

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1924/2023

Engr. Shah Nawaz Khan

Versus

Govt: of Khyber Pakhtunkhwa,

Through Chief Secretary and othes

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17 *from Arjum*

DEPONENT

CNIC No. 17301-3056748-3

Cell # 0315-1906767

*Next date 18-10-23
Place of Hearing Peshawar*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1924/2023

Engr. Shah Nawaz Khan S/o Taj Muhammad,
Resident of Mohallah Madina Street, Kababyan,
Warsak Road Peshawar.

Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa

Through Chief Secretary,
Civil Secretariat, Peshawar

2. Secretary Public Health Engineering Department,

Civil Secretariat, Technical Block, Peshawar.

3. Election Commission of Pakistan,

Through its Secretary,
ECP House, Islamabad.

4. Provincial Election Commissioner,

Khyber Pakhtunkhwa,
Constitutional Avenue G-5/2, Islamabad.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8285

Dated 13-10-23

Respondents

**JOINT PARA WISE COMMENTS ON BEHALF OF
RESPONDENT NO.1 & 2**

Respectfully Sheweth

PRELIMINARY OBJECTIONS:

1. The Appellant has no cause of action nor locus standi.
2. The Appellant has not come to the Tribunal with clean hands.
3. The present appeal is liable to be dismissed for mis-joinder/non-joinder of necessary parties.
4. The Appellant has filed the instant appeal on mala-fide motives.
5. The instant appeal is against the prevailing laws and rules.
6. The Appellant is estopped by his own conduct to file the present petition.
7. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
8. The present appeal is barred by law and limitation.

ON FACTS

1. Pertains to record.
2. Pertains to record.
3. Incorrect and misconceived. It is clarified that the appellant was promoted by the Provincial Selection board (PSB) from SDO (BPS-17) to the post of Executive Engineer (BPS-18) on regular basis with one year probation period. After promotion of the appellant the respondent department carried out has transfer/posting on administrative Grounds and till date he has been serving as Technical Officer (BPS-18) in the office of the Chief Engineer (Center) PHED.
4. Does not relate to respondent No. 1 & 2.
5. Does not relate to respondent No. 1 & 2.
6. Does not relate to respondent No. 1 & 2.
7. Incorrect and misconceived. The appellant is misleading this Honorable Tribunal, as the appellant has been transferred from PHE Division, Mardan to PHE Secretariat on administrative grounds and later on was posted as Technical Officer O/o Chief Engineer (Center) PHED (**Copy of notification is attached at Annex-A**), however, the officer has not reported for duty. It is important to mention here that the present service appeal being infructuous is liable to be dismissed with cost, as the successor of the appellant has assumed the charge of the Executive Engineer PHE Division, Mardan. (**Copy of charge assumption of the successor is attached at Annex-B**).

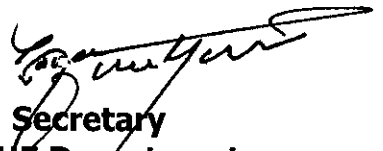
- 8. Incorrect and misconceived. As discussed in para-7 of the above.
- 9. Incorrect and misconceived. As discussed in the preceding paras.
- 10. Does not relate to respondent No. 1 & 2.
- 11. Does not relate to respondent No. 1 & 2.
- 12. Incorrect and misconceived. It is clarified that being a civil servant the appellant in light of Terms & Conditions of Offer of Appointment must perform his duties anywhere in the province of Khyber Pakhtunkhwa in the best public interest. The appellant has got no cause of action to file instant appeal. The respondent department has to discharge official business keeping in view suitability of and officer for execution of timely developmental projects in the sector of water supply and sanitation as well as administration of the Division.
- 13. Incorrect and misconceived. As discussed in the preceding paras.
- 14. Incorrect and misconceived. As discussed in the para-12 of the above.
- 15. Incorrect and misconceived. As discussed in the preceding paras.
- 16. Incorrect and misconceived. As discussed in the preceding paras.
- 17. Incorrect and misconceived. As discussed in the preceding paras.
- 18. Incorrect and misconceived. The appellant has not an aggrieved person he has been posted as Technical Officer in the office of Chief Engineer (Center) PHE in the best public interest.

ON GROUNDS

- a. Incorrect and misconceived. As discussed in the preceding paras.
- b. Incorrect and misconceived. As discussed in the preceding paras.
- c. Incorrect and misconceived. As discussed in the preceding paras.
- d. Incorrect and misconceived. As discussed in the preceding paras.
- e. Incorrect and misconceived. As discussed in the preceding paras.
- f. Incorrect and misconceived. As discussed in para-12 of the above.
- g. Incorrect and misconceived. As discussed in the para-7 of the above.
- h. Incorrect and misconceived. As discussed in the para-7 & 12 of the above.
- i. Incorrect and misconceived. Hence denied.
- j. Incorrect and misconceived. As discussed in the preceding paras.
- k. Incorrect and misconceived. As discussed in the preceding paras.
- l. Incorrect and misconceived. As discussed in the preceding paras.
- m. Incorrect and misconceived. As discussed in the preceding paras.
- n. Incorrect and misconceived. As discussed in the para-7 & 12 of the above.
- o. Incorrect and misconceived. As discussed in the preceding paras.
- p. Incorrect and misconceived. As discussed in the preceding paras.
- q. Incorrect and misconceived. As discussed in the preceding paras.
- r. Incorrect and misconceived. Hence denied.
- s. Incorrect and misconceived. Hence denied.
- t. Incorrect and misconceived. As discussed in the preceding paras.
- u. Incorrect and misconceived. Hence denied.
- v. Incorrect and misconceived. As discussed in the preceding paras.
- w. Incorrect and misconceived. As discussed in the preceding paras.
- x. Incorrect and misconceived. As discussed in the preceding paras.
- y. Incorrect and misconceived. As discussed in the preceding paras.
- z. The respondent department seeks permission from this Honorable Tribunal to raise additional grounds at the time of arguments, please.

PRAYERS

Keeping in view the above facts, it is therefore most humbly prayed before this Honorable Tribunal that the instant service appeal being vexatious and devoid of merit, may please be dismissed with cost.


**Secretary
PHE Department
Respondent No. 01 & 02**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

P
Service Appeal No. 1924/2023

Engr. Shah Nawaz Khan

Versus

Government of Khyber Pakhtunkhwa, & Others

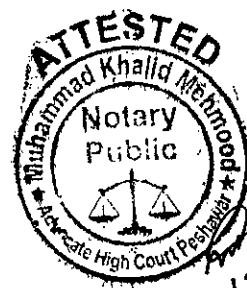
AFFIDAVIT

I, Muhammad Irfan Anjum, Superintendent, PHE Department Peshawar do hereby affirm and declare on oath that the contents of the comments in Service Appeal No. 1924/2023 titled "Engr. Shan Nawaz Khan Versus Government of Khyber Pakhtunkhwa & Others" are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Service Tribunal Peshawar.

It is further stated on oath that in this appeal the answering respondents neither been placed ex-parte nor their defense has been struck off / cost.

117 Irfan Anjum

DEPONENT
CNIC No. 17301-1478147-9
Cell # 03139064196



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GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

AUTHORITY LETTER.

No.SO(LIT)PHED/ST/40-105/Engr. Shah Nawaz Khan Muhammad Irfan Anjum, Superintendent, PHE Department Peshawar is hereby authorized to submit the Comments/Reply in the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.1924/ 2030 titled "Engr. Shah Nawaz Khan Versus: Government of Khyber Pakhtunkhwa through Chief Secretary and others" on behalf of the Secretary Public Health Engineering Department.


SECRETARY
PHE DEPARTMENT
KHYBER PAKHTUKHWA



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the May 18, 2023

NOTIFICATION

No.SO(Estt)/PHED/1-45/2022:

The competent authority is pleased to order the postings/transfers of the following officers of Public Health Engg: Department in the interest of public service, with immediate effect:


S #	Name	From	To
1.	Engr. Gul Ajab (BPS-18)	Executive Engineer PHE Division, Abbottabad	Executive Engineer PHE Division, Mardan.
2.	Engr. Shah Nawaz Khan (BPS-18)	Executive Engineer PHE Division, Mardan	Report to PHED Secretariat.
3.	Mr. Zahid Hussain shah (BPS-17)	SDO PHE Sub Division-I, Abbottabad.	He is authorized to look after the charge of the post of Executive Engineer PHE Division, Abbottabad, till further orders.
4.	Muhammad Safi Ullah Khan (BPS-17)	SDO PHE Sub-Division, Swabi	SDO PHE Sub-Division No.01, Nowshera.
6.	Mr. Imtiaz Muhammad (BPS-16)	SDO (OPS) PHE Sub-Division No.01, Nowshera.	SDO (OPS) PHE Division Totalai, Buner against the vacant post.
7.	Mr. Yaseen Khan (BPS-16)	Under transfer to SDO (OPS) PHE Sub-Division, Allai Battagram	Retained as SDO PHE Sub-Division, Swabi


**SECRETARY
PHE DEPARTMENT**

ENDST: NO & DATE AS ABOVE:

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Election Commissioner Khyber Pakhtunkhwa, Peshawar.
3. All Chief Engineers, PHE Department, Khyber Pakhtunkhwa
4. Superintending Engineer PHE Circle, Mardan/Abbottabad/Swat/Mansehra.
5. Director Technical PHE Department Peshawar
5. Executive Engineer PHE Division Abbottabad/Swabi/Mardan/Nowshera/Buner/Battagram.
6. District Accounts Officer Abbottabad/Swabi/Mardan/Nowshera/Buner/ Battagram.
7. All Section Officers PHE Department Peshawar
8. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. PA to Additional Secretary PHE Department Khyber Pakhtunkhwa Peshawar
11. Officers concerned.
12. Office Order / Personal Files.


18/5/23
**(SHER AZAM KHAN)
SECTION OFFICER (ESTT)**


**Section Officer (Lit)
PHE Department
Peshawar.**



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the August 01, 2023

ORDER

No.SO(ESTT)/PHED/1-45/2021: The competent authority is pleased to post Engr. Shah Nawaz, Executive Engineer (BPS-18) awaiting for posting in PHE Secretariat against the vacant post of Technical Officer (BPS-18), O/o Chief Engineer (Center) PHE Department, with effect from 18-05-2023, till further orders.


**SECRETARY
PHE DEPARTMENT**

No.SO(ESTT)/PHED/1-45/2021

Dated Peshawar, the August 01, 2023

Copy forwarded for information & necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Chief Engineer (Center), PHE Khyber Pakhtunkhwa Peshawar.
3. Director Technical, PHE Department Peshawar.
4. PS to Secretary, PHE Department Peshawar.
5. PA to Additional Secretary, PHE Department.
6. Officers concerned.
7. Office Order / Personal Files.


01/08/23
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)

o/c
[Signature]
01/08/23

[Signature]
Section Officer (Lit)
PHE Department
Peshawar



OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION MARDAN
Ph#9230149, FAX#9230149 E/Mail:xenphemardan@gmail.com

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No. 01 IE-1/XEN/PHED/MARDAN
Dated Mardan the, 22/05/2023

CHARGE ASSUMPTION REPORT

In pursuance of Secretary to Govt: of Khyber Pakhtunkhwa Public Health Engg: Department Peshawar vide Notification No. SO (Estt)/PHED/1-45/2022 dated Peshawar, the 18th May, 2023 I Engr. Gul Ajab (BPS-18) hereby assume the charge of the post of Executive Engineer PHE Division Mardan on 22nd May, 2023 (A.M)

(ENGR. GUL AJAB)
EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION
MARDAN

Dated Peshawar the, 22/05/2023

Endst: No. 01 IE-1

Copy forwarded for information to the:

- 1) Accountant General Khyber Pakhtunkhwa Peshawar.
- 2) Chief Engineer (Center) PHE Department Peshawar.
- 3) Superintending Engineer PHE Circle Mardan.
- 4) Section Officer (Estt:) PHE Department Khyber Pakhtunkhwa Peshawar.
- 5) District Accounts Officer Mardan.
- 6) P.S to Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 7) P.S to Minister of PHE Department Khyber Pakhtunkhwa Peshawar.
- 8) P.A to Additional Secretary to PHE Department Khyber Pakhtunkhwa Peshawar.
- 9) Sub Divisional Officer PHE Sub Division Mardan / Takht Bhai.
- 10) National Bank of Pakistan Mardan Branch.
- 11) Personal File.

(ENGR. GUL AJAB)
EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION
MARDAN

Section Officer (Lit)
PHE Department
Peshawar.

Tden-
22-5-23