

27:04.2023

Appellant in person present.

Fazal Shah Mohmand, learned Additional Advocate General for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 27.06.2023 before D.B. Parcha Peshi given to the parties.




(Rozina Rehman)
Member (J)

Mutazem Shah

27.06.2023

1. Clerk of counsel for the appellant present. Mr. Asad Ali Khan, learned Assistant Advocate General alongwith Hashmat Ullah & Sajjad Ali Superintendent for the respondents present.

2. Former requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 24.10.2023 before D.B. Parcha Peshi given to the parties.



(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)

Kaleemullah

SCANNED
KPST
Peshawar

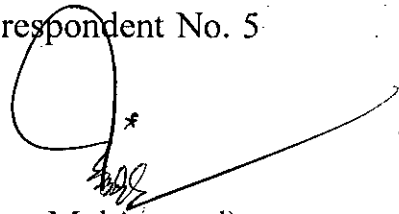
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15.12.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Tariq Shah, Senior Auditor for the respondents present.

Reply/comments on behalf of respondents No. 1 to 4 have already been submitted Reply/comments on behalf of respondent No. 5 are still awaited. Representative of the respondents seeks time to submit reply/comments. Last opportunity is granted failing which, the right of respondent No. 5 for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for reply/comments of respondent No. 5 on 12.01.2023 before S.B.

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Peshawar


(Mian Muhammad)
Member (E)


12.01.2023

Appellant alongwith counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Hashmat Ullah Superintendent for respondents present.

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Peshawar

Written reply on behalf of respondents No. 1 to 4 have already been submitted. Learned counsel for appellant submitted an application seeking deletion of the name of respondent No. 5 from the panel of respondents which is allowed. Entry be made in relevant record. To come up for rejoinder/arguments on 27.04.2023 before S.B.

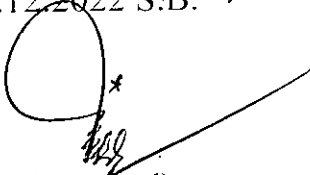

(Rozina Rehman)
Member (J)

17.11.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Syed Mastan Ali Shah, Assistant for the respondents present.

Reply/comments on behalf of respondents No. 1 to 4 submitted which are place on file. Copy of the same handed over to the appellant. As per previous order sheet cost of Rs. 2000/- stands imposed upon the respondents which is paid to the appellant. Reply/comments on behalf of respondent No. 5 not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments of respondent No. 5 on 15.12.2022 S:B.

SCANNED
Peshawar


(Mian Muhammad)
Member (E)

06 September, 2022

Appellant present in person. Mr. Kabirullah Khattak,
Addl. AG for the respondents present.

Learned AAG seeks further time to submit
reply/comments. Last chance is given. To come up for written
reply/comments on 11.10.2022 before S.B. P.P is given to the
parties.



(Kalim Arshad Khan)
Chairman

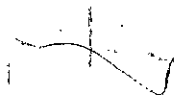
11.10.2022

Junior to counsel for the appellant present. Mr.
Muhammad Adeel Butt, Additional Advocate General for
respondents present.

Written reply not submitted. Learned Additional
Advocate General seeks time for submission of written reply.
Request accepted subject to cost of Rs.2000/-. To come up
written reply on 17.11.2022 before S.B.



(Fareeha Paul)
Member (E)



5th July, 2022

Learned counsel for the appellant present.

learned counsel for the appellant submits that respondents No.3 and 5 were made party as an abandoned precaution whereas there was no need to implead them as respondents. He requested for deletion of their name from the panel of respondents. Respondents No. 3 and 5 are deleted from the panel of respondents.

Instead of preferring appeal before this Tribunal against order dated 13.04.2021, the appellant preferred writ petition No. 2659-P/2021 before the Hon'ble Peshawar High Court and the Hon'ble Peshawar High Court was pleased to convert the petition into appeal transmitting the same to this Tribunal and allowing the petitioner to file application for amendment of appeal in accordance with law and subject to the limitation. The appellant had accordingly, on permission by the Tribunal, filed amended memo and grounds of appeal. The learned counsel submits that the impugned order was not in accordance with law and was result of wrong interpretation of the promotion policy. Therefore, let this appeal be admitted to full hearing subject to all just and legal objections by the other side. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 06.09.2022 before S.B. The appellant is directed to deposit security fee within 10 days.

Rs-100/-
Appellant Deposited
Security & Process Fee

A. Arshad Khan
7/7/22

SCANNED
KPST
Peshawar



(Kalim Arshad Khan)
Chairman

14.04.2022

Appellant present through counsel.

Case was fixed for preliminary hearing but at the very outset an application seeking amendment in the memorandum of appeal was filed. Appeal is in its initial stage, therefore, application stands accepted. Amended memorandum of appeal be filed within 10 days and file to come up for preliminary hearing on 04.07.2022 before S.B.


(Rozina Rehman)
Member (J)

14.04.2022

Junior to counsel for the appellant, Muhammad
Adnan Bhatti, Advocate for respondents present.

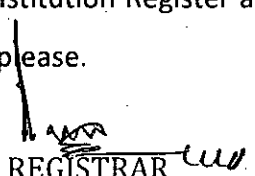

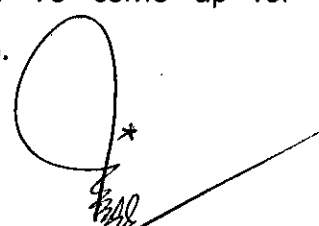

Written reply not submitted. I stayed AAG. Lack of time
for submission of written reply. I request ~~respondent~~ subject to
cost of Rs. 2500/-. Adjourned. To come up for written
reply/argument on 17.07.2022 before S.B.

(Signature)
Member (J)

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 7634/2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21/10/2021	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 12.10.2021 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	09.12.2021	<p>Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Request is acceded to. To come up for preliminary hearing on 04.02.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>
	04.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.04.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE HONORABLE SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA, PESHAWAR

Amendment

SA No.7634/2021

Eng. Abdul Sattar.....Appellant

Versus

Government of Pakistan through


Chief Secretary KP and othersRespondents

INDEX

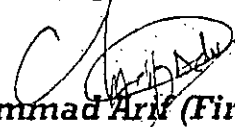
S. #	Description of documents.	Annexure	Pages
1.	Service appeal		1-5
2.	Copy of appointment order & promotion order	A	6-13
3.	Copy of promotion order dated 01.09.2016	B	14
4.	Copy of retirement order dated 31.03.2021	C	15
5.	Copy covering letter of seniority list and working paper	D	16-21
6.	Copy of application	E	22
7.	Copy of letter dated 13.04.2021	F	23
8.	Copy of grounds of writ petition and order dated 12.10.2021	G	24-30

Appellant

Through


Gohar Rehman Khattak
Advocate High Court

&


Muhammad Arif (Firdous)
Advocate High Court

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BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Amendment

S.A No 7634/2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbab Road Gulshan Abad,
Peshawar

..... Appellant

VERSUS

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa,
Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE

TRIBUNAL ACT, 1974

PRAYER IN APPEAL:

On acceptance of this Appeal the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the Appellant for proforma/ante-dated promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along- with all back benefits according to rules and law.

Any other relief which the Appellant is found fit in law, justice and equity.

RESPECTFULLY SHEWETH:

1. That the Appellant is the resident of Arbb Road Gulshan Abad, Peshawar.
2. That the Appellant was initially appointed as Assistant Engineer BS-17 in the C&W Department on 26-05-1988. (Copy of appointed order is attached as annexure A)
3. That the Appellant was promoted time to time on different posts and with different duties and lastly as Superintendent Engineer BS-19 on 01-09-2016. (Copy attached as annexure B)
4. That despite of written request for promotion to the next higher grade BPS-20 pretty a long time before retirement of Appellant, no action was taken in this very important service matter and Appellant was retired 31-03-2021 as Superintendent Engineer (Southern) C&W Circle Tribal District at Bannu with effect from 06-03-2021. (Copy attached as annexure C)
5. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of Appellant to Establishment Department through letter dated 23-02-2021 and as per seniority list attached with working paper, Appellant was placed on S.No.2. (Copy attached as annexure D)
6. That the Appellant submitted an application through proper channel to the Honorable Chief Mister Khyber Pakhtunkhwa on 25-03-2021 for Special PSB for promotion of the Appellant to BS-20. (Copy attached as annexure E)
7. That the respondent No. 4 through Section Officer (Regulation wing) regretted the plea of the Appellant vide order/letter dated 13-04-2021. (Copy attached as annexure F)
8. That Appellant aggrieved from the said act by not promoting the Appellant from back date and order/letter dated 13-04-2021

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of the respondents, (S 4 (b)) Service Tribunal Act, 1973 barred the Appellant by approached Peshawar High Court Peshawar in Writ Petition No.2659/2021 which was disposed of with direction to convert/consider the Petition into appeal. Hence this amended appeal (permission granted by this Honorable Tribunal vide order dated 14-04-2022) (Copy of order is attached as annexure G)

GROUNDS:

- A. That the action/impugned order dated 13-04-2021 is illegal, unlawful and against the law.
- B. That the act of the respondents are in violation of article 4,8,25,27,30, of the Constitution of Islamic republic of Pakistan-1973.
- C. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of Appellant to Establishment Department through letter dated 23-02-2021 and per seniority list, Appellant was placed on S.No.2. It is further to mention here that Appellant was retired from service on 31-03-2021 after creation of posts and was eligible to be promoted on the next higher post.
- D. That as usual, the Appellant's case for promotion fell prey to the red-tappism and it was delayed till his retirement from service vide notification dated 31-03-2021.
- E. That the Appellant had served the department for almost 34 years on the lower posts and was entitled for the post of Chief Engineer BS-20 as the posts were vacant before retirement of the Appellant.
- F. That the Appellant was moved written request for the promotion to the next higher grade, but it seems that it was

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buried and no order, whatsoever, either of the grant or refusal of promotion was conveyed to the Appellant before retirement.

- G. That the Appellant had not been dealt with in accordance with law, rather has been discriminated and deprived from legal right bestowed on him by the law and rules of the subject.
- H. That there is no reason for denial of the grant of promotion to the Appellant to the subject post, when he fulfills all the prescribed criteria and when the posts are required to be filled on promotion.
- I. That the case of the Appellant was delayed upto his retirement for no reason, other than mala fide and malice on the part of the respondents.
- J. That the Appellant had been deprived from his legal right and was ignored with mala fide intention which is illegal, unlawful, against the law and natural justice.
- K. That the Appellant has the right to agitate any other additional grounds/fact at the time of arguments after the stance of the respondents with permission of this Honourable court.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the Appellant for Performa/Ante-Dated promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along-with all back benefits according to rules and law.

Any other relief which the Appellant is found fit in law, justice and equity.

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Dated: 20-04-2022

Appellant

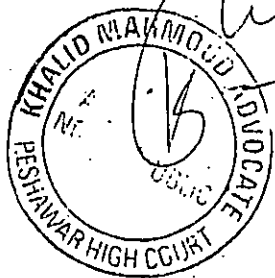
Through

Colar Rehman Khattak
Advocate, High court Peshawar

&
Muhammad Arif (Firdous)
Advocate, High Court
Office: I.A Nasir Mansion
Shoba Bazar, Railway Road II,
Peshawar, Cantt
Cell# 0333-9107724
0334-9215356

Email:khattak_law_chamber@yahoo.com

No such like appeal has earlier been filed by the appellant and contents of the appeal are true and correct to the best of my knowledge.



Handwritten signature and date: 27-4-22

Handwritten signature
ADVOCATE

Dated Peshawar the 26th May, 1980.

NOTIFICATION

NO.SO(E)C&W/4-14/79-II. On their selection by the N.W.F.P. Public Service Commission, Peshawar the Provincial Government are pleased to appoint the following as Temporary Assistant Engineers in the Communication and Works Department, NWFP id BPS-17 plus other allowances as admissible under the rules with immediate effect :-

1. Mr. Muhammad Uzair
2. Mr. Fazli Qaddus
3. Mr. Muhammad Tariq
4. Mr. Muhammad Shahab Khattak
5. Mr. Ziaur Rehman
6. Mr. Shahid Hussain
7. Mr. Munir Khan Nayyar
8. Mr. Syed Muhammad Ilyas Shah
9. Mr. Biaz Arshad
10. Mr. Muhammad Ayub
11. Mr. Abdul Sattar
12. Mr. Arshad Khan
13. Mr. Noor-Us-Saeed Shah
14. Mr. Amer Nadeem Durrani
15. Mr. Rafi-ud-Din
16. Mr. Shakir Habib
17. Mr. Ahmad Nab Sultani
18. Mr. Hamid Ajmal Khan
19. Mr. Aurangzeb
20. Mr. Habibur Rahim
21. Mr. Muhammad Nawaz
22. Mr. Bakht Rawan
23. Mr. Munir Hussain
24. Mr. Muhammad Tariq Khan
25. Mr. Sajjad Afzal Afridi (Leave Reserve)
26. Mr. Abdul Ghafoor
27. Mr. Sahadar Said
28. Mr. Rahmat Hakim
29. Mr. Kifayatullah
30. Mr. Muhammad Nazar

2. Their seniority will be determined in accordance with the merit assigned by the NWFP Public Service Commission.

3. On their appointment the services of the following 23 Temporary Assistant Engineers are hereby placed at the disposal of Chief Engineer(Dev)/Executive Engineers noted against each for undergoing 4 months practical training against the existing vacancies. They have also to pass the prescribed test on completion of 4 months training :-

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7 temporary Assistant Engineers, who have completed projects. On their appointment, the services of the following

- | | |
|--|---|
| 25) Mr. Muhammad Nazir (Leave reserve) | Executive Engineer, Highway Divn, Swat. |
| 22) Mr. Khatayutlah (Leave reserve) | Executive Engineer, C&W Division, Mardan. |
| 21) Mr. Mahmat Hakim (Leave reserve) | Executive Engineer, Bldg Divn, A. Abad. |
| 28) Mr. Bahadai Said (Leave reserve) | Executive Engineer, C&W Divn, Karak. |
| 19) Mr. Muhammad Tariq Khan. | Executive Engineer (Dev) C&W Divn, Dera Ismail Khan. |
| 18) Mr. Muht Hussain | Executive Engineer, C&W Divn, Manshera. |
| 17) Mr. Bakht Ruan | Executive Engineer, C&W Division DIT, Timargara. |
| 16) Mr. Muhammad Nawaz | Executive Engineer, Building Divn, Bannu. |
| 15) Mr. Khabtuli Rahim | Executive Engineer (Dev) C & W Divn, Peshawar. |
| 14) Mr. Aurangzeb | Executive Engineer, Highway Divn, Pesh. |
| 13) Mr. Hamid Ajmal Khan | Executive Engineer, Building Project No. 2, Peshawar. |
| 12) Mr. Shakir Habib | Executive Engineer, Bldg. Project No. 1, Peshawar. |
| 11) Mr. Amer Nadam | Executive Engineer, Building Divn, Pesh. |
| 10) Mr. Noor-us-Saeed Shah | Executive Engineer, C&W Divn, Bannu. |
| 9) Mr. Aishad Khan | Executive Engineer, Building Project No. 2, Peshawar. |
| 8) Mr. Abdul Sattar | Executive Engineer (Dev) C&W Division, District of Hangu. |
| 7) Mr. Riaz Ahsad | Executive Engineer (Dev) C&W Divn, Jamrud. |
| 6) Mr. Syed Muhammad Ilyas Shah | Executive Engineer, C&W Divn, Maskaera. |
| 5) Mr. Muht Khan Nayyar | Executive Engineer, C&W Divn, Manshera. |
| 4) Mr. Shahn Hussain | Executive Engineer, Bldg. Maintenance Division, Peshawar. |
| 3) Mr. Ziaur Rehman | Chief Engineer (Dev) C&W Deptt, Pesh. |
| 2) Mr. Muhammad Shahab Khatak | Executive Engineer (Dev) C&W Divn, Chaltanay. |
| 1) Mr. Fazil Dadday | Executive Engineer (Dev) C&W Divn, Chaltanay. |

S. No. Name of Services placed at the disposal of

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training, are hereby placed at the disposal of Superintending Engineers/Executive Engineers for further posting against the existing vacant posts.

S. NO.	N A M E	SERVICES PLACED AT THE DISPOSAL OF
1)	Mr. Muhammad Uzair	Executive Engineer, C&W Division Malakand.
2)	Mr. Muhammed Tariq	Executive Engineer, C&W Division Malakand.
3)	Mr. Muhammad Ayub	Superintending Engineer, C&W Circle Kohat.
4)	Mr. Rafi-ud-Din	Superintending Engineer, C&W Circle Abbottabad.
5)	Mr. Ahmed Nabil Sultan	Superintending Engineer, C&W Circle Swat.
6)	Mr. Sajjad Afzal Afridi (Leave reserve)	Superintending Engineer, Rtdg, Circle Peshawar.
7)	Mr. Abdul Ghafoor (Leave reserve)	Superintending Engineer, Highway Circle Peshawar.

(RAOIR AHMAD PARACHA)
SECRETARY TO GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

ENDST. NO. SO(E).C&W/4-14/III, Dated Peshawar the 25th May, 1988.

A copy is forwarded to

- 1) The Accountant General, N.W.F.P., Peshawar.
- 2) All District Accounts Officers/Agency Accounts Officers, NWFP.
- 3) Secretary to Chief Minister, N.W.F.P.
- 4) Private Secretary to Minister for C&W N.W.F.P.
- 5) Private Secretary to Chief Secretary, NWFP.
- 6) The Secretary, Services & General Admin. Department, NWFP.
- 7) The Secretary, Finance Department, NWFP.
- 8) The Secretary Planning and Development Deptt. NWFP.
- 9) All Chief Engineers/Superintending Engineers in the C & W Department, NWFP.

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- 10) All Executive Engineers in the C&W Department.
- 11) Deputy Secretary C&W Secretariat.
- 12) Administrative Officer Provincial Urban Development Board, NWFP Peshawar with reference to his letter No. UICB/10730537 dated 30.3.1980.
- 13) Deputy Director (Admn.) E-1, Chief Engineer (Admn.) Water, WAPDA Lahore, with reference to his Memo. No. W-CR-4-483/8/E-1/1340 dated 10.2.1980.
- 14) The Section Officer (Establishment), Irrigation & Public Health Engineering Department with reference to his letter No. SO(E)I&PHE/1-4/87, dated 15.3.1980.
- 15) Superintending Engineer, Malakand Irrigation Circle Gulkada, Saidu Sharif Swat with reference to his Memo No. 2503-44/6-E dated 8.3.1980.
- 16) Officers concerned.
- 17) The Manager Government Printing & Stationery Department for publication in the next Government Gazette.
- 18) Private Secretary to Secretary D & W.
- 19) O/O file 4-7/77/Seniority File/4-1/78 etc.

M. Ahmad
(MIRZA CASHIRI AHMAD)
SECTION OFFICER (E)

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GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Jan 23, 2010

NOTIFICATION:

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

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

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

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

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

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Sl. No.	Name of Officers	From	To	Remarks
5)	M. Shahab Khattak (BS-18)	Executive Engineer Building Division Jamrud, Khyber Agency (OPS)	Executive Engineer, Building Division Jarlud, Khyber Agency	---
6)	Zia-ur-Rehman (BS-18)	Executive Engineer C&W Division Swat (OPS)	Executive Engineer C&W Division Swat	---
7)	Shahid Hussain (BS-18)	Executive Engineer Building & Works Division-I (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-I, Peshawar	---
8)	Syed Ilyas Shah (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (R&B) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
9)	Riaz Arshad (BS-18)	Executive Engineer Building & Works Division-I1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-II, Peshawar.	---
10)	Muhammad Ayub (BS-18)	Deputy Director resettlement (FAP) C&W Department, Peshawar (OPS)	Design Engineer (Technical) O/O CE (North) C&W, Peshawar, For actualization of promotion and then reposted as Deputy Director (resettlement), FAP Peshawar.	---
11)	Abdul Sallar (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt.	---
12)	Arshad Khan (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	XEN (Electrical/Mechanical) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
13)	Noor-us-Saeed Shah (BS-18)	Design Engineer (Building) O/O CE, FATA C&W, Peshawar (OPS)	Services placed at the disposal of FATA Sectt.	---
14)	Amer Nadeem Durrani (BS-18)	Executive Engineer C&W Division Malakand (OPS)	Executive Engineer C&W Division Malakand	---
15)	Rafi ud Din (BS-18)	Executive Engineer Highway Division Mardan (OPS)	Executive Engineer Highway Division Mardan	---
16)	Shakir Habib (BS-18)	Design Engineer O/O CE (Centre) C&W, Peshawar (OPS)	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar, For actualization of promotion and then reposted as Deputy Secretary (Technical), Pesh.	---
17)	Ahmad Nabi Sullan (BS-18)	Executive Engineer C&W Division DIKhan (OPS)	Executive Engineer C&W Division DIKhan	---
18)	Hamid Ajmal Khan (BS-18)	Section Officer (Building) C&W Sectt Peshawar	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar	---
19)	Aurangzeb (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Survey & RMU) O/O CE (COO) C&W Peshawar For actualization of promotion and then reposted as Deputy Director PERRA	---

ATTESTED

ATTESTED

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

ATTESTED

ATTESTED

Endst of even number and date

Copy is forwarded to the:-

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

~~ATTESTED~~

~~ATTESTED~~

(RAHIM BADSHAH)
SECTION OFFICER (EST)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the Sept 01, 2016

(14)

B

NOTIFICATION:

No. SOE/C&W/4-53/2016. On the recommendations of Provincial Selection Board (PSB), the Competent Authority has been pleased to promote the following Executive Engineers (BS-18) of C&W Department to the rank of Superintending Engineers (BS-19) on regular basis, with immediate effect:

- i. Engr. Abdul Sattar
- ii. Engr. Rafi-ud-Din
- iii. Engr. Ahmad Nabi Sultan
- iv. Engr. Hamid Ajmal Khan
- v. Engr. Fazli Wahab

2. The above officers shall remain on probation for a period of one year in terms of Rule-15 of (Appointment, Promotion & Transfer) Rules, 1989.

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

Sl. No.	Name of Officer & Designation	From	To
1	Engr. Abdul Sattar (BS-18)	Design Engineer O/O CE FATA W&S Peshawar	Services placed at the disposal of FATA Sectt. for further posting in FATA
2	Engr. Rafi-ud-Din (BS-18)	Superintending Engineer (OPS) C&W Circle Battagram	Superintending Engineer C&W Circle Battagram
3	Engr. Ahmad Nabi Sultan (BS-18)	Director (OPS) Construction PKHA Peshawar	Principal Design Engineer (R&B) O/O CE (CDO) C&W Peshawar. After actualization of his promotion reposted as Director (Construction) PKHA Peshawar
4	Engr. Hamid Ajmal Khan (BS-18)	Superintending Engineer (OPS) HQ O/O CE (North) C&W Peshawar	Superintending Engineer (HQ) O/O CE (North) C&W Peshawar
5	Engr. Fazli Wahab (BS-18)	Superintending Engineer (OPS) C&W Circle Bannu	Superintending Engineer C&W Circle Bannu

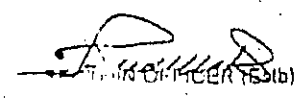
SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar
2. Accountant General Khyber Pakhtunkhwa Peshawar
3. Additional Accountant General PR (sub office) Peshawar
4. Secretary Admn. Infrastructure and Coord Depl. FATA Sectt. Warsak Road, Peshawar
5. All Chief Engineer (Centre/North/CDO) C&W Peshawar
6. Chief Engineer FATA W&S Peshawar
7. Managing Director Pakhtunkhwa Highways Authority, Peshawar
8. All Superintending Engineers C&W Circles
9. District Accounts Officer Bannu/Battagram
10. Incharge Computer Cell, C&W Department Peshawar.
11. Public Secretary C&W Department Peshawar
12. PA to Deputy Secretary (Admin), C&W Department Peshawar
13. C&W Department
14. Manager Govt Printing Press, Pesh: for publication in the next issue of Govt Gazette
15. Office order File/Personal File

ACCEPTED


Secretary (C&W)

ACCEPTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 31, 2021

NOTIFICATION:

No.SOE/C&WD/1-6/87: In pursuance of sub-section (2) of section 13A of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act, No. XVIII of 1973), read with sub-section (3) thereof, Engr. Abdul Sattar Superintending Engineer (BS-19) C&WD, while posted as Superintending Engineer (Southern) C&W Circle Tribal Districts at Bannu retired from Government Service with effect from 06.03.2021 on attaining sixtieth (60th) year of age, as his date of birth is 07.03.1961.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (Merged Areas) C&W Peshawar
3. Superintending Engineer (Southern) C&W Circle Tribal Districts at Bannu
4. District Accounts Officer Bannu
5. PS to Secretary, C&W Department Peshawar
6. PA to Additional Secretary, C&W Department Peshawar
7. PA to Deputy Secretary (Admn), C&W Department Peshawar
8. Officer concerned
9. Office order File/Personal File

Zahoor Shah
31.03.2021

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/2020
Dated Peshawar, the Feb 23, 2021

To

The Section Officer (PSB)
Establishment & Admn Department
Peshawar

Subject: PROMOTION OF SUPERINTENDING ENGINEERS (BS-19) TO
THE RANK OF CHIEF ENGINEERS (BS-20) C&W DEPARTMENT
ON REGULAR BASIS

I am directed to refer to the subject noted above and to forward herewith working paper (07 sets) along-with related documents duly completed in all respect for promotion of SuperIntending Engineers (BS-19) to the rank of Chief Engineers (BS-20) on regular basis for placing before Provincial Selection Board (PSB) for consideration, please.

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. PS to Secretary C&W Department, Peshawar
2. PA to Additional Secretary C&W Department, Peshawar
3. PA to Deputy Secretary (Admin) C&W Department, Peshawar

Zahoor
23.02.2021
SECTION OFFICER (Estb)

~~ATTESTED~~

(17)

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department: Communication & Works Department

- 1. Nomenclature of the post/Basic Scale: Chief Engineer (BPS-20)
- 2. Service/Group/Cadre: Engineering (C&W)
- 3. Sanctioned strength of the Cadre: Total regular posts 10 Nos
Annex-I

	Direct	Promotion	Transfer
I. Percentage of share		100%	
II. No. of posts allocated to each category	-	10	-
III. Present occupancy position			
1) Regular:	-	.05	-
2) Acting charge	-	00	-
IV. No. of vacancies in each category:			
a. Regular	-	05	-
b. Acting charge	-	00	-

v. How did the vacancy(ies) under promotion quota accrue and since when

Position of 05 Nos Regular Post

a. Due to New creation (Annex-II) ----- 05 Nos

Total: ----- 05 Nos

vi. Recruitment Rules

By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University and have successfully completed Senior Management Course Training (Annex-III).

vii. Required length of service

At least 17 (seventeen) years of service in BPS-17 and above

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

Regular = 05 posts

ix. Mandatory training, if any S.M.C

x. Minimum required score on EI. 70.

SECRETARY
C&W

Dated 23 /02/2021

Secretary to
Govt. of Khyber Pakhtunkhwa
C&W Department

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PANEL OF OFFICERS FOR CONSIDERATION

Sl. No.	Sen. No.	Name of Officer with qualification	Date of birth	Date of 1 st entry into Govt. Service	Date of Appointment/promotion to BS-19	Date of regular Appointment/promotion to the present scale	Whether fulfill the prescribed length of service	Qualified score	Missing PERs (if any)	Disciplinary proceedings (if any)	Case (if any) in any court of Law, including NAB/ Ples bargaining with NAB	Mandatory Training for promotion	Research papers	Present posting	Remarks	PSB
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
1	1	Muhammad Ayub B.Sc/MS (Civil)	03.02.1961 Kohal	26.09.1987	09.12.2014	09.12.2014	Yes	66.53	—	—	—	—	—	CE (CDO) C&W Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years	
2	2	Abdul Sattar B.Sc/MS (Civil)	07.03.1961 Orakzai	26.05.1988	01.09.2016	01.09.2016	Yes	67.14	—	—	—	—	—	SE (Southern) C&W Circle Tribal Districts at Bannu	Exempted from SMC training as he has attained the age of 58 years	
3	3	Arshad Khan B.Sc (Civil)	02.10.1931 Swabi	26.05.1938	21.11.2019	21.11.2019	Yes	58.13	—	—	—	—	—	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years	
4	4	Naor-us-Saeed Shah B.Sc (Civil)	02.03.1962 Mardan	26.05.1988	05.06.2015	05.06.2015	Yes	64.85	—	—	—	Yes Annex-IV	—	Principal Design Engineer O/O CE (CDO) C&W Peshawar	—	
5	5	Amer Nadeem Durrani B.Sc (Civil)	23.04.1962 Peshawar	26.05.1988	05.06.2015	05.06.2015	Yes	66.48	—	—	Yes	Nil	—	AID PKHA Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.5,10,011/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V).	

ATTACHED

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5	6	Rafi-ud-Din B.Sc (Civil)	01.05.1962 Abbottabad	26.09.1987	01.09.2016	01.09.2016	Yes	67.49	—	—	—	Nil	—	SE C&W Circle Mardan	Exempted from SMC training as he has attained the age of 58 years
7	7	Shakir Habib B.Sc (Civil)	30.03.1964 Kohat	26.05.1988	05.06.2015	05.06.2015	Yes	68.00	—	—	—	Nil	—	SE C&W Circle Peshawar	—
8	8	Ahmad Nabi Sultan B.Sc (Civil)	30.01.1964 Swat	26.09.1987	01.09.2016	01.09.2016	Yes	55.87	01.01.2016 to 31.12.2019	—	—	Nil	—	CE (OPS) C&W Abbottabad	—
9	9	Hamid Ajmal Khan B.Sc (Civil)	01.08.1962 Abbottabad	26.05.1988	01.09.2016	01.09.2016	Yes	63.05	—	—	Yes	Nil	—	SE (HQ) O/O CE C&W Abbottabad	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.1,09,431/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2015, he was proceeded against under E&O Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)
10	10	Fazli Wahab B.Sc (Civil)	01.09.1961 Swat	26.05.1988	01.09.2016	01.09.2016	Yes	54.31	01.01.2016 to 31.12.2019	—	—	Nil	—	SE P&MC C&W Peshawar	Exempted from SMC training as he has attained the age of 58 years
11	11	Muhammad Nawaz B.Sc (Civil)	15.02.1962 Mohmand	26.05.1988	21.11.2019 (conditionally)	21.11.2019 (conditional ly)	Yes	55.51	01.01.2019 to 31.12.2019	—	Yes	Nil	—	SE (HQ) O/O CE (North) Peshawar	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.1,61,515/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2015, he was proceeded against under E&O Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)

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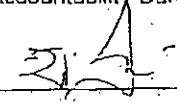
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12	Bakht Rawan B.Sc (Civil)	05.03.1962 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	51.09	01.01.2018 to 31.12.2019	—	—	Nil	—	Principal Design Engineer O/D CE (CDO) C&W Peshawar	Exempted from SMC training as he has attained the age of 58 years.
13	Munir Hussain B.Sc/M.Sc (Civil)	10.04.1962 Manshra	26.05.1988	05.01.2018	05.01.2018	Yes	66.14	—	—	—	Nil	—	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years.
14	Muhammad Tariq B.Sc (Civil)	12.01.1964 Malakand	25.05.1988	09.10.2018	09.10.2018	Yes	59.03	01.01.2018 to 31.12.2019	Yes	—	Nil	—	PO PRIP C&W Peshawar	Formal inquiry under E&D Rules, 2011 against him has been initiated, as he is involved in inquiry case Establishment of Girls Degree College at Dargal District Charoada (ADP No.425/0369 (2014-15) (Annex-VI)
15	Jamil Ahmad B.Sc (Civil)	20.11.1962 Malakand	16.09.1987	22.01.2019	22.01.2019	Yes	58.01	01.01.2018 to 31.12.2019	—	—	Nil	—	SE C&W Circle Swat	Exempted from SMC training as he has attained the age of 58 years.

1. Certified that the officers included in the panel are eligible for promotion to the post of BS-20 on regular basis in all respects except Sr.No.14.
2. Certified that the officers included in the panel are not involved in any NAB case nor entered into plea bargain or VR with National Accountability Bureau (NAB) except Sr.No.5, 09 & 11.

Signature: 

Date: 23-02/02/2021

Secretary to
Govt. of Khyber Pakhtunkhwa
C&W Department

MAILED

MAILED

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CERTIFICATE

It is certified that:-

1. The officers included in the panel are eligible in terms of length of service required for promotion.
2. No disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officer included in the panel except Sr.No.14.
3. The seniority list of the officers, included in the panel issued on 01.06.2020 is final (Annex-VII).
4. As per record, the officers included in the panel are neither involved in any NAB case nor entered into plea bargaining/VR agreement with NAB authorities except Sr.No.5, 09 & 11.


SECRETARY
C&W

Dated 23 /02/2021


ATTESTED


ATTESTED

To,

The Honorable Chief Minister
Khyber Pakhtunkhwa
(Competent Authority)

Through: PROPER CHANNEL
Subject: PROMOTION TO BS-20


Respected Sir,

I, Engr. Abdul Sattar Superintending Engineer (BS-19) presently holding the post of Superintending Engineer (Southern) C&W Circle Bannu Merged Areas submit the following few lines for your kind perusal and favorable consideration: -

1. Due to restructuring of C&W Department 05-No. new posts of Chief Engineer (BS-20) have been created vide Finance Department No. BO.1/FD/1-61/2020-21 dated 17/02/2021 (Annex-I).
2. As per seniority list of Superintending Engineers (BS-19) C&W Department as stood on 01/06/2020, the name of the undersigned is appearing at Sl. No.03 (Annex-II).
3. The officer at Sl. No.1 of the Seniority list has since been retired from Govt. Service; hence the position of the undersigned right now is at Sl. No.2.
4. Administrative Department has already forwarded working papers to Establishment Department for placing before the Provincial Selection Board (PSB) on 23/02/2021 for consideration.
5. The undersigned has attained the age of superannuation i.e. 60-years on 06/03/2021. However, the PSB has not yet considered my promotion case. Now the age limit of employees is re-fixed as 60 years as decided by Provincial Cabinet on 16/03/2021.
6. It is pertinent to mention here, that the Supreme Court of Pakistan has set aside the decision of Peshawar High Court Peshawar dated 19-02-2019 through Order dated 07-01-2021, meaning thereby the retirement age limit of Govt. Employees re-fixed i.e. 63-Years, while at that the undersigned was properly working as Superintending Engineer (Southern) C&W Circle Bannu Merged Areas. Hence, my plea taken in the aforesaid lines is justified and entitle for promotion on the basis that the Finance Department created 05-No post of Chief Engineers (BS-20) in C&W Department on 17-02-2021.

Keeping in view the above, it is requested that a special PSB may please be convened for my promotion to BS-20 being still Govt. Servant or approve my promotion to BPS-20 through circular by PSB, please.

DA/ As above


(Engr. Abdul Sattar)
Superintending Engineer
(Southern) C&W Circle Bannu
Merged Areas

Copy to the: -

1. Chief Secretary Govt of Khyber Pakhtunkhwa (Chairman Provincial Selection Board) with similar request as above please.
2. Secretary to Govt of Khyber Pakhtunkhwa C&W Department with the request to forward my application to the competent authority for favourable consideration please.

ATTESTED

Superintending Engineer
(Southern) C&W Circle Bannu
Merged Areas

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN. DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)/1-1/C&W/2019/Vol-V
Dated 13th April, 2021

(23)

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department.

Subject

PROMOTION TO BS-20.

Dear Sir,

I am directed to refer to your letter No.SOE/C&WD/4-2/20 dated 29.3.2021 and to state that in light of the Provincial Government Promotion Policy proforma promotion is allowed in cases where seniority is disputed in Court of Law and restored back on Court decision after retirement of the employee.

Since, both the officers retired on superannuation on 03.2.2021 and 07.3.2021 respectively and proforma promotion in the instant case is not covered under Provincial Government Promotion Policy, therefore, may be regretted, please.

Yours faithfully,

Endst: of even No. & Date.

SECTION OFFICER (REG-V)

Copy forwarded to PA to Deputy Secretary (R-III) Establishment Department.

ATTESTED

ATTESTED

SECTION OFFICER (REG-V)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/20

Dated Peshawar, the March 29, 2021

23-a

To

The Secretary to
Govt of Khyber Pakhtunkhwa
Establishment Department
Peshawar

Subject: PROMOTION TO BS-20

Dear Sir,

I am directed to refer to the subject noted above and to state that Engr. Muhammad Ayub and Engr. Abdul Sattar Superintending Engineers (BS-19) C&W Department have submitted applications with the request that a special PSB may be convened for their promotion to the rank Chief Engineer (BS-20) C&W Department (copy enclosed).

2. I am further directed to say that restructuring of C&W Department approved by the Competent Authority, whereby various positions, including 05 Nos posts of Chief Engineer (BS-20) have been created by the Finance Department on 17.02.2021. The referred posts are filled by way of promotion amongst Superintending Engineers (BS-19) C&W Department. Therefore, this department has submitted a working paper to Establishment Department through letter dated 23.02.2021 for placing before PSB for consideration. In the panel of working paper, the name of the aforesaid officers are at Sr.No. 1 & 2. Now the retirement age of Government employees has reverted back to 60 years; rather both the officers have attained the age of superannuation i.e. 60 years w.e.f. 03.02.2021 and 07.03.2021 respectively.

3. In view of above, this department is requested that the proforma promotion of Engr. Muhammad Ayub and Engr. Abdul Sattar Superintending Engineers (BS-19) C&W Department to the rank of Chief Engineer (BS-20) C&W Department may be considered with effect from their retirement dates i.e. 03.02.2021 and 07.03.2021 respectively, if promotion policy permits, please.

Yours' faithfully

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

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

Zahoor Shah

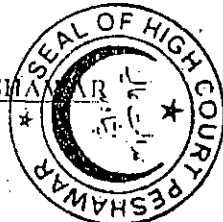
29.03.2021

SECTION OFFICER (Estb)

24

2

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR



W.P.No. _____/2021

Eng. Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,
Peshawar

..... Petitioner

VERSUS

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admin department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Respondents

WRIT PETITIONER UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973.

PRAYER IN PETITION:

On acceptance of this writ petition the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along-with all back benefits according to rules and law.

Any other relief which the petitioner is found fit in law, justice and equity.

RESPECTFULLY SHEWETH:

ATTESTED
EXAMINER
Peshawar High Court

1. That the petitioner is the resident of Arbb Road Gulshan Abad, Peshawar.

25

3

2. That the petitioner was initially appointed as Assistant Engineer BS-17 in the C&W Department on 26-05-1988. (Copy of appointed order is attached as annexure A)
3. That the petitioner was promoted time to time on different posts and with different duties and lastly as Superintendent Engineer BS-19 on 01-09-2016. (Copy attached as annexure B)
4. That despite of written request for promotion to the next higher grade BPS-20 pretty a long time before retirement of petitioner, no action was taken in this very important service matter and petitioner was retired 31-03-2021 as Superintendent Engineer (Southern) C&W Circle Tribal District at Bannu with effect from 06-03-2021. (Copy attached as annexure C)
5. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of petitioner to Establishment Department through letter dated 23-02-2021 and as per seniority list attached with working paper, petitioner was placed on S.No.2. (Copy attached as annexure D)
6. That the petitioner submitted an application through proper channel to the Honorable Chief Minister Khyber Pakhtunkhwa on 25-03-2021 for Special PSB for promotion of the petitioner to BS-20. (Copy attached as annexure E)
7. That the respondent No. 4 through Section Officer (Regulation wing) regretted the plea of the petitioner vide order/letter dated 13-04-2021. (Copy attached as annexure F)
8. That petitioner aggrieved from the said act by not promoting the petitioner from back date and order/letter dated 13-04-2021 of the respondents, (S 4 (b)) Service Tribunal Act, 1973 barred the petitioner by approaching Tribunal, having no other adequate and efficacious remedy is available to petitioner

ATTESTED
EXAMINER
Peshawar High Court

28

41

except filing this constitutional petition on the following rounds.

GROUND:

- A. That the action/impugned order dated 13-04-2021 is illegal, unlawful and against the law.
- B. That the act of the respondents are in violation of article 4,8,25,27,30, of the Constitution of Islamic republic of Pakistan 1973.
- C. That the Finance Department has also been created various posts/positions including 5 Nos of post of Chief Engineer BS-20 on 17-02-2021 and all the post are referred to be filled by way of promotion amongst Superintendent Engineers (BS-19) C&W department. It is to mention here that the C&W Department has submitted working paper of petitioner to Establishment Department through letter dated 23-02-2021 and per seniority list, petitioner was placed on S.No.2. It is further to mention here that petitioner was retired from service on 31-03-2021 after creation of posts and was eligible to be promoted on the next higher post.
- D. That as usual, the petitioner's case for promotion fell prey to the red-tappism and it was delayed till his retirement from service vide notification dated 31-03-2021.
- E. That the petitioner had served the department for almost 31 years on the lower posts and was entitled for the post of Chief Engineer BS-20 as the posts were vacant before retirement of the petitioner.
- F. That the petitioner was moved written request for the promotion to the next higher grade, but it seems that it was buried and no order, whatsoever, either of the grant or refusal of promotion was conveyed to the petitioner before retirement.
- G. That the petitioner had not been dealt with in accordance with law, rather has been discriminated and deprived from legal right bestowed on him by the law and rules of the subject.

ATTESTED
EXAMINER
Peshawar High Court

27

5

- H. That there is no reason for denial of the grant of promotion to the petitioner to the subject post, when he fulfills all the prescribed criteria and when the posts are required to be filled on promotion.
- I. That the case of the petitioner was delayed upto his retirement for no reason, other than malafide and malice on the part of the respondents.
- J. That the petitioner had been deprived from his legal right and was ignored with malafide intention which is illegal, unlawful, against the law and natural justice.
- K. That the petitioner has the right to agitate any other additional grounds/fact at the time of arguments after the stance of the respondents with permission of this Honourable court.

It is, therefore, humbly prayed that on acceptance of this writ petition the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along with all back benefits according to rules and law.

Any other relief which the petitioner is found fit in law, justice and equity.

Dated: 23-06-2021

CERTIFIED TO BE TRUE COPY
 BY EXAMINER
 Peshawar High Court, Peshawar
 Authority: Order No. 10 of 2021
 The Court of Sessions, Peshawar, 2021

27 APR 2022

Petitioner
 Through
 Gohar Rehman Khattak
 Advocate, High court Peshawar
 Muhammad Khalil (Firdous)
 Advocate, High Court
 Office: I.A Nasir Mansion
 Shoba Bazar, Railway Road II,
 Peshawar, Cantt
 Cell# 0533-9107724
 0334-9213356

Email:khattak_law_chamber@yahoo.com

[Signature]
 ADVOCATE

- Books:
- 1. Constitution of Islamic Republic of Pakistan 1973
 - 2. Any other book related to case

28

6

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. _____ /2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,
Peshawar

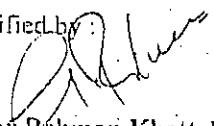
..... Petitioner


VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others

AFFIDAVIT


I Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,
Peshawar, do hereby solemnly declare on oath that contents of the Writ
Petition are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honorable Court.

Identified by: 
Gohar Rehman Khattak
Advocate, High Court Peshawar

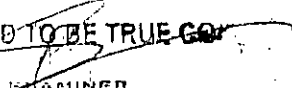

Dependent

ABDUL SATTAR
CNIC: 17301-3195022-1
83339259553

No: 09164
Certified that the above was verified on solemnly
affirmation before me on this 24
day of June 2021 at Eng. Ab. Sattar
s/o Khial Muhammad Peshawar
who was identified by Gohar Rehman Khattak
Who is present


24/06/2021

Notary verified

CERTIFIED TO BE TRUE COPY

EXAMINER
PESHAWAR HIGH COURT, PESHAWAR
Authorised under Section 7 of
The Oath and Affidavit Ordinance 1984
27 APR 2022

29

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET



Date of Order or Proceeding 2.	Order or other proceedings with Signature of Judge 3.
12.10.2021.	<p>W.P No. 2659-P of 2021.</p> <p><u>Present:</u> - Mr. Muhammad Arif Firdose, advocate for the petitioner.</p> <p>Mr. Arshad Ahmad, AAG for respondents.</p> <p>***</p> <p>ROOH-UL-AMIN KHAN, J.- The petitioner, through the instant writ petition filed under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks issuance of an appropriate writ setting aside the impugned order/ letter dated 13.04.2021 and directing the respondents to consider him for promotion as Chief Engineer BS-20 from the date of availability of vacancy alongwith all back benefits.</p> <p>2. In essence, the grievance of petitioner is that he was not considered for promotion on the ground of retirement from service on the basis of superannuation whereas, he is entitled for proforma promotion. Learned counsel for petitioner, when confronted with the proposition as to whether proforma promotion do not fall within the definition of promotion which is beyond the jurisdiction of this Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he referred to Section 4 (b) of Service Tribunal Act, 1973 which reads:</p> <p style="text-align: center;"><i>"no appeal shall lie to a Tribunal"</i></p>

Loohul Amin

ATTESTED
EXAMINER
Peshawar High Court

30

against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade"

The law has been settled on the point in a recent judgment of august Supreme Court of Pakistan dated 01.07.2021 titled "Chief Secretary Govt. of Punjab, Lahore etc. VS Ms. Shamim Usman" rendered in Civil Petition No. 1097-I. of 2020 wherein it has been held that proforma promotion is a kind of promotion, the jurisdiction of which is vested in Service Tribunal.

3. In view of above, this writ petition is not maintainable, however, instead of dismissing it, we deem it appropriate to convert it into appeal and transmit the same to the Service Tribunal in light of judgment in the case of "Mian Asghar Ali VS Govt. of Punjab through Secretary (Colonies) BOR Lahore and others" (2017 SCMR 118) where the petitioner may file an application for amendment of the appeal in accordance with law and subject to limitation.

4. In view of above, this writ petition stands disposed of.

Announced
12.10.2021.

Roo-ul-Amin
SENIOR PUISNE JUDGE
JUDGE

~~CERTIFIED TO BE TRUE COPY~~

MEMBER
Peshawar Bench
Article 87 of
Order 1984

27 APR 2022

7/a*

D.B*

Hon'ble Mr. Justice Roo-ul-Amin Khan, Senior Puisse Judge
Hon'ble Mr. Justice Ijaz Anwar, J.

31

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. 2659-P/2021

Service Appeal no. 7634/2021



Eng. Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad, Peshawar

.....Petitioner

VERSUS

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

.....Respondents

WRIT PETITIONER UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

PRAYER IN PETITION:

On acceptance of this writ petition the impugned action of respondent and order/letter dated 13-04-2021 of the respondent may please be set aside /declare null and void and the Honorable Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/available/created along-with all back benefits according to rules and law.

Any other relief which the petitioner is found fit in law, justice and equity.

FILED TODAY
Deputy Registrar
25 JUN 2021

RESPECTFULLY SHEWETH:

RE-FILED TODAY
Deputy Registrar

Certified to be true copy that the petitioner is the resident of Arbb Road Gulshan Abad,

Peshawar.

MAJID ALI
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

.....having



Appeal No. 7634/2021
Engr. Abdul Sattar

(32)



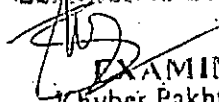
14.04.2022

Appellant present through counsel.

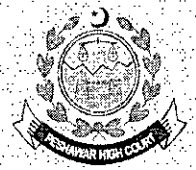
Case was fixed for preliminary hearing but at the very outset an application seeking amendment in memorandum of appeal was filed. Appeal is in its initial stage, therefore, application stands accepted. Amended memorandum of appeal be filed within 10 days and file to come up for preliminary hearing on 04.07.2022 before S.B.

(Rozina Rehman)
Member (J)

Certified to be true copy


EXAMINER
Kyber Pakhtunkhwa
Service Tribunal,
Peshawar

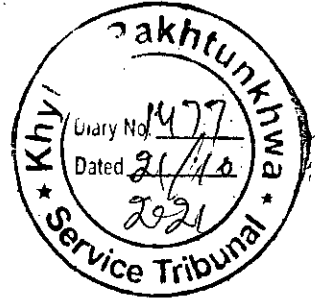
Date of Presentation of Application 25/4/22
Number of Words 800
Copying Fee 10/-
Urgent -
Total 10/-
Name of Copyist -
Date of Completion of Copy 09/05/22
Date of Delivery of Copy 09/05/22



(2)

**The
PESHAWAR HIGH COURT
Peshawar**

Ph: No. 091-9210149-58



No. 42040 (1)/356/2021/WP-MN

Dated. 20-October-2021

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

To

The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject:

Writ Petitions W.P 2659/2021 Title: Eng: Abdul Sattar VS Govt of KP etc

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and copy of order of this Honble Court dated 12.10.2021 for compliance.

26-10-21
Deputy Registrar (J)

Encl: As above.

(12)

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Date of Order or Proceeding	Order or other proceedings with Signature of Judge
2	3
12.10.2021.	<p><u>W.P No. 2659-P of 2021.</u></p> <p><u>Present:</u> - Mr. Muhammad Arif Firdose, advocate for the petitioner.</p> <p>Mr. Arshad Ahmad, AAG for respondents.</p> <p>***</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> The petitioner, through the instant writ petition filed under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks issuance of an appropriate writ setting aside the impugned order/ letter dated 13.04.2021 and directing the respondents to consider him for promotion as Chief Engineer BS-20 from the date of availability of vacancy alongwith all back benefits.</p> <p>2. In essence, the grievance of petitioner is that he was not considered for promotion on the ground of retirement from service on the basis of superannuation whereas, he is entitled for proforma promotion. Learned counsel for petitioner, when confronted with the proposition as to whether proforma promotion do not fall within the definition of promotion which is beyond the jurisdiction of this Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he referred to Section 4 (b) of Service Tribunal Act, 1973 which reads:</p> <p style="text-align: center;"><i>"no appeal shall lie to a Tribunal</i></p>

against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade”

The law has been settled on the point in a recent judgment of august Supreme Court of Pakistan dated 01.07.2021 titled “*Chief Secretary Govt. of Punjab, Lahore etc. VS Ms. Shamim Usman*” rendered in Civil Petition No. 1097-L of 2020 wherein it has been held that proforma promotion is a kind of promotion, the jurisdiction of which is vested in Service Tribunal.

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4. In view of above, this writ petition stands disposed of.

**Announced
12.10.2021.**


SENIOR PUISNE JUDGE


JUDGE

Before the Peshawar High Court Peshawar

CHECK LIST.

Case Title: <i>Ey Abdul Sattar</i>Versus..... <i>Govt of KPK & others</i>			
1.	Case is duly signed.	YES	NO
2.	The law under which the case is preferred has been mentioned.	YES	NO
3.	Approved file cover is used.	YES	NO
4.	Affidavit is duly attested and appended.	YES	NO
5.	Case and annexure are properly paged/ numbered according to index.	YES	NO
6.	Copies of annexure are legible and attested. If not, then better copies duly attested have been annexed.	YES	NO
7.	Certified copies of all the requisite documents have been filed.	YES	NO
8.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	YES	NO
9.	Case is within time.	YES	NO
10.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	YES	NO
11.	Court fee in shape of stamp paper is affixed. (for writ Rs.500, for other was required).	YES	NO
12.	Power of attorney is in proper form.	YES	NO
13.	Memo of addresses filed.	YES	NO
14.	List of books mentioned in the petition.	YES	NO
15.	The requisite number of spare copied attached. (Writ Petition-3 Nos, Civil Appeal (SB-1, DB-2) Civil Revision (SB-1, DB-2).	YES	NO
16.	Case (Revision/appeal/petition etc.) is filed on the prescribed form.	YES	NO
17.	Power of attorney is attested by jail authority (for jail prisoner only).	YES	NO

It is certified that formalities/documents as requires in column 2 to 18 above, have been fulfilled.

25/1/2021
Copy received
by A.G.

Signature. *A. Rehman*

Date: 25/1/2021

Advocate Peshawar.

For office use only.

Case No. _____

Case received. _____

Complete in all respect; Yes/No (if No the grounds) _____

Date in court. _____

Signature. _____

(Reader)

Countersigned _____

Date. _____

(Deputy Registrar)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. 9659 P /2021

Appeal no. 7634/2021

**SCANNED
KPST
Peshawar**

Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,
Peshawar

..... Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others

..... Respondents

INDEX

S No	Description of Documents	Annexure	Pages
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4	Letter dated 01-09-2016	B	17
5	Retirement order dated 31-03-2021	C	18
6	Working paper with seniority list 23-02-2021	D	19-24
7	Application dated 25-03-2021	E	25
	Impugned order dated 13-04-2021	F	26
	Court Fee		27-28
	Wakalat Nama		29

FILED TODAY
Deputy Registrar
25 JUN 2021

Dated 23/6/2021

RE-FILED TODAY
Deputy Registrar
28 JUN 2021

Scanned USB Received
25 JUN 2021
Signature

Petitioner
Through

GOHAR RAHMAN KHATTAK
ADVOCATE,
HIGH COURT PESHAWAR
Office: I.A Nasir Mansion
Shoba Bazar, Railway Road II,
Peshawar, Cantt
Cell# 0333-9107724
Email:khattak_law_chamber@yahoo.com

**IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR WRIT BRANCH**

Date of Filing: _____

District _____

Case Type: Writ Petition

Nature of Original Proceedings: _____

Category Code:

0	5	0	7	1	4
---	---	---	---	---	---

(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: _____

Writ of:

Heabus Corpus	Prohibition	Mandamus	Qua Warranto	Certiorari
----------------------	--------------------	-----------------	---------------------	-------------------

If Certiorari:

Forum	Date	Interlocutory/ Final Order	Case Pertains to
NIL	NIL	NIL	<input type="checkbox"/> SB
NIL	NIL	NIL	<input type="checkbox"/> DB
NIL	NIL	NIL	<input checked="" type="checkbox"/> DB
NIL	NIL	NIL	

Petitioner Name	Eng. Abdul Sattar S/o Khial Muhammad
Mobile No.	0333-9259553
Address	Arbab Road Gulshan Abad, Peshawar.
CNIC No.	17301-8199022-1
Email Address	N/A

Counsel for Petitioner(s)	Gohar Rehman Khattak
Mobile No.	0333-9107724
Address	Office No.1-A Nasir Mansion Soba Bazar, Peshawar
CNIC No.	16102-2599858-7
Email Address	Khattak law chamber@yahoo.com

Respondents	Govt. of KP through Chief Secretary etc
Address	As mentioned in the addresses of parties

ORIGINAL ORDER/ ACTION/ INACTION COMPLAINED OF:

AGAINST THE ACTS/ OMISSIONS OF THE RESPONDENTS

PRAYER

FILED TODAY
(Signature)
Deputy Registrar
25 JUN 2021

On acceptance of this writ petition, the impugned action of respondent and order/ letter dated 13.04.2021 of the respondents may please be set-aside/ declare null and void and the hon'ble Court may please be directed the respondents to consider the petitioner for promotion as Chief Engineer BS-20 from the date on which vacancy had become vacant/ available of Chief Engineer BS-20 alongwith all back benefits to rules and law.

LAW/ RULES/ GOVERNING THE ORIGINAL PROCEEDINGS/ ACTION/ LOCATION

1. *The Constitution of Pakistan.*
2. *Any other book.*

Signature *(Signature)*

2

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. 2659 P /2021
service Appeal no. 7634/2021

Eng Abdul Sattar S/o Khial Muhmmad R/o Arbb Road Gulshan Abad,
Peshawar

..... Petitioner

VERSUS

1. Government of Pakistan through Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Respondents

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FILED TODAY
Deputy Registrar
25 JUN 2021

RE-FILED TODAY
Deputy Registrar
28 JUN 2021

RESPECTFULLY SHEWETH:

1. That the petitioner is the resident of Arbb Road Gulshan Abad, Peshawar.

13

2. That the petitioner was initially appointed as Assistant Engineer BS-17 in the C&W Department on 26-05-1988. **(Copy of appointed order is attached as annexure A)**
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4. That despite of written request for promotion to the next higher grade BPS-20 pretty a long time before retirement of petitioner, no action was taken in this very important service matter and petitioner was retired 31-03-2021 as Superintendent Engineer (Southern) C&W Cicle Tribal District at Bannu with effect from 06-03-2021. **(Copy attached as annexure C)**
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6. That the petitioner submitted an application through proper channel to the Honorable Chief Mister Khyber Pakhtunkhwa on 25-03-2021 for Special PSB for promotion of the petitioner to BS-20. **(Copy attached as annexure E)**
7. That the respondent No. 4 through Section Officer (Regulation wing) regretted the plea of the petitioner vide order/letter dated 13-04-2021. **(Copy attached as annexure F)**
8. That petitioner aggrieved from the said act by not promoting the petitioner from back date and order/letter dated 13-04-2021 of the respondents, (S 4 (b)) Service Tribunal Act, 1973 barred the petitioner by approaching Tribunal , having no other adequate and efficacious remedy is available to petitioner

FILED TODAY
Deputy Registrar
25 JUN 2021

except filing this constitutional petition on the following rounds.

GROUND:

- A. That the action/impugned order dated 13-04-2021 is illegal, unlawful and against the law.
- B. That the act of the respondents are in violation of article 4,8,25,27,30, of the Constitution of Islamic republic of Pakistan 1973.
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- D. That as usual, the petitioner's case for promotion fell prey to the red-tappism and it was delayed till his retirement from service vide notification dated 31-03-2021.
- E. That the petitioner had served the department for almost 34 years on the lower posts and was entitled for the post of Chief Engineer BS-20 as the posts were vacant before retirement of the petitioner.
- F. That the petitioner was moved written request for the promotion to the next higher grade, but it seems that it was buried and no order, whatsoever, either of the grant or refusal of promotion was conveyed to the petitioner before retirement.
- G. That the petitioner had not been dealt with in accordance with law, rather has been discriminated and deprived from legal right bestowed on him by the law and rules of the subject.

FILED TODAY
 Deputy Registrar
 25 JUN 2021

5

- H. That there is no reason for denial of the grant of promotion to the petitioner to the subject post, when he fulfills all the prescribed criteria and when the posts are required to be filled on promotion.
- I. That the case of the petitioner was delayed upto his retirement for no reason, other than malafide and malice on the part of the respondents.
- J. That the petitioner had been deprived from his legal right and was ignored with malafide intention which is illegal, unlawful, against the law and natural justice.
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Any other relief which the petitioner is found fit in law, justice and equity.

Dated: 23-06-2021

FILED TODAY
Deputy Registrar
25 JUN 2021

Petitioner
Through
Gohar Rehman Khattak
Advocate; High court Peshawar
&
Muhammad Anif (Firdous)
Advocate, High Court
Office: 1.A Nasir Mansion
Shoba Bazar, Railway Road II,
Peshawar, Cantt
Cell# 0333-9107724
0334-9215356
Email:khattak_law_chamber@yahoo.com

Books:

1. Constitution of Islamic Republic of Pakistan 1973
2. Any other book related to case.

ADVOCATE

6

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. 2659 P /2021

Eng Abdul Sattar S/o Khial Muhmmad R/o Arbb Road Gulshan Abad,
Peshawar

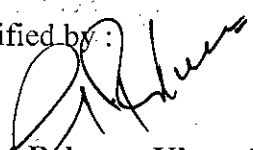
..... Petitioner

VERSUS


Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others

AFFIDAVIT


I Eng Abdul Sattar S/o Khial Muhmmad R/o Arbb Road Gulshan Abad,
Peshawar, do hereby solemnly declare on oath that contents of the Writ
Petition are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honorable Court.


Identified by: 

Gohar Behman Khattak
Advocate, High Court Peshawar


Deponent

ABDUL SATTAR
C.M.C. 17301-8188022-1 ✓
03339259553

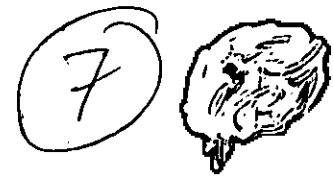
FILED TODAY

Deputy Registrar
25 JUN 2021

No: <u>89189</u>
Certified that the above was verified on solemnly affirmation before me in office this <u>24</u> day of <u>June</u> <u>2021</u> by <u>Eng. Ab. Sattar</u> s/o <u>Khial muhammad</u> Peshawar who was identified by <u>Gohar Behman Khattak</u> Who is person <u>known to me</u>
 Deponent Peshawar <u>24/06/2021</u>

Nadra verified

Reset Password

Logout



Online Service for verification of NADRA Identity Cards



Card Verification

Identity Card Number : 17301-8199022-1

Verification Date : June 24, 2021

[Start New Verification](#)

This person has been given exemption of expiry being Senior Citizen and does not require renewal for rest of his or her life.

CNIC Verification

Card Status: Verified

Name: Abdul Sattar
عبدالستار

Father Name: Khial Muhammad
خیال محمد

Gender: Male

Country of Stay: Pakistan

Citizen Number: 17301-8199022-1

DOB: 07-03-1961

Issue Date: 10-09-2020

Date of Expiry: Lifetime

Card Type: Smart CNIC

Old NIC#: 13660052540

Present Address: اریاب روڈ، محلہ گلشن آباد، پشاور

Permanent Address: ملا خیل تپہ عزیز خیل ڈاک خانہ، طحلو، تحصیل ایر، ضلع اورنگزیں ایجنسی




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BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

W.P.No. 2659 P /2021

Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,
Peshawar

..... **Petitioner**

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others

ADDRESSES OF THE PARTIES:

Petitioner:


Eng Abdul Sattar S/o Khial Muhammad R/o Arbb Road Gulshan Abad,
Peshawar

Respondents:

Respondents:

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar
2. Secretary Communication and Works Khyber Pakhtunkhwa, Peshawar
3. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
4. Secretary Establishment & Admn department, Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa, Peshawar

FILED TODAY
Deputy Registrar
25 JUN 2021


ADVOCATE

Dated Peshawar the 26th May, 1988.

9

NOTIFICATION

NO. SO(E)C&W/4-14/79-II. On their selection by the N.W.F.P Public Service Commission, Peshawar the Provincial Government are pleased to appoint the following as Temporary Assistant Engineers in the Communication and Works Department, NWFP in BPS-17 plus other allowances as admissible under the rules with immediate effect :-

1. Mr. Muhammad Uzair
2. Mr. Fazli Qaddus
3. Mr. Muhammad Tariq
4. Mr. Muhammad Shahab Khattak
5. Mr. Ziaur Rahman
6. Mr. Shahid Hussain
7. Mr. Munir Khan Nayyar
8. Mr. Syed Muhammad Ilyas Shah
9. Mr. Riaz Arshad
10. Mr. Muhammad Ayub
11. Mr. Abdul Sattar
12. Mr. Arshad Khan
13. Mr. Noor-us-Saeed Shah
14. Mr. Amer Nadeem Durrani
15. Mr. Rafi-ud-Din
16. Mr. Shakir Habib
17. Mr. Ahmar Nabi Sultan
18. Mr. Hamid Ajmal Khan
19. Mr. Aurangzeb
20. Mr. Habibur Rahim
21. Mr. Muhammad Nawaz
22. Mr. Bakht Rawan
23. Mr. Munir Hussain
24. Mr. Muhammad Tariq Khan
25. Mr. Sajjad Afzal Afridi
26. Mr. Abdul Ghafoor
27. Mr. Bahadar Said
28. Mr. Rahmat Hakim
29. Mr. Kifayatullah
30. Mr. Muhammad Nazar

(Leave reserve)
"
"
"

2. Their seniority will be determined in accordance with the merit assigned by the NWFP Public Service Commission.

3. On their appointment the services of the following 23 Temporary Assistant Engineers are hereby placed at the disposal of Chief Engineer(Dev)/Executive Engineers noted against each for undergoing 4 months practical training against the existing vacancies. They have also to pass the prescribed test on completion of 4 months training.

ATTESTED

GOVERNMENT OF NWFP
COMMUNICATION AND WORKS

Dated Peshawar the 26th May, 1988

NOTIFICATION

NO.SO (E) E&W/4-14/79-II. On their selection by the NWFP Public Service Commission, Peshawar the Provincial Government are pleased to appoint the following as Temporary Assistant Engineers in the communication and works department, NWFP in BPS-17 plus other allowances as admissible under the rules with immediate of effect.

1. Mr. Muhammad Uzair
2. Mr. Fazli Qaddus
3. Mr. Muhammad Tariq
4. Mr. Muhammad Shahab Khattak
5. Mr. Zia ur Rehman
6. Mr. Shahid Hussain
7. Mr. Munir Khan Nayyar
8. Mr. Syed Muhammad Ilyas Shah
9. Mr. Riaz Arshad
10. Mr. Muhammad Ayub
11. Mr. Abdul Sattar
12. Mr. Arshad Khan
13. Mr. Noor us Saeed shah
14. Mr. Amer Nadeem Durrani
15. Mr. Rafi ud Din
16. Mr. Shakir Habib
17. Mr. Ahmad Nabi Sultan
18. Mr. Hamid Ajmal Khan
19. Mr. Aurangzeb
20. Mr. Habibur Rahim
21. Mr. Muhammad Nawaz
22. Mr. Bakht Rawan
23. Mr. Munir Hussain
24. Mr. Muhammad Tariq Khan
25. Mr. Sajjad Afzal Afridi
26. Mr. Abdul Ghaffor
27. Mr. Bahadar Said
28. Mr. Rahmat Hakim
29. Mr. Kifayatullah
30. Mr. Muhammad Nazar

Leave reserved

2. Their seniority will be determined in accordance with the merit assigned by the NWFP Public Service Commission.

3. On their appointment the services of the following 23 Temporary Assistant Engineers are hereby placed at the disposal of Chief Engineer (Dev)/ Executive Engineers noted against each for undergoing 4 months practical training against the existing vacancies. They have also to pass the prescribed test on completion of 4 months training:-

ATTESTED

S.NO.	N A M E	SERVICES PLACED AT THE DISPOSAL OF
1)	Mr. Fazli Qaddus	Executive Engineer (Dev) C&W Divn, Chaltanay.
2)	Mr. Muhammad Shahab Khattak.	Executive Engineer (Dev) C&W Divn, Chaltanay.
3)	Mr. Ziaur Rehman	Chief Engineer (Dev) C&W Deptt. Pesh.
4)	Mr. Shahid Hussain	Executive Engineer, Bldg. Maintenance Division, Peshawar.
5)	Mr. Munir Khan Nayyar	Executive Engineer, C&W Divn, Mansehra.
6)	Mr. Syed Muhammad Ilyas Shah.	Executive Engineer, C&W Divn, Malakand.
7)	Mr. Riaz Arshad	Executive Engineer (Dev) C&W Divn, Jamrud.
8)	Mr. Abdul Sattar	Executive Engineer (Dev) C&W Division, Ghakzai at Hangu.
9)	Mr. Arshad Khan	Executive Engineer, Building Project No. 3, Peshawar.
10)	Mr. Noor-Ul-Saeed Shah	Executive Engineer, C&W Divn, Bannu.
11)	Mr. Amer Nadeem Durraimi.	Executive Engineer, Building Divn Pesh.
12)	Mr. Shakir Habib	Executive Engineer, Bldg. Project No. 1 Peshawar.
13)	Mr. Hamid Ajmal Khan	Executive Engineer, Building Project No. 2 Peshawar.
14)	Mr. Aurangzeb	Executive Engineer, Highway Divn Pesh.
15)	Mr. Habibur Rahim	Executive Engineer (Dev) C & W Divn, Parachinar.
16)	Mr. Muhammad Nawaz	Executive Engineer, Building Divn, Bannu.
17)	Mr. Bakht Rawan	Executive Engineer, C&W Division Dir at Timargara.
18)	Mr. Munir Hussain	Executive Engineer, C&W Divn, Mansehra.
19)	Mr. Muhammad Tariq Khan.	Executive Engineer, (Dev) C&W Divn, Jamrud.
20)	Mr. Bahadar Said. (Leave reserve)	Executive Engineer, C&W Divn, Karak.
21)	Mr. Rahmat Hakim (Leave reserve)	Executive Engineer, Bldg Divn, A. Abad.
22)	Mr. Kifayatullah (Leave reserve)	Executive Engineer, C&W Division, Mardan.
23)	Mr. Muhammad Nazar (Leave reserve)	Executive Engineer, Highway Divn, Swat.

4. On their appointment, the services of the following 7 temporary Assistant Engineers, who have completed practice:

ATTESTED

S. No.	Name	Services placed at the Disposal of
1.	Mr. Fazli Qaddus	Executive Engineer (Dev) C&W Divn, Ghallanay.
2.	Mr. Muhammad Shahab Khattak.	Executive Engineer (Dev) C&W Divn, Ghallanay.
3.	Mr. Ziaur Rahman	Executive Engineer (Dev) C&W Deptt Peshawar.
4.	Mr. Shahid Hussain	Executive Engineer Brigd Maintenance Division, Peshawar
5.	Mr. Munir Khan Nayyar	Executive Engineer, C&W Divn, Manshera
6.	Mr. Syed Muhammad Ilyas Shah	Executive Engineer C&W Divn, Malakand
7.	Mr. Riaz Arshad	Executive Engineer (Dev) Divn, Jamrud
8.	Mr. Abdul Sattar	Executive Engineer C&W Divn Orakzai at Hangu
9.	Mr. Arshad Khan	Executive Engineer Building No.3 Peshawar.
10.	Mr. Noor us Saeed Shah	Executive Engineer C&W Divn Bannu
11.	Mr. Amer Nadeem Durrani	Executive Engineer C&W Divs Bannu.
12.	Mr. Shakir Habib	Executive Engineer Bldng Project No.1 Peshawar.
13.	Mr. Hamid Ajmal Khan	Executive Engineer Building Project No.1 2 Peshawar
14.	Mr. Aurangzeb	Executive Engineer Highway Divn Pesh
15.	Mr. Habibur Rahim	Executive Engineer Dev C &W Divn Prachinar
16.	Mr. Muhammad Nawaz	Executive Engineer Building Divn Bannu.
17.	Mr. Bakht Rawan	Executive Engineer C&W Division Dir Timergara.
18.	Mr. Munir Hussain	Executive Engineer C&W Divn, Manshera.
19.	Mr. Muhammad Tariq Khan	Executive Engineer (Dev) C&W Divn Jamrod.
20.	Mr. Bahadar Said. Leave reserved	Executive Engineer C&W Divn, Karak.
21.	Mr. Rahmat Hakim Leave reserved	Executive Engineer Bldg Divn, A. Abad
22.	Mr. Kifayatullah Leave reserved	Executive Engineer C&W Division Mardan..
23.	Mr. Muhammad Nazar Leave reserved	Executive Engineer Highway Divn, Swat.

4. On their appointment, the services of the following temporary Assistant Engineers, who have completed (sic)

ATTESTED

training, are hereby placed at the disposal of Superintending Engineers/Executive Engineers for further posting against the existing vacant posts -

S.NO.	N A M E	SERVICES PLACED AT THE DISPOSAL OF
1)	Mr. Muhammad Uzair	Executive Engineer, C&W Division Malakand.
2)	Mr. Muhammad Tariq	Executive Engineer, C&W Division Malakand.
3)	Mr. Muhammad Ayub	Superintending Engineer, C&W Circle Kohat.
4)	Mr. Rafi-ud-Din	Superintending Engineer, C&W Circle, Abbottabad.
5)	Mr. Ahmed Naba Sultan	Superintending Engineer, C&W Circle Swat.
6)	Mr. Sajjad Afzal Afridi (Leave reserve)	Superintending Engineer, Rtdg. Circle Peshawar.
7)	Mr. Abdul Ghafoor (Leave reserve)	Superintending Engineer, Highway Circle Peshawar.

(RAOIR AHMAD PARACHA)
SECRETARY TO GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

ENDST. NO: SO(E)C&W/4-14/70-III, Dated Peshawar the 26th May, 1988.

A copy is forwarded to -

- 1) The Accountant General, N.W.F.P., Peshawar.
- 2) All District Accounts Officers/Agency Accounts Officers, NWFP.
- 3) Secretary to Chief Minister, N.W.F.P.
- 4) Private Secretary to Minister for C&W N.W.F.P.
- 5) Private Secretary to Chief Secretary, NWFP.
- 6) The Secretary, Services & General Admn. Department, NWFP.
- 7) The Secretary, Finance Department, NWFP.
- 8) The Secretary Planning and Development Deptt. NWFP.
- 9) All Chief Engineers/Superintending Engineers in the C & W Department, NWFP.

ATTESTED

BETTER COPY

11

training, are hereby placed at the disposal of Superintending Engineers/ Executive Engineers for further posting against the existing vacant posts.

S. No.	Name	Services placed at the Disposal of
1.	Mr. Muhammad Uzar	Executive Engineer C & W Division Malakand
2.	Mr. Muhammad Tariq	Executive Engineer C&W Division Malakand.
3.	Mr. Muhamad Ayub	Superintending Engineer, C&W Circle Kohat.
4.	Mr. Rafi ud Din	Superintending Engineer, C&W Circle, Abbottabad.
5.	Mr. Ahmad Nabi Sultan	Superintending Engineer, C&W Circle Swat.
6.	Mr. Sajjad Afzal Afridi (Leave reserve)	Superintending Engineer, Bild, Circle Peshawar.
7.	Mr. Abdul Ghafoor (Leave Reserve)	Superintending Engineer, Highway Circle Peshawar.

FAQIR AHMAD PARACHA
SECRETARY TO GOVERNMENT OF NWFP
Communication & Works Department

Endst No. SO (E)C&W/4-14/7-III, dated Peshawar the 26th May, 1988.

A copy is forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. All District Accounts Officers/ Agency Accounts officers, NWFP.
3. Secretary the Chief Minister, NWFP.
4. Private Secretary to Minister for C&W NWFP.
5. Private Secretary to Chief Secretary NWFP.
6. The Secretary, Service & General Admn: Department, NWFP.
7. The Secretary, Finance Department NWFP.
8. The Secretary Planning and Development Deptt. NWFP.
9. All Chief Engineers/ Superintending Engineers in the C&W Department, NWFP.

ATTESTED

- 10) All Executive Engineers in the C&W Department.
- 11) Deputy Secretary C&W Secretariat.
- 12) Administrative Officer Provincial Urban Development Board, NWFP Peshawar with reference to his letter No. UICB/407/30/37 dated 30.3.1988. 2.15.
- 13) Deputy Director (Admn.) E-1, Chief Engineer (Admn.) Water, WAPDA Lahore, with reference to his Memo No. W-CR-4-483/80/E-1/1340 dated 10.2.1988.
- 14) The Section Officer (Establishment), Irrigation & Public Health Engineering Department with reference to his letter No. SO(E)I&PHE/1-4/87, dated 16.5.1988.
- 15) Superintending Engineer, Malakand Irrigation Circle Gulkada, Saidu Sharif Swat with reference to his Memo No. 2503-04/6-E dated 8.3.1988.
- 16) Officers concerned.
- 17) The Manager Government Printing & Stationery Department for publication in the next Government Gazette.
- 18) Private Secretary to Secretary D & W.
- 19) O/O file 4-7/77/Seniority File/4-1/78 etc.

Mirza Bashir Ahmad
 (MIRZA BASHIR AHMAD)
 SECTION OFFICER (E)

ATTESTED
 2

1. All Executive Engineers in the C&W Department.
2. Deputy Secretary C&W Secretariat.
3. Administrative Officer Provincial Urban Development Board, NWFP Peshawar with reference to his letter No.U183/10/30337 dated 30.10.1988.
4. Deputy Director (Admn) E-1 Chief Engineer (Admn) Water WApda Lahore, with reference to his Memo, No. W-CR-4-483/88/E-1/1340 dated 18.02.1988.
5. The Section officer (Establishment), Irrigation & Public Health Engineering Department with reference to his letter No.SO(E) I&PHE/1-4/ 87, Dated 16.03.1988.
6. Superintending Engineer, Malakand Irrigation Circle Gulkada, Saidu Sharif Swat with reference to his memo No.2503-04/6-E dated 08.03.1980.
7. Officers Concerned.
8. The Manager Government Printing & Stationery Department for Publication in the next Government Gazette.
9. Private Secretary to Secretary C&W.
10. O/O file 4-7/77/ Seniority File/4-1/78 etc.

Mirza Bashir Ahmad
Section Officer (E)

ATTESTED

Dated Peshawar, the Jan 23, 2010

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NOTIFICATION:

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

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

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

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

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

ATTESTED

GOVERNMENT OF NWFP
Communication & Works Department
Dated Peshawar the Jan 23, 2010

NOTIFICATION:

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

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

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S. No.	Name of officers	From	To	Remarks
1.	Shafiq Ahmad (BS-18)	Deputy Director Abaseen Construction Peshawar (OPS)	Services Placed at Disposal of FATA Sectt:	---
2.	Muhammad Uzair (Bs-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (Technical) O/O CE (Centre) C&W Peshawar, for actualization of promotion and then reported as Deputy Director FHA	---
3.	Muhammad Tariq-II BS-18	Deputy Director PERRA (OPS)	Senior Engineer (Building) O/O CE (CDO) C&W Peshawar for actualization of promotion and then reposted as Deputy Director PERRA	---
4.	Ejaz Hussain Ansari (BS-18)	Deputy Director PERRA (OPS)	XEN (Electrical Mechanical) O/O CE (Centre) C&W Peshawar for actualization of promotion and then reposted as Deputy Director PERA	---

ATTESTED

Sl. No.	Name of Officers	From	To	Remarks
5)	M. Shahab Khattak (BS-18)	Executive Engineer Building Division Jamrud, Khyber Agency (OPS)	Executive Engineer Building Division Jarhurd, Khyber Agency	---
6)	Zia-ur-Rehman (BS-18)	Executive Engineer C&W Division Swat (OPS)	Executive Engineer C&W Division Swat	---
7)	Shahid Hussain (BS-18)	Executive Engineer Building & Works Division-1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-I, Peshawar	---
8)	Syed Ilyas Shah (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	Design Engineer (R&B) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director F.H.A.	---
9)	Riaz Arshad (BS-18)	Executive Engineer Building & Works Division-I1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division-II, Peshawar.	---
10)	Muhammad Ayub (BS-18)	Deputy Director resettlement (FAP) C&W Department, Peshawar (OPS)	Design Engineer (Technical) O/O CE (North) C&W, Peshawar, For actualization of promotion and then reposted as Deputy Director (resettlement). FAP Peshawar.	---
11)	Abdul Sattar (BS-18)	Waiting for posting	Services placed at the disposal of FATA Sectt:	---
12)	Arshad Khan (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	XEN (Electrical/Mechanical) O/O CE (North) C&W Peshawar. For actualization of promotion and then reposted as Deputy Director F.H.A.	---
13)	Noor-us-Saeed Shah (BS-18)	Design Engineer (Building) O/O CE FATA C&W, Peshawar (OPS)	Services placed at the disposal of FATA Sectt:	---
14)	Amer Nadeem Durrani (BS-18)	Executive Engineer C&W Division Malakand (OPS)	Executive Engineer C&W Division Malakand	---
15)	Rafi ud Din (BS-18)	Executive Engineer Highway Division Mardan (OPS)	Executive Engineer Highway Division Mardan	---
16)	Shakir Habib (BS-18)	Design Engineer O/O CE (Centre) C&W, Peshawar (OPS)	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar. For actualization of promotion and then reposted as Deputy Secretary Technical, Pesh.	---
17)	Ahmad Nabi Sultan (BS-18)	Executive Engineer C&W Division DIKhan (OPS)	Executive Engineer C&W Division DIKhan	---
18)	Hamid Ajmal Khan (BS-18)	Section Officer (Building) C&W Sectt Peshawar	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar.	---
19)	Aurangzeb (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Survey & RMU) O/O CE (CDO) C&W Peshawar For actualization of promotion and then reposted as Deputy Director PERRA	---

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ATTESTED

S. #	Name of officers	From	To	Remarks
5.	M. Shahab Khattak (BS-18)	Executive Engineer Building Division Jamrud, Khyber Agency (OPS)	Executive Engineer Building Division Jamrud, Khyber Agency	---
6.	Zia ur Rahman (BS-18)	Executive Engineer C&W Division Swat (OPS)	Executive Engineer C&W Division Swat	---
7.	Shahid Hussain (BS-18)	Executive Engineer Building & Work Division 1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division 1, Peshawar	---
8.	Syed Ilyas Shah (BS-18)	Deputy Director Frontier Highways Authority Peshawar (OPS)	Design Engineer (R&B) O/O CE North) C&W Peshawar, for actualization of Promotion and then reposted as Deput Director F>H.A	---
9.	Riaz Arshad (BS-18)	Executive Engineer Building & Works Divisional 1 (Provl) Peshawar (OPS)	Executive Engineer Provincial Building (Construction) Division II Peshawar	---
10.	Muhammad Ayub (BS-18)	Deputy Director Resettlment (FAP) C&W Department Peshawar (OPS)	Design Engineer (Technical) O/O CE (North) C&W Peshawar, For actualization of promotion and then reposted as Deputy Director (Resettlement) FAP Peshawar	---
11.	Abdul Sattar (BS-18)	Waiting for posting	Services placed at the Disposal of FATA Sect	---
12.	Arshad Khan (BS-18)	Deputy Director Frontier Highways Authority, Peshawar (OPS)	XEN (Electrical Mechanical) O/O CE (Centre) C&W Peshawar for actualization of promotion and then reposted as Deputy Director FHA	---
13.	Noor Us Saeed Shah (BS-18)	Design Engineer (Building) O/O CE FATA Peshawar (OPS)	Services placed at the Disposal of FATA Sect	---
14.	Amer Nadeem Durrani (BS-18)	Executive Engineer C&W Division Malakdn (OPS)	Executive Engineer C&W Division Malakand	---
15.	Rafi Ud Din (BS-18)	Executive Engineer Highway Division Mardan (OPS)	Executive Engineer Highway Division Mardan	---
16.	Shakir Habib (BS-18)	Design Engineer Peshawar (OPS)	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar. For actualization of promotion and then reposted as Deputy Secretary Technical Peshawar.	---
17.	Ahmad Nabi Sultan (BS-18)	Executive Engineer C&W Division D I Khan OPS	Executive Engineer C&W Division D I Khan	---
18.	Hamid Ajmal Khan (BS-18)	Section Officer (Building) C&W Sectt Peshawar	Design Engineer (R&B) O/O CE (Centre) C&W Peshawar	---
19.	Aurangzeb (BS-18)	Deputy Director PERRA (OPS)	Senior Engineer (Survey & RMU) O/O CE (CDO) C&W Peshawar for actualization of promotion and then reposted as Deputy Director PERRA.	---



15

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

ATTESTED

S. #	Name of officers	From	To	Remarks
20.	Habib ur Rahim (BS-18)	Design Engineer O/O CE FATA C&W Peshawar (OPS)	Services placed at the Disposal of FATA Sect	---
21.	Fazli Wahab (BS-18)	Waiting for posting	Design Engineer (R&B) O/O CE (north C&W Peshawar.	---
22.	Muhammad Nawaz-I (BS-18)	Deputy Director Physical Housing Authority Peshawar (OPS)	Repatriated to C&W Department and posted as research officer Regional Roads research & material Testing Laboratory at Peshawar for actualization of promotion and then reposted as Deputy Director PHA Peshawar	---
23.	Bakht Rawan (BS-18)	Executive Engineer C&W Division Shangla (OPS)	Executive Engineer C&W Division Shangla	
24.	Mnir Hussain (BS-18)	Executive Engineer C&W Division Battgram (OPS)	Executive Engineer C&W Division Battagram	
25.	Muhammad Tariq II (BS-18)	Deputy Director I FAP C&W Peshawar (OPS)	Senior Design Engineer (R*B) O/O CE (CDO) C&W Peshawar, for actualization of promotion and then reposted as Deputy Director II FAP C&W Peshawar	
26.	Abdul Ghafoor (BS-18)	Deputy Director II FAP C&W Peshawar(OPS)	Executive Enigneer Highway Division D I Khan for actualization of promotion and then reposted as Depity Director II FAP C&W Peshawar.	
27.	Bahadar Said (BS-18)	Executive Engineer C&W Division Buner (OPS)	Executive Engineer C&W Division Buner	
28.	Rehmat, Hakim (BS-18)	Waiting for posting	Services placed at the Disposal of FATA Sect	
29.	Kifayatullah (BS-18)	Executive Engineer C&W Division Kohat (OPS)	Executive Engineer C&W Division Kohat	
30.	Jamil Ahmad (BS-18)	Executive Engineer C&W Division Dir Lower (OPS)	Executive Engineer C&W Division Dir Lower	
31.	Mohd Tassaduq (BS-18)	SDO (Road) Highway Division Parachinar, Kurram	Services placed at the Disposal of FATA Sect	
32.	Javaid Akbar (BS-18)	Executive Engineer C&W Division Dir Upper (OPS)	Executive Engineer C&W Division Dir Upper	
33.	Muhammad Adil (BS-18)	Waiting of posting	Services placed at the Disposal of FATA Sect	
34.	Muhammad Ayaz Khan (BS-18)	Executive Engineer (Building) Division Bajaur Agency (OPS)	Executive Engineer (Building) Division Bajaur Agency	
35.	Inayatullah (BS-18)	Waiting of posting	Services placed at the Disposal of FATA Sect	
36.	Luqman Shafiq Khattak (BS-17)	Assistant Director (Technical) O/O Director PBMCC Peshawar	Design Engineer (Technical) O/O CE (Centre) C&W Peshawar (OPS) being senior most Assistant Engineer	Due to abolition of post of AD (Tech)

ATTESTED

Endst of even number and date

Copy is forwarded to the:-

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

(Signature)
 (RAHIM BADSHAH)
 SECTION OFFICER (EST)

ATTESTED
(Signature)

Endst of even number and date

Copy of forwarded to the:-

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

Rahim Badshah
Section Officer (ESTT)

ATTESTE

Dated Peshawar the Sept 01, 2016

B (17)

NOTIFICATION:

No.SOE/C&W/4-53/2016: On the recommendations of Provincial Selection Board (PSB), the Competent Authority has been pleased to promote the following Executive Engineers (BS-18) of C&W Department to the rank of Superintending Engineers (BS-19) on regular basis, with immediate effect:

- i. Engr. Abdul Sattar
- ii. Engr. Rafi-ud-Din
- iii. Engr. Ahmad Nabi Sultan
- iv. Engr. Hamid Ajmal Khan
- v. Engr. Fazli Wahab

2. The above officers shall remain on probation for a period of one year in terms of Rule-15 of (Appointment, Promotion & Transfer) Rules, 1989.

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

Sl. No.	Name of Officer & Designation.	From	To
1	Engr. Abdul Sattar (BS-19)	Design Engineer O/O CE FATA W&S Peshawar	Services placed at the disposal of FATA Sectt: for further posting in FATA
2	Engr. Rafi-ud-Din (BS-19)	Superintending Engineer (OPS) C&W Circle Battagram	Superintending Engineer C&W Circle Battagram
3	Engr. Ahmad Nabi Sultan (BS-19)	Director (OPS) Construction PKHA Peshawar	Principal Design Engineer (R&B) O/O CE (CDO) C&W Peshawar. After actualization of his promotion reposted as Director (Construction) PKHA Peshawar
4	Engr. Hamid Ajmal Khan (BS-19)	Superintending Engineer (OPS) HQ O/O CE (North) C&W Peshawar	Superintending Engineer (HQ) O/O CE (North) C&W Peshawar
5	Engr. Fazli Wahab (BS-19)	Superintending Engineer (OPS) C&W Circle Bannu	Superintending Engineer C&W Circle Bannu

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar
2. Accountant General Khyber Pakhtunkhwa Peshawar
3. Additional Accountant General PR (sub office) Peshawar
4. Secretary Admn, Infrastructure and Coord Deptt, FATA Sectt: Warsak Road, Peshawar
5. All Chief Engineer (Centre/North/CDO) C&W Peshawar
6. Chief Engineer FATA W&S Peshawar
7. Managing Director Pakhtunkhwa Highways Authority, Peshawar
8. All Superintending Engineers C&W Circles
9. District Accounts Officer Bannu/Battagram
10. Incharge Computer Cell, C&W Department Peshawar.
11. PR to Secretary, C&W Department Peshawar
12. PA to Deputy Secretary (Admin), C&W Department Peshawar
13. Officers concerned
14. Manager Govt Printing Press, Pesh: for publication in the next issue of Govt Gazette
15. Office order File/Personal File

ATTENDED

[Signature]
OFFICER (S&I)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar the March 31, 2021

NOTIFICATION:

No.SOE/C&WD/1-6/87: In pursuance of sub-section (2) of section 13A of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act, No. XVIII of 1973), read with sub-section (3) thereof, Engr. Abdul Sattar Superintending Engineer (BS-19) C&WD, while posted as Superintending Engineer (Southern) C&W Circle Tribal Districts at Bannu retired from Government Service with effect from 06.03.2021 on attaining sixtieth (60th) year of age, as his date of birth is 07.03.1961.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (Merged Areas) C&W Peshawar
3. Superintending Engineer (Southern) C&W Circle Tribal Districts at Bannu
4. District Accounts Officer Bannu
5. PS to Secretary, C&W Department Peshawar
6. PA to Additional Secretary, C&W Department Peshawar
7. PA to Deputy Secretary (Admn), C&W Department Peshawar
8. Officer concerned
9. Office order File/Personal File

Zahoor
31.03.2021
(ZAHOOR SHAH)
SECTION OFFICER (Estb)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/2020
Dated Peshawar, the Feb 23, 2021

To

The Section Officer (PSB)
Establishment & Admn Department
Peshawar

Subject: **PROMOTION OF SUPERINTENDING ENGINEERS (BS-19) TO
THE RANK OF CHIEF ENGINEERS (BS-20) C&W DEPARTMENT
ON REGULAR BASIS**

I am directed to refer to the subject noted above and to forward herewith working paper (07 sets) along-with related documents duly completed in all respect for promotion of Superintending Engineers (BS-19) to the rank of Chief Engineers (BS-20) on regular basis for placing before Provincial Selection Board (PSB) for consideration, please.

(ZAHOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. PS to Secretary C&W Department, Peshawar
2. PA to Additional Secretary C&W Department, Peshawar
3. PA to Deputy Secretary (Admin) C&W Department, Peshawar

ATTESTED

Jam
23.02.2021
SECTION OFFICER (Estb)

(20)

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department: Communication & Works Department

1. Nomenclature of the post/Basic Scale Chief Engineer (BPS-20)
2. Service/Group/Cadre Engineering (C&W)
3. Sanctioned strength of the Cadre Total regular posts 10 Nos
Annex-I

	Direct	Promotion	Transfer
4. i. Percentage of share		100%	
ii. No. of posts allocated to each category	-	10	-
iii. Present occupancy position			
1) Regular	-	05	-
2) Acting charge		00	
iv. No. of vacancies in each category:			
a. Regular	-	05	-
b. Acting charge		00	

v. How did the vacancy(ies) under promotion quota accrue and since when

Position of 05 Nos Regular Post

a. Due to New creation (Annex-II) ----- 05 Nos

Total: ----- 05 Nos

vi. Recruitment Rules

By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University and have successfully completed Senior Management Course Training (Annex-III).

vii. Required length of service

At least 17 (seventeen) years of service in BPS-17 and above

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

Regular = 05 posts

ix. Mandatory training, if any S.M.C

x. Minimum required score on EI. 70

ATTESTED


SECRETARY
C&W

Dated 23 /02/2021

Secretary to
Govt. of Khyber Pakhtunkhwa
C&W Department

21

PANEL OF OFFICERS FOR CONSIDERATION

PSB-

Sl. No.	Sen. No.	Name of Officer with qualification	Date of Birth	Date of 1 st entry into Govt Service	Date of Appointment/promotion to BS-19	Date of regular Appointment/promotion to the present scale	Whether fulfill the prescribed length of service	Quantified score	Missing PERs (if any)	Disciplinary proceedings (if any)	Case (if any) in any court of Law, including NAB/ Plea bargaining with NAB	Mandatory Training for promotion	Research papers	Present posting	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	1	Muhammad Ayub B.Sc/MS (Civil)	03.02.1961 Kohat	26.09.1987	09.12.2014	09.12.2014	Yes	66.53	--	--	--	--	--	CE (CDO) C&W Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years
2	2	Abdul Sattar B.Sc/MS (Civil)	07.03.1961 Orakzai	26.05.1988	01.09.2016	01.09.2016	Yes	67.14	--	--	--	--	--	SE (Southern) C&W Circle Tribal Districts at Bannu	Exempted from SMC training as he has attained the age of 58 years
3	3	Arshad Khan B.Sc (Civil)	02.10.1961 Swabi	26.05.1988	21.11.2019	21.11.2019	Yes	58.13	--	--	--	--	--	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years
	4	Noor-us-Saeed Shah B.Sc (Civil)	02.03.1962 Mardan	26.05.1988	05.06.2015	05.06.2015	Yes	64.85	--	--	--	Yes Annex-IV	--	Principal Design Engineer O/O CE (CDO) C&W Peshawar	--
	5	Amer Nadeem Durrani B.Sc (Civil)	28.04.1962 Peshawar	26.05.1988	05.06.2015	05.06.2015	Yes	66.48	--	--	Yes	Nil	--	MD PKHA Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.5,10,011/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V).

ATTESTED

5	6	Rafi-ud-Din B.Sc (Civil)	01.05.1962 Abbottabad	26.09.1987	01.09.2016	01.09.2016	Yes	67.49	---	---	---	Nil	---	SE C&W Circle Mardan	Exempted from SMC training as he has attained the age of 58 years
7	7	Shakir Habib B.Sc (Civil)	30.03.1964 Kohat	26.05.1988	05.06.2015	05.06.2015	Yes	68.00	---	---	---	Nil	---	SE C&W Circle Peshawar	---
8	8	Ahmad Nabi Sultan B.Sc (Civil)	30.01.1964 Swat	26.09.1987	01.09.2016	01.09.2016	Yes	56.87	01.01.2016 to 31.12.2019	---	---	Nil	---	CE (OPS) C&W Abbottabad	---
9	9	Hamid Ajmal Khan B.Sc (Civil)	01.08.1962 Abbottabad	26.05.1988	01.09.2016	01.09.2016	Yes	63.05	---	---	Yes	Nil	---	SE (HQ) O/O CE C&W Abbottabad	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.1,00,431/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)
10	10	Fazli Wahab B.Sc (Civil)	01.09.1961 Swat	26.05.1988	01.09.2016	01.09.2016	Yes	54.31	01.01.2016 to 31.12.2019	---	---	Nil	---	SE PBMC C&W Peshawar	Exempted from SMC training as he has attained the age of 58 years
11	11	Muhammad Nawaz B.Sc (Civil)	15.02.1962 Mohmand	26.05.1988	21.11.2019 (conditionally)	21.11.2019 (conditional ly)	Yes	55.51	01.01.2019 to 31.12.2019	---	Yes	Nil	---	SE (HQ) O/O CE (North) Peshawar	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.1,61,515/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)

ATTENDED

23

2	12	Bakht Rawan B.Sc (Civil)	05.03.1962 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	51.06	01.01.2018 to 31.12.2019	--	--	Nil	--	Principal Design Engineer O/O CE (CDO) C&W Peshawar	Exempted from SMC training as he has attained the age of 58 years
3	13	Munir Hussain B.Sc/M.Sc (Civil)	10.04.1962 Mansehra	26.05.1988	05.01.2018	05.01.2018	Yes	66.14	--	--	--	Nil	--	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years
4	14	Muhammad Tariq B.Sc (Civil)	12.01.1964 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	59.03	01.01.2018 to 31.12.2019	Yes	--	Nil	--	PD PRIP C&W Peshawar	Formal inquiry under E&D Rules, 2011 against him has been initiated, as he is involved in inquiry case Establishment of Girls Degree College at Dargal District Charsadda (ADP No.425/80389 (2014-15) (Annex-VI)
5	15	Jamil Ahmad B.Sc (Civil)	20.11.1962 Malakand	16.09.1987	22.01.2019	22.01.2019	Yes	58.01	01.01.2018 to 31.12.2019	--	--	Nil	--	SE C&W Circle Swat	Exempted from SMC training as he has attained the age of 58 years

1. Certified that the officers included in the panel are eligible for promotion to the post of BS-20 on regular basis in all respects except Sr.No.14.
2. Certified that the officers included in the panel are not involved in any NAB case nor entered into plea bargain or VR with National Accountability Bureau (NAB) except Sr.No.5, 09 & 11.

Signature: _____

Date: 23-02/02/2021

Secretary to
Govt: of Khyber Pakhtunkhwa
C&W Department

ATTESTED

CERTIFICATE

(24)

It is certified that:-

1. The officers included in the panel are eligible in terms of length of service required for promotion.
2. No disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officer included in the panel except Sr.No.14.
3. The seniority list of the officers, included in the panel issued on 01.06.2020 is final (Annex-VII).
4. As per record, the officers included in the panel are neither involved in any NAB case nor entered into plea bargaining/VR agreement with NAB authorities except Sr.No.5, 09 & 11.


SECRETARY
C&W

Dated 23 /02/2021


ATTESTED

To,

The Honorable Chief Minister
Khyber Pakhtunkhwa
(Competent Authority)

Through: PROPER CHANNEL

Subject: PROMOTION TO BS-20

Respected Sir,


25
Diary No: 3038
Date: 26-3-2021
Secretary C&W Deptt

I, Engr. Abdul Sattar Superintending Engineer (BS-19) presently holding the post of Superintending Engineer (Southern) C&W Circle Bannu Merged Areas submit the following few lines for your kind perusal and favorable consideration: -

1. Due to restructuring of C&W Department 05-No. new posts of Chief Engineer (BS-20) have been created vide Finance Department No.BO.I/FD/1-61/2020-21 dated 17/02/2021 (Annex-I).
2. As per seniority list of Superintending Engineers (BS-19) C&W Department as stood on 01/06/2020, the name of the undersigned is appearing at Sl. No.03 (Annex-II).
3. The officer at Sl. No.1 of the Seniority list has since been retired from Govt Service; hence the position of the undersigned right now is at Sl. No.2.
4. Administrative Department has already forwarded working papers to Establishment Department for placing before the Provincial Selection Board (PSB) on 23/02/2021 for consideration.
5. The undersigned has attained the age of superannuation i.e. 60-years on 06/03/2021. However, the PSB has not yet considered my promotion case. Now the age limit of employees re-fixed as 60 years as decided by Provincial Cabinet on 16/03/2021.
6. It is pertinent to mention here, that the Supreme Court of Pakistan has set aside the decision of Peshawar High Court Peshawar dated 19-02-2019 through Order dated 07-01-2021, meaning thereby the retirement age limit of Govt. Employees re-fixed i.e. 63-Years, while at that the undersigned was properly working as Superintending Engineer (Southern) C&W Circle Bannu Merged Areas. Hence, my plea taken in the aforesaid lines is justified and entitle for promotion on the basis that the Finance Department created 05-No post of Chief Engineers (BS-20) in C&W Department on 17-02-2021

Keeping in view the above, it is requested that a special PSB may please be convened for my promotion to BS-20 being still Govt. Servant or approve my promotion to BPS-20 through circular by PSB, please.

DA/ As above

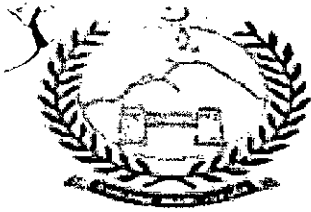

25/03/21
(Engr. Abdul Sattar)
Superintending Engineer
(Southern) C&W Circle Bannu
Merged Areas

Copy to the: -

1. Chief Secretary Govt of Khyber Pakhtunkhwa (Chairman Provincial Selection Board) with similar request as above please.
2. Secretary to Govt of Khyber Pakhtunkhwa C&W Department with the request to forward my application to the competent authority for favourable consideration please.

ATTESTED

Superintending Engineer
(Southern) C&W Circle Bannu
Merged Areas



26

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No. SOR-V(E&AD)/1-1/C&W/2019/Vol-V
Dated 13th April, 2021

F

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department.

Subject: PROMOTION TO BS-20.

Dear Sir,

I am directed to refer to your letter No. SOE/C&WD/4-2/20 dated 29.3.2021 and to state that in light of the Provincial Government Promotion Policy proforma promotion is allowed in cases where seniority is disputed in Court of Law and restored back on Court decision after retirement of the employee.

Since, both the officers retired on superannuation on 03.2.2021 and 07.3.2021 respectively and proforma promotion in the instant case is not covered under Provincial Government Promotion Policy, therefore, may be regretted, please.

Yours faithfully,

SECTION OFFICER (REG-V)

Endst: of even No. & Date.

Copy forwarded to PA to Deputy Secretary (R-III) Establishment Department.

ATTESTED

SECTION OFFICER (REG-V)

بجالت عالیہ

2021 - No 45

مورخہ
مقدمہ
دعویٰ
نمبر

2، منجانب
ابن محمد عبدالستار
بنام حکومت صیغہ فتوٰہ و مشورہ

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی اور کارروائی متعلقہ
آج کے مقام لکھنؤ

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راجسی نامہ کر... نے و تقرر مالیت ہ فیصلہ برحلاف دیئے جناب وہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک اور و پیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل ٹمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساتھ
بہ و اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشین التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا اوقات نامہ لکھنؤ یا کہ سند ہے۔

FILED TODAY

20

Deputy Registrar

25 JUN 2021

Accepted
&
Accepted
by

Advocate's
[Signature]

[Signature]
No. 18-1133

Abdul Gahtar
[Signature]

Before the Honorable Service Tribunal, Foshan

Eng Abdul Sattar 415 Gout of RP & offices
Application for Amendment of Petition/Appeal

Respectfully Submitted,

① About the above title case is fixed for hearing.

② About the instant case was intially filed before

Foshan High Court when was conducted

from "inst Petition to Appeal vide order dated 12-10-2011

we deem it appropriate to convert it into

appeal and transmit the same to the Service Tribunal

in light of judgment in the case of "Main Assgnae
w/s Gout of Punjab (2015 SC) where the petition was

file an application for amendment of appeal in accordance with
law and subject to limitation"

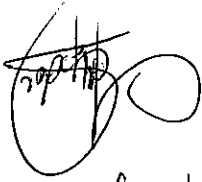
③ Now the appellant wants to amend the appeal

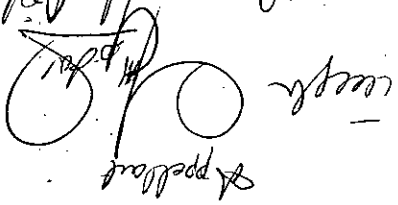
in the light of judgment of Foshan High Court

it is therefore requested that appellants

would please to allow to amend the appeal

contents of the application
are true and correct to
the best of my knowledge.



Appellant


Muhammad Arif Fados
Advocate, High Court

14-4-2022

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7634/2021

Engr. Abdul Sattar
Superintending Engineer (Retired)

Appellant

Versus

Govt of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa
and others

Respondents

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2	Affidavit		4
3	Govt of Khyber Pakhtunkhwa Establishment Department letter No.SO (Policy)E&AD/1-13/2019 dated 30/03/2021	I	5-10
4	Govt of Khyber Pakhtunkhwa C&W Department letter No.SOE/C&WD/4-2/2020 dated 23/02/2021	II	11-16
5	Application submitted by Engr. Abdul Sattar to Chief Minister Khyber Pakhtunkhwa	III	17
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Deponent



Zahid Ullah
Section Officer (Litigation)
C&W Department, Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 7634 OF 2021

Engr. Abdul Sattar --- Appellant
Superintending Engineer (retired)
C&W Department resident of
Arbab Road, Peshawar

VERSUS

1. Govt of Khyber Pakhtunkhwa --- Respondents
Through Chief Secretary Khyber Pakhtunkhwa
2. Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa
Finance Department, Peshawar
4. Secretary to Govt of Khyber Pakhtunkhwa
Establishment Department, Peshawar
5. Accountant General
Khyber Pakhtunkhwa, Peshawar

Joint Para-wise Comments on behalf of Respondents No. 1 to 4

Respectfully Sheweth:

Preliminary Objections

- i. That the appellant has no cause of action and locus standi to file the instant service appeal.
- ii. That the appeal is not maintainable in its present form.
- iii. That the appeal is time barred.
- iv. That the appellant has never challenged before any order in which his rights were ignored.
- v. That the appellant has concealed some material facts from this Hon'ble Tribunal, therefore, he is not entitled for any relief whatsoever.

Facts

1. Pertains to record, need no reply.
2. Pertains to record, need no reply.
3. Pertains to record, need no reply.
4. Correct to the extent that the appellant (Engr. Abdul Sattar) Superintending Engineer C&W Department retired from Govt service on attaining the age of superannuation i.e. 60 years w.e.f. 06.03.2021 and the retirement Notification issued on 31.03.2021 as the retirement age i.e. 63 years of Govt employees was disputed in the Peshawar High Court Peshawar in writ petition No.5673-P/2019.

The Provincial Government has issued amended Ordinance 2021, whereby a civil servant shall retired from service on the completion of superannuation i.e. attaining sixty years of age (**Annex-I**).

- 5. Correct to the extent that, after creation of posts of Chief Engineer (BS-20) in C&W Department, the Department placed a working paper for promotion of Superintending Engineers (BS-19) to the rank of Chief Engineers (BS-20) on 23.02.2021 for consideration of PSB including the name of the Applicant at Sr.No.02 (**Annex-II**).
- 6. The Appellant (Engr. Abdul Sattar) retired Superintending Engineer (BS-19) C&W Department submitted an application for special PSB meeting for promotion on 25.03.2022 (**Annex-III**), which was processed and referred to Establishment Department for advice (**Annex-IV**). In response, the Establishment Department informed on 13.04.2021 that in light of the Provincial Government Promotion Policy, proforma promotion is allowed in cases, where seniority is disputed in court of law and restored back on court decision after retirement of the employees. Since the appellant retired on superannuation on 07.03.2021, the proforma promotion in the instant case is not covered under Provincial Government Promotion Policy (**Annex-V**).
- 7. Incorrect, as explained in para-6 above.
- 8. No comments, as explain in para-6 above

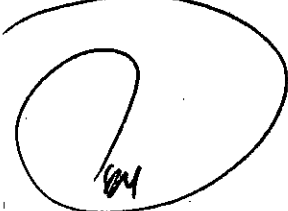
GROUND

- A. Incorrect and misconceived, hence denied. The promotion policy of the Provincial Government are binding on all the Provincial Government Departments, including answering respondents as they make their own policies, rules and laws in good faith and that too for the public benefit.
- B. Incorrect and misconstrued, hence denied. Appellant cannot claim any vested right on policy decisions of the govt. The Government had formulated and framed its Rules correctly and in public good. There is thus no scope / need of amending them in order to appease and accommodate few and that too at the expense of over-all functioning of the entire department.
- C. Incorrect, as explained para 4 & 5 of the facts
- D. Incorrect, as explained para-6 of the facts
- E. Incorrect. There is no mala-fide, no discrimination and violation of rights of the applicant has been made. In fact, the Department has followed rules/policy strictly in the cases of promotion of officers/officials of the Department.
- F. Incorrect, as explained para-6 of the facts
- G. Incorrect. The appellant was correctly dealt with in accordance with law/equity. No rights of the appellant have been infringed/ jeopardized because the appellant has already retired from Govt service on attaining the age of superannuation i.e. 60 years before PSB.
- H. Incorrect. The promotion case was considered by the PSB as per rules/law.
- I. Incorrect. The respondents will process the promotion cases of the appellants in accordance with the rules and regulation only after occurrence of vacancies against their promotion quota. They will be considered as per service rules as and when PSB will be held.

J. Incorrect as explained in para-6 of the facts. Since the appellant case is not covered under the rules, he had not been deprived of any fundamental or constitutional rights.

K. The respondents would like to seek permission of the Hon'able court advance more grounds during the time of arguments.

In view of the above, it is humbly prayed that the instant appeal may kindly be dismissed with cost.



Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department
(Respondents No. 1 & 2)



Secretary to Govt of
Khyber Pakhtunkhwa
Finance Department
(Respondent No. 3)



Secretary to Govt of
Khyber Pakhtunkhwa
Establishment Department
(Respondent No. 4)

(4)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No.7634/2021

Engr. Abdul Sattar
Superintending Engineer (Retired)

Appellant

Versus

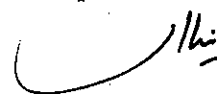
Govt of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa
and others

Respondents

AFFIDAVIT

I, Zahid Ullah, Section Officer Litigation (BS-17) C&W Department, Peshawar hereby affirm and declare that all the contents of the Parawise comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent



Zahid Ullah
Section Officer (Litigation)
C&W Department, Peshawar

Annex-I



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(Policy)E&AD/1-13/2019

Dated Peshawar, the 30th March, 2021

To

1. The Additional Chief Secretary, Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Government of Khyber Pakhtunkhwa,
4. All Heads of Attached Department, Khyber Pakhtunkhwa.
5. All Divisional Commissioner, Khyber Pakhtunkhwa.

Subject: KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ORDINANCE, 2021

Dear Sir,

I am directed to refer to the subject and to enclose herewith a copy of the Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021 issued vide notification No. LEGIS:i (21) 73 dated 26-03-2021. Specimen Notifications under Section 13(A)(1) and Section 13A(2) of ibid Ordinance are attached for further necessary action at your end please.

Yours faithfully,


SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
3. The Accountant General, Khyber Pakhtunkhwa.
4. The Registrar, Peshawar High Court, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. All Section Officers in Establishment & Administration Department.
7. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary (Reg), Establishment Department.
9. PS to Special Secretary (Estab), Establishment Department.


SECTION OFFICER (POLICY)

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, FRIDAY, 26TH MARCH, 2021.**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT.****NOTIFICATION**Dated Peshawar, the 26th March, 2021.

No. LEGIS:1 (21) 73 --- The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

**THE KHYBER PAKHTUNKHWA
CIVIL SERVANTS (AMENDMENT) ORDINANCE, 2021.****(THE KHYBER PAKHTUNKHWA ORD. NO. II OF 2021)****An
Ordinance***further to amend the Khyber Pakhtunkhwa Civil
Servants Act, 1973*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) in the manner hereafter appearing;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Province of the Khyber Pakhtunkhwa is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:

1. Short title and commencement --- (1) This Ordinance may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021.

(2) It shall come into force from 31st July, 2019.

2. Substitution of section 13 of the Khyber Pakhtunkhwa Act No. XVIII of 1973. --- In the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), hereinafter referred to as the said Act, for section 13, the following shall be substituted, namely:

"13. Retirement from service.--- (1) A Civil Servant shall retire from service on the completion of sixtieth (60th) year of his age.

(2) A Civil Servant may opt to retire early from service, after completion of twenty five (25) years of qualifying service or attaining the age of fifty five (55) years, whichever is later.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the competent authority may in the public interest, direct that a Civil Servant may retire from service, from such date, as may be determined by the competent authority, after he has completed twenty (20) years of service, qualifying for pension or other retirement benefits, in the manner as may be prescribed:

Provided that no direction under this sub-section shall be made until the Civil Servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation.- In this section, the expression "competent authority" means the appointing authority prescribed in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989."

3. Insertion of section 13A of the Khyber Pakhtunkhwa Act No. XVIII of 1973. --- In the said Act, after section 13, as so substituted, the following new section shall be inserted, namely:

"13A. Protection of certain acts.--- (1) All the Civil Servants, who were conditionally retired from service on or after 31st day of July, 2019 shall, for all intents and purposes, be deemed to have been regularly retired from service on the date of attaining sixtieth (60th) years of age.

(2) Any Civil Servant, who has completed sixty (60) years of age but is not retired from service, by virtue of or in pursuance of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019, shall be deemed to have been retired from service from the date when such Civil Servant has completed sixty (60) years of age.

(3) Any salary, allowances and other ancillary benefits received or drawn by such Civil Servant under this section on or after 31st day of July, 2019 shall be deemed to be validly received and drawn.

Peshawar,
Dated 25th March, 2021

SHAH FARMAN
Governor of the Khyber Pakhtunkhwa

MASOOD AHMAD
Secretary to Government of the Khyber Pakhtunkhwa
Law, Parliamentary Affairs and Human Rights
Department

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

9

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION
DEPARTMENT

NOTIFICATION

Peshawar dated the, 2021

No. _____ . In pursuance of section 13A(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), and in supersession of Notification No _____, dated _____ (refers to the notification of conditional retirement), Mr. _____ stands retired from Government Service with effect from _____ on attaining sixtieth (60th) year of age, as his date of birth is _____.

Notwithstanding the supersession of Notification mentioned in above Para, any leave encashment granted or LPR and other benefit, if any, availed thereunder, shall be deemed to be validly granted or availed.

Secretary to
Government of Khyber Pakhtunkhwa
Establishment and Administrative
Department

(10) (4)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION
DEPARTMENT

NOTIFICATION

Peshawar dated the, 2021

No. _____ .In pursuance of sub-section (2) of section 13(A) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), read with sub-section (3) thereof, Mr. _____ stands retired from Government Service with effect from _____ on attaining sixtieth (60th) year of age, as his date of birth is _____.

Any salary, allowances and other ancillary benefits received or drawn by him on or after ^(date of retirement) till date, shall be deemed to have been validly received and drawn.

Secretary to
Government of Khyber Pakhtunkhwa
Establishment and Administrative
Department

Annex-II

(11)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/2020
Dated Peshawar, the Feb 23, 2021

To

The Section Officer (PSB)
Establishment & Admn Department
Peshawar

Zaf 01-03-2021

Subject: **PROMOTION OF SUPERINTENDING ENGINEERS (BS-19) TO
THE RANK OF CHIEF ENGINEERS (BS-20) C&W DEPARTMENT
ON REGULAR BASIS**

I am directed to refer to the subject noted above and to forward herewith working paper (07 sets) along-with related documents duly completed in all respect for promotion of Superintending Engineers (BS-19) to the rank of Chief Engineers (BS-20) on regular basis for placing before Provincial Selection Board (PSB) for consideration, please.

Zahoor
23.02.2021
(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. PS to Secretary C&W Department, Peshawar
2. PA to Additional Secretary C&W Department, Peshawar
3. PA to Deputy Secretary (Admin) C&W Department, Peshawar

Zahoor
23.02.2021
SECTION OFFICER (Estb)

132

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department: Communication & Works Department

1. Nomenclature of the post/Basic Scale Chief Engineer (BPS-20)
2. Service/Group/Cadre Engineering (C&W)
3. Sanctioned strength of the Cadre Total regular posts 10 Nos
Annex-I

	Direct	Promotion	Transfer
4. i. Percentage of share		100%	
ii. No. of posts allocated to each category	-	10	-
iii. Present occupancy position	-		-
1) Regular		05	
2) Acting charge		00	
iv. No. of vacancies in each category:	-		-
a. Regular		05	
b. Acting charge		00	

- v. How did the vacancy(ies) under promotion quota accrue and since when

Position of 05 Nos Regular Post

a. Due to New creation (Annex-II) ---- 05 Nos

Total: ---- 05 Nos

- vi. Recruitment Rules

By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University and have successfully completed Senior Management Course Training (Annex-III).

- vii. Required length of service

At least 17 (seventeen) years of service in BPS-17 and above

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

Regular = 05 posts

- ix. Mandatory training, if any S.M.C

- x. Minimum required score on EI. 70


SECRETARY
C&W

Dated 23 /02/2021

(13)

PANEL OF OFFICERS FOR CONSIDERATION

PSB-II

Sl. No.	Sen. No.	Name of Officer with qualification	Date of Birth	Date of 1 st entry into Govt Service	Date of Appointment/promotion to BS-19	Date of regular Appointment/promotion to the present scale	Whether fulfill the prescribed length of service	Quantified score	Missing PERs (if any)	Disciplinary proceedings (if any)	Case (if any) in any court of Law, including NAB/ Plea bargaining with NAB	Mandatory Training for promotion	Research papers	Present posting	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	1	Muhammad Ayub B.Sc/MS (Civil)	03.02.1961 Kohat	26.09.1987	09.12.2014	09.12.2014	Yes	66.53	---	---	---	---	---	CE (CDO) C&W Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years
2	2	Abdul Sattar B.Sc/MS (Civil)	07.03.1961 Orakzai	26.05.1988	01.09.2016	01.09.2016	Yes	67.14	---	---	---	---	---	SE (Southern) C&W Circle Tribal Districts at Bannu	Exempted from SMC training as he has attained the age of 58 years
3	3	Arshad Khan B.Sc (Civil)	02.10.1961 Swabi	26.05.1988	21.11.2019	21.11.2019	Yes	58.13	---	---	---	---	---	Director PKHA Peshawar	Exempted from SMC training as he has attained the age of 58 years
4	4	Noor-us-Saeed Shah B.Sc (Civil)	02.03.1962 Mardan	26.05.1988	05.06.2015	05.06.2015	Yes	64.85	---	---	---	Yes Annex- IV	---	Principal Design Engineer O/O CE (CDO) C&W Peshawar	---
		Amer Nadeem Durrani B.Sc (Civil)	28.04.1962 Peshawar	26.05.1988	05.06.2015	05.06.2015	Yes	66.48	---	---	Yes	Nil	---	MD PKHA Peshawar (OPS)	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAB amounting to Rs.5,10,011/- .In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V).

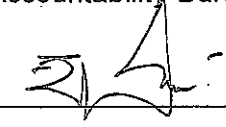
14

6	6	Rafi-ud-Din B.Sc (Civil)	01.05.1962 Abbottabad	26.09.1987	01.09.2016	01.09.2016	Yes	67.49	---	---	---	Nil	---	SE C&W Circle Mardan	Exempted from SMC training as he has attained the age of 58 years
7	7	Shakir Habib B.Sc (Civil)	30.03.1964 Kohat	26.05.1988	05.06.2015	05.06.2015	Yes	68.00	---	---	---	Nil	---	SE C&W Circle Peshawar	---
8	8	Ahmad Nabi Sultan B.Sc (Civil)	30.01.1964 Swat	26.09.1987	01.09.2016	01.09.2016	Yes	56.87	01.01.2016 to 31.12.2019	---	---	Nil	---	CE (OPS) C&W Abbottabad	---
9	9	Hamid Ajmal Khan B.Sc (Civil)	01.08.1962 Abbottabad	26.05.1988	01.09.2016	01.09.2016	Yes	63.05	---	---	Yes	Nil	---	SE (HQ) O/O CE C&W Abbottabad	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NA amounting to Rs.1,00,431/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all codal formalities, minor penalty of "Censure" has been imposed upon him (Annex-V)
10	10	Fazli Wahab B.Sc (Civil)	01.09.1961 Swat	26.05.1988	01.09.2016	01.09.2016	Yes	54.31	01.01.2016 to 31.12.2019	---	---	Nil	---	SE PBMC C&W Peshawar	Exempted from SMC training as he has attained the age of 58 years
11	11	Muhammad Nawaz B.Sc (Civil)	15.02.1962 Mohmand	26.05.1988	21.11.2019 (conditionally)	21.11.2019 (conditional ly)	Yes	55.51	01.01.2019 to 31.12.2019	---	Yes	Nil	---	SE (HQ) O/O CE (North) Peshawar	Exempted from SMC training as he has attained the age of 58 years. Moreover, the officer was involved in VR case with NAE amounting to Rs.1,61,515/- . In pursuance of Supreme Court of Pakistan judgment dated 24.10.2016, he was proceeded against under E&D Rules 2011. After fulfillment of all formalities, a minor penalty of "Censure" has been imposed upon him (Annex-V)

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12	12	Bakht Rawan B.Sc (Civil)	05.03.1962 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	51.06	01.01.2018 to 31.12.2019	---	---	Nil	---	Principal Design Engineer O/O CE (CDO) C&W Peshawar	Exempted from SMI training as he has attained the age of 48 years
13	13	Munir Hussain B.Sc/M.Sc (Civil)	10.04.1962 Mansehra	26.05.1988	05.01.2018	05.01.2018	Yes	66.14	---	---	---	Nil	---	Director PKHA Peshawar	Exempted from SMI training as he has attained the age of 48 years
14	14	Muhammad Tariq B.Sc (Civil)	12.01.1964 Malakand	26.05.1988	09.10.2018	09.10.2018	Yes	59.03	01.01.2018 to 31.12.2019	Yes	---	Nil	---	PD PRIP C&W Peshawar	Formal inquiry under E&D Rules, 2002 against him has been initiated, as he was involved in inquiry case against establishment of Degree College at Dar District Charsadda (AI No.425/80389 (2014-15) (Annex-VI)
15	15	Jamil Ahmad B.Sc (Civil)	20.11.1962 Malakand	16.09.1987	22.01.2019	22.01.2019	Yes	58.01	01.01.2018 to 31.12.2019	---	---	Nil	---	SE C&W, Circle Swat	Exempted from SMI training as he has attained the age of 48 years

1. Certified that the officers included in the panel are eligible for promotion to the post of BS-20 on regular basis in all respects except Sr.No.14.
2. Certified that the officers included in the panel are not involved in any NAB case nor entered into plea bargain or VR with National Accountability Bureau (NAB) except Sr.No.5, 09 & 11.

Signature: 

Date: 23-02/02/2021

Secretary to
Govt. of Khyber Pakhtunkhwa
C&W Department

CERTIFICATE

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It is certified that:-

1. The officers included in the panel are eligible in terms of length of service required for promotion.
2. No disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officer included in the panel except **Sr.No.14**.
3. The seniority list of the officers, included in the panel issued on 01.06.2020 is final (**Annex-VII**).
4. As per record, the officers included in the panel are neither involved in any NAB case nor entered into plea bargaining/VR agreement with NAB authorities except **Sr.No.5, 09 & 11**.


SECRETARY
C&W

Dated 23 /02/2021

Annex-III

To,

The Honorable Chief Minister
Khyber Pakhtunkhwa
(Competent Authority)

Through: PROPER CHANNEL
Subject: PROMOTION TO BS-20

Respected Sir,

Diary No: 3038
Date: 26-3-2021
Secretary C&W Deptt.
DACA/SOCP
Pw Fr

I, Engr. Abdul Sattar Superintending Engineer (BS-19) presently holding the post of Superintending Engineer (Southern) C&W Circle Bannu Merged Areas submit the following few lines for your kind perusal and favorable consideration: -

1. Due to restructuring of C&W Department 05-No. new posts of Chief Engineer (BS-20) have been created vide Finance Department No.BO.I/FD/1-61/2020-21 dated 17/02/2021 (Annex-I).
2. As per seniority list of Superintending Engineers (BS-19) C&W Department as stood on 01/06/2020, the name of the undersigned is appearing at Sl. No.03 (Annex-II).
3. The officer at Sl. No.1 of the Seniority list has since been retired from Govt Service; hence the position of the undersigned right now is at Sl. No.2.
4. Administrative Department has already forwarded working papers to Establishment Department for placing before the Provincial Selection Board (PSB) on 23/02/2021 for consideration.
5. The undersigned has attained the age of superannuation i.e. 60-years on 06/03/2021. However, the PSB has not yet considered my promotion case. Now the age limit of employees re-fixed as 60 years as decided by Provincial Cabinet on 16/03/2021.
6. It is pertinent to mention here, that the Supreme Court of Pakistan has set aside the decision of Peshawar High Court Peshawar dated 19-02-2019 through Order dated 07-01-2021, meaning thereby the retirement age limit of Govt. Employees re-fixed i.e. 63-Years, while at that the undersigned was properly working as Superintending Engineer (Southern) C&W Circle Bannu Merged Areas. Hence, my plea taken in the aforesaid lines is justified and entitle for promotion on the basis that the Finance Department created 05-No post of Chief Engineers (BS-20) in C&W Department on 17-02-2021

Keeping in view the above, it is requested that a special PSB may please be convened for my promotion to BS-20 being still Govt. Servant or approve my promotion to BPS-20 through circular by PSB, please.

DA/ As above

bdue
Rur
25/03/21
(Engr. Abdul Sattar)
Superintending Engineer
(Southern) C&W Circle Bannu
Merged Areas

Copy to the: -

1. Chief Secretary Govt of Khyber Pakhtunkhwa (Chairman Provincial Selection Board) with similar request as above please.
2. Secretary to Govt of Khyber Pakhtunkhwa C&W Department with the request to forward my application to the competent authority for favourable consideration please.

Superintending Engineer
(Southern) C&W Circle Bannu
Merged Areas

Annex-IV

18



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/4-2/20
Dated Peshawar, the March 29, 2021

To

The Secretary to
Govt of Khyber Pakhtunkhwa
Establishment Department
Peshawar

Subject: PROMOTION TO BS-20

Dear Sir,

I am directed to refer to the subject noted above and to state that Engr. Muhammad Ayub and Engr. Abdul Sattar Superintending Engineers (BS-19) C&W Department have submitted applications with the request that a special PSB may be convened for their promotion to the rank Chief Engineer (BS-20) C&W Department (copy enclosed).

2. I am further directed to say that restructuring of C&W Department approved by the Competent Authority, whereby various positions, including 05 Nos posts of Chief Engineer (BS-20) have been created by the Finance Department on 17.02.2021. The referred posts are filled by way of promotion amongst Superintending Engineers (BS-19) C&W Department. Therefore, this department has submitted a working paper to Establishment Department through letter dated 23.02.2021 for placing before PSB for consideration. In the panel of working paper, the name of the aforesaid officers are at Sr.No. 1 & 2. Now the retirement age of Government employees has reverted back to 60 years; rather both the officers have attained the age of superannuation i.e. 60 years w.e.f. 03.02.2021 and 07.03.2021 respectively.

3. In view of above, this department is requested that the proforma promotion of Engr. Muhammad Ayub and Engr. Abdul Sattar Superintending Engineers (BS-19) C&W Department to the rank of Chief Engineer (BS-20) C&W Department may be considered with effect from their retirement dates i.e. 03.02.2021 and 07.03.2021 respectively, if promotion policy permits, please.

Yours' faithfully

Zahoor Shah

29.03.2021

(ZAHOOR SHAH)
SECTION OFFICER (Estb)

Endst even No. & date

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

Zahoor Shah

29.03.2021

SECTION OFFICER (Estb)



Annex - V
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 ESTABLISHMENT & ADMN. DEPARTMENT
 (REGULATION WING)

(19)

No.SOR-V(E&AD)/1-1/C&W/2019/Vol-V
 Dated 13th April, 2021

DS CA) / SOE
 Diary No. 3714
 Date: 14-4-2021
 Secretary C&W Dept

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
 Communication & Works Department.

Subject: PROMOTION TO BS-20.

Dear Sir,

I am directed to refer to your letter No.SOE/C&WD/4-2/20 dated 29.3.2021 and to state that in light of the Provincial Government Promotion Policy proforma promotion is allowed in cases where seniority is disputed in Court of Law and restored back on Court decision after retirement of the employee.

Since, both the officers retired on superannuation on 03.2.2021 and 07.3.2021 respectively and proforma promotion in the instant case is not covered under Provincial Government Promotion Policy, therefore, may be regretted, please.

Yours faithfully,

SECTION OFFICER (REG-V)

Endst: of even No. & Date.

Copy forwarded to PA to Deputy Secretary (R-III) Establishment Department.

SOE

 16.4.21

SECTION OFFICER (REG-V)

put-up in relevant file.

20.4.21