- (2) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (3) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and City Branch Tank

Note: -The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

**(ATTA-UR-REHMAN)**  
Secretary  
Khyber Pukhtoonkhwa  
Public Service Commission  
Peshawar

15

CONFIDENTIAL

Phone : 091-9213551  
Fax : 091-9211795  
Website : www.kppsc.gov.pk

KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION  
2-Fort Road, Peshawar Cantt.

No. PSC/SR-1/ 128939

Dated: 22/10/15



To

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

Subject: - RECRUITMENT TO (33) POSTS OF SUB ENGINE  
CIVIL (BPS-11) IN PUBLIC HEALTH ENGINEER  
DEPARTMENT (Advertisement No.05/2014, Sr.No.49).

Dear Sir,

I am directed to refer to your letter No.SO(Estt)/PHED/1-90/2012-13,  
dated 23.05.2014 on the subject noted above and to state that the Commi:  
recommends the following candidates to the Government for appointment agains  
subject cited posts.

2<sup>nd</sup> Block

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	Domic Zone
18 <sup>th</sup>	Zone-3	01 ✓	Suliman Khan S/O Amir Laiq Khan	Dir.Ug

3<sup>rd</sup> Block

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	Domic Zone
1 <sup>st</sup>	Zone-1	15 ✓	Muhammad Riaz S/O Taslim Khan	Khybe
2 <sup>nd</sup>	Zone-2	03 ✓	Alamgir Khan S/O Mazullah Khan	Charsa
3 <sup>rd</sup>	Zone-3	05 ✓	Shaukat Ali S/O Muhammad Amin	Swat/3
4 <sup>th</sup>	Zone-4	02 ✓	Murad Khan S/O Taza Khan	Bannu
5 <sup>th</sup>	Zone-5	11 ✓	Aasim Mumtaz S/O Muhammad Mumtaz	Mansel
6 <sup>th</sup>	Zone-1	17 ✓	Inam Khan S/O Muhammad Aziz	Bajaur
7 <sup>th</sup>	Zone-2	07 ✓	Jahangir Khan S/O Inayat Ullah Khan	Mardai
8 <sup>th</sup>	Zone-3	09 ✓	Fayyaz Ullah S/O Gul	Swat/3
9 <sup>th</sup>	Zone-4	04 ✓	Mateen Ullah S/O Sami Ullah	D.I.Kh.
10 <sup>th</sup>	Zone-5	12 ✓	Husnain Zeb S/O Jahan Zeb	Mansel
11 <sup>th</sup>	Zone-1	20 ✓	Aziz Ur Rehman S/O Ali Hussain	N.W A
12 <sup>th</sup>	Zone-2	08 ✓	Saif Ul Islam S/O Wadood Shah	Charsa
13 <sup>th</sup>	Zone-3	10 ✓	Qaisar Rahim khan S/O Rahim Dad	Malaka
14 <sup>th</sup>	Zone-4	06 ✓	Rizwan Ullah S/O Gul Zaman	Lakki Marwat
15 <sup>th</sup>	Zone-5	16 ✓	Aamir Shafique S/O Shafique Ahmed	Haripur
16 <sup>th</sup>	Zone-1	21 ✓	Muhammad Nisar S/O Shamrooz Khan	Moh.A.
17 <sup>th</sup>	Zone-2	18 ✓	Zuaid Ur Rahman S/O Mehboob Ur Rahman	Charsa
18 <sup>th</sup>	Zone-3	13 ✓	Zahid Ali S/O Fazli Raziq	Malaka

D.S (Admn) PHED

Diary No: 1162

Diary No: 3477

Date: 26/10/15

Secretary P.H.E. Deptt

Diary No: 235

Date: 26.10.15

*[Handwritten signature]*

22/x

*[Handwritten signature]*

26/x/15

SoE -

24



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Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	Domicile/ Zone
1 <sup>st</sup>	Zone-1	24 ✓	Usman Ullah S/O Kobal Khan	F.R Bannu/1
2 <sup>nd</sup>	Zone-2	22 ✓	Imran Khan S/O Mumtaz Khan	Charsadda/2
3 <sup>rd</sup>	Zone-3	28 ✓	Rahmat Zeb S/O Bin Yamin	Dir.Upper/3
4 <sup>th</sup>	Zone-4	14 ✓	Muhammad Adnan Javaid S/O Muhammad Javaid Iqbal	D.I.Khan/4
5 <sup>th</sup>	Zone-5	40 ✓	Syed Iltaja Hussain Shah S/O Syed Tufail Ahmad Shah	Abbottabad/1
6 <sup>th</sup>	Zone-1	32 ✓	Arshad Ali S/O Hakeem Said	Moh.Agy/1
7 <sup>th</sup>	Zone-2	25 ✓	Imad Khan S/O Tahir Shah	Charsadda/2
8 <sup>th</sup>	Zone-3	29 ✓	Yasar Ali S/O Muqarab Khan	Dir.Upper/3
9 <sup>th</sup>	Zone-4	19 ✓	Muhammad Asim khan S/O Muhammad Habib Khan	Kohat/4
10 <sup>th</sup>	Zone-5	57 ✓	Ahsan Aslam S/O Muhammad Aslam	Abbottabad/1
11 <sup>th</sup>	Zone-1	38 ✓	Fazal Ur Rehman S/O Badshah Khel	Khyber Agy
12 <sup>th</sup>	Zone-2	26 ✓	Nasr Ullah Khan S/O Karim Ullah	Mardan/2
13 <sup>th</sup>	Zone-3	31 ✓	Zakir Ullah S/O Noor Hani Gul	Malakand/3
14 <sup>th</sup>	Zone-4	23 ✓	Muhammad Imran S/O Abbas Khan	D.I.Khan/4

2. Recommendation in favour of the recommendee is provisional subject to their medical fitness and verification of all the documents / testimonials by your department.

3. Upto date zonal state will be as under:

	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share	15	15	15	12	11	68
Adjusted	15	15	15	12	11	68
Balance	--	--	--	--	--	--

4. Inter-se-merit of the above recommendees is as under:-

Merit Order	Name with Father's Name	Domicile/ Zone
1.	Suliman Khan S/O Amir Laiq Khan	Dir.Upper/3 ✓
2.	Murad Khan S/O Taza Khan	Bannu/4
3.	Alamgir Khan S/O Mazullah Khan	Charsadda/2
4.	Mateen Ullah S/O Sami Ullah	D.I.Khan/4
5.	Shaukat Ali S/O Muhammad Amin	Swat/3
6.	Rizwan Ullah S/O Gul Zaman	Lakki Marwat/4
7.	Jahangir Khan S/O Inayat Ullah Khan	Mardan/2
8.	Saif Ul Islam S/O Wadood Shah	Charsadda/2
9.	Fayyaz Ullah S/O Gul	Swat/3
10.	Qaisar Rahim khan S/O Rahim Dad	Malakand/3
11.	Aasim Mumtaz S/O Muhammad Mumtaz	Mansehra/5
12.	Husnain Zeb S/O Jahan Zeb	Mansehra/5
13.	Zahid Ali S/O Fazli Raziq	Malakand/3
14.	Muhammad Adnan Javaid S/O Muhammad Javaid Iqbal	D.I.Khan/4
15.	Muhammad Riaz S/O Taslim Khan	Khyber Agy/1
16.	Aamir Shafique S/O Shafique Ahmed	Haripur/5
17.	Inam Khan S/O Muhammad Aziz	Bajaur Agy/1

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18.	Zuaid Ur Rahman S/O Mehboob Ur Rahman	Charsadda/2
19.	Muhammad Asim khan S/O Muhammad Habib Khan	Kohat/4
20.	Aziz Ur Rehman S/O Ali Hussain	N.W Agy/1
21.	Muhammad Nisar S/O Shamrooz Khan	Moh:Agy/1
22.	Imran Khan S/O Mumtaz Khan	Charsadda/2
23.	Muhammad Imran S/O Abbas Khan	D.I.Khan/4
24.	Usman Ullah S/O Kobal Khan	F.R Bannu/1
25.	Imad Khan S/O Tahir Shah	Charsadda/2
26.	Nasr Ullah Khan S/O Karim Ullah	Mardan/2
27.	Rahmat Zeb S/O Bin Yamin	Dir.Upper/3
28.	Yasar Ali S/O Muqarab Khan	Dir.Upper/3
29.	Zakir Ullah S/O Noor Hani Gul	Malakand/3
30.	Arshad Ali S/O Hakeem Said	Moh:Agy/1
31.	Fazal Ur Rehman S/O Badshah Khel	Khyber Agy/1
32.	Syed Iltaja Hussain Shah S/O Syed Tufail Ahmad Shah	Abbottabad/5
33.	Ahsan Aslam S/O Muhammad Aslam	Abbottabad/5

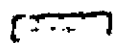
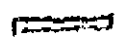
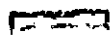
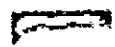
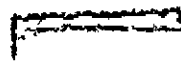
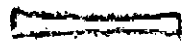
5. Original applications (*with enclosures*) of the above thirty three (33) recommendees are enclosed herewith for your record.

6. Kindly acknowledge receipt the same.

Yours faithfully,

(GHULAM DASTAGIR AHMAD)  
Director Recruitment

Encl: As above.



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 289/2016

Amir Muqtada

VS

PHE Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-9) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1-5) Incorrect. The appellant was appointed as Sub Engineer on the recommendation of Departmental Selection Committee by the competent authority after fulfilling all codal formalities vide order dated 22.12.2009, got his medical fitness certificate and his submitted his arrival report and proper service book of the appellant was also maintained by the respondents, however the Chief Engineer Mr. Sikandar Khan gave statement in the Supreme Court in other cases of a different nature 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 and on the basis of which in order to save his skin the Chief Engineer issued show-cause notice and adopted a slipshod manner for removing the appellant from service which was duly replied by the appellant in which explained the details and rebutted the objections/allegations leveled against him with full reasons and justification which were not taken in consideration at all.
- 6). Incorrect. The appellant was appointed as Sub Engineer on the recommendation of Departmental Selection Committee by the competent authority after fulfilling all codal formalities vide order dated 22.12.2009, who was terminated from

service without following proper procedures and codal formalities. Therefore appellant filed an appeal against the termination order and waited for statutory period but was not responded. Moreover under the Superior Courts judgment it is necessary that the department should responded to the departmental appeal.

- 7). Incorrect. The appellant was appointed after the proper recommendation of Departmental Selection Committee by the competent authority after fulfilling all codal formalities vide order dated 22.12.2009 and the appellant was made a scapegoat by his high ups in order to save his skin by terminating the appellant from his service.
- 8). Admitted correct by the respondents as all the relevant record of the appellant is present with the department.
- 9). Admitted correct. Hence no comments.
- 10). Not replied according to para 10 of the appeal. Moreover para 10 of the appeal is correct.

**GROUND:**

- A. Incorrect. The appellant was appointed after the proper recommendation of Departmental Selection Committee by the competent authority after fulfilling all codal formalities vide order dated 22.12.2009, as the appellant has good cause of action and therefore he filed departmental appeal against order dated 22.12.2009 which was also rejected on 3.3.2016 for no good ground. Therefore the order dated 3.3.2016 is not according to the law, rules, facts, norms of justice and material on record therefore liable to be set aside.
- B. Incorrect. While para B of the appeal is correct.
- C. Incorrect. The appellant was not given opportunity of defence according the judgment of august Service Tribunal dated 30.12.2015 as the appointment of the appellant was legal as he was appointed after the proper recommendation of Departmental Selection Committee by the competent authority after fulfilling all codal formalities vide order dated 22.12.2009.
- D. Incorrect. While para D of the appeal is correct.

- E. Incorrect. The appellant was appointed after the proper recommendation of Departmental Selection Committee by the competent authority after fulfilling all codal formalities, got his medical fitness certificate and his submitted his arrival report and proper service book was also maintained by the respondent department and the department also paid regularly salaries to the appellant which means that the appellant was a civil servant in all aspects and there is a proper procedure for taking any action against a civil servant but in the case of the appellant the department did not adopt proper procedure and the high ups terminated the appellant in slipshod manner in order to save his skin which is not permissible under the law and rules.
- F. Not replied according to para F of the appeal. Moreover para F of the appeal is correct.
- G. Incorrect. While para G of the appeal is correct.
- H. Incorrect. As per notification 30.4.2008 herein the Chief Engineer were authorized for making appointment from BPS-1 to BPS-15 through DPC and as the appellant possess the prescribed qualification therefore he got appointment as per law and rules.
- I. Incorrect. While para I of the appeal is correct.
- J. Incorrect. While para J of the appeal is correct.
- K. Legal.

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

**APPELLANT**

**Through:**

  
**( M. ASIF YOUSAFZAI )**  
**ADVOCATE SUPREME COURT,**  
**&**

**( TAIMUR ALI KHAN )**  
**ADVOCATE HIGH COURT.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder & *appeal* are true and correct to the best of my knowledge and belief.

*Zahoor Khan*  
DEPONENT

ATTESTED

*Zahoor Khan*  
Oath Commissioner  
Zahoor Khan Advocate  
Distt: Court Peshawar

*14/11/16*



BEFORE THE HON. BLE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No

357/2016

Syed Muhammad Ahsan Shah  
S/O Syed Muhammad Hassan Shah  
Ex-Sub Engineer, PHED

..... (Appellant)

Versus

1. Secretary to Govt: of Khyber Pakhtunkhwa  
Public Health Engg: Department Peshawar.

2. Chief Engineer Khyber Pakhtunkhwa  
Public Health Engg: Department Peshawar.

...Respondents

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO 1 TO 2

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 shap.
- 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). Incorrect. Departmental Selection Committee (DSC) is not authorized to make recommendation for the appointment of Sub Engineer BPS-11 on regular basis. The unauthorized DSC without advertizing the Vacancies of Sub Engineers BPS-11, without conducting test and interview and without obtaining NOC from Public Service Commission appointed the appellant on the unlawful order of the Chief Minister Khyber Pakhtunkhwa. Similar case of Sub Engineer vide Service Appeal No.1331/2013 was dismissed by honourable court vide judgment dated 30/05/2016 (**ANNEXURE-V**).

According to ESTA Code (**Annexure-VI**) and Public Service Commission ordinance, (**Annexure-VII**), recruitment policy (**Annexure-VIII**) recruitment to posts of Sub Engineers BPS-11 falls within the purview of Public Service Commission. The appellant has not availed the opportunity to appear in the test and interview conducted by Public Service Commission advertized on 07.4.2011 (**Annexure-IX**). The appellant has come through back door and his appointment is against the norms of merit. Necessary sanction to condonation of the violation of codal formalities has not been accorded by the competent authority.

- 2). Incorrect. The Chief Engineer Public Health Engineering Department Khyber Pakhtunkhwa had actually wrongfully exercised powers by appointing the appellant on regular basis without the recommendation of Public Service Commission which is prerequisite for any appointment in BPS-11 and above according to ESTA Code and Public Service Commission Ordinance. On the report of Chief Engineer (South) Public Health Engineering Department Khyber Pakhtunkhwa , Secretary to Govt: of Khyber Pakhtunkhwa PHED forwarded the illegal appointment case of the appellant and other 23 Sub Engineers BPS-11 to establishment Department for advice on 12.11.2011 and 24.12.2013 (**Annexure-X**). The establishment department vide letter No SOR(E&AD)/15-3/09 dated 30.1.2014 and letter No SOR-V(E&AD)/15-3/2009 dated 17.3.2014 (**Annexure-XI**) declared the appointment as illegal.

District Account Officer Tank has also raised observation on illegal appointment of one of the Sub Engineer in his batch. Letters of District Accounts Officer Tank and Accountant General in this connection are presented for further clarification of the matter (**Annexure-XII**). The issue of illegal appointment of the appellant and 23 other Sub Engineers was raised in the Supreme Court of Pakistan on 15.1.2014 by some other terminated Sub Engineers in civil petition No 2026 and 2029 of 2013. The Supreme Court after hearing both the parties decided to finalize action against all illegal appointees within one Month.

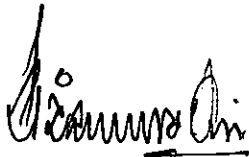
- 3) The appellant failed to submit reply of show cause notice well in time. The appellant had no legal proof regarding his appointment being appointed without advertisement, test/interview and recommendation of the Public Service Commission, illegally. After fulfillment of codal formalities, the appellant was correctly terminated, as illegally appointees has no rights to retain in service.
- 4) Being illegally appointed correctly terminated/relieved in light of direction of apex court judgment dated 15.1.2014 and subsequent reminder dated 07.2.2014.
- 5) Incorrect. The appellant failed to submit departmental appeal in stipulated period. There was also no weight-age/merit in reply of the appellant hence not considered. The appellant was appointed contrary to all prevailing rules without test interview advertisement on the post come within purview of Public Service Commission by wrong authority.
- 6) Pertain to record hence no comments.
- 7) Correct to the extent that service tribunal has remitted the case to department for giving opportunity of departmental appeal and personal hearing to the appellant.
- 8) Incorrect. The appellant authority given opportunity of departmental appeal and heard in person the appellant in light of orders of honourable court dated 30.12.2015. The appellant authority rejected the departmental appeal on merit as the appellant was appointed contrary to all prevailing rules i.e. without test interview advertisement and recommendation of Public Service Commission, as per Public Service Commission ordinance, ESTA Code, recruitment policy and advice of Establishment Department. The appellant was appointed from the list received from Political Secretary to the then Chief Minister Khyber Pakhtunkhwa on violation of rules, wherein fundamental rights of deserved persons damaged as well as zonal quota allocation not followed.
- 9) Incorrect. The appellant did not come in the category of civil servant being illegally appointed contrary to prevailing rules/procedures by wrong authority on the post come within the purview of Public Service Commission. Show cause notice was served upon the appellant in which sufficient time was given to him to clarify his position. The appellant does not come under category of civil servant being illegally appointee. Therefore E&D rules 2011 and the appeal rules 1986 are not applicable in his case.

## G R O U N D S

- i). Reply of the department in service appeal No.724/2014 of the appellant for Para I to IV are reiterated as under while Para VII not exist in the above appeal of the appellant reproduced as under (a,b,c & d)
  - a) Incorrect. Chief Engineer Public Health Engg: Department is not the competent authority to make recruitment of Sub Engineers BPS-11 on regular basis against regular vacancy. According to ESTA Code and Public Service Commission Ordinance. The appointment of Sub Engineer will be made through the recommendation of Public Service Commission. The appellant was appointed on the unlawful order of the Chief Minister's Khyber Pakhtunkhwa which is against the norms of merit and contrary to the prevailing rules and Public Service Commission Ordinance.
  - b) Incorrect. The appellant failed to submit reply in more than Two Weeks after issuance of show cause notice. The case of illegal appointment of Sub Engineer was sent to Establishment Department for advice. The Supreme Court of Pakistan in a civil petition had given one Month deadline to finalize action against all such illegal appointee. So on receiving decision from Establishment Department, Services of the appellant and others were terminated. As the appellant was appointed through back door, therefore E&D Rules 2011 and 1973 are not an applicable in case of appellant.
  - c) Incorrect. The appellant was given sufficient time in show cause notice. The appellant was illegally appointed. He does not come under category of civil servant. As such E&D rules 2011 and check list of 1985 under #&D rules 2011 are not applicable in this case.
  - d) Sub Engineers are appointed through the recommendation of Public Service Commission. There are no chances of nepotism and political interference in selection process of Public Service Commission. Protection to those who come through back door cannot be given. The previous Government has distributed the posts among their favorites including the appellant. The appellant should have applied to Public Service Commission on 07.4.2011 for regularization of his service. The appellant has missed this golden opportunity.
- ii) Incorrect. The Public Service Commission Ordinance, ESTA Code, recruitment policy as well as advice of Public Service Commission is clear that appointment of Sub Engineer come within the purview of Public Service Commission. In case the appointment of Sub Engineer was within the purview of DCO, the Chief Engineer was also not authorized to appoint Sub Engineer being Provincial Head of the Department. The appellant failed to avail the opportunity to appear in the test/interview conducted by Public Service Commission in 2011 and later on time and again.
- iii) The referred Judgment of Supreme Court of Pakistan pertains to petty employees like Chowkidar, Naib Qasid and Junior Clerks non commissioned posts recruited illegally in Semi Government Department i.e. Punjab Text Book Board. This Judgment is not applicable on the posts fill through Public Service Commission in the government Departments. The appellant was terminated on the basis of decision of Supreme Court of Pakistan dated 15.1.2014. 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 verses EOBI.

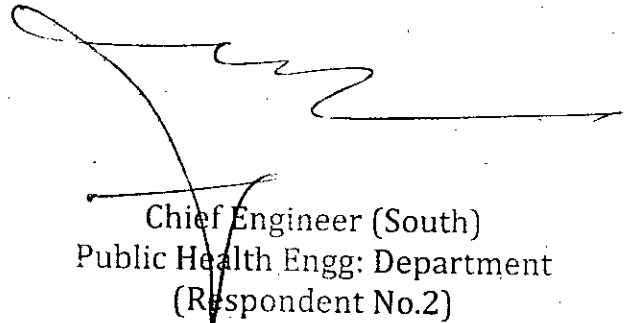
The prescribed procedure in ESTA Code was never followed. The principal of natural justice has been violated. Applications were not invited through advertisement No interview and written test was got conducted.

- iv) Incorrect. Advertisement, test/interview is must for appointment under the rules. Appointment of Sub Engineers is within the purview of Public Service Commission as per Public Service Commission Ordinance, ESTA code, recruitment policy and advice of Establishment Department. The appellant was appointed through back door from the list received from Political Secretary to the then Chief Minister Khyber Pakhtunkhwa. The promulgation of reinstatement of sack employees Act 2010 not applicable to the illegal appointees like the appellant. Illegally appointee has no rights to retain in service and terminated in light of the judgment of the Apex court dated 15.1.2014 and subsequent reminder dated 7.2.2014.
- v) 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 appellant 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.

Service Appeal No

357/2016

Syed Muhammad Ahsan Shah  
S/O Syed Muhammad Hassan Shah  
Ex-Sub Engineer, PHED

..... (Appellant)

Versus

1. Secretary to Govt: of Khyber Pakhtunkhwa  
Public Health Engg: Department Peshawar.

2. Chief Engineer Khyber Pakhtunkhwa  
Public Health Engg: Department Peshawar.

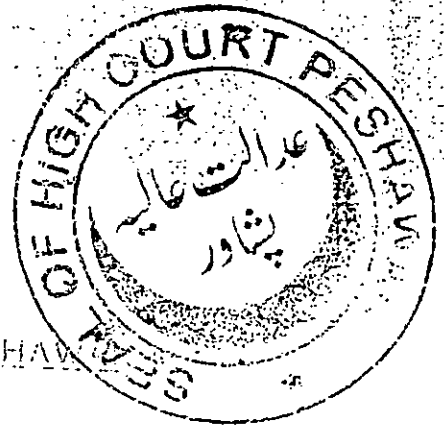
..... (Respondents)

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

Annex-I



IN THE PESHAWAR HIGH COURT, PESHAWAR

Case No. 271-P/2013

1. Plaintiff: [Faint text]

2. Defendant: [Faint text]

3. Plaintiff's Counsel: [Faint text]  
4. Defendant's Counsel: [Faint text]

5. [Faint text]

6. [Faint text]

7. [Faint text]

8. [Faint text]

ATTEST  
EXAMINER  
Peshawar High Court  
20 FEB 2013

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/*Muzt. Mr. Muhammad Nisar Khan*  
-----

MUSAREAT 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 3.1.2012. Prior to the  
appointment of petitioners, the Provincial Government  
promulgated Act No. XVI of 2009 vide which services of all

ATTEST

EXAMINI  
Peshawar High

20 FEB 21



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 Musarrat Ali, 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 benefit from the respondents whereas their tenure is going to expire, hence necessitated the filing of instant constitutional petition.

2013  
2013

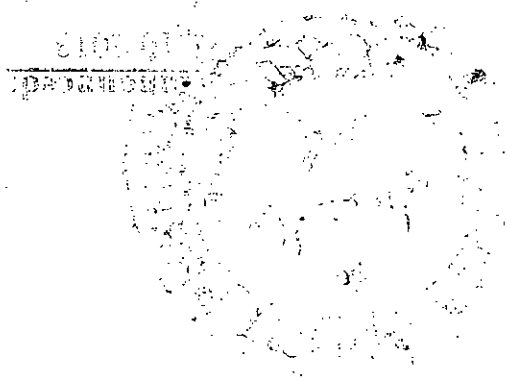
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...of the view that as the period of one year has elapsed,  
the Public Service Commission or whichever is earlier. He  
basis for one year or till the arrival of the recommendees of  
mentioned that the term of appointment would be on ad hoc  
appointed as Sub-Engineer, wherever it was clearly  
dated 23<sup>rd</sup> April 2010 against which the petitioners were  
side and straight away referred to the advertisement  
4. 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

20-02  
20 FEB 2014  
The Government of Karnataka  
Karnataka High Court  
Bengaluru  
CERTIFIED TO BE TRUE COPY



SI. Nisha Hussain Khan  
SI. Nisha Hussain Khan  
SI. Nisha Hussain Khan

substance is hereby traversed.  
of this court, hence the petition being without any legal  
of a case for interference in the constitutional jurisdiction  
considered opinion that the petitioners have failed to make  
Keeping in view the above discussion, we are of the  
arrival of candidates from Public Service Commission.  
respondent/department have also been terminated after the  
those employees, who were retained by the  
a copy of the letter dated 17/2/2013, showing that  
of no help to them. Moreover, the learned AAO produced  
which is not the case in hand, therefore, the plea taken is  
11<sup>th</sup> December, 2008 or till the commencement of the Act,  
of those adhoc employees who were holding the posts on  
Act No. XVI of 2009 and can be pressed into service in case  
6. The petitioners are taking the shelter behind  
Sub-Engineers as a stop-gap arrangement.  
18/2/2012, the petitioners were re-appointed; as  
process, they were appointed on 2<sup>nd</sup> January, 2010. On  
participated in the test/interview. However, after due  
whichever is earlier. The petitioners amongst others also

Ph: 9082235  
Fax: 9220406

II

**REGISTERED**  
Nos. C.P. 2026 & 2029 of 2013 - 1  
**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,

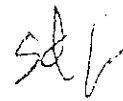
I am directed to enclose herewith a certified copy of the Order of this Court dated 15.01.2014 dismissing the above cited civil petitions with directions for information and further necessary action.

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

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, AGR.

For the respondents:  
(on court notice)

Sikandar Khan, Chief Engineer, PHEK, KPK.

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

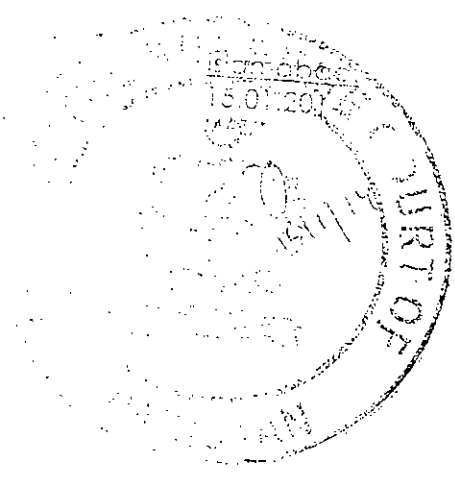
**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
Islamabad

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 Raheer Jamali, J  
Sd/- Ejaz Afzal Khan, J



Certified to be True Copy  
*[Signature]*  
Superintendent  
Supreme Court of Pakistan  
Islamabad

GR No: 645/14 Criminal  
 Date of Presentation: 15-7-14  
 No. of Warrants: 6  
 No. of Bailies: 6  
 Registration Fee Rs: 5000  
 Copy Fee Rs: 3000  
 Court Fee Rs: 2000  
 Date of Receipt of Copy: 15/7/14  
 Name of Officer: [Signature]  
 Compared with: [Signature]  
 Received by: [Signature]

28

PL 9082235  
Fax: 9220406

II

REGISTERED  
Nos. C.P. 2026 & 2029 of 2013 - 4  
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-F & 663-P/2013

Dear Sir,

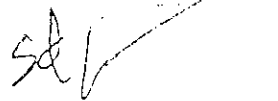
I am directed to enclose herewith a certified copy of the Order of  
this Court dated 15.01.2014 dismissing the above cited civil petitions with  
directions for information and further necessary action.

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  
to report compliance.

Encl: Order



ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

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 Saifdar Hussain, AOP.

For the respondents:  
(on court notice)

Sikandar Khan, Chief Engineer, PHEK, KPK.

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**

Deputy Assistant  
Supreme Court of Pakistan  
Islamabad



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 finalise 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  
*[Signature]*  
Superintendent  
Supreme Court of Pakistan  
Islamabad

GR No: 645/14 CIVIL/Criminal  
Date of Presentation: 15-1-14  
No. of Words: 600  
No. of Pages: 6  
Registration Fee Rs: 500  
Copy Fee Rs: 300  
Court Fee Stamp: 800  
Date of Submission of Copy: 15/1/14  
Date of Issue of Copy: 18/1/14  
Compared by: [Signature]  
Finalised by: [Signature]

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 & 633-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/\*\*\*

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

Yours faithfully,

dt. 16.01.2014

*✓*  
*Referring to*  
*earlier*  
*letter*

(NASAR ABBAS)  
ASSISTANT REGISTRAR (JMP)  
FOR REGISTRAR

*de*



OFFICE OF THE CHIEF ENGINEER (SOUT  
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 da  
15.1.2014 action against illegally appointees in Public Health Engg: Department Khy  
Pakhtunkhwa has been finalized. Services of the 24-Nos Sub Engineers, 6-Nos St  
typist/Stenographer and 2-Nos Data Entry Operator who were appointed with  
advertisement and recommendation of Public Service Commission have been terminat  
List attached for your good self perusal please.

DA/As above

oll

  
Chief Engineer (Sout

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. Mohsin 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 (S)

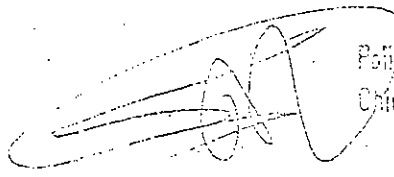
Annex-III  
1/10/11  
31

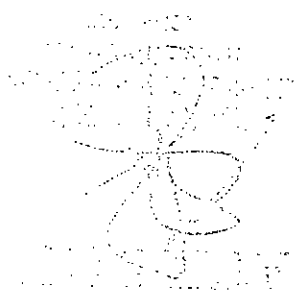
APPOINTMENTS AGAINST THE VACANT POSTS OF SUB ENGINEER / STENOYPIST & DEO.

It has come in to the notice of Honourble Chief Minister, NWFP, that a number of posts of Sub Engineer / Stenotypists & DEO 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 Honourble 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 Manwat.	-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 Chainer Gul District Mardan.	-do-
26.	Mr. Noor Muhammad /O Jamroz Khan District Peshawar.	Stenotypist
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	-do-
		D.E.O

  
Political Secretary to  
Chief Minister NWFP



...agreements heard and record perused.

*[Handwritten signature]*

Service appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, withdrawn by the competent authority vide impugned order dated 30.03.2013, hence of the Sub-Engineer (BPS-11) vide order dated 30.03.2011. This promotion order respondent-department (Public Health Engineering) the appellant was promoted to the

**MEMBERS**

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)  
For appellants  
For respondents

MR. YOUSAF KHAN, Advocate.  
MR. MUHAMMAD JAN, Government Pleader.  
MR. ABDUL LATIF  
MR. MIR BAKHSH SHAH

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST ORDER DATED 05-03-2013 (OTHER ENGINEER BEING VOID, ILLEGAL AND WITHOUT LAWFUL AUTHORITY).

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar  
Secretary, Public Health Engineering Department, Govt of Khyber Pakhtunkhwa Peshawar  
2. (Other Engineer (South), Public Health Engineering Department, Govt of Khyber Pakhtunkhwa Peshawar.

**VERSUS**

1. Mr. Farid S/O Aman Ullah,  
Sub-Engineer Office of Executive Engineer PHED Division Shangha Boreilly Junior (Civil) Office of Executive Engineer PHED Division Shangha Boreilly Junior (Civil)

SERVICE APPEALS NO. 134/2013  
Date of Institution .. 11.09.2013  
Date of Judgment .. 30.05.2016

DIRECTOR GENERAL, KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

*[Handwritten signature]*

The record submitted for the appellant submitted that no regular employee was advertised for the post was framed but the appellant was unlawfully removed from the post of Sub-Engineer to his regular post of Junior Clerk. He further submitted that the appellant was diploma holder in Engineering and being qualified he was deserving for the post. He argued that the post of Sub-Engineer was duly advertised and the appellant appeared in the test and was also duly recommended by the committee, therefore he was entitled to the post of Sub-Engineer. He submitted that on acceptance of the instant appeal the impugned order may be set aside and the appellant may be restored to the post of Sub-Engineer (P.S. 11).

This appeal was resisted by learned GJ who submitted that the post of a Sub-Engineer can be filled through Public Service Commission and no junior clerk can be promoted to the said post as was done in the case of the appellant. He submitted that the post of the Sub-Engineer was advertised by the department but it was for Adhoc appointment and the appellant failed in the process of selection for the post of Sub-Engineer. He submitted that the promotion order dated 30.03.2011 is fake and unlawful which cannot create any right in favour of the appellant, therefore, the same was rightly cancelled through impugned order by the competent authority. He submitted that the appeal being devoid of merits may be dismissed.

After a careful perusal of the record and having pro & contra arguments for the parties, it was observed that appointment for the post of a Sub-Engineer falls in the purview of the Public Service Commission and the appellant has failed to prove by showing relevant rules that he was lawfully promoted from the post of a junior clerk to the post of Sub-Engineer. We have carefully perused the record and unable to reach on definite conclusion as to whether the appellant was freshly appointed on the post of Sub-Engineer promoted from the post of Junior Clerk. In the first eventuality, the appellant was required to have been recommended either by Public Service Commission or by the Competent Departmental Promotion/Selection Committee which is not the case of the appellant. I



... second opportunity of promotion. It was held that the promotion order dated 20.12.11 was unlawful, therefore, the same was rightly withdrawn cancelled through order dated 05.03.2013. Consequently, there is no merit in the appeal to set aside the order of the Tribunal, hence the appeal is dismissed. File be assigned to the next order.

UNRECORDED  
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*Self-Prd B...  
Self-Prd C...*



*12-27-16  
17-12-13  
12-27-16*

9

# ESTAB CODE

(Establishment Code)

Khyber Pakhtunkhwa

AMBOO PUBLISHERS

Y 8

- (viii) Shirani Area.
- (ix) Merged Areas of Hazara and Mardan Division and Upper Tanawal.
- (x) Swat District.
- (xi) Upper Dir District.
- (xii) Lower Dir District.
- (xiii) Chitral District.
- (xiv) Buner District.
- (xv) Kala Dhaka Area.
- (xvi) Kohistan District.
- (xvii) Shangha District.
- (xviii) Gadoon Area in Swabi District.
- (xix) Backward areas of Mansehra and District Batagram.
- (xx) Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo circle of Tehsil Ghazi.

**RECRUITMENT INCLUDING AGE RELAXATION POLICY**

**Subject:- RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES AGE RELAXATION FOR SPECIAL POSTS.**

I am directed to refer to this Department circular letter of even number dated 1st February, 1993, on the subject cited above, and to say that new recruitment policy has been reviewed by the Provincial Government. It has been decided to revise the existing policy as under:-

- (a) Recruitment to posts in BPS-15 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zilladars and Sub-Engineers will continue to be made through the NWFP Public Service Commission. However, the Commission may make efforts to finalize the recruitment within six months of the receipt of the requisition duly completed from the Administrative Department.
- (b) Recruitment to posts in the various Government Departments as indicated below will also henceforth be made by the NWFP Public Service Commission:-
  - (i) All Departments including Board of Revenue, NWFP-
    - (1) Senior Scale Stenographer(B-15)
    - (2) Data Processing Supervisor(B-14)
    - (3) Junior Scale Stenographer(B-12)
    - (4) Assistant (B-11)
    - (5) Draftsman(B-11)
  - (ii) Board of Revenue-
    - (1) Sub-Registrar(B-14)
    - (2) Excise and Taxation Inspector(B-11)

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P. III

GAZETTE

North-West Frontier Province

Published by Authority

PESHAWAR, FRIDAY, 9TH AUGUST, 2002

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,  
LAW DEPARTMENT

NOTIFICATION

9th August, 2002.

No. LEGISL (20/72/6181).—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:—

THE NORTH-WEST FRONTIER PROVINCE  
PUBLIC SERVICE COMMISSION (AMENDMENT)  
ORDINANCE, 2002.

N.W.F.P. ORDINANCE NO. XXVII OF 2002.

AN  
ORDINANCE

*to amend the North-West Frontier Province  
Public Service Commission Ordinance, 2002.*

WHEREAS it is expedient further to amend the North-West Frontier Province Public Service Commission Ordinance, 1978 (N.W.F.P. Ord. No XI of 1978), for the purposes hereafter appearing;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended up to date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

Annex III

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5. N.W.F.P. GOVERNMENT CALENDAR EXTRAORDINARY, 19 AUGUST, 2002.

Short title and commencement. (1) This Ordinance may be called the North-West Frontier Provincial 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 Provincial 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 Provincial 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:—

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

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6. Amendment of section 7 of N.W.F.P. Ord. No. 31 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

(4) (5)

(iii) from 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) post in the Governor's House;
- (ii) posts to be filled on adhoc 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 officer, 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 recruitment."

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 regulation.**—Subject to the provisions of this Ordinance and the rules made thereunder, 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 6th 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.





GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(REGULATION WING)

No. SOR-VI/E&AD/1-10/2005/Vol:IV  
Dated Peshawar, the 15<sup>th</sup> November, 2007

To

The Accountant General  
NWFP, Peshawar.

Subject: NEW RECRUITMENT POLICY/PROCEDURE OF  
CONTRACT EMPLOYEES.

Dear Sir,

I am directed to refer to your letter No.T-23(48)Vol-  
VIII/2559-60 dated 30-10-2007 on the subject noted above and to enclose  
herewith copies of the following letters as desired:-

- 1.No.SORI(S&GAD)1-117/91(C) dated 12-10-93
- 2.No.SORVI(E&AD)1-10/2005 dated 9-5-2006
- 3.No.SORVI(E&AD)1-3/2007 dated 22-3-2007

Yours faithfully,

(MUHAMMAD MASOOD)  
SECTION OFFICER (REG-VI)

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.  
No.T-23(48)/CoA/Vol-VIII/3012

Dated:-11-12-2007

Copy alongwith its enclosure forwarded for information and  
necessary action to:-

1. PA to Addl: AG NWFP.
2. All DAGs in Main Office.
3. All DAOs/AOs in NWFP.
4. All Pay Roll in AG Office.

ACCOUNTS OFFICER (C&M)  
NWFP PESHAWAR

GOVERNMENT OF N.W.F.P.  
SERVICES & GENERAL ADMINISTRATION DEPARTMENT  
(REGULATION WING)

Subject: RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES AGE RELAXATION FOR SPECIAL POSTS

I am directed to refer to this Department circular letter of even number dated 1st February, 1993, on the subject cited above, and to say that new recruitment policy has been reviewed by the Provincial Government. It has been decided to revise the existing policy as under:-

- (a) Recruitment to posts in BPS-16 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zaildars and Sub-Engineers will continue to be made through the NWFP Public Service Commission. However, the Commission may make efforts to finalize the recruitment within six months of the receipt of the requisition duly completed from the Administrative Department.
- (b) Recruitment to posts in the various Government Departments as indicated below will also henceforth be made by the NWFP Public Service Commission:
  - (i) All Department including Board of Revenue, NWFP-
    - (1) Senior Scale Stenographer (B-15)
    - (2) Data Processing supervisor (B-14)
    - (3) Junior Scale Stenographer (B-12)
    - (4) Assistant (B-11)
    - (5) Draftsman (B-11)
  - (ii) Board of Revenue-
    - (1) Sub-Registrar (B-14)
    - (2) Excise and Taxation Inspector (B-11)
  - (iii) Home & Tribal Affairs Department-
    - (a) Police Department:
      - (1) Prosecuting Sub Inspector (B-14)
    - (b) Inspectorate of Prisons:
      - (1) Assistant Jail Superintendent (B-11)
    - (c) Reclamation and Probation Department:
      - (1) Parole/Probation Officer (B-11)
  - (iv) Industries, Commerce, Mineral Development, Labour and Transport Department-
    - (a) Directorate of Industries:
      - (1) Assistant Industrial Development Officer/Assistant Price Stabilization Officer (B-11)
      - (2) Royalty Inspector (B-11)
      - (3) Surveyor (B-11)
    - (b) Directorate of Manpower Training:
      - (1) Instructor T.T.C (B-14)
  - (v) Cooperative Societies:
    - (1) Inspector (B-11)

(f) The Regional/Zonal quota if not filled will be carried forward till suitable candidates are available from the Region/Zone concerned. No. "Substitute" recruitment shall be made. Existing backlog, if any, in respect of any zone will not be carried forward and the Commission shall take a fresh start in respect of the posts under its purview. However, this condition will not be applicable in respect of posts which have already been advertised by the NWFP Public Service Commission.

(g) The vacancies in all the Departments shall be advertised in leading newspapers on Sundays. The advertisement in electronic media should be to the extent of drawing attention of all concerned to the relevant newspapers in which the vacancies are advertised.

(h) Initial Recruitment to all the vacant posts shall be made on regular known periodic intervals in February and August each year after proper advertisement through electronic and national/regional media. After advertisement, a minimum period of 30 days should be allowed for receipt of applications. A waiting list of the eligible candidates shall be maintained for a period of six months.

(i) [Deleted].

(j) 2% quota for disabled persons already fixed earlier shall stand and should be enforced strictly. However, 2% quota has also been fixed for female candidates in all the services which are filled up through initial recruitment. The Commission shall revise the Requisition Form for all such posts for specifying the women's quota in the available vacancies and the Administrative Department shall indicate the quota for women in the Requisition Form accordingly. The 2% quota shall be over and above the selection of women, if any, under general quota of merit etc. This quota shall, however, be restricted to those Departments where no separate female cadres exist.

(k) For initial appointment to posts in BPS-17 and below in the Autonomous Bodies/Corporations, the zonal-allocation formula applicable for Provincial Services may be adopted. The method of recruitment shall also conform to sub-para (c) above.

(l) The Provincial Government have already agreed that recruitment to the post of PTC in Education Department in various districts shall be made on constituency-wise basis. For this purpose, the existing districts have been divided into various zones. Each zone shall correspond to the area of constituency of the Provincial Assembly. However, recruitment to the posts shall, in each case, be 50% on merit in open competition on district basis and 50% on constituency basis.

2. I am directed to request that the above decisions of the Provincial Government may be brought to the notice of all concerned for strict compliance.

Government of NWFP, S&GAD's  
letter No.SORI(S&GAD)1-117/91(C) dated 12.10.93

Added vide No.SOR-I(S&GAD)1-117/91(C) Vol-I dated 7.1.1999

Added vide No.SOR-I(S&GAD)1-117/91(C) Vol-I dated 8.10.1999

Substituted vide No.SOR-I(S&GAD)1-117/91(C) dated 22.11.1997

Substituted vide No.SOR-I(S&GAD)4-1/80(III) dated 19.2.1999

- (v) Cooperative Societies:  
(1) Inspector (B-11)
- (vi) Communication and Works Department-  
(1) Assistant Architectural Draftsman (B-14)  
(2) Senior Draftsman (B-13)
- (vii) Irrigation Department-  
(1) Computer Supervisor (B-14)
- (viii) Public Health Engineering Department-  
(1) Motivation Officer (B-15)  
(2) Assistant Motivation Officer (B-14)  
(3) Lady Health Educator (B-12)
- (ix) Electric Inspectorate-  
(1) Sub-Inspector (B-11)
- (x) Food Department-  
(1) Assistant Food Controller (B-8)  
(2) Food Grain Inspector (B-6)
- (xi) Directorate of Archives and Libraries-  
(1) Preservation Assistant (B-11)  
(2) Cataloguer/Classifier (B-11)

(c) Initial recruitment to posts in BPS-15 and below other than the posts in the purview of the Public Service Commission, in all the departments shall continue to be made in accordance with Rules 10, 11 and 12 (Part-III) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the criteria as laid down in SGAD letter No. SORI(S&GAD)4-1/75, dated 11.2.1987 and the zonal allocation formula contained in S&GAD notification No. SOS-III(S&GAD)3-39/70, dated 2.10.1973 as amended from time to time.

(d) No adhoc appointment against any post in any pay scale shall be made.

(e) Relaxation in maximum age limit may be allowed to candidates for various posts having prescribed qualifications in specific fields upto a period of 5 years by the Competent Authority and for not more than 10 years by the S&GAD. The details of such posts are indicated in the annexure to this letter.

The age relaxation in respect of posts other than posts mentioned above may be confined to 5 years only. The Competent Authority may allow relaxation upto 2 years whereas the S&GAD may relax the age upto a period of 5 years.

\*The age limit in respect of Govt. Servants who have completed at least four years service in the Government, on the closing day for submission of applications for the posts, shall be automatically relaxed by 10 years or a number of years an officer/official has actually served, whichever is less.

All the proposals for the grant of relaxation in upper age shall continue to be accompanied by:-

- (i) Full justification in support of the proposal; and
- (ii) A certificate to the effect that no eligible candidate within the prescribed age limits are/were available.

\*\* An over age candidate shall be entitled to only one age concession whichever is beneficial to him.