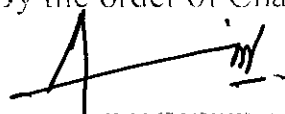


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1950/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1-    | 25/09/2023                | <p data-bbox="544 448 1477 623">The appeal of Mr. Muhammad Riaz presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p data-bbox="958 710 1347 760">By the order of Chairman</p> <p data-bbox="974 735 1258 884"><br/>REGISTRAR</p> |

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

APPEAL NO. 1950 /2023

**MUHAMMAD RIAZ      VS      THE SECRETARY PUBLIC HEALTH  
ENGINEERING DEPARTMENT,  
& OTHERS  
INDEX**

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Dated: 19-9-23

**APPELLANT**

**Muhammad Riaz**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

-1-

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

APPEAL NO. 1950 /2023

Mr. Muhammad Riaz, Sub Engineer BPS-12,  
Public Health Engineering Division Northern Tribal District at Peshawar.

..... APPELLANT

**VERSUS**

- 1- The Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Chief Engineer (South) Public Health engineering Department Khyber Pakhtunkhwa, Peshawar.
- 3- The Chief Engineer (Centre) Public Health engineering Department Khyber Pakhtunkhwa, Peshawar.
- 4- The Superintending Engineer PHE Circle Northern Tribal Districts at Peshawar.
- 5- Mr. Ijaz Ahmad, Sub Engineer BPS-12, Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT ENGINEER/ SDO BPS-17 IN QUOTA OF IN-SERVICE GRADUATE AND AGAINST THE INACTION OF THE APPELLATE AUTHORITY BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.**

**PRAYER**

That on acceptance of the instant service appeal, the respondents may kindly be directed to consider the appellant for promotion to the post of Assistant Engineer/Sub Divisional Officer BPS-17 with all back benefits. Any other remedy which this august Tribunal deem fit may also be awarded in favour of the appellant

**R/SHEWETH:**

**ON FACTS:**

- 1) That the appellant was appointed against the post of Sub Engineer BPS-11 now BPS-12 on the recommendation of the Khyber Pakhtunkhwa Public Service Commission vide order dated 29/10/2015. That in response the appellant submitted his arrival report and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure....."A"
  
- 2) That during service the appellant applied for Study Leave for perusing BSc Civil Engineering at Iqra National University, Peshawar, accordingly the Study Leave for the period of two years was sanctioned to the appellant vide notification dated 23/12/2020. That whereafter extension for further one year was also sanctioned to the appellant vide notification dated 01/12/2022. Copies of the notifications are attached as annexure....."B" & "C"
  
- 3) That after successful completion of the BSc Civil Engineering Program, the appellant was issued the Degree of Bachelor of Science & Engineering by the Iqra National University on 24/07/2023. Copies of the Degree and transcript are attached as annexure....."D" & "E"
  
- 4) That as per Rules dated 15/05/2020 and subsequent notification dated 31/01/2022, the appellant is entitled for promotion to the post of AE/SDO BPS-17 on the basis of seniority cum-fitness and in light of in-service quota. Copies of the Rules and notification are attached as annexure....."F" & "G"
  
- 5) That appellant while perusing his case for promotion to the post of AE/SDO BPS-17, it was came into the knowledge of appellant through a reliable source that the respondents considering the junior colleague of the appellant i.e. private respondent No. 4 for promotion to the post of AE/SDO BPS-17, being blue eyed to the respondents.
  
- 6) That the private respondent, who was appointed as Sub Engineer BPS-12 vide dated 09/03/2017 proceeded on Extra Ordinary Leave Without Pay on 23/11/2017 for the period of two years, requested the respondents for further extension of his EOL for the period of 1 year, so excluded the 3 years period of EOL, the appellant total service become 2 years, which is less than the period specified for promotion under the rules (Dearth of more than 3 years). Copies of the record is attached as annexure....."H"

- 7) That appellant time and again visited the concerned quarters for his promotion, but of no avail.
- 8) That the appellant filed departmental appeal against the inaction of the respondents by not considering him for promotion to the post of AE/SDO BPS-17, but no reply has been received so far. Copy of departmental appeal is attached as annexure....."I"
- 9) That the appellant feeling aggrieved and having no other remedy filed the instant service appeal on following grounds inter alia.

**GROUNDS:**

- A- That the inaction of the respondents by considering the appellant for promotion to the post of AE/SDO BPS-17 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent department has acted arbitrary and malafidely by not considering the appellant for promotion from due date.
- D- That the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the respondents violated the principle of natural justice.
- E- That respondents violated Article 38(e) of the Constitution of Islamic Republic of Pakistan 1973, according to which state is bound to eliminate disparity in the income and earning of individuals including persons in the services of the Federation, thus in light of the above quoted constitutional provision the respondents are duty bound to grant ante dated promotion/notional promotion to the post of promotion to the post of AE/SDO BPS-17.
- F- That according to Section 9 of the Civil servant Act, 1973 read with Rule 17 of the appointment, promotion and transfer Rules and Notional promotion policy the appellant is fully entitled for the grant of ante dated promotion.

G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 19-9-23

APPELLANT

*[Signature]*  
Muhammad Riaz

THROUGH:

*[Signature]*  
NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT

*[Signature]*  
WALEED ADNAN

*[Signature]*  
UMAR FAROOQ MOMAND

*[Signature]*  
MUHAMMAD AYUB

*[Signature]*  
& KHANZAD GUL  
ADVOCATES

**AFFIDAVIT**

I, Muhammad Riaz, Sub Engineer BPS-12, Public Health Engineering Division North Tribal District at Peshawar, do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*[Signature]*  
DEPONENT



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

No. 14 / E-4 / PHE,

Dated Peshawar, the 27 / 10 / 2015.

To,

Muhammad Riaz S/O Taslim Khan  
of Khyber Agency r/o Hostel No.2, Room#24  
Govt. College of Technology Kohat Road Peshawar.

Subject: OFFER OF APPOINTMENT AS SUB ENGINEER (BPS-11) IN PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA

On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, the competent authority is pleased to offer you a post of Sub Engineer (BPS-11) in PHE Department, subject to the terms and conditions mentioned below:

- i) You will get pay at the minimum of BPS-11 including usual allowances as admissible under the rules. You will also be entitled to annual increment as per existing policy.
- ii) The above post, for all intents and purposes, shall be within the definition of Civil Servants.
- iii) You will be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules framed there-under.
- iv) You will initially be on probation for a period of two years extendable upto three years.
- v) Your services will be liable for termination at any time without assigning any reason, before the expiry of the period of probation/extended period of probation. If your work or conduct during this period is found unsatisfactory, in such an event, you will be given one month's prior notice of termination from service or one month's pay in lieu thereof. In case you wish to resign at any time, one month's notice shall be necessary or in lieu thereof one month's pay shall be forfeited.
- vi) Your appointment will be subject to verification of your domicile and testimonial from the concerned authorities/offices.
- vii) You will not be entitled to any TA/DA on your first appointment as Sub Engineer. You will join duty at your own expenses.
- viii) You shall produce a Medical Certificate of Fitness from Medical Superintendent, Police & Services Hospital Peshawar, as required under the rules.
- ix) You shall be liable to serve anywhere in Khyber Pakhtunkhwa, including FATA.

If you accept the post on above terms and conditions, you should report and submit acceptance on Bond worth Rs.30/- signed and duly attested by the Oath Commissioner to the undersigned to this office, within fourteen (14) days of the receipt of this offer of appointment, for further posting and produce original certificates in connection with your qualification, domicile and age etc.

In case of failure of response to the above offer within stipulated period as mentioned above, the offer shall stand cancelled automatically.

Endstt: No. 14 / E-26 / PHE,

Dated 27 / 10 / 2015

CHIEF ENGINEER (SOUTH)

Copy for information is forwarded to:

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar.
- 2- The Chief Engineer (North) PHE Department Peshawar.
- 3- The Section Officer (Estt) PHED Peshawar with reference to his letter No.SO(Estt)/PHED/1-90/2014-15, dated 27.10.2015.

CHIEF ENGINEER (SOUTH)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the December 23, 2020

13  
B  
-6-


**NOTIFICATION**

No.SO(Estt)/PHED/2-90/2018-19: In pursuance of Finance Department letter No.SO(FR)FD/5-27/2020/PHE dated 18-12-2020, the competent authority is pleased to grant study leave for a period of two years (on half average pay) with effect from 31-10-2020 in favour of Mr. Muhammad Riaz, Sub Engineer (BPS-12) Public Health Engg. Division Northern Tribal Districts at Peshawar, for pursuing B.Sc Civil Engineering, at Iqra National University Peshawar, under the provision of FR-84 read with Appendix 9-1 (A) of FR-I & SR-I & II, subject to the condition that internal/local arrangement will be made by the Administrative Department and no contract employee will be appointed during study period of the official concerned.

**SECRETARY  
PHE DEPARTMENT**

Endst: No.SO(FR)FD/5-27/2020/PHE Dated Peshawar, the December 23, 2020

Copy forwarded to the Accountant General Khyber Pakhtunkhwa Peshawar for information and necessary action.

  
**SECTION OFFICER (FR)  
GOVT: OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

Endst: No.SO(Estt)/PHED/2-90/2018-19: Dated Peshawar, the December 23, 2020

Copy forwarded to the:-

- 1) Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 2) Chief Engineer (South) PHE Department Peshawar.
- 3) Superintending Engineer PHE Circle Northern Tribal Districts at Peshawar.
- 4) Executive Engineer PHE Division Northern Tribal Districts at Peshawar.
- 5) Official concerned.
- 6) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- 7) Office Order / Personal File.

  
**SECTION OFFICER (ESTT)  
GOVT: OF KHYBER PAKHTUNKHWA  
PHE DEPARTMENT**





GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(ESTT)/PHED/2-90/2018-19

Dated Peshawar, the December 04, 2020

-7-

To

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Finance Department, Peshawar

Subject: **REQUEST FOR TWO YEARS STUDY LEAVE.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith an application of Mr. Muhammad Riaz, Sub Engineer (BPS-12) Public Health Engg: Division Northern Tribal Districts at Peshawar, requesting therein for the grant of two years study leave enabling him to pursue **B.Sc Civil Engineering at Iqra National University Peshawar**. This program has been commenced from October, 2020.

2. It is further added that the above-named official was appointed as Sub Engineer on 29-10-2015 and thus the applicant has completed 5-years service and has not availed any kind of leave during his service.

3. In view of the above, it is requested that necessary sanction to the grant of two years study leave w.e.f. 31-10-2020 (as per prevailing rules) may kindly be issued in favour of the official concerned. All relevant documents are enclosed herewith.

Yours faithfully,

  
SECTION OFFICER (ESTT)

4.12.2020

**ENDST: NO & DATE AS ABOVE:**

Copy forwarded for information to the:-

1. Chief Engineer (South) PHE Peshawar w/r to his letters No.18/E-6/PHE dated 27-10-2020 and No.02/E-6/PHE dated 30-11-2020.
2. PS to Secretary PHE Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT) —



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Peshawar, the December 01, 2022

8-

NOTIFICATION

No.SO(Estt)/PHED/1-43/2022: In consultation with Finance Department letter No.SOSR-IV/FD/2-10/2021-22/PHE/Leave dated 25-11-2022, the competent authority is pleased to grant extension in study leave (on half average pay) for further period of one (01) year with effect from 01-11-2022 to 30-10-2023 in favour of Muhammad Riaz, Sub Engineers (BS-12) Public Health Engineering Division, Northern Tribal District at Peshawar, to pursue B. Sc Civil Engineering at Iqra National University Peshawar, under the provision of FR-34/audit ruling read with appendix 9-1 (A) of FR-I & SR-I & II, subject to the condition that internal/local arrangement will be made by the Administrative Department and no contract employee will be appointed during leave period of the official concerned.

SECRETARY TO  
GOVT: OF KHYBER PAKHTUNKHWA  
PHE DEPARTMENT, PESHAWAR

Endst: No.SOSR-IV/FD/2-10/2021-22/PHE/Leave

Dated: 25 / 11 / 2022

Copy forwarded to the Accountant General, Khyber Pakhtunkhwa Peshawar for information and necessary action.

SECTION OFFICER (SR-IV)  
GOVT: OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No.SO(Estt)/PHED/1-43/2022

Dated Peshawar, December 01, 2022

Copy forwarded to the:

- 1) Chief Engineer (Center) PHE Khyber Pakhtunkhwa Peshawar w/r to his letters No.10/CE-7/PHE(C) dated 14-10-2022
- 2) Superintending Engineer PHE Circle Khyber.
- 3) Executive Engineer PHE Division Khyber.
- 4) District Accounts Officer Khyber.
- 5) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
- 6) Officials concerned.
- 7) Office Order / Personal File.

(SHER AZAM KHAN)  
SECTION OFFICER (ESTT)

10" -9-

# IQRA National University

Islamic Republic of Pakistan



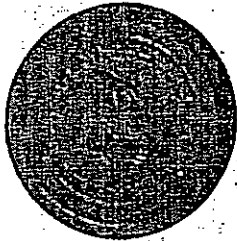
Muhammad Riaz S/o Taslim Khan

Has satisfactorily fulfilled all requirements for the Degree of  
Bachelor of Science in Civil Engineering

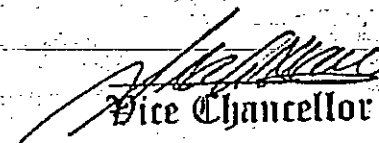
and has, therefore been admitted to the Degree on 03 July, 2023

In testimony whereof, this Degree has been issued under authorized signatures and

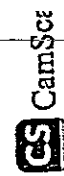
Official seal of the University, Given this, on 24th Day of July 20 23



  
Chancellor

  
Vice Chancellor

  
Registrar



Student Name : Muhammad Riaz  
 Father Name : Taslim Khan  
 CNIC / Passport # : 21201-1462934-5  
 Date of Birth : 04 September, 1991

Degree / Prog. : Bachelor of Science In Civil Engineering  
 Specialization : XXXX  
 Prog. Commenced : Fall - 2020  
 Prog. Completed : Spring - 2023

Registration No : 091-20-117076  
 Batch No : INU-10-2019  
 Mode of Study : Regular  
 Campus : Main Campus

**Transcript**

| Course Code | Course Title                                   | Credit Hours | Grade | Obtd Marks | Course Code | Course Title                                   | Credit Hours | Grade | Obtd Marks |
|-------------|--|--------------|-------|------------|-------------|--|--------------|-------|------------|
| CE-216L     | FALL-20 CONSTRUCTION ENGINEERING (LAB)         | 1            | A     | 88         | CE-415L     | FALL-22 GEOINFORMATICS                         | 1            | B+    | 81         |
| CE-214      | QUANTITY SURVEYING AND ESTIMATION              | 3            | B+    | 83         | CE-412      | REINFORCED CONCRETE DESIGN-II                  | 3            | C+    | 72         |
| CE-213      | MECHANICS OF SOLIDS-I                          | 3            | A     | 88         | CE-417L     | STRUCTURE ANALYSIS SOFTWARE APPLICATION(LAB)   | 1            | C     | 81         |
| CE-211      | ENGINEERING SURVEYING                          | 3            | A     | 92         | CE-413      | STEEL STRUCTURES                               | 2            | D+    | 60         |
| NS-215      | NUMERICAL ANALYSIS                             | 2            | A     | 89         | CE-411      | WATER SUPPLY ENGINEERING                       | 3            | A     | 35         |
| CE-216      | CONSTRUCTION ENGINEERING                       | 2            | B     | 78         | CE-416      | FINAL YEAR PROJECT(PART-I)                     | 3            | B+    | 91         |
| CE-212      | CIVIL ENGINEERING DRAWING AND GRAPHICS         | 1            | C     | 71         | CE-414      | HYDROLOGY AND WATER MANAGEMENT                 | 2            | B     | 81         |
| CE-211L     | ENGINEERING SURVEYING (LAB)                    | 1            | C     | 71         | CE-415      | GEOINFORMATICS                                 | 2            | B     | 74         |
|             | <b>GPA: 3.72</b>                               |              |       |            |             | <b>GPA: 2.89</b>                               |              |       |            |
| CE-224L     | SPRING-21 FLUID MECHANICS (LAB)                | 1            | B     | 82         | CE-424      | SPRING-13 PROJECT PLANNING AND MANAGEMENT      | 3            | B     | 74         |
| CE-222      | STRUCTURAL ANALYSIS-I                          | 3            | B+    | 81         | CE-424L     | PROJECT PLANNING AND MANAGEMENT (LAB)          | 1            | A     | 88         |
| CE-223L     | ADVANCED ENGINEERING SURVEYING (LAB)           | 1            | A     | 88         | CE-426      | PROJECT PLANNING AND MANAGEMENT (LAB)          | 3            | A     | 89         |
| CE-224      | FLUID MECHANICS                                | 3            | B     | 82         | CE-422      | FINAL YEAR PROJECT (PART-II)                   | 3            | A     | 90         |
| NS-225      | DIFFERENTIAL EQUATIONS                         | 3            | C     | 67         | CE-422      | IRRIGATION ENGINEERING                         | 3            | C+    | 69         |
| CE-221      | MECHANICS OF SOLIDS-II                         | 3            | B     | 78         | CE-423      | INTRO TO STRUCTURAL DYNAMICS & EARTHQUAKE ENGG | 3            | B     | 73         |
| CE-223      | ADVANCED ENGINEERING SURVEYING                 | 3            | A     | 88         | CE-425      | SUSTAINABLE DEVELOPMENT & MANAGEMENT           | 2            | B     | 81         |
| CE-221L     | MECHANICS OF SOLIDS-II(LAB)                    | 1            | B+    | 82         | CE-421      | WASTE WATER ENGINEERING                        | 2            | B+    | 81         |
|             | <b>GPA: 3.36</b>                               |              |       |            | CE-421L     | WASTE WATER ENGINEERING (LAB)                  | 1            | B     | 75         |
|             |  |              |       |            |             | <b>GPA: 3.36</b>                               |              |       |            |
| CE-315      | FALL-21 TRANSPORTATION PLANNING & ENGINEERING  | 3            | D+    | 58         |             | Exemptions were given in the following courses |              |       |            |
| CE-313      | SOIL MECHANICS                                 | 3            | B     | 79         |             | ENGINEERING GEOLOGY                            | 3            | EXMP  |            |
| CE-317      | ADVANCED FLUID MECHANICS                       | 3            | C     | 64         |             | ENGLISH COMMUNICATION SKILLS                   | 3            | EXMP  |            |
| BII-316     | PROFESSIONAL ETHICS                            | 2            | C     | 60         |             | CONCRETE TECHNOLOGY                            | 2            | EXMP  |            |
| NS-314      | PROBABILITY AND STATISTICS                     | 2            | C     | 61         |             | PAKISTAN STUDIES                               | 2            | EXMP  |            |
| CE-312L     | ADVANCED FLUID MECHANICS (LAB)                 | 1            | C     | 74         |             | INTRODUCTION TO TOWN PLANNING AND ARCHITECTURE | 2            | EXMP  |            |
| CE-311      | STRUCTURAL ANALYSIS-II                         | 3            | D     | 50         |             | ENGINEERING MECHANICS (LAB)                    | 1            | EXMP  |            |
|             | <b>GPA: 1.97</b>                               |              |       |            |             | ENGINEERING MECHANICS                          | 1            | EXMP  |            |
| CE-325      | SPRING-22 REINFORCED CONCRETE DESIGN-I         | 3            | B     | 74         |             | INTRODUCTION TO COMPUTER PROGRAMMING           | 2            | EXMP  |            |
| CE-321L     | GEOTECHNICAL AND FOUNDATION ENGINEERING (LAB)  | 1            | B     | 78         |             | CIVIL ENGINEERING MATERIALS                    | 2            | EXMP  |            |
| CE-322      | DISASTER MANAGEMENT                            | 2            | C     | 67         |             | ISLAMIC STUDIES                                | 1            | EXMP  |            |
| CE-321      | GEOTECHNICAL AND FOUNDATION ENGINEERING        | 3            | C+    | 72         |             | BASIC ELECTRO MECHANICAL ENGINEERING (LAB)     | 1            | EXMP  |            |
| CE-323L     | HIGHWAY AND TRAFFIC ENGINEERING (LAB)          | 1            | B     | 75         |             | BASIC ELECTRO MECHANICAL ENGINEERING           | 2            | EXMP  |            |
| CE-323      | HIGHWAY AND TRAFFIC ENGINEERING                | 3            | B+    | 81         |             | ENGINEERING DRAWING FOR CIVIL ENGINEERS        | 2            | EXMP  |            |
| CE-324      | HYDRAULIC ENGINEERING                          | 2            | C     | 60         |             | APPLIED CALCULUS                               | 3            | EXMP  |            |
| BII-326     | TECHNICAL REPORT WRITING & PRESENTATION SKILLS | 2            | C+    | 70         |             | CONCRETE TECHNOLOGY (LAB)                      | 1            | EXMP  |            |
|             | <b>GPA: 2.76</b>                               |              |       |            |             | <b>Total Credit Hours Exempted : 30</b>        |              |       |            |

End of Transcript

Issuing Authority

CGPA Achieved : 3.01  
 Total Final Marks Obtained : 3584 / 4700

Total Credit Hours Completed : 137  
 Overall Marks Percentage : 76 %

*[Signature]*  
 Controller of Examinations



"E"  
-11-

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, FRIDAY, 15TH MAY, 2020.

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

**NOTIFICATION**

Dated: 31<sup>ST</sup> July, 2013.

No. SO(E)PHE/1-9/2009. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Public Health Engineering Department's (Recruitment and Appointment) Rules, 2010, the following further amendments shall be made, namely:

**AMENDMENTS**

In the Appendix, -

- i) Against serial No.3, in column No.5, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Engineers, Assistant Design Engineers and Sub Divisional Officers, who possess Degree in B.E/B.Sc Engineering (Civil) from a recognized University with five years service as such and have passed the Departmental Professional Examination."

- ii) Against serial No.4, in column No.5, for the existing entries, the following shall be substituted, namely;

"(a) five per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the direct graduate Sub Engineers, who possess Degree in B.E/B.Sc Engineering (Civil) from a recognized University with five years service as such;

- (b) five per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the in service graduate Sub Engineers, who possess Degree in B.E/B.Sc Engineering (Civil), from a recognized University with five years service as such;

- (c) three per cent, by promotion, on the basis of seniority-cum-fitness, from amongst Sub Engineers, who possess Degree in B.Tech Hons. (Civil), from a recognized University with five years service as such:
- (d) twenty per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, who possess Diploma in Civil / Electrical / Mechanical Technology with ten years service as such and have passed the Departmental Examination; and
- (e) sixty-seven per cent by initial recruitment".

SECRETARY  
PHE DEPARTMENT

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

GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the 31 / 01 / 2022

"9"  
-13-

**NOTIFICATION**

**No.SO(Estt)/PHED/1-9/2020-21:** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Public Health Engineering Department, in consultation with the Establishment Department and Finance Department, hereby directs that in this Department's Notification No.SO(Estt)/PHED/1-9/2010, dated 06-03-2010, the following further amendments shall be made, namely:

**AMENDMENTS**

In the APPENDIX:-

(1) Under the heading "Engineering Cadre":

(i) against Serial No.03, in Colum No.02, for the existing entry, the following shall be substituted, namely:

"Executive Engineer/Design Engineer/Deputy Director (Technical)/Deputy Director (Labs/Projects) (BPS-18)

(ii) after Serial No.03, the following new entries shall be inserted in the respective Columns, namely:

|     |  |   |
|-----|--|---|
| 3-A | Technical Officer/Deputy Director (M&E) (BPS-18) | "By promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Engineers/Assistant Design Engineers/ Sub Divisional Officers/Assistant Director (Tech)/ Assistant Technical Officer/Assistant Director (M&E)/Assistant Director (Labs)/Assistant Director (Projects), who possesses Degree of B.Tech (Hons) or Diploma of Associate Engineering from a recognized University/ Board with five years' service as such."<br><br>Note: For the purpose of promotion, joint seniority of B.Tech (Hons) & Diploma holders shall be reckoned from the date of promotion to BPS-17. |
|-----|--|---|

✓

(iii) against serial No.04, in column No.05,

(a) In clause (a), for the words "Five percent", the words "Two percent" shall be substituted;

→ (b) In clause (b), for the words "Five percent", the words "Three percent" shall be substituted;

(c) In clause (c), for the words "Three percent", the words "Eight percent" shall be substituted; and

(d) after clause (c), as so amended, the following Note shall be inserted; namely:

"Note: for the purpose of promotion, the seniority of B.Tech (Hons) Degree holders shall be reckoned from the date of appointment or acquiring the Degree, whichever is later; and

(2) Under the heading "Water Quality (WQ) Laboratory's Technical Staff":

(i) against Serial No.26, In column No.05, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Research Officer (Water Quality) with five years service as such."

(ii) against Serial No.28, in column No.05, for the existing entry, the following shall be substituted, namely:

- (a) Twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Assistant who possess at least second class B.Sc Degree in Microbiology or Chemistry from a recognized University, with 5-years service as such; and
- (b) Seventy-five percent by initial recruitment.

(iii) after Serial No.28, the following new entries shall be inserted, in the respective Columns, namely;

|       |                               |  |                |  |
|-------|-------------------------------|--|----------------|--|
| "28-A | Laboratory Assistant (BPS-08) | At least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board with two years Diploma In Laboratory Technician from a recognized Medical Faculty. | 18 to 30 years | (a) Twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Technician with 5-years service as such.<br>(b) Seventy-five percent by initial recruitment; and |
|-------|-------------------------------|--|----------------|--|

(iv) Against Serial No.29, in Column No.05, for the existing entry, the following shall be substituted namely:

- (a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Laboratory Attendant who possess at least Second Division Secondary School Certificate or its equivalent qualification from a recognized Board and two years Diploma in Laboratory Technician from a recognized Medical Faculty, with 5-years service as such; and
- (b) Fifty percent by Initial recruitment.

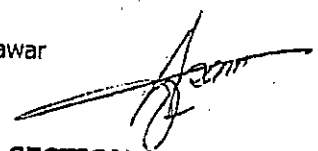
**SECRETARY TO  
GOVT: OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT**

No.SO(Estt)/PHED/1-9/2020-21:

Dated Peshawar, the 31 / 01 / 2022

Copy forwarded to the:-

- 1) All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 2) Secretary to Governor Khyber Pakhtunkhwa.
- 3) Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 4) Accountant General Khyber Pakhtunkhwa.
- 5) Chief Engineer (North/South/East/Center PHE Khyber Pakhtunkhwa Peshawar.
- 6) Registrar Peshawar High Court / Service Tribunal Peshawar.
- 7) All Superintending Engineers PHE / XENs PHE Department Khyber Pakhtunkhwa.
- 8) Manager Government Stationary & Printing Department.
- 9) PS to Chief Secretary Khyber Pakhtunkhwa Province.
- 10) PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
- 11) Office Order File.



**SECTION OFFICER (ESTT)**



-15- "H"



**OFFICE OF THE CHIEF ENGINEER (SOUTH)**  
**PUBLIC HEALTH ENGINEERING DEPTT. HYDERABAD, UNKLIWA, PESHAWAR**  
Ph: 9212911 Fax: 9210221 E-mail: Ce\_south@pshd.gov

No. 19 / E-9 PHE,  
Dated Peshawar, the 13 / 12 / 2017.

E-2

**OFFICE ORDER**

In terms of revised leave rules, 1981, sanction to the grant of 730 days extra ordinary leave for study, in respect of Mr. Ijaz Ahmad, Sub Engineer (DPS-12) attached to the office of Executive Engineer PHE Division Karak, is hereby granted with effect from 25.09.2017 to 24.09.2019, without pay.

Chief Engineer (South)

Copy forwarded to the:

1. Superintending Engineer PIB Circle Kohat for information.
2. Executive Engineer PHE Division Karak with reference to his letter No.3-4/1-2 dated 23.11.2017 for information.
3. District Accounts Officer Karak.
4. Official concerned.

Chief Engineer (South)

*H.C.*  
*Seen & file*  
*AW*

*OFFICE OF THE CHIEF ENGINEER (SOUTH)  
PUBLIC HEALTH ENGINEER DEPARTMENT KHYBER PAKHTUNKHWA  
PESHAWAR*

No 19/E-9/PHE

Dated Peshawar the 13/12/2017

**OFFICE ORDER**

In terms of revised leave rule, 1981 sanction to the grant of 730 days extra ordinary leave for study, in respect of Mr. Ijaz Ahmad, Sub Engineer (BPS-12) attached to the office of Executive PHE Division Karak, is hereby granted with effect from 25/09/2017 to 24/09/2019 without pay.

Chief Engineer (South)

Copy forwarded to:-

1. Superintending Engineer PHE Circle Kohat for information
2. Executive Engineer PHE Division Karak with reference to his letter No 3-4/E-2 dated 23/11/2017 for information
3. District Accounts Officer Karak
4. Official concerned

Chief Engineer (South)



-16- (14)

**OFFICE OF THE CHIEF ENGINEER (SOUTH)**  
**PUBLIC HEALTH ENGG: DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR**  
Ph: 091-9217788 Fax: 091-9217396 E-mail: C.E.s.phe@pke.com, P/40, Sector-D-II, Phase-V, Hayatabad, Peshawar

No. 051 E-6 /PHE,

Dated Peshawar, the 20/09 /2019

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

Subject: APPLICATION FOR EXTRA ORDINARY LEAVE FOR FURTHER EDUCATION.

It is submitted that one Mr. Ijaz Ahmad was appointed as Sub Engineer on 09.03.2017. The official applied for two-years study leave vide Executive Engineer PHE Division Karak No.3-4/E-2 dated 23.11.2017. There was no leave available on his credit due to less length of service, the official was granted two-years extra ordinary leave for study without pay as per leave rules Para-9 (copy attached). Now again the official has submitted an application vide Superintending Engineer PHE Circle Kohat No.03/SE/PHE/3 dated 16.09.2019 (copy attached), requesting therein for 365-days study leave w.e.f. 25.09.2019 for purpose of study.

It is further to mention here that sanction of study leave is in purview of Finance Department. Therefore, it is requested that necessary ex-post sanction for study leave of two years w.e.f 25.09.2017 to 24.09.2019 already granted vide this office order No.19/E-9/PHE dated 13.12.2017 (copy enclosed), as well as now applied for 365-days w.e.f 25.09.2019 may kindly be arranged from Finance Department to regularize his extra ordinary leave already availed as well as for 365-days applied now so that the official may continue his study for acquiring higher qualification, please.

DA/As above

Chief Engineer (South)

Copy forwarded to the Superintending Engineer PHE Circle Kohat, with reference to above for information.

Chief Engineer (South)



OFFICE OF THE SUPERINTENDING ENGINEER  
PUBLIC HEALTH ENGINEERING CIRCLE KOHAT

102

No. 03 SE/PHE/S

Dated Kohat 6 / 09 / 2019

-17-

To,

The Chief Engineer (South)  
Public Health Engg: Deptt:  
Khyber Pakhtunkhwa  
Peshawar.

Subject:- APPLICATION FOR EXTRA ORDINARY LEAVE FOR FURTHER EDUCATION.

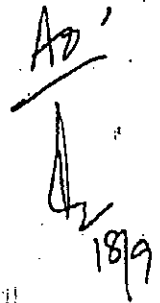
Leave application of Mr. Ijaz Ahmed Sub Engineer PHE Sub Division T/Nasrati along with leave Proforma received from Executive Engineer PHE Division Karak vide No. 26/E-2 dated 12/09/2019 is sent herewith for further process under the rules please.

DA/AS above

  
SUPERINTENDING ENGINEER—  
Public Health Engineering Circle  
Kohat

Copy to the Executive Engineer PHE Division Karak for information w/r to above.

  
SUPERINTENDING ENGINEER  
Public Health Engineering Circle  
Kohat.

  
Application form for O.T. for leave dated 20-04-2009

A2:2  
+



-18-

**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH  
ENGINEERING DIVISION KARAK**

No 26 /E-2 Dated PHE Karak the 12/09/2019

To,

The Superintending Engineer,  
Public Health Engg: Circle  
Kohat

O/o S.E PHE Circle Kohat

Dairy No 397 Dated 16/09/19

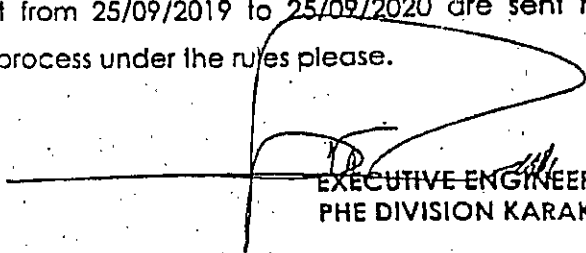
Case No SE/PHE/3

Subject:-

**APPLICATION FOR EXTRA ORDINARY LEAVE FOR  
FURTHER EDUCATION**

Mr. Ijaz Ahmad Sub Engineer of PHE Sub Division T/Nasrati have been apply/submitted Extra Ordinary Leave for Further Education under the service rules 1981 with respect grant of 365-days for performance of "Education" with effect from 25/09/2019 to 25/09/2020 are sent herewith for information and further process under the rules please.

DA/As above

  
EXECUTIVE ENGINEER  
PHE DIVISION KARAK

# APPLICATION FOR LEAVE

NOTES: Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the Government Servants of BPS-16 and above.

14  
5

1. Name of applicant MR. JAG AHMAD Sub Engineer
2. Leave Rules applicable Service Rules - 1981
3. Post held. Sub Engineer
4. Department or office. XEN PHE Duni Kotal
5. Pay = 12570
6. 

|                      |      |      |      |      |      |      |
|----------------------|------|------|------|------|------|------|
| HRA                  | 1216 | 1300 | 2148 | 2199 | 2211 | 2204 |
| House rent allowance | 1225 | 225  | 158  | 350  | 200  | 1257 |
7. (a) Nature of leave applied for. Ordinary leave
8. (b) Period of leave in days. = 365-day
9. (c) Date of commencement. effect from 25-09-2019 to 25-09-2020
8. Particular Rule/Rules under which leave is admissible.
9. (a) Date of return from last leave. 24/9/2019
- (b) Nature of leave.
- (c) Period of leave in days.
- Date
- Signature of applicant [Signature]

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التاريخ  
25-09-2019

10. Remarks recommendation of the controlling office.  
11. Certified that leave applied for is admissible under Rule 1981 necessary conditions are fulfilled.

certified that Duni Dile to newly  
 Date appointment of the official Signature \_\_\_\_\_  
 There is no leave in credit  
 Report of Audit Officer. official leave account have Designation \_\_\_\_\_  
 Date received leave without pay Signature \_\_\_\_\_  
under rule 1981/ Designation \_\_\_\_\_  
DAO

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory being drawn by h  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Sub Engineer Division

To,

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

Through: Proper Channel.

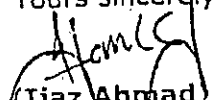
Subject:- APPLICATION FOR LEAVE EXTENSION WITHOUT PAY FOR FURTHER EDUCATION.

R/Sir,

It is respectfully submitted that I am going to perform further study in five to six semester in Civil Engineering field due to which I need leave of 365-days under leave rules 1981.

It is hereby requested to grant me leave for the above mentioned period w.e.f 25.09.2019, please.

Yours sincerely

  
(Ijaz Ahmad)  
Sub Engineer  
PHED Karak

To

-21-

The Chief Engineer South,  
Public Health Engineering Department  
Peshawar.

Through Proper Channel

Subject: EXTRA ORDINARY LEAVE WITH OUT PAY

Sir,

With due respect, it is stated extra ordinary leave for two years was granted to the applicant with effect from 25-09-2017, which would to be expired on 24-09-2019, for the purpose of higher study/Education vide office order No. 19/E-9/PHE dated 13-12-2017 (F/A). At the expiry of the said leave, the undersigned requested for one year extra EOL, enabling him to complete the remaining portion of his studies. However, this request for one year EOL was not handled rightly and the same request was forwarded to the administrative department for onward submission to the Finance Department for granting study Leave in favour of the applicant vide letter of Chief Engineer NO. 05/E-b/PHE dated 20-08-2019 (F/B). However, the fact is that the application has never requested for the study leave. Moreover, such conversion of the nature of leave by the department is not covered under FR-87(a) (F/C). As per the law in vague, leave may be reduced or regretted but the nature of leave cannot be modified.

Keeping in view the above, the request of the department for study leave in favour of the applicant was regretted by the Administrative department vide letter NO. SO(Estt)/PHED/2-90/2018-19 dated 01-10-2019 (F/D). Therefore, the awaited applicant was not informed well in time about the outcome of his request for the ONE YEAR EOL. Resultantly, a major portion of time of the petitioner was lost.

Therefore, it is now, requested for the grant of Two YEARS EOL with effect from 24-09-2019 (w-e-f 24-09-2019 till dated on retrospective basis) and onward up to 23-09-2021 as fresh grant, strictly under the provision as provided under Sub-rule (1) of Rule-12 read with Sub-rule (3) of the Rule ibid of the Khyber Pakhtunkhwa Revised Leave Rules 1981(F/E) enabling the applicant to complete his remaining portion of studies and to enable to make regularization of the awaiting period of service please.

|                             |
|-----------------------------|
| C.E.P.H.E Deptt:<br>(South) |
| Diary No. 2735              |
| Date 13/10/2020             |
| Case No. E-6                |
| C.E.R.H.E. (3)              |
| A.H.O.                      |

*A/O BO 90*  
*If the applicant is not availing the study leaves, C.E.S's his depreciable period*

Yours faithfully,  
*[Signature]*  
Eng. Ijaz Ahmad  
Sub Engineer District Karak

*Run BO*  
*obtained during this*  
*more BO of this office is*  
*entirely in the hands of the*  
*and directed to submit*  
*report with in*  
*15 days*





5

GOVERNMENT OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT

-22-

No.SO(Estt)/PHED/1-43/2019-20  
Dated Peshawar, the November 05, 2020

To

The Chief Engineer (South),  
Public Health Engg: Department Peshawar

Subject: APPLICATION FOR EXTRAORDINARY LEAVE WITHOUT PAY FOR FURTHER EDUCATION.

I am directed to refer to your letter No.01/E-6/PHE dated 26-10-2020 on the subject noted above and to return herewith the subject case in original with the remarks that the official concerned is required to get study leave for the purpose of further education. Furthermore, you are also required to give brief service history of the official concerned as the length of service is mandatory for the grant of study leave/extraordinary leave without pay.

Encls: As above

SECTION OFFICER (ESTT)  
S.A. 2020

|                  |
|------------------|
| C.E.P.H.E Deptt: |
| 3148             |
| 10/11/2020       |
| 12/11            |
| 14/11/2020       |
| A.I.C. E-6       |

*AXO/BO*  
*gr needed. Morcan*  
*put up service rule*  
*for the requisite*  
*for study leave*

*CE/PO*  
*ces*  
*AO*  
*Sud*  
*Pani*



-23-

**OFFICE OF THE CHIEF ENGINEER (SOUTH)**  
**PUBLIC HEALTH ENGG. DEPTT: KHYBER PAKHTUNKHWA, PESHAWAR**  
Ph: 011-2317788 Fax: 0091-9217396 E-mail: Ce.ahed.pcs10@gmail.com, PHE40, Sector-B-II, Phase-V, Hayatabad, Peshawar (Nawab)

No. 011 E-6 /PHE,

Dated Peshawar, the 26/10 /2020.

To,

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

Subject: APPLICATION FOR EXTRA ORDINARY LEAVE WITHOUT  
PAY FOR FURTHER EDUCATION.

Enclosed please find herewith a copy of letter No.01/SE/PHE/3 dated 24.09.2020, received from Superintending Engineer PHE Circle Kohat alongwith Leave Proforma in respect of Mr. Ijaz Ahmad Sub Engineer, request therein for grant of leave extension 365-days without pay for enhancement of qualification with effect from 25-09-2020 to 25.09.2021 for further necessary action as per Govt. Rules and policy.

D.A/As above.

*[Signature]*  
Chief Engineer (South)

Copy forwarded for information to the Superintending Engineer PHE Circle Kohat for information w/r to the above.

Chief Engineer (South)



OFFICE OF THE SUPERINTENDING ENGINEER  
PUBLIC HEALTH ENGINEERING CIRCLE KOHAT.

-24-

Phone:09229260332 Email:phedcircle6@gmail.com

No. 01/SEPHE/3

Dated Kohat 24/9/2020

To,


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

Subject:- APPLICATION FOR LEAVE EXTENSION WITHOUT PAY FOR FURTHER EDUCATION.

Reference:- Executive Engineer PHE Division Karak letter No. 05/E-2 dated 24/09/2020.


Mr. Ijaz Ahmad Sub Engineer of PHE Sub Division T/Nasrati has applied/submitted extension Leave for further education under the service rules 1981 for grant of 365-days without pay for enhancement of qualification with effect from 25/09/2020 to 25/09/2021 which is sent herewith for further process under the rules please.

DA/As above

  
SUPERINTENDING ENGINEER  
Public Health Engineering Circle  
Kohat

Copy for information is forwarded to Executive Engineer Public Health Engineering Division Karak with reference to above.

|                  |            |
|------------------|------------|
| C.E.P.H.E Deptt: | A.O.       |
| Diry:            | 2438       |
| Date:            | 25/09/2020 |
| C.O.             |            |
| C.E.             |            |
| A.H.O.           |            |

  
EEs/As

  
SUPERINTENDING ENGINEER  
Public Health Engineering Circle  
Kohat

# APPLICATION FOR LEAVE

-25-

NOTES: Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the Government Servants of BPS-16 and above.

14  
3

1. Name of applicant: Haz Ahmad Engineer
2. Leave Rules applicable: Govt. Rule 1981
3. Post held: Sub Engineer
4. Department or office: XEN PHE Dera Ismail Khan
5. Pay: 12570 1216 1300 2148 2197 2241 2284
6. House rent allowance/conveyance allowance or other compensatory allowance drawn in the present post.  

|             |             |             |            |            |             |             |
|-------------|-------------|-------------|------------|------------|-------------|-------------|
| <u>1257</u> | <u>2254</u> | <u>1558</u> | <u>350</u> | <u>276</u> | <u>1051</u> | <u>1257</u> |
|-------------|-------------|-------------|------------|------------|-------------|-------------|
7. (a) Nature of leave applied for: Ordinary leave  
 (b) Period of leave in days: 365-day  
 (c) Date of commencement: effect from 25-09-2020 to 25-9-2021
8. Particular Rule/Rules under which leave is admissible.
9. (a) Date of return from last leave: 25-9-2021  
 (b) Nature of leave:  
 (c) Period of leave in days:  
 Date: \_\_\_\_\_

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البر  
البر  
البر

Ahmed  
Signature of applicant.

10. Remarks recommendation of the controlling office.
11. Certified that leave applied for is admissible under Rule 1981 necessary conditions are fulfilled.

Certified that leave is admissible  
 Date: \_\_\_\_\_ of the Official: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Designation: \_\_\_\_\_

12. Reported Audit Officer: \_\_\_\_\_  
 Date: \_\_\_\_\_  
leave with civil pay under Rule 1981  
 Signature: \_\_\_\_\_  
 Designation: \_\_\_\_\_

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to be in the same post carrying the compensatory being drawn by \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_

To

-26-

The chief Engineer (South)  
PHED Peshawar

THROUGH : PROPER CHANNEL

*Extra ordinary leave*

Subject: APPLICATION FOR WITHOUT PAY FOR

FURTHER EDUCATION

R/sir

It is respectfully submitted that I am going to perform further study in seven to eight semester in civil engineering field in UET peshawar due to which I need leave of 365-days under leave rules 1981.

It is hereby requested to grant me leave for the above mentioned period w.e.f 25.9.2020, to 25.9.2021, please

Your sincerely,

*Ahmed*  
Ijaz Ahmad sub Engr:  
PHED karak



OFFICE OF THE CHIEF ENGINEER (SOUTH)  
PUBLIC HEALTH ENGG. DEPTT. KHYBER PAKHTUNKHWA, PESHAWAR  
Ph: 091-9717388 Fax: 091-9717396 E-mail: Cea.pheed.nr4412@gmail.com Plot: 430 Sector: D-11 Phase-V, Hayatabad, Peshawar (Nawab)

27-

No. 021 E-6 /PHE,

Dated Peshawar, the 20/11 /2020,

To,

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

Subject: EXTRA ORDINARY LEAVE WITHOUT PAY.

Enclosed please find herewith a copy of letter No.03/SE/PHE/03 dated  
/18.11.2020, alongwith its enclosures received from Superintending Engineer PHE Circle  
Kohat, which is self-explanatory for information and further necessary action.

DA/As above

*[Signature]*  
Chief Engineer (South)

Copy to the Superintending Engineer PHE Circle Kohat for information w/r  
to the above.

*[Signature]*

*[Signature]*  
Chief Engineer (South)



OFFICE OF THE SUPERINTENDING ENGINEER  
PUBLIC HEALTH-ENGINEERING CIRCLE KOHAT.

-28-

No. 03 /SE/PHE/ 3

Dated 18 / 11 / 2020.

To, ✓  
The Chief Engineer (South),  
Public Health Engg. Department,  
Peshawar.

Subject:- EXTRA ORDINARY LEAVE WITHOUT PAY.  
Reference:- Executive Engineer PHE Division Karak office letter No. 02/E-2, dated 17/11/2020.

Mr. Ijaz Ahmad Sub Engineer of PHE Sub Division T/Nasrati has submitted application for grant of extra ordinary leave without pay under service rules 1981 with effect from 24/09/2019 to 23/09/2021 is sent herewith for further process.

  
SUPERINTENDING ENGINEER  
Public Health Engineering Circle  
Kohat

Copy for information is forwarded to:-

1. Executive Engineer PHE Division Karak.

|                  |          |
|------------------|----------|
| C.E.P.H.E Deptt: | A.O.     |
| Dist:            | 3170     |
| Date:            | 19/11/20 |
| Cell:            |          |
| C.E.P.H.E        |          |
| A.H.O.           | EE/10    |

SUPERINTENDING ENGINEER  
Public Health Engineering Circle  
Kohat



-29-

**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH  
ENGINEERING DIVISION KARAK**

No 02 /E-9

Dated PHE Karak the 17/11/2020

To,

The Superintending Engineer,  
Public Health Engg: Circle  
Kohat

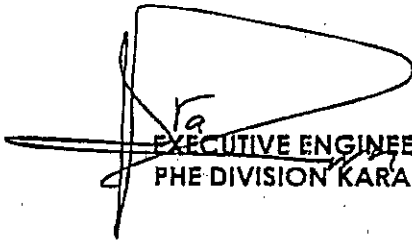
Subject:-

**EXTRA ORDINARY LEAVE WITHOUT PAY**

Kindly refer to cited subject above, Mr. Ijaz Ahmad Sub Engineer PHE Sub Division Takhti Nasrati have applied submitted application for grant of extra ordinary leave without pay under service rule 1981 with effect from 24/09/2019 to 23/09/2021 are sent herewith for further process please.

DA/As above

*Subdt -  
For Action.  
SET*

  
EXECUTIVE ENGINEER  
PHE DIVISION KARAK



To

The Executive Engineer  
Public Health Engineering Department  
District Karak

Through : Proper Channel .

Subject : EXTRA ORDINARY LEAVE WITHOUT PAY

Sir ,

With due respect, it is stated that Extra Ordinary leave for two years was granted to me with effect from 25-09-2017, which would be expired on 24-09-2019. At the expiry of the said leave, the undersigned requested for one year extra EOL. However, this request for one year I was not handled rightly and the same request was forwarded to the administrative department for onward submission for granting study Leave in favour of undersigned vide Chief Engineer letter No. 05/E-6/PHE dated 20/08/2019(F/B). However, the fact is that I have never requested for the study leave. Moreover, such conversion of the nature of leave by the department is not covered under FR-87(a)(F/C). As per the law in vague, leave may be reduced or regretted but the nature of leave cannot be modified.

Keeping in view the above, the request of department for study leave in favour of me was regretted by the Administrative Department vide letter No.SO(Estt)/PHED/2-90/2018-19 dated 01 /10/ 2019 (F/D). Therefore, I was not informed well in time about the outcome of my request for the ONE YEAR EOL. Resultantly, a major portion of my time was lost.

Therefore, it is now, requested for the grant of Two Years EOL with effect from 24-09-2019(w.e.f 24-09-2019 till dated on retrospective basis) and onward up to 23/09/2021 as fresh grant, strictly under the provision as provided under Sub -rules (1) of Rule - 12 read with Sub- rule (3) of the Rule ibid of the Khyber Pakhtunkhwa Revised Leave Rules 1981 (F/E) pleas.

Yours faithfully

  
Ijaz Ahmad

Sub Engineer PHED Karak

# APPLICATION FOR LEAVE

-31-

NOTES: Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the Government Servants of BPS-16 and above.

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17

1. Name of applicant: Jaz Ahmad Engineer

2. Leave Rules applicable: Service Rule 1981

3. Post held: Sub Engineer

4. Department or office: XEN PHE Dera Ismail Khan

5. Pay: 12570 - 1210 - 1300 - 2148 - 2199 - 2211 - 2204

6. HRA allowance/conveyance allowance or other compensatory allowance drawn in the present post:  

|       |      |      |     |     |      |      |
|-------|------|------|-----|-----|------|------|
| 12257 | 2254 | 1358 | 350 | 276 | 1051 | 1257 |
|-------|------|------|-----|-----|------|------|

7. (a) Nature of leave applied for: Ordinary Leave  
 (b) Period of leave in days: 365-day  
 (c) Date of commencement: effect from 25-09-2020 to 25-09-2021

8. Particular Rule/Rules under which leave is admissible:

9. (a) Date of return from last leave: 25-9-2021  
 (b) Nature of leave:  
 (c) Period of leave in days:  
 Date: \_\_\_\_\_

Signature of applicant: [Signature]

سید جاز احمد  
 سب انجینئر  
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10. Remarks recommendation of the controlling office:  
 11. Certified that leave applied for is admissible under Rule 1981 necessary conditions are fulfilled.

Certified that leave is admissible  
as per the provisions of the rules  
and the conditions of service.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Designation: \_\_\_\_\_

12. Report of Audit Authority:  
There is no leave in credit of official  
leave with carry over. Leave is  
admissible under Rule 1981.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Designation: \_\_\_\_\_

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to be drawn in the same post carrying the compensatory being drawn by \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

To

The Secretary Public Health Engineering Department,  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

"I" - 32

Through Proper Channel

DEPARTMENTAL APPEAL AGAINST THE INACTION OF THE  
DEPARTMENT BY NOT CONSIDERING THE APPELLANT FOR  
PROMOTION TO THE POST OF ASSISTANT ENGINEER/ SDO  
BPS-17 IN QUOTA OF IN-SERVICE GRADUATE.

Respected Sir

- 1) That the appellant was appointed against the post of Sub Engineer BPS-11 now BPS-12 on the recommendation of the Khyber Pakhtunkhwa Public Service Commission vide order dated 29/10/2015.
- 2) That in response the appellant submitted his arrival report and started performing his duty quite efficiently and upto the entire satisfaction of his superiors.
- 3) That during service the appellant applied for Study Leave for perusing BSc Civil Engineering at Iqra National University, Peshawar, accordingly the Study Leave for the period of two years was sanctioned to the appellant vide notification dated 23/12/2020.
- 4) That whereafter extension for further one year was also sanctioned to the appellant vide notification dated 01/12/2022.
- 5) That after successful completion of the BSc Civil Engineering Program, the appellant was issued the Degree of Bachelor of Science & Engineering by the Iqra National University on 24/07/2023.
- 6) That as per Rules dated 15/05/2020 and subsequent notification date 31/01/2022, the appellant is entitled for promotion to the post of AE/SDO BPS 17 on the basis of seniority cum-fitness and in light of in-service quota.
- 7) That appellant while perusing his case for promotion to the post of AE/SDO BPS-17, it was came into the knowledge of appellant through a reliable source that the department considering the junior colleagues of the appellant name Mr. Ijaz Ahmad Sub Engineer for promotion to the post of AE/SDO BPS-17 being blue eyed to them.
- 8) That Mr. Ijaz Ahmad Sub Engineer was appointed as Sub Engineer BPS-12 vide notification dated 09/03/2017 proceeded on Extra Ordinary Leave Without Pay dated 23/11/2017 for the period of two years, requested the department for further extension of his EOL for the period of 1 year, so excluded the 3 years period of EOL, the appellant total service become 2 years, which is less than the period specified for promotion under the rules (Dearth of more than 3 years).

- 9) That appellant time and again visited the concerned quarters for his promotion, but of no avail.
- 10) That the appellant feeling aggrieved and having no other remedy filed the instant department appeal before your honor, on following grounds inter alia:

GROUNDS:

- A- That the action and inaction of the department by not considering the appellant for promotion to the post of AE/SDO BPS-17 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the Department in accordance with law and rules on the subject noted above and as such the department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the department has acted arbitrary and malafidely by not considering the appellant for promotion from due date.
- D- That the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the department violated the principle of natural justice.
- E- That according to Section 9 of the Civil servant Act, 1973 read with Rule 1 of the appointment, promotion and transfer Rules and Notional promotion policy the appellant is fully entitled for the grant of ante dated promotion.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing before your honor.

It is therefore, most humbly prayed that on acceptance of the instant departmental appeal, the department concerned may kindly be directed to consider the appellant for promotion to the post of Assistant Engineer/S Divisional Officer BPS-17 with all back benefits.

Dated: 08/06/2023

APPELLANT  
Muhammad Riaz  
Sub Engineer BPS-12,  
Public Health Engineering Division  
Northern Tribal District at  
Peshawar

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

Appeal \_\_\_\_\_ No \_\_\_\_\_ /2023

Muhammad Riaz

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt of KPIC

(RESPONDENT)  
(DEFENDANT)

I/We (M. Riaz)

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_ / \_\_\_\_\_ /202

Client  
**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

Waleed  
**WALEED ADNAN**

Umar  
**UMAR FAROOQ MOHMAND**

Muhammad  
**MUHAMMAD AYUB**

&

Mahmood  
**MAHMOOD JAN  
ADVOCATES**

**OFFICE:**

Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)